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Class B.

CORRESPONDENCE

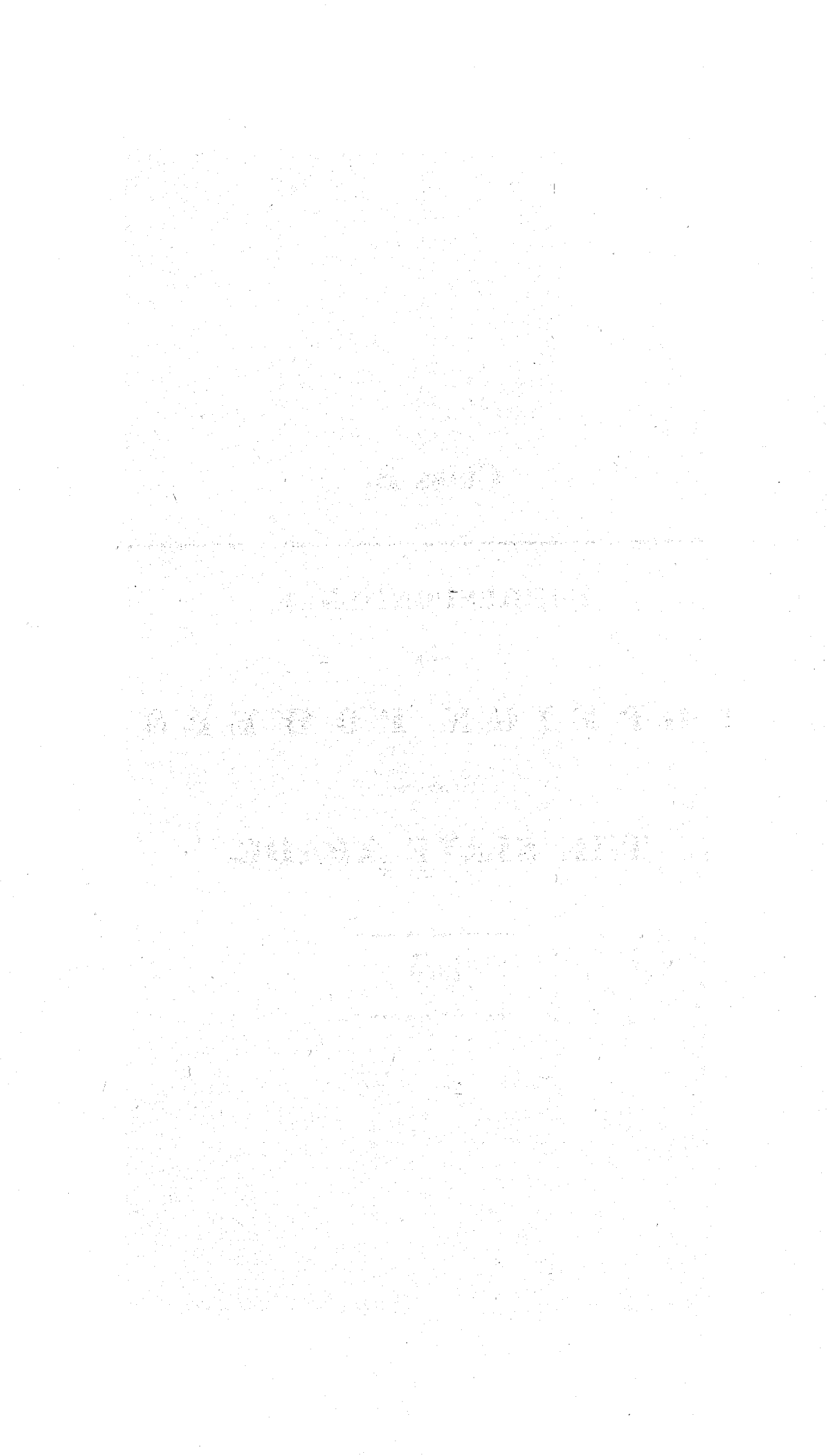
WITH

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

RELATING TO

THE SLAVE TRADE.

1840.



Class B.

CORRESPONDENCE

WITH

SPAIN, PORTUGAL

BRAZIL, THE NETHERLANDS, AND SWEDEN,

RELATIVE TO

THE SLAVE TRADE.

From May 11 to December 31, 1840, inclusive.

Presented to both Houses of Parliament by Command of Her Majesty,
1841.

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FOR HER MAJESTY'S STATIONERY OFFICE.

1841.

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

PHYSICS 551

LECTURE NOTES

CHAPTER 1

1.1. INTRODUCTION

The purpose of this course is to provide a rigorous treatment of the foundations of quantum mechanics. We begin with a review of the classical theory of particles and fields, and then proceed to the quantum theory of particles and fields. The course is intended for students who have completed a course in classical mechanics and electrodynamics.

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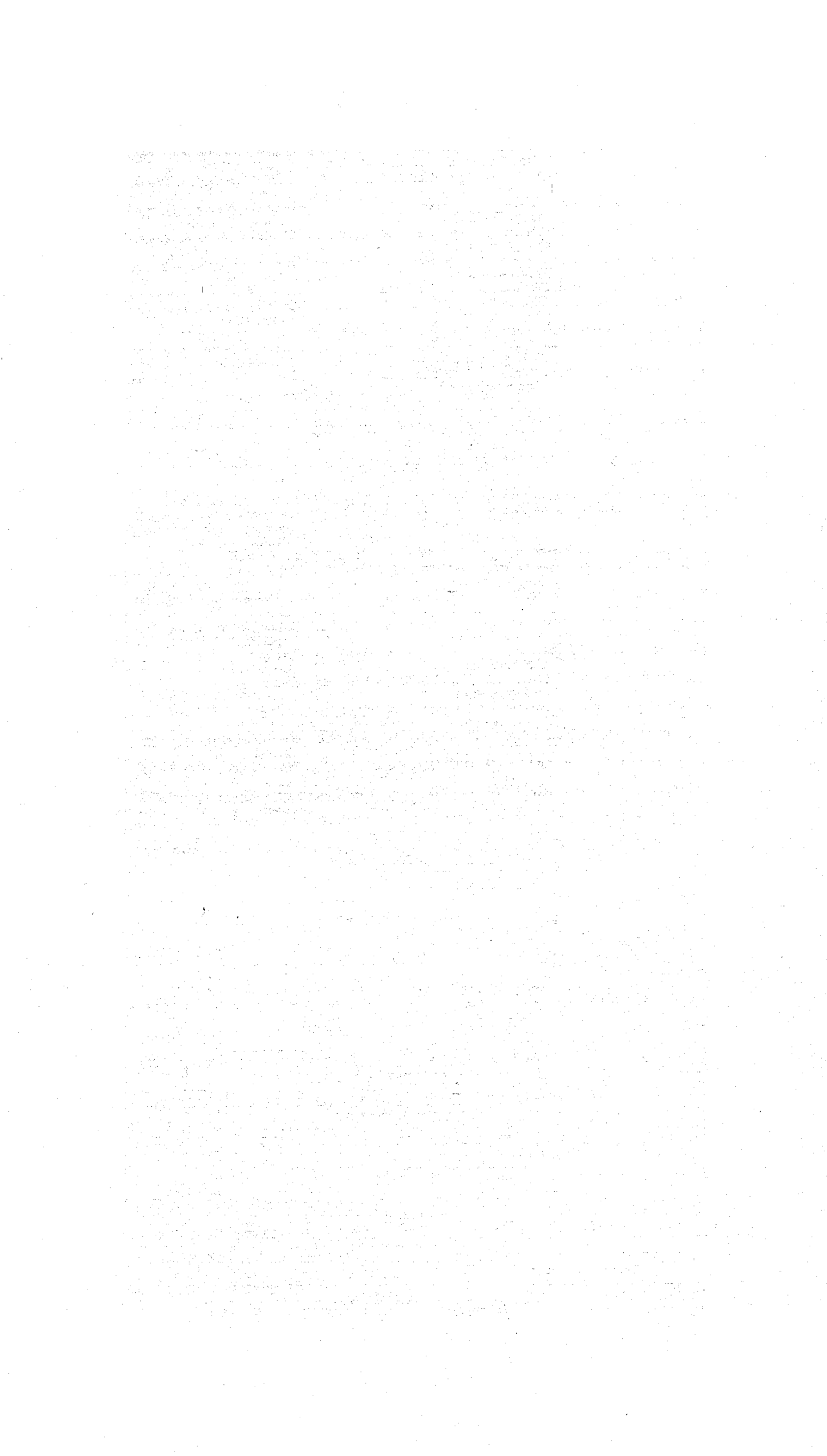
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CORRESPONDENCE

WITH

FOREIGN POWERS.

SPAIN.

No. 1.

General Alava to Viscount Palmerston.

81, *Harley Street*, 13 de Mayo, de 1840.

MY LORD,

(Received May 15.)

SIENTO tener que llamar la atencion de V. E. sobre un acto, cometido en alta mar por un oficial de la marina real Inglesa, cuya ilegalidad estoy seguro de que será apreciada por la justificacion del gobierno de Su Magestad Britanica.

Navigando el Bergantin Español "*Yberia*," de Puerto Rico con rumbo á la Habana, fue abordado por la fragata de Su Magestad Britanica "*Cleopatra*," y visitado por el oficial ingles que la manda, abrió este la cubierta del registro, que es un documento espedido por las autoridades de Su Magestad; y que para evitar que se estraigan ojas, que se enmienden partidas y se empleen otros ardidés sugeridos por la mala fé, hase adoptado el prudente medio de entregarlo cerrado á los capitanes de barcos, quienes lo presentan en esta forma á las autoridades de los puertos a donde está consignado su cargamento.

Admitiendo que el comandante, o oficial de la fragata "*Cleopatra*" haya tenido fundados motivos para proceder al registro del bergantin "*Yberia*," es tambien evidente que le sobraban medios de indagar el fundamento de sus sospechas sin quebrantar el articulo segundo de las instrucciones que deben obrar en su poder, segun el cual semejantes registros han de verificarse con la mayor mansedumbre y con todos los miramientos que deben observarse entre naciones aliadas y amigas.

No podrá seguramente considerarse como necesario para averiguar si un buque se emplea en el trafico de negros, el acto de abrir el registro cerrado por las autoridades de Su Magestad; y estoy persuadido de que semejante proceder aparecerá á V. E. no solamente incongruente y perjudicial sino tambien violento, ilegal y contrario al miramiento prescrito por el articulo segundo para con las autoridades de una nacion aliada y amiga. Su repeticion causaria serios embarazos en las operaciones de aduanas, vejaciones al comercio licito y pudiera certamente ser estímulo para el fraude que á su sombra harian los capitanes de barcos mercantes, abriendoles ancha puerta para minar y destruir la medida mas eficaz adoptada contra los ardidés de la mala fé.

Espero por lo tanto de la imparcialidad y justificacion de V. E. que se servirá hacer entender al comandante u oficial de la fragata "*Cleopatra*" que su proceder ha sido ilegal; y para que no se repitan en lo sucesivo, con perjuicio de los intereses de la Hacienda Nacional, ruego á V. E. se sirva ordenar á los cruceros Britanicos encargados de reprimir el trafico de esclavos que ciñendo sus indagaciones á lo estipulado respeten los rejistros cerrados y espedidos por las autoridades de Su Magestad.

Aprovecho esta ocasion para reiterar á V. E. las seguridades de mi alta y distinguida consideracion.

(Signed)

MIGUEL DE ALAVA.

Exmo. Señor Visconde de Palmerston,

&c. &c. &c.

CLASS B.

B

(Translation.)

MY LORD,

81 *Harley Street*, May 13, 1840.

I AM sorry to have to call your Lordship's attention to an act, committed on the high seas by an officer of the Royal British navy, the illegality of which I am sure will be viewed in its true light, by the justice of Her Britannic Majesty's Government.

While the Spanish brig "*Iberia*" was navigating from Porto Rico in the direction of the Havana, she was boarded by Her Britannic Majesty's frigate "*Cleopatra*," and visited by the English officer who commands her. This gentleman broke open the envelope of the ship's register, which is a document drawn up by Her Majesty's authorities, who, in order to prevent the cutting out of leaves, the alteration of passages, and the employment of other artful practices suggested by dishonesty, have adopted the prudent method of delivering it sealed up to the masters of vessels, who present it in this form to the authorities of the ports, to which the cargo is consigned.

Admitting that the commander or officer of the "*Cleopatra*" may have had well founded motives, for proceeding to the search of the brig "*Iberia*," it is also evident that he had abundance of means for ascertaining the grounds of his suspicions, without transgressing the second Article of the Instructions, which must be in his possession; according to which second Article such searches are to be carried into execution with the greatest mildness, and with all the delicacy, that ought to be observed between allied and friendly nations.

In order to find out whether a vessel be engaged in the Slave Trade, it can assuredly not be deemed necessary to break open the register, sealed by Her Majesty's authorities, and I am confident that such a proceeding will appear to your Lordship, not only unsuitable and prejudicial, but also violent, illegal, and contrary to the consideration, prescribed by the second Article towards the authorities of an allied and friendly nation.

Its repetition would occasion serious embarrassment to the operations of the custom houses, and vexations to lawful commerce; it might also certainly prove a stimulus to fraud, which, under its shelter, the masters of merchant vessels would practise, inasmuch as it would open a wide door to them for undermining and destroying the most efficacious measure, adopted against the artifices of dishonesty.

Accordingly I hope of your Lordship's impartiality and justice, that you will please to cause it to be intimated to the commander or officer of the frigate "*Cleopatra*," that his proceeding has been illegal; and in order that it may not be repeated hereafter to the detriment of the interests of the national revenue, I request your Lordship to have the goodness to direct the British cruizers, charged with repressing the Slave Trade, to limit their investigations to what has been stipulated on the subject, and to respect the registers, sealed and issued by Her Majesty's authorities.

I avail, &c.,
(Signed)

MIGUEL ALAVA.

No. 2.

Viscount Palmerston to Mr. Aston.

SIR,

Foreign Office, May 25, 1840.

ALTHOUGH the Slave Trade under the Spanish flag has been, in a great measure, suppressed by means of the treaty of June, 1835, between Great Britain and Spain; yet Slave Traders have hoisted other flags to protect their vessels; and thus the Island of Cuba has continued to be supplied with fresh importations of negro slaves from Africa. It has, however, been suggested, that these abuses might be stopped, by investing the Mixed Court of Justice, established at the Havana, with authority to investigate the cases of negroes, who are held in slavery in the island; and to declare whether such negroes have, or have not, been imported into that island since the 20th October, 1820; and whether therefore, they ought, or ought not, to be restored to freedom.

I have prepared a Draft of Convention with this view, and I transmit it herewith to you; and I have to desire that you will take an early opportunity of proposing it to the Spanish ministry.

I have received from Mr. Turnbull a letter at some length upon this subject, and I herewith transmit to you a copy of it, in order that you may avail yourself of the arguments contained in it, in discussing with the Spanish minister the accompanying Draft of Convention.

I am, &c.
(Signed) PALMERSTON.

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

First Enclosure in No. 2.

Draft of Convention between Great Britain and Spain on Slave Trade.

PREAMBLE.

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and Her Majesty the Queen Regent of Spain, having reason to believe, that, notwithstanding the stipulations of the Treaty, concluded on the 23d September, 1817, and the further stipulations of the Treaty, concluded on the 28th June, 1835, between Great Britain and Spain, negroes are, from time to time, imported from Africa into the colonial possessions of Her Catholic Majesty, and are there held in bondage, contrary to the letter and to the spirit of the said Treaties, and in violation of the decrees, which have been promulgated in Spain for carrying the said Treaties into effect,

Their said Majesties have named and appointed as their Plenipotentiaries, to devise and agree upon further measures, for preventing the violation of the said Treaties in the manner above mentioned,

Who, having exchanged their full powers, &c., have agreed upon the following Articles.

ARTICLE 1.

The Mixed Court of Justice, established at the Havana, is hereby authorized to receive information upon oath, to the effect that grounds of suspicion exist, that negroes recently arrived from Africa are detained as slaves in the Transatlantic Dominions of Spain; and the said Mixed Court, upon receiving such information, is hereby empowered and enjoined, to summon before it such negroes, and the persons assuming to be the owners of such negroes, and all other individuals apparently concerned in, or having knowledge of the transaction in question; and the said Mixed Court is further empowered and enjoined, to examine all such persons on oath touching the said transaction, and if, upon examination, it shall not be clearly proved, to the satisfaction of the said Court, that the negroes, alleged to have been recently imported from Africa, were born in the Transatlantic Dominions of Spain, or were imported from Africa into those Dominions before the 30th October, 1820, the said Court shall declare such negroes to be free, and such negroes shall be set free accordingly.

ARTICLE 2.

If the owner or owners of the negroes, said to be wrongfully held in bondage, shall, upon the first summons of the Court, refuse or demur to appear before the Court, either by themselves, or by others in their behalf, the Court shall summon the parties a second time; and if this second summons should not be effectual, the Court shall, after the expiration of a proper interval of time, summon the parties a third time; and if the parties do not obey either of the three summonses, the Court shall, notwithstanding the absence of such owner or owners, or other persons in their behalf, proceed to adjudge the cause, and to decide whether or not the negroes, who are alleged to be wrongfully held in bondage, shall be set free; and the decision of the Court in such case shall be held good and valid, notwithstanding the absence of the parties, and shall be carried into effect accordingly.

ARTICLE 3.

Her Catholic Majesty shall, within weeks after the exchange of the ratifications of this Convention, promulgate a decree, giving authority to the Mixed Court of Justice to enforce the execution of its decisions, in accordance with the provisions contained in the preceding Articles.

Second Enclosure in No. 2.

Mr. Turnbull to Viscount Palmerston.

MY LORD,

London, March 13, 1840.

IN consequence of Lord Leveson's letter of the 10th March, 1840, the Undersigned has the honour to submit the following statement to your Lordship, in elucidation of the plan he has conceived for the suppression of the African Slave Trade:—

From the great and increasing amount of this Trade, the evils of which have only been aggravated by the various attempts that have hitherto been made to restrain it, the Undersigned submits he is entitled to assume, that the true principle, on which an effective measure of abolition should be based, has not yet been disclosed. He will not assert that the plan he has now to bring forward is free from all difficulty, but he confidently maintains, that there is no difficulty attending it which cannot be easily surmounted, if the Government will consent to apply to it the mere moral force at its disposal.

The lever, with which it is proposed to overthrow this colossal grievance, is to be found among the simplest elements of economical science. It is by cutting off the demand for victims that the supply is to be suppressed. It is by making the purchaser and possessor of an African slave insecure in the enjoyment of his unlawful acquisition, that he is to be deterred from paying the price. It is by demonstrating to the slave dealer, that imported Africans will no longer be a marketable commodity, and by that process alone, that he will willingly abandon a trade which has ceased to be profitable.

The great consumers of African slaves are the Empire of Brazil, and the Colonial Dependencies of Spain.

The white inhabitants of the Brazilian Empire begin to be sensible of the imminent danger to which they will expose themselves, if they persevere much longer in adding to the disproportionate amount of their negro population, by the toleration of the African Slave Trade. With St. Domingo before their eyes, we have a reasonable guarantee of the sincerity of the professions of His Imperial Majesty's Government in favour of a system of absolute suppression.

The case is somewhat different with regard to the Colonial Dependencies of Spain. In Cuba the white and colonial portions of the population are nearly balanced in numerical strength. In Porto Rico the negroes are far outnumbered by the inhabitants of European descent. In both islands, but especially in Cuba, the natural desire for independence has of late years been stimulated into passion, by the intolerable burthen of the fiscal exactions, which have been levied for the purpose of defraying the charges of a war in another hemisphere, in which they feel no interest.

It is in consequence of this state of things, that the sincerity of the professions of the Government of Her Catholic Majesty, on the subject of the suppression of the Slave Trade, is liable to reasonable suspicion. The planters of Cuba and Porto Rico, wherever their estates are fully and properly peopled, with a just proportion between the sexes, in place of desiring the continuance of the Slave Trade, have a direct and obvious interest in its suppression.

On the neighbouring continent, within two days' sail of the Havana, the average value of a field slave is, at least, a thousand dollars. In Cuba the effect of the competition of the slave dealers with each other, is to reduce the value of an imported African to less than the third part of that amount.

The high prices of slaves in those States of North America which adjoin the Gulph of Mexico is still maintained, in spite of the well known fact, that in the breeding districts of Maryland and Virginia the negro population is found to increase in a duplicate ratio, as compared with the inhabitants of those regions of European descent.

The planters of Cuba are aware, that the negro population of Virginia has long been doubling itself every 12 years and a half, while the white inhabitants require 25 years to accomplish the process of duplication.

There is nothing in the climate of Cuba to prevent a similar rate of increase of the negroes. There is nothing, in short, but the cheapness of labour, arising from the toleration of the African Trade, which prevents the proprietors of old plantations in Cuba, from throwing themselves with confidence on the principle of propagation.

Here the Undersigned desires respectfully to guard himself against the supposition

of his being the apologist of slavery, under any circumstances, or with any degree of modification. His present business is to deal with the African Slave Trade, and to suggest a practicable mode of accomplishing its suppression. In the proper place, and at the proper period, he does not despair of being able to demonstrate, that, by a resort to sound principles, the practice of slavery itself may be rooted out, in those very countries whose social and political institutions are now so intimately blended with it.

The Undersigned has not engaged in this conflict without endeavouring to measure the strength of the adversaries, with whom he will have to contend. Of these he perceives there are several classes.

The mere dealer in slaves, the man who invests his capital in the building and outfit of fast-sailing clippers, in manning them with their ruffian crews, in loading them with cargoes of rum or gunpowder, and in devoting himself to the study of international Treaties and preventive laws, for the sole purpose of evading them, is not by any means to be regarded as a very formidable antagonist. The terms of coward and capitalist were never more truly convertible, than in the person of the trafficker in slaves. He may hire the hands of ruffians and outcasts to hazard their lives in his service; but his money he will not peril without the assurance of a profitable return. That object he finds the means of accomplishing, either by spreading the risk over a sufficient number of separate adventures, or by abandoning a portion of the gain he contemplates, in the shape of premiums of insurance, to joint stock companies or private underwriters.

Another class of opponents will be found among the ministerial and judicial servants of the Spanish Government. Their superiors in the mother country have ingeniously made it the interest of a great number of these public functionaries, to evade the execution of the laws, and convert that evasion into a fruitful source of profit, the better to secure the retention of the island in Her Catholic Majesty's dependence.

Inasmuch, however, as the existence of the Court of Mixed Commission at the Havana, with all its acknowledged imperfections, has had the effect, during the 20 years elapsed since its creation, of disappointing the cupidity of these venal functionaries, to a very considerable extent, the Undersigned sees no reason to doubt, that with the improved machinery he proposes to introduce, this iniquitous source of profit will be completely dried up and extinguished.

Before entering on the specification of the nature of this machinery, it may not be inconvenient to indicate the first and most important step of the process he proposes to follow.

It is asserted by many of our most eminent philanthropists that, according to the spirit of our existing Treaties with Spain, we are entitled to demand the instant liberation of every individual consigned to slavery in any part of the Spanish dependencies since the date of the first of these Conventions. To this argument it would not be easy to offer a satisfactory reply. For the present, however, the Undersigned is content to cut off the source of future importation, and to leave this an open question, to be agitated by others. Should the humble voice of the Undersigned be ever entitled to share in the decision, he trusts he need not say with what cordiality he would give it in the affirmative.

Let us not embarrass ourselves, however, with too much work at a time. The most convenient moment for discussing it, will be after the channels of importation shall have been cut off, and after the enormous masses of capital, at this moment engaged in the trade to Africa, shall have been finally drawn off, to find their due level in the great money markets of the world.

According to the views of the Undersigned, the Courts of Mixed Commission at the Havana and Rio de Janeiro, which, under the operation of existing Treaties, have gradually been sinking into a state of listless inactivity, will at once be raised to a degree of efficiency and vigour, which they have not possessed at any period of their existence.

The plan of the Undersigned is, by the negotiation of new Conventions, or of additional clauses to existing Treaties, to confer on these Courts the power of enforcing the law of the country in which they sit, by declaring that A., B., or C., the inmate of a barracoon, or a labourer on a plantation, is not a native creole, but has been introduced into the country, in violation of law and treaty. He would further propose that the *onus* of proving a lawful dominion over the slave should be thrown on the party claiming it; that, in short, there should be a legal presumption in favour of freedom; and there can be the less objection to introduce

and recognise this principle in the treaty he recommends for negotiation, inasmuch as he has been informed by the eminent Spanish juriconsults, with whom he has advised on the subject, that the presumption of freedom, in the absence of proof to the contrary, is already the right of every inhabitant of Her Catholic Majesty's dominions. Happily, however, for the cause of humanity, it is matter of notoriety among persons conversant with the subject, that a fresh imported, or *bozal*, negro can, for many years after his arrival in America, be distinguished at a glance from the native creoles. The distinction is, in fact, so clear, that the mere presentation of the individual in Court, without a word of evidence as to the place of his birth, would, in most cases, be sufficient to determine his condition.

Should Her Majesty's Government be induced to enter on such a negotiation, the true grounds and motives for the opposition to be expected from the Government of Her Catholic Majesty will not, in all probability, be openly avowed. It will never be admitted, that a clandestine encouragement of the worst practices of the Slave Trade is rendered necessary, by a sort of political necessity, in order to repress the aspirations of the creole population of Cuba, for that sort of independence which the other Spanish provinces of America have already achieved.

Neither will it be pretended, that the continuance of the Slave Trade is necessary to the successful cultivation of the soil, in presence of the facts, already alluded to, of the rapid increase of the negro population in the neighbouring states of the North American Union.

The ostensible ground of opposition will probably be confined to a pretended fear of discontent and insurrection, on the part of those slaves who will not be entitled to a declaration of freedom in their favour, in consequence of the place of their birth, or the date of their introduction. Her Catholic Majesty's Government have constantly professed as ardent a desire as our own, to concur in all the measures of suppression already proposed; and yet the fact is undeniable, that in place of being diminished or modified by any of the measures of restraint, which have hitherto been resorted to, the evil is actually on the increase—a position satisfactorily established by the progressive nature of the official returns of the amount of the slave population. The arguments that may be drawn from a pretended fear of discontent and insurrection, may be answered by the fact, that it is the wild and savage African alone whose removal we propose, and that it is no part of our plan to disturb the condition of the comparatively civilized creole. It is besides by *units*, and not by cargoes, that the process of liberation will take place, so that the proceedings under the new Treaty will be much less alarming in their general aspect, or their individual amount, than those already sanctioned by existing Conventions.

As the proceedings of the Court of Mixed Commission, however, have hitherto been conducted in strict conformity with the Spanish principle, of closed doors, written pleadings, and secret deliberations, it might possibly be advisable to adhere to the established practice, inasmuch as opposition would thereby be disarmed, and the presence of a British prosecutor, and one or more British Judges, would afford a sufficient guarantee for their perfect regularity. The mere existence of the Court for upwards of 20 years, in the course of which discussions have frequently arisen, affecting the freedom of entire cargoes of Africans, without producing a single practical evil, to give the Captain-General or the Government any substantive cause of complaint, appears to the Undersigned to afford a broad basis, on which the demand for the enlargement of the powers of the Court may be conveniently founded. The great advantage of proceeding by *units*, and not by masses, is, that every individual liberation would amount to the assertion of a vital principle, without affording any reasonable pretext for apprehension or alarm.

It may not be easy to suggest any better expedient, than that already recognised by Treaty, for the case of a difference of opinion between the two Commissary Judges. It is true that in doubtful cases a decided leaning has been observed, on the part of the Spanish members of the Court, towards the acquittal of the prizes brought up for condemnation, and there may, therefore, be some reason to apprehend a corresponding disposition to resist the liberation of the negro clients of the British prosecutor, as often as a sufficient air of doubt can be thrown over the case, to justify the hesitation of the Spanish Commissary Judge. On the very worst supposition which it is possible to conceive, the drawing of lots for the choice of the arbitrator, would be resorted to in every case, without a single exception. The past practice of the Spanish Judges, however indefensible in many particular instances, has never yet been carried to this systematic extreme; and, in fairness,

it cannot be said there is any just reason to anticipate such an unheard of degree of pertinacity for the future. But suppose, for a moment, that the Spanish Judge and the Spanish Arbitrator were to be for ever deaf to the calls of duty and the evidence of fact; it results from the mere doctrine of chances, which, when applied to thousands of cases, becomes infallible, that one half of the whole of those to be thus presented to the Mixed Court for adjudication, would be decided in favour of the liberty of the slave. Now, the systematic liberation of one half only of the future importations would be perfectly sufficient to prevent the planter from paying a remunerating price to the dealer or importer; and hence it is demonstrated, that the system of the Undersigned must be fatal to the trade.

Objections of a dilatory nature may of course be expected on the part of Her Catholic Majesty's Ministers, at the outset of this negotiation. The necessity or convenience of consulting the Governors and Captains-General of their transatlantic possessions, will probably be urged as a reason for withholding their immediate assent to a proposition, which is calculated to affect the future interests and prosperity of the Spanish West India Colonies.

To render this pretence unavailing, the Undersigned is strongly of opinion, that the past and future importations of slaves into these colonies, should be separated from each other by a broad line of distinction, and that the object of the proposed negotiation should be exclusively confined to the case of *future* importations. The most convenient *terminus a quo*, would probably be, the date of the first official note of the British Ambassador, directing the attention of Her Catholic Majesty's Government to the subject.

Were it consistent with the duties, or the dignity, of a Cabinet Minister, to undertake such a mission, the Undersigned would respectfully suggest, that the well-earned popularity of the Lord Privy Seal with the Spanish nation, would convert in his Lordship's hands a tedious and difficult task, into an easy and instantaneous operation. Before his Lordship's arrival, the mind of the Spanish people might be prepared for his reception, through the medium of the Peninsular press. His re-appearance in Madrid would become a sort of triumphal entry; and the great and interesting object of his embassy would be accomplished, under the influence of the first burst of national enthusiasm. In hazarding the prediction, the Undersigned has not spoken without some knowledge of the Spanish character; nor without an intimate personal acquaintance with the machinery of the Peninsular press; it was his fortune to be a resident in Madrid, during the period of the negotiation of the Treaty of 1835.

Before closing this paper, the Undersigned entreats your Lordship's indulgent attention to a few of the collateral advantages, which are destined to result from the adoption of his plan.

1. The whole of the naval force, so unprofitably, so injuriously employed in the ineffectual blockade of a whole continent on one side, of two large islands and a vast empire on the other, would be liberated from duties, involving great loss of human life, and a heavy charge to the state, without any corresponding benefit in the shape of honour or profit; and would either be rendered disposable for services more useful to the country, or would produce a proportional saving of the national expenditure.

2. The commercial interests of the country are deeply injured by this toleration of a trade, with the practice of which Her Majesty's subjects refuse to pollute themselves.

The honour of Her Majesty's Crown is grievously tarnished by the habitual disregard of the solemn treaties, which Her Majesty, and Her Royal Predecessors, have concluded and ratified for its suppression. These interests will be protected, that honour will be saved, by the adoption of a sound system of abolition.

3. In the department of Foreign Affairs, a vast amount of labour would be saved to the principal Secretary of State, by rendering it unnecessary to continue those widely ramified negotiations, throughout the civilized world, the object of which is to create a universal league for the suppression of the Slave Trade. The unprofitable labour of our Foreign Embassies and Legations would equally be spared, and a similar saving would be effected in the Colonial departments of the Government.

4. The state of our relations with Spain would be greatly improved. The suppression of the Slave Trade, and the progressive civilization of the creole negroes, to the total exclusion of any intermixture of savage Africans, would liberate the greater part of the overgrown garrisons of the Havana, and of the outports of

Cuba and Porto Rico ; and would thus go far to enable the Spanish Government to satisfy their foreign creditors. If any serious difficulty presented itself in the course of the negotiation, the Undersigned submits that the incalculable importance of the object, would justify the Government either in threatening on the one hand, to recognize and guarantee the independence of Cuba, in case of refusal ; or in undertaking on the other, as the price of her consent to an effectual and *bonâ fide* suppression, to secure the mother country in the possession of this valuable dependency, as long as it remained practically free from the stain of Slave Trading.

5. The existing differences with Portugal, our ancient ally, arising out of the infringement of our Slave Trade Treaties, would be adjusted in the simplest and most satisfactory manner, by the total extinction of the original cause of quarrel.

6. A fruitful source of discord with the United States of America would likewise be extinguished by the peaceful mode of suppression, which the Undersigned recommends. The law of last Session with reference to Portugal, is evidently destined to throw the whole of the carrying trade in slaves, directly or indirectly, into the hands of the Americans. The discussions which are sure to arise out of this state of things will serve to embitter the Boundary question ; uniting the inhabitants of the Southern States and of the Atlantic cities with the belligerents of Maine, and the manufacturing interests of New England, in their no longer latent desire of an open rupture with Great Britain.

7. But the crowning advantage to arise from the peaceful solution of this *quaestio vexata* ought rather to be regarded as direct than collateral. The introduction into the interior of Africa of habits of peace and order, Christianity and civilization will be the inevitable result of suppression. A taste for foreign luxuries is already implanted in the mind of the native African. To obtain the enjoyment of them, he resorts to war and rapine ; to the capture and sale of his fellow-creatures. The taste will remain, after the medium of exchange has lost its value ; the arts of peace will take the place of deeds of violence ; and the humanizing influence of lawful commerce will follow in the steps of the man-stealer.

In laying this statement before your Lordship, the Undersigned disburthens his mind of the high responsibility, which has never ceased to press on it from the moment that his views have reached a reasonable degree of maturity. That responsibility he respectfully transfers to your Lordship, and with it, the immortal honour of accomplishing the extinction of the greatest practical evil that ever afflicted mankind.

The British Minister who shall accomplish an object, which has engaged the attention of statesmen and philanthropists for the last half century, defeating the ingenuity of the one, and disappointing the zeal of the other, will be hailed by his contemporaries as the benefactor of his race, and will send down his name with glory, to the latest posterity. The British Minister who should lightly reject the first practical remedy that has ever been brought forward, if its soundness and efficacy should afterwards be demonstrated, would not only throw away the wreath prepared for his acceptance ; but would justly expose himself to the most serious reproach.

The Undersigned, &c.

(Signed) D. TURNBULL.

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

No. 3.

Viscount Palmerston to General Alava.

SIR,

Foreign Office, May 30, 1840.

I HAVE the honour to acknowledge the receipt of your note of the 13th instant, complaining, on the part of the Government of Her Catholic Majesty, of the conduct of the commander of Her Majesty's ship "Cleopatra," in having broken open the sealed envelope of the register of the Spanish brig "Iberia," while searching that vessel on suspicion of Slave Trade. I have forwarded to the Admiralty a copy of your

communication, in order that inquiry may be made into the case; and I shall communicate to you the result thereof as soon as it shall be made known to me.

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

I am, &c.
(Signed) PALMERSTON.

No. 4.

Mr. Aston to Viscount Palmerston.

Madrid, May 23, 1840.

MY LORD,

(Received June 1.)

REFERRING to my first Despatch, of the 18th ultimo, I have the honour to enclose a copy and translation of the Note which I have received from M. Perez de Castro, in answer to mine of the 15th ultimo, respecting the conduct observed by the authorities of Cuba, towards the negroes captured in 1832, on board the slave vessel "Negrito."

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

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

Enclosure in No. 4.

(Translation.) *M. Perez de Castro to the British Minister.*

SIR,

Madrid, May 19, 1840.

I HAVE had the honour to receive the Note, which you were pleased to address to me on the 15th ultimo, in which you state, that you had received instructions from your Government to call the attention of Her Majesty's Government to the conduct, which has been observed by the authorities of Cuba towards the negroes, captured in 1832 on board the slave vessel, called "Negrito."

Desirous of answering this remonstrance in a proper manner, and with a full knowledge of the facts, I have transmitted to the Captain-general of the Island of Cuba a copy of your Note, directing him, by Her Majesty's command, to report circumstantially to the office under my charge, with regard to the facts therein specified, in order that should they be well founded, Her Majesty's Government may give due satisfaction to the remonstrance of that of Her Britannic Majesty, addressed through your worthy medium.

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

The British Minister,
&c. &c. &c.

No. 5.

Mr. Aston to Viscount Palmerston.

Madrid, May 23, 1840.

MY LORD,

(Received June 1.)

REFERRING to my second Despatch, of the 18th ultimo, I have the honour to enclose a copy and translation of the Note, which I have received from M. Perez de Castro, in answer to mine of the 15th ultimo, urging the Spanish Government to comply with the repeated wishes of Her Majesty's Government, that they would consent to place the negroes, emancipated by sentence of the Mixed Commission at the Havana, under British protection.

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

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

Enclosure in No. 5.

(Translation.)

*M. de Castro to the British Minister.**Madrid, May 19, 1840.*

SIR,

I HAVE had the honour to receive the Note, which you were pleased to address to me on the 15th ultimo, in which, taking into consideration the one which I transmitted to Mr. Jerningham on the 19th of said month in answer to his of the 5th January last, relative to the offer made by Her Britannic Majesty's Government to take charge of the negroes emancipated by the Mixed Commission at the Havana, you again urge the Government of Her Catholic Majesty to accede to the repeated wishes of the British Government, not only with respect to the Africans of the "Negrito," but also to the other negroes who may be in a similar case.

Her Majesty's wishes being unalterable that the Treaty respecting the traffic in negroes, entered into with her august friend and ally the Queen of Great Britain, should be faithfully and exactly fulfilled, and observing a want of conformity between the facts indicated in your Note and what has been stated to Her Majesty's Government, I have, under this date, directed the Captain-general of the Island of Cuba to examine scrupulously the remonstrance, which you have addressed to me, in order to satisfy it, if the facts alleged should so demand, and, in the contrary event, to report very minutely to Her Majesty's Government, who, always desirous of removing every founded complaint on the part of the British Government, will answer your above-mentioned Note conformably to the data and information they may receive from the said Captain-general.

I avail myself, &c.

(Signed)

EVARISTO PEREZ DE CASTRO.

The British Minister,

&c. &c. &c.

No. 6.

*Mr. Aston to Viscount Palmerston.**Madrid, May, 30, 1840.**(Received June 7.)*

MY LORD;

REFERRING to Mr. Jerningham's Despatch, of the 14th March last, I have the honour to enclose a copy and translation of the Note which I have received from M. Perez de Castro, in answer to that which was addressed to his Excellency by Mr. Jerningham, on the 9th March last, upon the subject of an undertaking said to have been set on foot at the Havana, for the purpose of supplying the Island of Cuba with slaves, and with the view of fitting out armed vessels, to act as pirates against British commerce.

I have, &c.

(Signed)

ARTHUR ASTON.

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

&c. &c. &c.

Enclosure in No. 6.

(Translation.)

*M. Perez de Castro to Mr. Aston.**Madrid, May 24, 1840.*

SIR,

I HASTEN to acquaint you, in answer to your esteemed Note of the 9th March last, that under this date I transmit the necessary order to the Captain-general of the Island of Cuba, for the purpose of his inquiring into, and immediately reporting to me, with regard to the undertaking denounced by you in said Note, as existing at the Havana, for the purpose of supplying that island with slaves, and with the object of fitting out some small vessels as pirates against British commerce.

As soon as I receive an answer from the above superior military authority of the Island of Cuba, I shall hasten to communicate to you the result of the same.

I avail myself, &c.

(Signed)

EVARISTO PEREZ DE CASTRO.

The British Minister,

&c. &c. &c.

No. 7.

*Mr. Aston to Viscount Palmerston.**Madrid, June 13, 1840.*

MY LORD,

(Received June 24.)

I LOST no time upon the receipt of your Lordship's Despatch, of the 25th ultimo, in submitting to M. Perez de Castro the draft of the Convention, having for object to invest the Mixed Court of Justice, established at the Havana, with authority to investigate the cases of negroes who are held in slavery in the island, and to declare whether such negroes have or have not been imported into that island since the 20th October, 1820, and whether, therefore, they ought or ought not to be restored to freedom.

His Excellency said he regretted he should not be able to inform me of the decision of the Spanish Government previous to the departure of the Queen Regent, but he assured me that he would take the proposal into immediate consideration.

I have left a copy of the draft of the Convention in his Excellency's hands.

I have, &c.

(Signed)

ARTHUR ASTON.

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

No. 8.

Viscount Palmerston to General Alava.

SIR,

Foreign Office, June 29, 1840.

I HEREWITH transmit to you copy of a Despatch, and of its Enclosures, from Her Majesty's Commissioners at the Havana, containing a correspondence with the Captain-general of Cuba, respecting the vessel, the "*Tres de Febrero*," which, it appears, had landed upwards of 400 negroes, near Mariel, a port about 12 leagues from the Havana.

I request that you will bring under the notice of the Government of Her Catholic Majesty this apparent connivance of the authorities of Cuba in Slave Trade.

I have, &c.

(Signed)

PALMERSTON.

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

Enclosure in No. 8.

*Her Majesty's Commissioners to Viscount Palmerston.**Havana, April 20, 1840.*

(See Class A.)

No. 9.

Viscount Palmerston to General Alava.

SIR,

Foreign Office, June 29, 1840.

I HEREWITH transmit to you copy of a Despatch, and of its Enclosures, from Her Majesty's Commissioners at the Havana, containing a correspondence, which those gentlemen have held with the Captain-general of Cuba, in pursuance of a desire which they expressed on the part of Her Majesty's Government, that the Brief of the Pope interdicting the Slave Trade should be published in the newspapers of Cuba.

I request that you will bring under the notice of the Government of Her Catholic Majesty, this fresh instance of the disinclination of the Government of Cuba, to take any step whatever to discourage the Slave Trade.

I have, &c.

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

(Signed) PALMERSTON.

Enclosure in No. 9.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, April 20, 1840.

(See Class A.)

No. 10.

General Alava to Viscount Palmerston.

81, *Harley Street, July 1, 1840.*

(Received July 3.)

MY LORD,

HE recibido con la nota fecha 29 de Junio ultimo, que se ha servido V. E. dirigirme, los documentos que la acompañan, manifestandome en ellos que el Capitan-general de Cuba no ha accedido á los deseos de los Comisionados del Gobierno de Su Majestad Británica en la Habana, encaminados á que se insertare en los periodicos de Cuba el Breve de Su Santidad, prohibiendo el trafico de negros; y presentando V. E. esta conducta como una nueva prueba de lo poco dispuestas que están las autoridades superiores de Cuba, a adoptar medidas para la abolicion del trafico de esclavos.

Siendo esta cuestion de suma y trascendental importancia para el Gobierno de Su Majestad Catolica, por que á ella están ligadas las prerrogativas y derechos mas esenciales de la potestad regia, se hace indispensable el que dé á V. E. algunas ligeras esplicaciones, para que enterado de los principios fundamentales en que estriba la legislacion internacional entre España y la Santa Sede, pueda V. E. decidir por si, hasta que punto merece el Capitan-General de Cuba los graves cargos que se le hacen indirectamente por los Comisionados del Gobierno Britanico en la Habana. Los reyes de España temiendo que á la sombra de la religion, se usurpasen la jurisdiccion y regalias de la Corona, con detrimento de la Soberania de la nacion y de la tranquilidad publica, han procurado desde hace siglos, con incesante desvelo y vigor, contener dentro de justos limites las pretensiones de Roma: y como en los decretos pontificios, canonicamente espedidos, pudieran intercalarse maximas y doctrinas atentatorias á la potestad regia, la Corona de España se ha opuesto siempre á que se recibiese en el reino ninguna espedicion de la Curia Romana, que no hubiere sido *pedida y viniere por el conducto de los Embajadores o agentes de Su Majestad.* Asi es que los reyes de España mas celosos defensores de la religion Catolica como un Felipe Segundo y un Carlos Tercero han dictado leyes muy sabias, para evitar que so color del bien espiritual de los pueblos la sagaz y habil corte de Roma estendiere su autoridad: y entre aquellas la mas principal, la que se ha observado siempre con mas rigor, como que es el verdadero paladium de la potestad regia, ha sido la ley del reino que manda que ningun breve o espedicion de la Curia Romana sea publicada en España ni en sus dominios, sino ha sido antes ecsaminado por el consejo de Castilla, por la Camara ó alguno de los primeros tribunales, y aprobado por la Corona, quien concede el exequatur.

Por esta razon, y sabiendo sin duda el Capitan-General de Cuba cuan celosa é inexcusable ha sido siempre la corte de España en el sostenimiento de sus prerrogativas temporales se negó á la publicacion del Breve de Su Santidad; y si de otro modo hubiera obrado, se habria hecho un criminal en alto grado. Lejos pues, my Lord, de proceder en esta ocasion ligeramente ó con mala voluntad, ha arreglado su conducta á las leyes del reino, protectoras de los derechos del trono, obrando al propio tiempo con tal pulso y templanza que antes de contestar á la nota de los comisionados Ingleses oyó previamente el parecer del Consejero legal, y conformandose con él, dió la respuesta que le dictaba su deber.

Suponen los Comisionados que el Breve de Su Santidad ha sido publicado por

la prensa Española ; pero V. E. sabe que en la península no ecsiste la censura, y que por lo tanto los periodicos pueden muy bien insertar los documentos que aparecen en los papeles publicos de Europa.

La misma gaceta del Gobierno se compone de dos partes, una oficial y otra libre y hasta cierto punto independiente : en la primera, bajo el epigrafe de articulos de oficio, se insertan todos los actos gubernativos, y aun en este caso las autoridades de Su Majestad no deben dar cumplimiento á dichos actos y ordenes, sino hasta que le sean comunicados oficialmente por las autoridades superiores de quienes dependen.

Persuadome por lo tanto de que V. E., como miembro del gabinete de una nacion donde los derechos y prerogativas reales son respetados de todo el mundo, y que sabe hacerlas respetar á cualquiera que osare infringirlas. No podrá estrañar, en vista de lo que dejo manifestado, que el Capitan-General de una posesion Española, tan distante de su metropoli, cumpla religiosamente con las leyes del reino, principalmente cuando versan sobre asunto tan vital.

Si en tiempos en que reinaba la mayor armonia entre la Corona de España y la Santa Sede, ha sido aquella tan celosa de sus prerogativas y tan severa en punto á los Breves de Su Santidad, no puede ocultarse al recto y esclarecido discernimiento de V. E. que la Corte de España debe ser mucho mas severa en estos tiempos en que Su Santidad no solamente no ha reconocido, en su calidad de principe temporal, el gobierno de Su Majestad la reina Doña Ysabel Segunda, sino que como cabeza de la iglesia se ha negado á confirmar los Arzobispos y Obispos, nombrados por Su Majestad para ocupar las Sedes vacantes por muerte de sus predecesores, y que por este acto y otros muchos se ha declarado en guerra abierta contra el Gobierno de la Reina de España.

Los Comisionados Ingleses, con solo haber consultado á cualquier letrado Español, se hubieran cerciorado de que no es la buena ó mala voluntad del Capitan-General de Cuba sino las leyes del Reino y su deber, los que han dictado su contestacion ; y por mi parte conozco demasiado los principios que dirijen al Gobierno de Su Majestad Britanica, para no saber que ni remotamente puede ecsijir que una autoridad Española falte á las obligaciones que le impone su destino.

Pero hay una consideracion que debo someter al alto juicio é imparcialidad de V. E. por que no puede menos de tenerse presente en un asunto que envuelve en sí la conservacion para la España de una Colonia tan preciosa, ultimo resto de tantas como poseia no ha muchos años en el continente Americano. La medida que se propone, servirá, mas que á destruir el trafico de esclavos, que nadie desapruueba como yo, á causar una perturbacion general y poner en grave riesgo la conservacion de la isla de Cuba, por que al paso que es aquella un incentivo para la rebelion de los negros, no puede menos de infundir el alarma entre los propietarios.

Apesar de lo que dejo dicho á V. E., me apresuraré á llenar los desios que me manifiesta en su citada nota, transmitiendolo asi como los documentos que la acompañan, al Gobierno de Su Majestad.

Aprovecho, &c.

(Signed)

MIGUEL DE ALAVA.

(Translation.)

MY LORD,

81, Harley Street, July 1, 1840.

(Received July 3.)

I HAVE received the Note, dated the 29th June last, which your Excellency addressed to me, together with documents which accompany it, which show that the Captain-General of Cuba has not acceded to the desire of the Commissioners of Her Britannic Majesty's Government at the Havana, the object of which was that there should be inserted in the papers of Cuba the Brief of his Holiness, prohibiting the Slave Trade; this conduct being represented by your Excellency as a new proof of the little disposition felt by the higher authorities of Cuba, to adopt measures for the abolition of the Slave Trade.

This question being one of high and transcendant importance to the Government of Her Catholic Majesty, inasmuch as it involves the most essential prerogatives and rights of the royal authority, it becomes indispensable that I should give your Excellency some slight explanations, in order that your Excellency, being made thoroughly acquainted with the fundamental principles, upon which

the International Code between Spain and the Holy See is founded, may be able to decide for yourself up to what point the Captain-General merits the grave charges, which are indirectly brought against him by the British Commissioners at the Havana.

The Kings of Spain fearing that, under the shadow of religion, the jurisdiction and royal rights of the Crown might be usurped, to the detriment of the supreme power of the nation, and of the public tranquillity, have managed, for centuries past, with incessant vigilance and vigour, to restrain, within just limits, the pretensions of Rome; and as maxims and doctrines contrary to the royal power might be inserted in the Pontifical Decrees canonically issued, the Crown of Spain has always opposed itself to the reception into the kingdom of any Bull from the Roman Curia, which has not been *asked for, and which does not come through the channel of the Ambassador or Agents of Her Majesty.*

Thus those Kings of Spain who were the most zealous defenders of the Catholic religion, such as was Philip the Second and Charles the Third, have dictated very sage laws, to prevent the sagacious and clever Court of Rome from extending its authority, under colour of the spiritual good of the people.

Among these laws the principal one, and that which has always been observed with the most strictness, as being the true palladium of the royal power, has been the law of the kingdom, which ordains that no Brief or Bull of the Roman Curia shall be published in Spain, nor in her dominions, until it has been first examined by the Council of Castille, by the Chamber, or one of the principal tribunals, and approved by the Crown, who grants the Exequatur.

The Captain-General of Cuba, for this reason, and, being doubtless aware how jealous and inexorable the Court of Spain has always been in supporting its temporal prerogatives, set himself against the publication of the Brief of his Holiness; and if he had acted in any other manner he would have been wrong in a high degree. Besides, my Lord, far from proceeding on this occasion carelessly or with ill-will, he regulated his conduct by the laws of the kingdom which protect the rights of the Throne, acting at the proper time with such firmness and temperance that, before answering the Note of the English Commissioners, he previously heard the opinion of the legal Assessor, and, in conformity therewith, gave the answer dictated to him by his duty.

The Commissioners suppose that the Brief of his Holiness has been published by the press in Spain; but your Excellency knows that the censure does not exist in the Peninsula, and that at present the periodicals can easily insert documents which appear in the public papers of Europe. The "*Gaceta del Gobierno*" itself is composed of two parts, one official and the other free, and, up to a certain point, independent. In the former, under the title of Official Documents, are inserted all Acts of the Government; and even in this case the authorities of Her Majesty ought not to give fulfilment to the said Acts and Orders, until they are officially communicated to them by the higher authorities, on whom they are dependent.

I now persuade myself that your Excellency, as a Member of the Cabinet of a nation, in which the royal rights and prerogatives are respected by all the world, and which knows how to make them to be respected by whoever may dare to infringe them, cannot be surprised, seeing what I have made manifest, that the Captain-General of a Spanish possession so distant from his metropolis should comply religiously with the laws of the kingdom, particularly those relating to such a vital subject.

If in times when the greatest harmony reigned between the Crown of Spain and the Holy See, the former has been so jealous of its prerogatives, and so severe with respect to the Briefs of his Holiness, it cannot be concealed from the right and clear discernment of your Excellency, that the Court of Spain must be much more severe in these times, in which his Holiness has not only recognised, in his quality of temporal Prince, the Government of Her Majesty the Queen Donna Isabella the Second, but has refused, as head of the Church, to confirm the Archbishops and Bishops, named by Her Majesty to fill the sees vacant by the death of their predecessors, and has, by this act and many others, declared himself at open war against the Government of the Queen of Spain.

If the English Commissioners had only consulted any well-read Spaniard, they would have ascertained, that it is not the good or ill will of the Captain-General of Cuba, but the laws of the kingdom, and his duty, which dictated his opposition; and, for my part, I know the principles which guide the Govern-

ment of Her Britannic Majesty too well, not to know that it would not require, even remotely, that a Spanish authority should fail in the obligations imposed on him by his station.

But there is one consideration which I ought to submit to the high judgment and impartiality of your Excellency, because it cannot but present itself, in a matter which involves the preservation to Spain of so precious a Colony, the last remains of so many which she possessed not many years ago on the Continent of America.

The measure which is proposed will tend more to cause excitement, and to put in serious jeopardy the preservation of the Island of Cuba, than to destroy the traffic in slaves; because, in the same degree that it is an incentive to the slaves to rebel, it cannot but spread alarm among the proprietors.

Notwithstanding what has been stated to your Excellency, I shall hasten to fulfil the desires which you manifest in your Note above mentioned, by transmitting it, together with the documents which accompany it, to the Government of Her Majesty.

I avail myself, &c.

(Signed) MIGUEL ALAVA.

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

No. 11.

General Alava to Viscount Palmerston.

Londres, 1 de Julio, 1840.

(Received July 3.)

EL Infrascrito Enviado Extraordinario y Ministro Plenipotenciario de S. M. Catholica cerca de S. M. Britanica, tiene la honra de presentar sus respetos à S. E. el Señor Vizconde de Palmerston, y de acusarle el reciebo de la nota que con fecha 29 de Junio ultimo se ha servido dirigirle relativa al desembarque de cuatrocientos negros en la Ysla de Cuba, sobre la qual versan los documentos que la acompañan de la correspondencia que ha mediado entre el Capitan-General de Cuba, y los Comisionados de S. M. Britanica.

Cumpliendo con los deseos manifestados por S. E. el Señor Vizconde de Palmerston, el Infrascrito no perderá un instante en transmitirle á su Gobierno aquellos Documentos llamando su atencion sobre su contenido: y aprovecha de esta ocasion para reiterar à S. E. el Senor Vizconde de Palmerston las seguridades de su mas alta consideracion.

(Signed) MIGUEL DE ALAVA.

(Translation.)

London, July 1, 1840.

(Received July 3.)

THE Undersigned, &c., has the honour to present his respects to [his Excellency Viscount Palmerston, and to acknowledge the receipt of the Note, which he addressed to him under date of the 29th June last, relative to the disembarkation of 400 negroes in the Island of Cuba, on which subject also were the copies, which accompanied the Note, of the correspondence which has passed between the Captain-General of Cuba and the Commissioners of Her Britannic Majesty.

Complying with the wishes manifested by his Excellency Viscount Palmerston, the Undersigned will not lose an instant in transmitting to his Government those Papers, calling its attention to their contents, and avails himself, &c.

(Signed) MIGUEL ALAVA.

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

No. 12.

Viscount Palmerston to Mr. Aston.

SIR,

Foreign Office, August 6, 1840.

WITH reference to the Despatch from Mr. Jerningham, of the 11th January, 1840, on the subject of negroes imported into the Havana in the Portuguese vessel, the "*Fecora*," and subsequently purchased by José Ruiz and Pedro Montez, in order to be transported to another port in Cuba on board the vessel the "*Amistad* ;"

I herewith transmit to you the copy of a communication from the Colonial department, from which it appears, that Pedro Montez is at present at liberty in the Island of Cuba ; and I have to desire that you will state this fact to the Spanish Government, and call upon them to direct that Montez shall be prosecuted in the proper public Courts of Cuba, for having transgressed the Spanish laws on Slave Trade, by purchasing negroes newly imported from Africa, and by attempting to convey them away as slaves.

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

I am, &c.
 (Signed) PALMERSTON.

First Enclosure in No. 12.

Mr. Stephen to Mr. Backhouse.

SIR,

Colonial Office, June 19, 1840.

WITH reference to your letter of the 7th of January respecting certain negroes, who were taken on board the "*Amistad*," by a schooner of the United States, I am directed by Lord John Russell to transmit to you, for the information of Viscount Palmerston, the copy of a letter on the subject, from Dr. Clarke, the acting Superintendent of liberated Africans at the Havana.

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

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

Second Enclosure in No. 12.

Dr. D. R. Clarke to Lord John Russell.

MY LORD,

Havana, May 12, 1840.

I HAVE the honour to acknowledge your Lordship's Despatch of 15th January, 1840, on the subject of the negroes, who were taken on board the "*Amistad*," by a schooner of the United States, accompanied by copies of the instructions which Lord Palmerston had issued to Her Majesty's Envoy at Washington and Chargé d'Affaires at Madrid, as to the course which they are to pursue in respect to the negroes in question. I am informed that José Ruiz, one of the purchasers in this Island of the negroes in question, is still in gaol in the United States, under an action brought against him for ill-treatment of those negroes, but that Montez, the other purchaser and companion of Ruiz, is in this Island ; and I regret to think that, in as far as it depends on the Spanish Government, there is but little probability of his being brought to punishment, glaring and notorious as his infraction of the law has been.

The Right Hon. Lord John Russell,
&c. &c. &c.

I have, &c.
 (Signed) D. R. CLARKE.

No. 13.

Viscount Palmerston to Mr. Aston.

SIR,

Foreign Office, August 6, 1840.

I HEREWITH transmit to you, for communication to the Spanish Government, copies of a Despatch, and of its Enclosures, which I have received from Her Majesty's Consul-General at the Canary Islands, stating that a vessel, called the "*Two Friends*," formerly employed in the Slave Trade, had sailed for the Cape Verds, probably on a slave-trading voyage.

You will draw the attention of the Spanish Government to the report, mentioned by Mr. Bartlett, that vessels are about to sail from the Canaries for Africa, with the intention of embarking slaves; and you will invite the Spanish Government to give such directions to their authorities in the Canary Islands, as may be calculated to prevent the proceedings in question.

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

I am, &c.
(Signed) PALMERSTON.

Enclosure in No. 13

*Mr. Bartlett to Viscount Palmerston.**Teneriffe, June 30, 1840.*

(See No. 36, page 31.)

No. 14.

Viscount Palmerston to Mr. Aston.

SIR,

Foreign Office, August 13, 1840.

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.

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

I am, &c.
(Signed) PALMERSTON.

No. 15.

Viscount Palmerston to Mr. Aston.

SIR,

Foreign Office, September 5, 1840.

I HAVE to refer you to my Despatch to Mr. Southern, marked "Slave Trade," of the 17th October, 1839, directing him to propose to the Spanish Government an Article explanatory of the Tenth Article of the Treaty of June, 1835, to the effect that vessels shall be liable to seizure and condemnation, if they shall have had on board, during the voyage on which they are captured, any of the things enumerated in the said Tenth Article; and I herewith transmit to you, for communication to the Spanish Government, and as a further instance of the importance of concluding the proposed Article, a copy of a Despatch from Her Majesty's Commissioners at Sierra Leone, reporting the capture of the Spanish schooner "*Catalana*," and the subsequent restoration of that vessel.

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

I am, &c.
(Signed) PALMERSTON.

Enclosure in No. 15.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, May 13, 1839.*

(See Class A, No. 37.)

*Viscount Palmerston to General Alava.**Foreign Office, September 17, 1840.*

SIR,

I BEG to refer you to the Letter, which I addressed to you on the 30th May last, informing you that inquiry would be made into the conduct of the Officer commanding Her Majesty's ship "Cleopatra," who, it was alleged, had broken open the sealed cover of the Custom House clearance (Registro), belonging to the Spanish brig "Iberia," while searching that vessel on suspicion of Slave Trading; and I have now the honour to lay before you the following statement, which has been made by the Officer in question, as to the circumstances under which that proceeding took place.

It appears that on the 23d of February Captain Lushington fell in with the "Iberia," which he describes as a very suspicious-looking vessel, and he directed Mr. Fordyce, his First-Lieutenant, to board and search her, ordering him to bear in mind the Second Article of the instructions to cruizers, annexed to the Treaty of 1835 on Slave Trade, which prescribes that the search shall be conducted in the mildest manner, and with every attention which ought to be observed between allied and friendly nations.

When Lieutenant Fordyce returned to the "Cleopatra," he reported that the brig he had boarded was the "Iberia," a well-known slaver, and that he had found on board of her a quantity of plank fitted for a slave deck, also a number of casks in staves, either of which articles were sufficient to authorize her detention. But the Master of the "Iberia" said that the plank and staves were part of his cargo, and were noted as such in his Custom House clearance from Porto Rico, which he produced sealed up. In order to verify the truth of the Master's statement, the cover of this paper was opened, and Captain Lushington, finding that the suspicious Articles were mentioned therein, permitted the "Iberia" to proceed on her voyage.

Captain Lushington observes, that the Custom House clearance is one of the documents, which merchant ships are compelled to carry in order to prove the legality of their proceedings, if challenged by a man of war; and that it is not customary to put such documents in a sealed cover, and he adds that the Master made no remonstrance or objection to the cover being opened, either at the time of the search, or afterwards, when Her Majesty's ship "Cleopatra," and the "Iberia" were lying together in the harbour of the Havana.

I have the honour to request that you will communicate the above statement to the Government of Her Catholic Majesty, and that you will express the confidence of Her Majesty's Government, that the Spanish Government will consider that, under the circumstances above stated, Captain Lushington was justified in opening the cover of the Custom House clearance of the Spanish brig "Iberia."

I am, &c.

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

(Signed) PALMERSTON.

*Viscount Palmerston to Mr. Aston.**Foreign Office, September 25, 1840.*

SIR,

I HEREWITH transmit to you, for communication to the Spanish Government, the accompanying copy of a Despatch from Her Majesty's Commissioners at Sierra Leone, reporting the condemnation of the Portuguese schooner "Olimpia," in the Mixed British and Portuguese Court established in that colony, upon a charge of having been engaged in the Slave Trade. I have to instruct you to communicate this Despatch to the Spanish Government, drawing their attention to the fact, that this vessel appears to have left the Havana fully prepared for the reception of her human cargo, so that it was only necessary for her to remain one day on the coast of Africa, in order to ship the slaves found on board of her when she was captured; and you will point out to the Spanish Government that this case, and that of the schooner "Josephina," which is also mentioned by the Commissioners, afford strong evidence of the negligence or connivance of the Custom-house authorities at the Havana, as regards Slave Trade adventures.

I am, &c.

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

(Signed) PALMERSTON.

Enclosure in No. 17.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, May 28, 1840.*

(See Class A, No. 106.)

No. 18.

*Viscount Palmerston to General Alava.**Foreign Office, October 5, 1840.*

VISCOUNT PALMERSTON has the honour to transmit herewith to General Alava, for his 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.

No. 19.

*Viscount Palmerston to Mr. Aston.**Foreign Office, October 19, 1840.*

SIR,

WITH reference to my previous correspondence with you, on the subject of the negroes emancipated by the Mixed Commission at the Havana, under the Treaty of 1817 between Great Britain and Spain, I herewith transmit to you, for your information, and as an instance of the mode in which these negroes are deprived of the liberty guaranteed to them by Treaty, a copy of a Despatch from Her Majesty's Consul at the Havana about a negro named Faustino, who was emancipated in the year 1825, but has been held in a state of slavery from that time to this; and who, notwithstanding his formal emancipation, and after 15 years' actual slavery, has again been sold as a slave for an additional term of years.

I am, &c.

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

(Signed)

PALMERSTON.

Enclosure in No. 19.

*Mr. Tolmé to Viscount Palmerston.**Havana, August 9, 1840.*

(See No. 43, page 38.)

No. 20.

*Viscount Palmerston to Mr. Aston.**Foreign Office, October 20, 1840.*

SIR,

UPON reference to correspondence in the archives of the British Mission at Madrid, respecting the Spanish law by which free negroes are forbidden to land in the Island of Cuba, you will perceive that on the 1st of October, 1839, M. Perez de Castro addressed a Note to Mr. Southern, stating that the Captain-general of Cuba had been directed to devise some means of reconciling the relaxation of the law in question, desired by Great Britain, with the precautions requisite for the safety and tranquillity of the Island of Cuba.

It nevertheless appears, by the accompanying copy of a Despatch from Her Majesty's Consul at the Havana, that under the operation of that law the whole of the crew of the British vessel "Coquette" were recently imprisoned at the Havana.

I have, therefore, to desire that you will make a representation of this case to the Spanish Government, calling their attention to the Note above mentioned from M. Perez de Castro, and that you will express the hope of Her Majesty's Government, that the Spanish Government will not any longer suffer the innocent and friendly commerce of British subjects with the subjects of Spain, to be impeded by the severe operation of the law in question.

I am, &c.

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

(Signed)

PALMERSTON.

Enclosure in No. 20.

*Mr. Tolmé to Viscount Palmerston.**Havana, August 10, 1840.*

(See No. 44, page 39.)

No. 21.

Viscount Palmerston to Mr. Aston.

SIR,

Foreign Office, November 18, 1840.

THIS Letter will be delivered to you by Mr. Alexander, Secretary to the Anti-slavery Society, who is about to proceed to Spain and Portugal, in order to endeavour to create in those countries a public feeling in favour of the abolition of slavery; and I have to desire that you will afford to Mr. Alexander all the assistance and protection in your power for promoting the object of his journey.

I am, &c.

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

(Signed) PALMERSTON.

No. 22.

*Mr. Aston to Viscount Palmerston.**Madrid, November 14, 1840.**(Received November 25.)*

MY LORD,

I HAVE the honour to enclose a copy of the Note which, in obedience to the instructions contained in your Lordship's Despatch of the 6th August last, I have addressed to Mr. Ferrer, communicating to his Excellency copies of a Despatch, and its Enclosures, from Her Majesty's Consul in the Canary Islands, stating that a vessel called the "*Two Friends*," formerly employed in the Slave Trade, had sailed for the Cape Verd Islands, probably on a Slave Trade voyage.

I have, &c.

(Signed) ARTHUR ASTON.

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

Enclosure in No. 22.

Mr. Aston to Don J. M. de Ferrar.

SIR,

Madrid, November 9, 1840.

IN compliance with instructions from my Government, I have the honour to transmit to your Excellency herewith copies of a Despatch, and of its Enclosures, which were received in August last from Her Majesty's Consul in the Canary Islands, stating that a vessel called the "*Two Friends*," formerly employed in the Slave Trade, had sailed for the Cape Verd Islands, probably on a slave-trading voyage.

I have been directed to draw the attention of the Government of Her Catholic Majesty to the report, mentioned by Mr. Bartlett, that vessels were about to sail from the Canaries for Africa with the intention of embarking slaves, and to invite the Spanish Government to give such directions to their authorities in the Canary Islands, as may be calculated to prevent the proceedings in question.

I have, &c.

(Signed) ARTHUR ASTON.

His Excellency Don Joaquim Maria de Ferrar,
 &c. &c. &c.

No. 23.

*Mr. Aston to Viscount Palmerston.**Madrid, November 14, 1840.**(Received November 25.)*

MY LORD,

I HAVE the honour to enclose a copy of a Note, which I have addressed to the Spanish Government, respecting the cases of the Portuguese schooner "*Olimpia*," and the schooner "*Josephina*," reported in the Despatch of Her Majesty's Commissioners at Sierra Leone, dated May 28th, 1840.

I have, &c.

(Signed) ARTHUR ASTON.

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

Enclosure in No. 23.

*Mr. Aston to Don J. M. de Ferrar.**Madrid, November 9, 1840.*

SIR,

I HAVE been instructed to communicate to your Excellency a Despatch and its Enclosure, of which the accompanying are copies, received from Her Majesty's Commissioners at Sierra Leone, reporting the condemnation of the Portuguese schooner "*Olimpia*," in the Mixed British and Portuguese Court established in that colony, upon a charge of having been engaged in the Slave Trade.

I am directed to draw the attention of the Spanish Government to the fact, that this vessel appears to have left the Havana fully prepared for the reception of her human cargo, so that it was only necessary for her to remain one day on the coast of Africa in order to ship the slaves found on board of her when she was captured.

I am further instructed to point out to your Excellency, that this case and that of the schooner "*Josephina*," which is also mentioned by Her Majesty's Commissioners, afford strong evidence of the negligence or connivance of the Custom house authorities at the Havana as regards Slave Trade adventures.

I have, &c.

(Signed) ARTHUR ASTON.

His Excellency Don Joaquim M. de Ferrar,
 &c. &c. &c.

No. 24.

*Mr. Aston to Viscount Palmerston.**Madrid, November 14, 1840.**(Received November 25.)*

MY LORD,

WITH reference to your Lordship's Despatch of the 5th September last, transmitting to me a copy of a Despatch from Her Majesty's Commissioners at Sierra Leone, reporting the capture and subsequent restoration of the Spanish schooner "*Catalana*," I have the honour to inform your Lordship, that I have communicated the said Despatch to Mr. Ferrar, and have called his Excellency's attention to the facts stated by the Commissioners, as affording a further instance of the importance of concluding an Article explanatory of the 10th Article of the Treaty of June, 1835, (which was proposed by Her Majesty's Government to that of Spain in 1839) to the effect, that vessels shall be liable to seizure and condemnation, if they shall have had on board, during the voyage on which they are captured, any of the things enumerated in the said Tenth Article.

I herewith enclose a copy of the Note, which I have addressed to the Spanish Minister upon this subject.

I have, &c.

(Signed) ARTHUR ASTON.

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

Enclosure in No. 24.

Mr. Aston to Don J. M. de Ferrar.

SIR,

Madrid, November 11, 1840.

I HAVE the honour to transmit herewith to your Excellency, by order of my Government, a copy of a Despatch which has been received from Her Majesty's Commissioners at Sierra Leone, reporting the capture of the Spanish schooner "*Catalana*," and the subsequent restoration of that vessel.

I am directed to make this communication to the Spanish Government, with reference to a proposition made by Her Majesty's Government to that of Spain on the 30th October, 1839, through Mr. Southern, of an Article explanatory of the Tenth Article of the Treaty of June, 1835, for the Suppression of the Slave Trade, to the effect that vessels shall be liable to seizure and condemnation, if they *shall have had* on board, during the voyage on which they may be captured, any of the things enumerated in the said Tenth Article.

I am instructed to represent the case of the "*Catalana*" as a further instance of the importance of concluding the proposed Article, and I cannot allow myself to doubt that the Spanish Government's abhorrence of the barbarous traffic in slaves will insure their early agreement to the humane proposition in question.

I have, &c.

(Signed)

ARTHUR ASTON.

His Excellency Don Joaquim M. de Ferrar,
&c. &c. &c.

No. 25.

*Mr. Aston to Viscount Palmerston.**Madrid, November 14, 1840.*

MY LORD,

(Received November, 25.)

IN compliance with the instructions contained in your Lordship's Despatch of the 6th August last, I have addressed a Note to the Spanish Minister for Foreign Affairs (a copy of which is herewith enclosed) calling upon his Excellency to direct that Pedro Montez, who it appears is at present at liberty in the Island of Cuba, shall be prosecuted in the proper public court in Cuba, for having transgressed the Spanish laws on Slave Trade, by purchasing negroes newly imported from Africa, and by attempting to convey them away as slaves.

I have, &c.

(Signed)

ARTHUR ASTON.

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

Enclosure in No. 25.

Mr. Aston to Don J. M. de Ferrar.

SIR,

Madrid, November 11, 1840.

WITH reference to the Note addressed by Mr. Jerningham to Señor Perez de Castro, on the 5th January last, on the subject of the negroes imported into the Havana in the Portuguese vessel the "*Pecora*," and subsequently purchased by Joze Ruiz and Pedro Montez, in order to be transported to another port in Cuba, on board the vessel the "*Amistad*," I have the honour to acquaint your Excellency that information has reached Her Majesty's Government, that Pedro Montez is at present at liberty in the Island of Cuba.

I have consequently been instructed to call upon the Government of Her Catholic Majesty to direct that Montez shall be prosecuted in the proper public court in Cuba, for having transgressed the Spanish laws on Slave Trade, by purchasing negroes newly imported from Africa, and by attempting to convey them away as slaves.

I avail myself, &c.

(Signed)

ARTHUR ASTON.

His Excellency Don Joaquim M. de Ferrar,
&c. &c. &c.

No. 26.

*Mr. Aston to Viscount Palmerston.**Madrid, December 2, 1840.**(Received December 12.)*

MY LORD,

I HAVE the honour to forward to your Lordship a copy and translation of a Note which I have received from Mr. Ferrar, in reply to the one I addressed to his Excellency on the 9th ultimo, in which he informs me that he has communicated my note to the Captain-General of the Canary Islands, and has directed that the necessary measures should be adopted in those Islands in order that the Convention concluded between Great Britain and Spain for the suppression of the Slave Trade may be carried into full effect.

I have, &c.

(Signed)

ARTHUR ASTON.

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

&c.

&c.

&c.

Enclosure in No. 26.

M. de Ferrar to Mr. Aston.

(Translation.)

SIR,

Madrid, November 14, 1840.

UNDER this date I have communicated to the Captain-General of the Canary Islands the Note which you were pleased to address to me on the 9th instant, respecting the vessels which it appears are about to sail for the coast of Africa, to be employed in the Slave Trade; and I have at the same time enjoined that authority to adopt all the measures necessary in order that in the district under his command the stipulations of the Treaty, concluded between Spain and Great Britain for the suppression of that traffic, may be carried into full effect.

I avail, &c.

(Signed)

JOAQUIM M. DE FERRAR.

Arthur Aston, Esq.

&c. &c. &c.

No. 27.

*Mr. Aston to Viscount Palmerston.**Madrid, December 2, 1840.**(Received December 12.)*

MY LORD,

WITH reference to my Despatch of the 14th ultimo, I have the honour to enclose a copy and translation of a Note which I have received from Mr. Ferrar, in answer to the representation I addressed to his Excellency respecting the vessels "*Olimpia*" and "*Josephina*."

His Excellency states that he has acquainted the Captain-General of the Island of Cuba with the subject of my communication, in order that an inquiry may be instituted into the circumstances mentioned, and that, if confirmed, those who were culpable may be punished, and enjoining redoubled vigilance in regard to the exact observance of the prohibition of the Slave Trade.

I have, &c.

(Signed)

ARTHUR ASTON.

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

&c.

&c.

&c.

Enclosure in No. 27.

M. de Ferrar to Mr. Aston.

(Translation.)

SIR,

Madrid, November 20, 1840.

I HAVE the honour to state to you, in answer to the Note which you were pleased to address to me on the 9th instant, relative to the vessels "*Olimpia*" and

"*Josephina*," that I have lost no time in acquainting the Captain-General of the Island of Cuba with the subject of your communication, in order that he may adopt the necessary measures for instituting an inquiry into the facts mentioned in the said Note, and if they should be confirmed, that those who are culpable may be punished, and that the vigilance with regard to the exact observance of the prohibition of the Slave Trade may be redoubled.

I avail, &c.

(Signed)

JOAQUIM M. DE FERRAR.

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

No. 28.

Viscount Palmerston to Mr. Aston.

SIR,

Foreign Office, December 27, 1840.

I HEREWITH transmit to you a copy of a Despatch and of its Enclosure from Her Majesty's Commissioners at Sierra Leone, reporting the case of the Spanish Brigantine "*Diana*," condemned in the Mixed British and Spanish Court of Justice in that colony on a charge of having been concerned in Slave Trade. I have to desire that you will state in writing to the Spanish Government the facts of this case, and you will express a confident hope that the Government of Her Catholic Majesty will punish the Spanish functionaries, who it appears permitted this vessel to leave Cadiz, equipped for Slave Trade, and who on that occasion omitted to exact the bond required by the Treaty of 1835, for ensuring the legal employment of the casks on board the vessel; and you will further call upon the Spanish Government to exact from the consignee of the "*Diana*" the penalty to which he has become liable for not having delivered a certificate at the Custom-house at Cadiz, that the articles enumerated in the vessel's clearance had been landed at Trinidad de Cuba.

I am, &c.,

(Signed)

PALMERSTON.

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

Enclosure in No. 28.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, September 23, 1840.

(See Class A, No. 87.)

No. 29.

Viscount Palmerston to Mr. Aston.

SIR,

Foreign Office, December 28, 1840.

I HEREWITH transmit to you a copy of a Dispatch and of its Enclosure from Her Majesty's Commissioners at Sierra Leone, containing an account of the condemnation of the Spanish Schooner "*Sirena*," upon a charge of being equipped for Slave Trade.

From the accompanying Papers it appears, that the vessel in question was permitted to leave the Havana with her slave equipment on board.

I have to desire that you will state in writing to the Spanish Government the facts of this case, and that you will express a confident hope, that the Spanish Government will institute an inquiry thereupon, and punish those of its functionaries, who have thus connived at a violation of the Treaty of 1835.

I am, &c.

(Signed)

PALMERSTON.

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

Enclosure in No. 29.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, September 23, 1840.

(See Class A, No. 88.)

No. 30.

Viscount Palmerston to Mr. Aston.

SIR,

Foreign Office, December 29, 1840.

I TRANSMIT to you herewith copies of a Despatch and of its Enclosures, which I have received from Her Majesty's Commissioners at the Havana, containing an account of an assault committed by a Spanish subject upon one of the soldiers of Her Majesty's Ship "Romney," and of the subsequent imprisonment of the soldier by order of a Spanish functionary.

The accompanying papers show that Her Majesty's Commissioners, having inquired into the circumstances of the case, found that the assault upon the British soldier had been violent and unprovoked, and that his subsequent imprisonment had been unjustifiable. They thereupon demanded, that the Spanish authorities should give redress for the outrage committed.

But the Governor-General of Cuba declined to give the redress required, and stated that, as exaggerated demands might be made at Madrid upon account of this transaction, he should refer the matter to the Government of Her Catholic Majesty.

I have therefore to desire, that you will state the facts of this case in writing to Spanish Government, and that you will transmit at the same time copies of the enclosed papers; and you will express the confident hope of Her Majesty's Government, that the Government of Her Catholic Majesty will give the necessary orders for affording satisfaction for the outrage committed, and for preventing a recurrence of any similar proceeding.

I am, &c.

(Signed)

PALMERSTON.

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

Enclosure in No. 30.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, November 7, 1840.

(See Class A, No. 154.)

No. 31.

Mr. Aston to Viscount Palmerston.

Madrid, December 21, 1840.

MY LORD,

(Received December 31.)

WITH reference to Mr. Jerningham's Despatch of the 18th January last, I have the honour to enclose the copy and translation of a Note, which I have received from M. de Ferrar, stating the reasons why Her Catholic Majesty's Government cannot remit the tonnage duties levied upon the brig "Venus," employed in conveying liberated negroes to Belize.

I have, &c.,

(Signed)

ARTHUR ASTON.

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

Enclosure in No. 31.

(Translation.)

*M. de Ferrar to Mr. Aston.**Madrid, December 13, 1840.*

SIR,

WITH reference to a Note from this office to the British Legation, dated 10th September of last year, and in answer to the Note, which the British Chargé d'Affaires addressed to my predecessor on the 12th of January last, with regard to the exaction of tonnage duties, at the Custom-house of the Havana, from the English brig "Venus," which conveyed a cargo of liberated slaves to Belize, I have now the honour to state to you, that it appears from the fresh information required from the authorities of that place, that the custom of exemption from tonnage duty, which is referred to in the Note of your predecessor, does not exist; for whenever it has been necessary to export liberated negroes from the Island of Cuba, in consequence of the Treaties existing between the two Governments, vessels have been freighted by that of Spain, and in the only case in which the Hamburg ship "Cuba" conveyed some to New Providence, the exemption from duties which she obtained was granted by the Intendant of the Havana, in the exercise of the discretionary powers with which he is invested, and because important local circumstances recommended it; which insulated case cannot serve as a basis for founding any sort of right.

On the contrary, if, in consequence of the deference which Her Catholic Majesty's Government have always shown to that of Her Britannic Majesty, the exemption which the British Legation demands were acceded to, a privilege would be granted, which, besides being irreconcilable with the system adopted in the nation, would afford good grounds for similar applications on the part of other Powers, and consequently the expense occasioned by the repression of the Slave Trade would come to weigh on Spain alone.

The British Government is too just not to give their due value to the reasons, which on this occasion prevent Her Majesty's Government from acceding to the wishes expressed by the British Legation; and trusting that with your enlightened judgment you will, on your part, do the same.

I avail myself, &c.

(Signed)

JOAQUIM M. DE FERRAR.

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

No. 32.

*Mr. Aston to Viscount Palmerston.**Madrid, December 21, 1840.*

MY LORD,

(Received December 31.)

WITH reference to Mr. Jerningham's Despatch of the 22d of last February, enclosing a copy of the Note which, in compliance with your Lordship's instructions, he had addressed to M. Perez de Castro, respecting the cargo of slaves which were landed in the Island of Cuba from the Portuguese ship "Amalia," I have the honour to enclose a copy and translation of a Note, which I have received from M. de Ferrer, in reply to Mr. Jerningham's representation, informing me that orders have again been sent to the authorities of the Havana, enjoining them to cause the provisions of the Treaties, prohibiting the Slave Trade to be scrupulously fulfilled.

I have, &c.

(Signed)

ARTHUR ASTON.

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

Enclosure in No. 32.

(Translation.)

*M. de Ferrar to Mr. Aston.**Madrid, December 14, 1840.*

SIR,

IN answer to the Note, which Her Britannic Majesty's Chargé d'Affaires was pleased to address to this office on the 19th of February last, relative to the

case of the Portuguese ship "*Amalia*," which entered the Port of Havana on the 20th of the preceding November, after having landed, it would appear, a great number of slaves on the coast; I have the honour to inform you that under this date the authorities of the Havana are instructed, that the case of the "*Amalia*" is a fresh motive for repeating the order to them, to fulfil scrupulously the Treaty prohibiting the Slave Trade. Her Majesty's Government flatter themselves that such acts will not in future be repeated, they being resolved on their part to cause the Treaties existing between the two Governments to be observed with the greatest rigour.

I avail myself, &c.

(Signed)

JOAQUIM M. DE FERRAR.

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

SPAIN. (*Consular*)—*Teneriffe.*

No. 33.

Mr. Bartlett to Viscount Palmerston.

Santa Cruz, April 3, 1840.

(*Received May 16.*)

MY LORD,

I HAVE the honour to acknowledge the receipt of a Despatch marked "Slave Trade," including a copy and translation of an Apostolical Letter, promulgated on the 3d of December, 1839, by His Holiness the Pope, on the subject of the Slave Trade, and desiring that I would cause the said letter to be inserted in the public journal of the place where I reside: to the said desire due attention shall be paid.

I have also to acknowledge the receipt of a Despatch, dated February 21, expressing your Lordship's approval of my having communicated to Commander Christie the Act 2d and 3d of Victoria, for the suppression of the Slave Trade; and also the Circular Letter of the 2d November, 1839, on the same subject.

I have, &c.

(Signed)

RICHARD BARTLETT,

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

Consul.

No. 34.

Mr. Bartlett to Viscount Palmerston.

Santa Cruz, April 25, 1840.

(*Received May 20.*)

MY LORD,

I HAVE the honour to enclose copy and translation of a Spanish Royal Order, received here by the Spanish Cuba packet of this month, relative to the brig "*Two Friends*," under American colours, detained in this bay on suspicion of being engaged in the Slave Trade.

By this Order, the Queen Governess of Spain determines, that the grounds of the representations of the American Consul in this island, and of the Commander of the American naval force in the Mediterranean, have not been made good; that it belongs to the Marine Court of the Canary Islands, to take cognizance of the whole matter; and orders that those that may be culpable should be there tried; and likewise, that all persons interested should submit their claims to the said Court. The Spaniard, Francisco Riera, mentioned in my Despatch of the 27th January last, as having arrived at Port Orotava from the Havana and Puerto Rico, subsequently came to this town; and I am told that he has, in a judicial form, confessed that he is the Owner of the "*Two Friends*;" that the vessel was intended for the Slave Trade; that the sale at New Orleans was collusive; and consequently that the ship is Spanish property. He has also claimed, and, it said, has obtained the benefit of an amnesty, I believe that published in consequence of the transaction between the Spanish Generals Espartero and Maroto in Biscay.

I have, &c.

(Signed)

RICHARD BARTLETT,

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

Consul.

Enclosure in No. 34.

(Translation.)

ROYAL ORDER.

EXCELLENT SIR,

Madrid, March 10, 1840.

HAVING laid before the August Queen Governess the official letters, which your Excellency addressed to this ministry, dated the 31st of July, 12th September, and 26th of October of the year last past, asking advice whether the court of law for the military, and for the protection of foreigners, of the district under your command, is competent to take cognizance of the cause (the written legal proceedings being at the same time sent) formed, as to the place of departure, the ownership, and the object of the voyage of the brig "*Two Friends*," which, under the flag of the United States, arrived at the port of Teneriffe, and became suspected of being employed in the Slave Trade; Her Majesty thought proper to consult (hear) upon this delicate matter, the Supreme Tribunal of War and Marine, and concurring with the opinion given under date of the 28th of January last, has been pleased to resolve, that, considering the vehement indications which appear, that the said vessel has been employed in the reprobated Slave Trade, and that the sale, and change of ownership supposed, but not proved, in New Orleans, to subjects of the United States of America, even if effected, were simulated, and with criminal ends and objects, and consequently that the grounds for reclamation brought forward by the Consul of the before-mentioned republic in Teneriffe, and by the Commander-in-Chief of its naval forces in the Mediterranean, have not been made good, the cognizance of the cause belongs to the Marine Court in those islands, in which those persons who may be culpable should be tried, conformably to the laws and the existing Treaties, and to the same Court, all who believe themselves interested should apply, to allege their right, in such manner as in their estimation may be advantageous to them; it being at the same time the will of Her Majesty, that the said Marine Court should proceed with activity, and adopt efficacious measures to avoid delays and other damages, citing and hearing the true, and even the pretended owners. By Royal Order I state this to your Excellency, for your information and the consequent effects.

God preserve you many years,

(Signed)

NARVAEZ.

Al Señor Commandante General de Canaira,
 &c. &c. &c.

No. 35.

*Mr. Bartlett to Viscount Palmerston.**Santa Cruz, May 18, 1840.**(Received, June 17.)*

MY LORD,

THE slaving vessel called the "*Two Friends*," so long detained here, is to be sold by public auction on the 29th instant.

As the proceedings that have taken place in the case of this ship unmask most completely the nefarious transactions that are resorted to to cover the trade in slaves, I shall give a summary of the contents of my despatches on the subject, since the month of July of last year, and add some further information, which I have obtained since the date of my last, April 25th, of this year.

I informed your Lordship that this vessel, "*Two Friends*," sailed from the Havana with a crew of Spaniards for New Orleans, there obtained American papers, and a crew of men of different nations with American protections; that the vessel returned to Cabanas in Cuba, (the Spanish captain taking the character of Supercargo, and the seamen being called passengers) and there shipped fetters, rice, &c., for a slaving voyage, then went to the coast of Africa and landed those articles at Gallinas, and came to this port under American colours, was here detained in consequence of my having communicated to the Spanish Commandant General the evidence of three persons, (two British subjects,) seamen on board; and from the denunciation of the American Consul in these islands; I also informed your Lordship that the Commander of the American naval forces in the Mediterranean, in the line-of-battle ship "*Ohio*," and Lieut. Bell, of the American navy, in the brig of war "*Dolphin*," had come to this place in consequence of the detention; and that the ship had been claimed by the American minister in Madrid; I likewise transmitted

a Royal Spanish Order, declaring that the grounds for the claim set forth by the American Consul and naval commander, had not been made good, and directing the Marine Court of the Canaries to take cognizance of the whole matter.

I have now the honour to state to your Lordship, that by a decree of the Marine Court, dated the 6th of this month of May, the brig "*Two Friends*" is directed to be sold by public auction to defray the charges already incurred, which are to be forthwith paid, and the surplus, if any, to be placed in the marine chest to wait the decision of superior authority. Four months are allowed to Francisco Riera, and the American purchaser at New Orleans, to produce proofs of their respective claims to the "*Two Friends*." Papers are now exhibited at the office of the Captain of the port, making known to the public that the vessel will be sold on the 29th of May, the estimated value being 10,000 current dollars, about £1,600. For these statements I have direct information or official documents.

I have informed your Lordship that Francisco Riera had confessed that he is the owner of the "*Two Friends*;" that the vessel was engaged in the Slave Trade; that the sale at New Orleans was collusive; and that he had claimed and obtained the benefit of an amnesty. Of the truth of these facts, and of those which I am about to state, I have neither direct information nor documents in proof, though I believe that such exist among the judicial papers now in the Marine Court. At New Orleans the pretended sale by Riera was made to Mr. Michael Moore, I believe an American citizen; he, on hearing of the detention of the brig here, and of course being ignorant of the confession of Riera, sent a power of attorney to Mr. Bernard Forstall, a Spanish merchant of this town, to claim the vessel, and to bring an action for damages on account of the detention, against the American consular agent. The claim of Mr. Moore was accordingly lodged in the Marine Court by Mr. Forstall. Should this statement be true, Michael Moore has, I presume, made himself amenable to the laws of the United States against the Slave Trade.

Soon after the arrival of the Spanish Royal Order of March 10th, at this place, the Spanish flag was hoisted on board the "*Two Friends*," and the American Captain Durkey, dismissed from all interference, and being without money and liable to prosecution in America, he wrote to Riera to ask for a sum that he thought due to him, probably to enable him to leave Santa Cruz. Riera refused to pay the money. Durkey, to be revenged, went to the Portuguese Consular Agent and communicated to him his private instructions from Riera, wherein he tells Durkey that the Spanish Captain (who assumed the character of Supercargo) will deliver to him Portuguese papers on his arrival on the coast of Africa (previously to the voyage to New Orleans as mentioned; the ship was Portuguese property and sold as such to Riera at the Havana) and directs him to defend the ship to *the last extremity* (à todo trance) *against all attempts at detention*. Riera, to neutralize the effect of this evidence against his present claim to the ship as being Spanish property, has pleaded in the Marine Court that the writing "*Portuguese papers*" is an error in copying, and that the true reading is "*Spanish papers!!!*" There is little doubt that the ship was furnished with Spanish, Portuguese, and American papers and flags.

My opinion is, that, on the 29th, the brig will be bought by Riera or his agents, and will proceed to the Havana or some other port, to be forthwith fitted out for another slaving voyage. Riera, who will probably buy the brig at two-thirds of its estimated value, (the estimated is much below the real value,) it is likely will then disappear, and give himself no further concern about the Marine Court of the Canaries. I have also to inform your Lordship that the Spanish ship on board of which Francisco Riera came to this island, and of which he is part or sole owner, that was denounced by me to the Commandant General as a slaver, has arrived at Puerto Rico with 340 slaves on board, from the coast of Africa.

I have, &c.

(Signed)

RICHARD BARTLETT, *Consul*.

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

&c.

&c.

&c.

No. 36.

*Mr. Bartlett to Viscount Palmerston.**Santa Cruz, June 30, 1840.**(Received August 1.)*

MY LORD,

WITH reference to my Despatch, marked "Slave Trade," dated May 18th, I have the honour to inform your Lordship that the brig called the "*Two Friends*," was sold on the 29th of May, by public auction, for the sum of 6,789 current dollars, somewhat more than two-thirds of the estimated value, the purchaser being Juan Bautista Tavala, the Spanish Captain, who arrived here on board as supercargo, and who, it is understood, acted as agent of Francisco Riera in the purchase. Preparations were immediately made to send the vessel to sea, and it being generally reported that a large quantity of water and a number of kids or tubs had been embarked, I called on the present Commandant-General, Don Antonio Moreno, on the morning of the 8th instant, and communicated what I had heard. At his request and in his presence I wrote the official letter, copy of which is enclosed, stating what I had learned. In his reply (copy also inclosed) he narrates the proceedings taken by him, that the vessel might be searched, and relates the substance of a report made to him by the Commandant of Marine, "that no article, from which might be inferred a design to employ the vessel in the Slave Trade, was found on board.

The vessel, under the name of the "*Constancia*," sailed on the morning of the 9th instant under the command of the purchaser, having cleared out for the Cape Verd Islands to touch at the Island of Lanzarote to make good the caulking. I am informed that the terms of the amnesty applied to Francisco Riera, have been extended to the officers and crew of the "*Two Friends*."

Considering for whom the vessel has been purchased, by whom now commanded, and that the more essential articles for a slaving voyage were left at Gallinas last year, my opinion is, that, unless stopped by one of Her Majesty's ships, this brig will, within a short period, convey to the West Indies from 500 to 700 slaves.

I am sorry to say that reports are prevalent of vessels sailing from these Islands for the Coast of Africa, with the intention of embarking slaves, when opportunities may offer. As far as I can learn, there is no law to prevent vessels clearing out for the Coast of Africa, nor are any precautions taken, or securities exacted, with reference to the mode in which ships may be employed there.

I have, &c.

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

&c.

&c.

&c.

(Translation.)

First Enclosure in No. 36.

Mr. Bartlett to General Moreno.

EXCELLENT SIR,

Santa Cruz de Teneriffe, June 8, 1840.

I HAVE notice that there is in the Bay of Santa Cruz, a brig called the "*Two Friends*," having on board articles necessary for the Slave Trade. I cannot produce judicial proofs of this fact, but I consider it my duty, with reference to the existing Treaties between the Crowns of Great Britain and Spain for the suppression of this traffic, to give this information to your Excellency, with a view to such proceedings as you may judge convenient.

God preserve your Excellency many years,

General Moreno,

(Signed)

RICHARD BARTLETT, *Consul*.

&c. &c. &c.

(Translation.)

Second Enclosure in No. 36.

*General Moreno to Mr. Bartlett.**Santa Cruz, June 10, 1840.*

HAVING passed with the greatest haste to the Auditor of War of this military command for his opinion, your official Letter of the 8th instant as to whether the brig "*Two Friends*," anchored in this port, had on board suspicious articles for the abolished Slave Trade, he has stated to me as follows:—

EXCELLENT SIR,—Your Excellency can, if so pleased, communicate to the Commandant of Marine of this Province the contents of this official Letter, in order that, without the loss of a moment, he may direct a search to be made on board the vessel referred to, to ascertain whether, in fact, it contain articles of the kind indicated by Her Britannic Majesty's Consul;

And conforming with this opinion, I officially addressed the said authority, for the object which in the Letter of the Auditor of War is expressed. The Commandant of Marine, under date of the same day, answered me, informing me that a search having been made in the brig, indicated that no one of the suspicious articles from which might be inferred design to employ the ship in the abolished Slave Trade, was found on board. All which I say to you, for your information, and in answer to your indicated official Letter.

God preserve you many years, &c.

(Signed)

ANTONIO MORENO ZALDARRIAGA.

Mr. Bartlett,
&c. &c.

No. 37.

Viscount Palmerston to Mr. Bartlett.

Foreign Office, August 13, 1840.

Circular sending Papers presented to Parliament.

(No. 14.)

SPAIN. (*Consular*)—*The Havana.*

No. 38.

Viscount Palmerston to Mr. Tolmé.

Foreign Office, August 13, 1840.

Circular sending Papers presented to Parliament.

(No. 14).

No. 39.

Viscount Palmerston to Her Majesty's Consul, Havana.

Foreign Office, August 24, 1840.

SIR,

I HEREWITH transmit to you a copy of a Memorial from the General Anti-Slavery Convention. I have to acquaint you that Her Majesty's Government concurs in the sentiments expressed in that Memorial, and especially in the opinion, that it would be unfitting that any Officer, holding an appointment under the British Crown, should either directly hold or be interested in slave property.

I am, &c.

*Her Majesty's Consul,
Havana.*

(Signed) PALMERSTON.

Enclosure in No. 39.

GENERAL ANTI-SLAVERY CONVENTION, called by the Committee of the British and Foreign Anti-Slavery Society, held in London on the 12th of June, 1840, and continued, by adjournments, to the 23rd of the same month.

To the Right Honourable Viscount Palmerston, Secretary of State for Foreign Affairs.

The Memorial of the Undersigned, the Chairman, on behalf of the General Anti-Slavery Convention, held in London on the 20th of June, 1840,

Respectfully sheweth,

THAT this Convention has learnt, with feelings of surprise and regret, that British functionaries in the Brazils and Cuba, and other slave-holding countries, hold slaves—that they purchase them in the public slave-market and elsewhere—work them in mines and on sugar plantations—employ them as domestic slaves, and sell them, or dispose of them, as necessity or caprice may dictate.

This Convention, under a strong impression of the utter injustice of slavery in all its forms, and of the evil it inflicts upon its miserable victims, and of the necessity of employing every means, moral, religious, and pacific, for its complete abolition, feels it to be no less than an imperative duty to submit to the principal Secretary of State for Foreign Affairs, that—the British Parliament having declared it “just and expedient that all persons held in slavery in the colonies of Great Britain should be manumitted and set free, and that slavery should be utterly and for ever abolished and declared unlawful throughout the British possessions abroad,”—functionaries of the British Government holding, hiring, buying, or selling slaves in foreign countries, is not only an open violation of these just and equitable principles, but that it is an example which gives countenance to the

CLASS B.

perpetuation of slavery, and to the continuance of the clandestine importation of slaves, and that it does materially contribute to prevent the extinction of slavery in those countries, and throughout the world at large,—an object most dear to the members of this Convention, and for the consummation of which they are especially assembled.

This Convention, therefore, earnestly solicits the early attention of Viscount Palmerston to the subject, and that he will be pleased to issue a declaration that the holding or hiring of slaves, directly or indirectly, is incompatible with the functions of any individual officially engaged in the service of the British Government.

On behalf of the Convention,

(Signed) THOMAS CLARKSON, *President.*

No. 40.

Mr. Tolmé to Viscount Palmerston.

British Consulate, Havana, June 17, 1840.

(Received August 24.)

MY LORD,

I HAVE the honour to acknowledge receipt of your Lordship's Despatch of 23rd April last, transmitting to me a copy of a Treaty concluded at Caracas on the 15th March, 1839, between Her Majesty and the Republic of Venezuela, for the abolition of the Slave Trade, which document I have added to the archives of this Consulate.

I have, &c.

(Signed)

C. D. TOLME', *Consul.*

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

No. 41.

Mr. Tolmé to Viscount Palmerston.

British Consulate, Havana, June 17, 1840.

(Received August 24.)

MY LORD,

ON the receipt of your Lordship's Despatch of the 30th February, 1840, which I have now the honour to acknowledge, transmitting to me a copy and translation of an apostolical letter, promulgated on the 3rd of December, 1839, by His Holiness the Pope, on the subject of the Slave Trade, in order to comply with your Lordship's desire that this Brief should be inserted in the public journals of this city, which are under censorship, I applied to the Captain-General for his imprimatur; and I regret to announce that it was refused on the grounds explained in His Excellency's letter, of which I beg to enclose a copy and translation.

I have, &c.

(Signed)

C. D. TOLME', *Consul.*

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

Enclosure in No. 41.

The Captain-General to Mr. Tolmé.

(Translation.)

Havana, April 26, 1840.

I HAVE received your official Letter of the 24th inst., accompanied by a Pontifical Brief relative to the traffic in slaves, which the Viscount Palmerston, Her Britannic Majesty's Secretary of State for Foreign Affairs, has directed to you, in order that it may be published in the periodicals of this city.

The same Brief, for the same object, was communicated to me by Messrs. J. Kennedy and Campbell James Dalrymple; the first Commissary Judge, the second Arbitrator, for England in the Mixed Tribunal; they had received it from the same authority, and if *then*, after hearing the opinion of the first assessor of the Government, and agreeing to it, I informed them that it was not possible to admit the circulation or impression in these dominions of any apostolical Brief, whatever its class or character, without previous observance of the solemnities of the Spanish law, I

now find myself obliged to repeat to you the same decision. This I have the honour of making known to you, after offering you the assurance of my personal consideration.

God preserve, &c.

(Signed)

THE PRINCE OF ANGLONA.

C. D. Tolmé, Esq.
&c. &c. &c.

No. 42.

Mr. Tolmé to Viscount Palmerston.

British Consulate, July 6, 1840.

(*Received August 24.*)

MY LORD,

I BEG to acknowledge receipt of your Lordship's Despatch of the 30th April, 1840; and, in compliance with your Lordship's instructions respecting Daniel Speck, shall, as there is no safe opportunity from hence to Sierra Leone, send him by the next packet, a s a distressed British subject, to England; whence a passage home can no doubt soon be provided for him.

Though the family in which I placed this poor boy when first liberated was one which Her Majesty's Commissary Judge frequently visited, and though I afterwards found him employment in the house of Her Majesty's Commissioner of Arbitration, yet I could not compel him to remain there; and I am sorry to say that, in spite of all my caution, he has since been occasionally out of the reach of my eye, in places of his own seeking. It becomes, therefore, doubly desirable that he should be sent away.

About the boy John, alluded to in Daniel Speck's deposition taken before me on the 8th of December, 1839, the latter continually promised to procure me particulars; but at length, finding that he disappointed me, I sent him with a trusty person to Guines, and learnt so much as to enable me to apply to the Captain-General for John's liberation.

At the same time that I did so, I brought before his Excellency's notice another case—that of William Jones, who, twenty years ago, being then a sailor in a Jamaica vessel trading to Mansanilla, was arrested when on shore at the latter place, and has ever since been in bondage. The details of these two cases are given in the Enclosure No. 1, therein replying to a letter of the Governor, Enclosure No. 2.

I have also referred to the affair of Wellington, who has been scandalously detained, not only six years after the law had pronounced him free, but even a considerable time after the promulgation of a Royal Order for his liberation. For this poor fellow I have put in a claim to wages.

I have not heard of any other instances of kidnapped negroes, but I have received an official Letter, Enclosure No. 3, from the Captain-General relative to the unfortunate Shirley, who was the subject of my Despatch of the 18th December, 1839, by which it would appear that all the complicated machinery set in motion by the authorities of the provinces, has been insufficient to discover his past or present sojourn in the small town of Santa Cruz, where he is known to be now, or to have been recently. I have urged, in answer to the Captain-General, Enclosure No. 4, the setting on foot of further inquiries, and would beg to suggest, if these prove vain, that James Smith or Alexander King, the persons trading from Montego Bay to Santa Cruz, who knew Shirley, his wife, and master, Antonio La Damaux, or La Diezma, be engaged to proceed to Santa Cruz in one of Her Britannic Majesty's cruisers, in order to identify the parties.

I have, &c.

(Signed)

C. D. TOLME', *Consul.*

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

&c.

&c.

&c.

First Enclosure in No. 42.

Mr. Tolmé to the Captain-General.

MOST EXCELLENT SIR,

British Consulate, Havana, July 4, 1840.

I HAVE had the honour of receiving your Excellency's official letter of the 19th June, by which I learn with infinite satisfaction that the boy, Wellington,

is at last to be set at liberty. His was a peculiarly hard case. So long ago as 1834 he was known to have been kidnapped, was taken from Garcia, the man who had stolen him, and deposited with Don Juan de Bautista Sagarra, the protector of slaves, to be delivered up whenever claimed; and yet, though claimed repeatedly by three successive Governors of Jamaica, by Her Majesty's Consul at Cuba, and by myself, he was detained six years' longer, a freeman in bondage. That this occurred, I am confident your Excellency regrets as much as I do; but the evil is now past remedy. The only manner in which the poor boy can be indemnified for his unjust detention, is by being allowed wages for the term of its duration. As he has doubtless not been suffered to idle, it is fair that he should be remunerated for his services, and I therefore beg your Excellency to give this claim a hearing.

But above all, I would engage your Excellency's sympathies in the fate of other unfortunate negroes, who, like Wellington, have been kidnapped; that their right to freedom being summarily ascertained, they may be put in possession of it without delay.

Two such cases now offer. The one is that of William Jones, who twenty years ago, being a seaman on board an English vessel, trading from Montego Bay to Manzanilla, was, whilst at the latter place, taken up for being on shore after hours. He remained but about a week at Manzanilla, from thence he was sent to Bayame, where he served about a year and a half. He then came to the Consulado, where he has been ever since, and is now employed at the Botanic Garden on the works of the rail-road.

The other is that of one Juan Fontanales, a native of Sierra Leone, who, being on a trading voyage to Rio Pongo, was kidnapped at the latter place, and brought to this island: here he was first purchased by one Don Jose Antonio Patono, and by him sold to Da. Teresa Garcia, of Guines, by whom he is at present held in slavery, this lady profiting of his services by letting him to a cigar manufacturer in the place where she resides.

I earnestly entreat your Excellency's early attention to these cases, and have, &c.
(Signed) C. D. TOLME'.

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

Second Enclosure in No. 42.

The Prince of Anglona to the British Consul.

(Translation.)

Havana, July 19, 1840.

ALTHOUGH the Governor of Cuba, in a communication of the 26th February last, stated that he had delivered to Her Britannic Majesty's Consul in that place the English negroes William, Francis, and Guillermo, who were deposited with Don Juan Bautista Zarraga, in consequence of the legal proceedings instituted against Don Manuel Diaz Stovet and Don Juan La Paire, for introducing negroes from Jamaica, yet as he was not sufficiently satisfied, by the representation of the second Fiscal Substitute of this Captaincy-General, agreed to by the auditor, as to the intention of Her Majesty relative to the negro Wellington, who was the object of the Royal Order of the 26th November last, I made the necessary communication to his Excellency the Governor of the said province, in order that the disposition therein made be complied with, of which I advise you for your information by the necessary ends.

God preserve you, &c.

(Signed) THE PRINCE OF ANGLONA.

Her Britannic Majesty's Consul,
&c. &c. &c.

Third Enclosure in No. 42.

The Prince of Anglona to the British Consul.

(Translation.)

Havana, June 17, 1840.

I ENCLOSE you a Certificate of the Scrivener of this Tribunal, as to the issue of the proceedings instituted in the military government of the city of Cuba, with a view to discover the residence of Henry Shirley, to which you refer in your official letter of the 2d December last; in order that you may be thoroughly convinced of the means adopted for fulfilling your desires, or rather give more circum

stantial information, to enable this Government the better to comply with its good intentions.

God preserve you, &c.

(Signed)

THE PRINCE OF ANGLONA.

Her Britannic Majesty's Consul,
&c. &c. &c.

CERTIFICATE.

(Translation.)

I DON Antonio Maria Munoz, Notary of Her Majesty, and Assistant Scrivener of War in the Tribunal of this Captaincy-General, &c. &c.,—Certify that from the proceedings instituted in the city of Cuba for ascertaining the abode of Henry Shirley, it is proved, by the attestation of all the duly received Public Notaries and privileged Tribunals of that city, that no individual of the name of Henry Shirley had been proceeded against, either civilly or criminally, or brought before them; the same has likewise been attested by the commissaries of police of the twelve districts which compose that city; an examination of the books of the entry and discharge of persons taken and arrested, kept in the royal gaol in Cuba, proves likewise that no notice of the admission or imprisonment of the said Henry Shirley appears therein. It is likewise in due form proved, that requisitions having been made by the Government of Cuba to the ordinary Alcaldes, to the provincial Alcalde Mayor, the Alcalde of the Holy Brotherhood, to the Intendent of the Province, the Military and Naval Commanders, the Commander of the Royal Corps of Artillery and Engineers, the Register of Seamen, the Judge Delegate of the effects of the dead, the Vicar General of his Excellency the Governor of the Archbishopric, the Judge Mediator of Commerce, the Lieutenant-Governors, the ordinary of Alcaldes, and the Alcaldes of the Holy Brotherhood of Baracoa, Bayama, Holguin, Igciani*, Mazanillo, Moa and Santiago del Prado, that they should be pleased to say whether they had cognizance of any proceedings instituted against the said Henry Shirley, or had intelligence relative to him however remote, they all returned the requisition, declaring that they had no cognizance of any proceedings instituted against the said Henry Shirley, nor the least information relative to such a person; and it also appears that orders being given to the petty judges of the rural districts in the jurisdiction of the province, under their responsibility, in the most efficient manner to call on Don Antonio Damaux, or la Diezma, in all or any circumstances, without excuse or pretext whatever, to present himself to the Military Governor; they had declared that in their respective districts they knew nothing of any such person, nor of any one who could give them information about him, notwithstanding their having made the most diligent inquiries.

In this state the papers have been transmitted to the Captaincy-General, for the purposes that may be deemed fit; and in order to furnish Her Britannic Majesty's Consul with the information therein contained, as decreed by the Tribunal on the 6th of the present month, I give this extract the 20th June, 1840.

(Signed)

ANTONIO MARIA MUNOZ.

Fourth Enclosure in No. 42.

Mr. Tolmé to the Captain General.

MOST EXCELLENT SIR,

British Consulate, Havana, July 4, 1840.

I HAVE had the honour of receiving your Excellency's official Letter of the 17th ult., enclosing a notarial extract from the proceedings instituted at Cuba for the discovery of the kidnapped negro, Henry Shirley, and his master, Don Antonio La Damaux.

It is a singular circumstance that they have proved abortive; for considering that, in the first instance, we have an original letter from Shirley himself to the Collector of the Customs at Montego Bay, dated Santa Cruz, the 13th October, 1839, in which he states that he is still held in slavery by M. Antonio La Damaux; and secondly, the testimony of one James Smith, who, being about the same time in Santa Cruz, saw the wife of Shirley, and heard from her his tale (she was also originally from Jamaica, is free, and keeps a shop at Santa Cruz); and considering thirdly, that we learn from Alexander King, the master of a schooner trading to Santa Cruz, called the "Little Louisa," that he knew about Shirley, who was a domestic servant in the house of Antonio La Damaux, or La Diezma, once a trader

* So in original.

to Jamaica in a schooner called the "Lucea," and now a storekeeper; scarcely a doubt can exist of the two persons in question being, or having been, a few months ago, in Santa Cruz, and we can only attribute the non-discovery of them to there being some difference in the names by which they are known to the parties deposing to these statements, and those by which they pass where they reside.

But there are fortunately circumstances in this case, which, independent of names, may easily lead to their identification. Shirley speaks English, he is married to a woman who speaks it too; she has a shop; La Damaux keeps a store; he was once a seafaring man, and traded to Jamaica in a schooner called the "Lucea."

Surely such persons cannot, in a place like Santa Cruz, well escape the vigilance of one who searches for them with zeal and intelligence. Such a search I would beg your Excellency to cause to be made; and I am the more free to do so, because I am confident that your Excellency is anxious to make every possible effort for carrying into effect the just desires of the Queen of Spain, to restore to liberty every kidnapped negro, that can be found within Her Majesty's dominions.

I have, &c.

(Signed)

C. D. TOLME'

The Prince of Anglona,
&c. &c. &c.

No. 43.

Mr. Tolmé to Viscount Palmerston.

British Consulate, Havana, August 9, 1840.

MY LORD,

(Received September 25.)

THAT many emancipated negroes apprenticed under the conditions stipulated on the 20th December, 1824, (Parliamentary Papers, 1824—5, Class A, page 157,) by the then Captain-General of Cuba, had been at the expiration of their term of service re-apprenticed to parties, who actually bought them of the Government, or, as General Tacon expressed it, made "donations in aid of the public works," has been frequently alluded to in the correspondence relating to the Slave Trade.

Mr. Macleay noticed it in a Despatch of the 25th December, 1834, (P. P. Class A, 1835, page 125,) I mentioned it to His Majesty's Commissioners in a letter of the 25th October, (P. P. Class B, 1836, page 25); and it was spoken of by Dr. Madden, in a communication to the Colonial Office on the 28th April, 1837, (P. P. Class B, 1837, page 10.)

But my experience on the subject was heretofore limited to generalities. I knew that such sales were made, without being able to adduce any specific instances of them. Very recently, however, a case has come before me in all its sad details, and I make it known to your Lordship, in the hopes of benefiting not only the unfortunate individual who is the subject of it, but likewise the thousands of others who are doubtless in a similar position.

Faustino, a Carabali, who was taken in the "*Orestes*," in 1825, was put out under the conditions of December, 1824, to Don Dionisio Alcalá. This person, in compliance with the stipulations under which he was apprenticed, had him, in 1838, baptized, and caused him "to be taught a trade or handicraft," that of a manufacturer of cigars; in 1831, Don Dionisio died, and Faustino continued with the daughter of the deceased, working out of the house, and paying her of his earnings 6 rials a-day, till 1835, when he was sold by the authorities to one Don Juan Redondo, for five years, for 102 dollars, and those five years expiring he has been again transferred for 153 dollars to one Don Miguel, a writer in the office of the Governor's Secretary.

This is Faustino's statement; I have given it almost in his own words. It was made in a very clear manner, and is no doubt in the main truth. At all events he was taken in the "*Orestes*," and was emancipated in 1825. *His certificate of baptism, which I have before me, proves the facts.* He is intelligent, healthy, and fully capable of supporting himself, and therefore ought, according to the 16th Article of the "*Condiciones*," to have been free in 1830, or, at latest, 1833, and yet in 1840 he is sold for a new term of slavery, and when this is expired will probably be jobbed out again, and so on from time to time till death terminates his existence.

It is disgusting to see the Spanish authorities thus fraudulently departing from conditions which they themselves framed in 1824, and confirmed in 1834,—it is

mortifying to be unable to help the objects of their cruelty, who seem to consider Great Britain as pledged to maintain their freedom, and it is above all painful to think that men, whose liberty has been purchased at the expense of life and property, should be doomed to a bondage still more cruel than that of the great mass of slaves.

Under these circumstances, I trust your Lordship will excuse my having addressed you on the subject.

I have, &c.

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

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

No. 44.

Mr. Tolmé to Viscount Palmerston.

British Consulate, Havana, August 10, 1840.

MY LORD,

(Received September 25.)

So long ago as the 28th October and 16th December, 1837, I had the honour of writing to your Lordship on the subject of the imprisonment of coloured seamen arriving in this port in British vessels; and on the 13th June, 1838, I took leave to announce, that in the sequel they would be allowed to remain on board, on the masters, or their consignees, giving security to the amount of 1,000 dollars for each man, that they should not land while the ship remained in port, and should be presented to the authorities on the eve of their departure.

Generally speaking, the masters have not refused the required security, and the people have, without a single exception, proved by their conduct the absurdity of asking it, and the entire confidence with which it may be given. Not one has left his vessel. But a remarkable case has lately occurred, which is the cause of my addressing your Lordship.

The "Coquette," of Halifax, arrived here with an entire crew of coloured people, excepting only the master. He, having perfect reliance in his people, immediately engaged to be responsible for them, but it was a holiday when he arrived, the Captain-General could not be called to give the requisite orders, &c. &c. Consequently all his men were for the time arrested, and the master alone was left to protect his property. The details are given in the enclosed copy of his letter to me.

Such cases may often occur; in fact, as the coloured population in our Colonies rises in intelligence and enterprise, a vessel may come, of which not only the crew are coloured men, but the master besides. What is then to be done? are they all to be imprisoned? Is the vessel to be left in the hands of strangers?

At all events, it is highly to be desired that the Spanish authorities, if they continue to refuse the admission, should relax their severity towards the coloured people arriving here; and I state the present case with a view of showing how little they appear disposed to do so.

I have, &c.

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

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

Enclosure in No. 44.

The Master of the Coquette to Her Majesty's Consul.

SIR,

Havana, July 4, 1840.

I (ACCORDING to promise) send you a few lines to inform you of the grievances I was obliged to put up with in the British brigantine "Coquette." On my arrival here I had a crew of negroes (not being aware any penalty being incurred on them here); I was informed that my crew should be taken from me and imprisoned, unless I went bonds for them to the enormous amount of 1,000 dollars per man.

Having five men on board, finding that I should be put to great expense in finding my crew on shore, and employing men from the shore at one and a-half dollars per day, I went bonds for my crew to the amount of 5,000 dollars, expecting they would not take them from me after having such good security. But it was not the case,

they insisted on my bringing them on shore, and on doing so they took them from me and imprisoned them for two days, leaving the vessel without means of having a watch during the night, and obliging me to hire strangers who I could place no dependence in. Being a stranger in this port myself, hoping that a complaint of such unreasonable conduct may be of some service in the course of time to British shipping.

I remain, &c.,
(Signed) JOSEPH HARRISON.

Her Majesty's Consul,
Havana.

No. 45.

Mr. Tolmé to Viscount Palmerston.

British Consulate, Havana, August 13, 1840.

(Received September 25.)

MY LORD,

COMMODORE Douglas, on the 29th March last, requested me to claim of the Government here redress for a gross attack, made by a Spanish schooner anchored off Guanimar, on one of the boats of Her Majesty's sloop "Rover."

I complied with the Commodore's wishes. The authorities in consequence seized the vessel, declaring that she had neither crew nor papers on board, and that the place from which she came, and the parties to whom she belonged, were unknown to them. They engaged at the same time to make the most vigilant search for the men who had deserted her, in order that they might be brought to justice.

Thus things stood, when I received orders from Sir Thomas Harvey "not to proceed any further in the business."

However I might regret being called on first vigorously to assert claims for redress, and afterwards as quietly to give them up, yet having acted, originally at the instance of an officer subordinate to the Admiral, under the instructions of the latter I of course dropped the affair.

Here the matter would have ended, and I should probably not have thought necessary to trouble your Lordship about it, but as Her Majesty's Commissioners have intimated to me the probability of their denouncing the schooner as a Slave Trader, in consequence of the following remark, to be found in the paper D, of one of the crew of the "Rover," whose name is not given, "I think she was a slave-vessel with all her slaves on board," I consider that your Lordship may require a copy of the Correspondence which I have had relative to the affair, and I therefore now beg to present it.

It forms the Enclosures No. 1 to 32.

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

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

First Enclosure in No. 45.

With Enclosures A to E.

Commodore Douglas to Mr. Tolmé.

SIR, "Magnificent," *Port Royal, Jamaica, March 29, 1840.*

I BEG herewith to enclose you an extract from a letter I have received from Commander Symonds of Her Majesty's sloop "Rover," detailing an occurrence which took place on the 19th instant; and I beg that you will call upon His Excellency the Governor-General of Cuba to take such steps as he may think proper, that prompt satisfaction may be rendered for the gross and unmerited attack upon one of our boats when near Guanimar, as from Commander Symonds' letter there could be no excuse for their not knowing her to be an English man-of-war's boat, as her ensign and pendant were flying. I shall send the "Rover" to you in a few days, that Commander Symonds may be able to give you any further information you may require; and I am sure I need not tell you how anxious I am that this extraordinary affair should undergo the strictest investigation. I request that you

will not detain the "Rover" one minute longer than is absolutely necessary, as I will send another vessel of war to you for your communication to me.

I have, &c.

C. D. Tolmé, Esq.
&c. &c. &c.

(Signed)

P. V. DOUGLAS, *Commodore.*

A.

Extract of a Letter from Commander Symonds to Commodore Douglas, dated March 29, 1840.

LIEUTENANT MURRAY informs me, that having performed the first part of my instructions, and on his way to look into Guanimar, he saw a vessel at anchor about one mile off that place; being in every way prepared against surprise, he continued his course towards her under sail; on a nearer approach, she proved to be a two topsail schooner, about the size of the vessel at Port Royal, captured by Her Majesty's schooner "Skipjack," with Spanish merchant colours flying at the main, painted black outside, with two white mouldings, a white bottom, hull dirty, masts and spars freshly scraped, and mast-heads painted black, with apparently but few hands on board. A boat was seen pulling from the shore to her, and when the people, four in number, had got out of her, (pinnace being then within musket shot of her, colours and pendant flying), the schooner fired into her three shot. Lieutenant Murray ordered the boat to be anchored, and returned their fire from his muskets and boat carronade; he could then observe a great number of men on board, about forty, who kept up an incessant and well-directed fire from small arms, and fired twice from a long gun. When about ten minutes engaged, the schooner slipped; at this time Lieutenant Murray and William Frazer were wounded; when Lieutenant Murray, finding the schooner falling on board the boat, he ordered the cable to be cut, and immediately became insensible; the boat then under charge of the coxswain kept off from the schooner, which ran in to join four vessels off the town, which is represented to me as consisting of about twenty houses.

B.

Questions put to Crew of Her Majesty's Sloop "Rover."

- 1st. Describe the vessel you were engaged with on Thursday the 19th instant.
- 2nd. Had she her colours up? of what nation were they? had she any pendant up?
- 3rd. How many men do you think she had?
- 4th. Describe the town and harbour?
- 5th. Describe the shipping lying there.
- 6th. Did you see a boat go alongside?
- 7th. Whence came she? Had she any men?
- 8th. Who fired the first shot?
- 9th. Did the other vessels seem inclined to assist her?
- 10th. What became of her after she slipped?
- 11th. Had she a long gun;—mounted?
- 12th. Did she hail before she fired?

C.

Evidence of Dr. Booth.

- 1st. A brigantine of, I should think, upwards of 100 tons, with rather taunt masts, and scraped; sails bent; lying at anchor, some distance from the shore.
- 2nd. Had Spanish colours, I saw no pendant.
- 3rd. I should think 30.
- 4th. A few houses; not sufficiently near to see the people on shore; I consider it no port, an anchorage on the coast.
- 5th. I observed three or four, apparently schooners, at anchor near the shore.
- 6th. Yes.
- 7th. From the shore or shipping. I did not observe.
- 8th. They certainly fired first.
- 9th. I did not notice them.
- 10th. Ran towards the other vessels.

CLASS B.

11th. Did not observe.

12th. I heard no hail.

D.

Evidence of George Hoyle, Quarter-master, on the 21st of March, 1840, at Sea

1st. A black two topsail schooner, with two narrow white ribands, of from 100 to 200 tons, taunt masts, and scraped, sails bent, topsail yard white. At anchor about a mile from the town. I observed the brigantine had sweeps lashed, on the quarter.

2nd. Spanish colours, no pendant.

3rd. About 40 men.

4th. There seemed to be a few houses, the anchorage open off a river.

5th. No opportunity of making them out.

6th. No, I did not.

7th. No, I don't know.

8th. They fired twice before we fired.

9th. Did not observe.

10th. Ran in among the other vessels.

11th. Yes, she fired twice.

12th. No.

•Evidence of Thomas Blackett.

1st. Two-topsail schooner, with a dirty whitish bottom, black side, with two white mouldings; she reminds me exceedingly of the "Skipjack's" prize at Port Royal, in size and appearance; she was lying at anchor a mile from the land; masts taunt, raking and scraped, gilt billet-head, sweeps on her quarter; her hull appeared to be generally dirty; mast heads freshly painted black, and boom ends.

2nd. Had Spanish colours up; when we were far off no pendant.

3rd. I think she had 40.

4th. Consists of about 20 large houses built on a sandy beach, an anchorage between the coast and the keys.

5th. I observed a large two-masted vessel with her masts stripped, and three fore-and-aft schooners, all light, lying about a quarter of a mile off the town.

6th. Yes.

7th. From the shore. Four men.

8th. She fired the first three shots.

9th. No, I did not observe.

10th. Ran towards the other shipping.

11th. Yes, she fired it twice.

12th. No.

1st. A large brigantine, perhaps about 160 tons, very taunt masts, white bottom, and black with a narrow white streak above, an open fife-rail aft, a billet-head; thinks the vessel was refitting, as the fore topsail was furled, and hanging by the earrings.

2nd. Hoisted Spanish merchant colours, and fired immediately one musket shot; her colours were at the main; no pendant.

3rd. Saw only three or four hands before a boat came alongside, after which there must have been 30 or 40 from the appearance of men on deck,

4th. A small town, no appearance of a harbour.

5th. Four vessels were at anchor outside, not far from the town.

6th. Yes.

7th. From inside; can't say whether from the vessel or from the shore; she appeared to be full; saw a great many go on board the vessel.

8th. They fired the first shot,—several.

9th. Saw no indication of assistance, unless that of a vessel which furled her awning; don't know why it was done.

10th. She ran in among the other vessels.

11th. Had a long gun amidship, and two or three (swivels) on her gunwale; saw the long gun miss fire; a shot fell near the boat, which must have been discharged from one of the swivels.

12th. No.

Did not observe any name on her stern; think we were engaged full 20 minutes; think she was a slave vessel, with all her slaves on board.

E.
QUESTIONS.

QUESTIONS PUT.	THOMAS BLACKET'S ANSWERS.	WILLIAM FRAZER'S ANSWERS.
Describe the vessel you were engaged with on Thursday, the 19th instant.	Saw topsail schooner, with a dirty whitish bottom, black side, with two white mouldings. She reminds me exceedingly of the "Skipjack's" prize, the " <i>Ulysses</i> ," at Port Royal, in size and appearance. She was lying at anchor, a mile from the land; masts taunt, raked and scraped; gilt billet heads; sweeps on her quarter; her hull appeared to be generally dirty; mast-heads freshly painted black, as well as her boom-ends.	A large brigantine, perhaps about 160 tons, very taunt, white bottom, and black with a narrow white streak above an open five-rail aft; billet-head. Think the vessel was refitting, as her foretop-sail was furled and hanging by the earrings.
Had she her colours up? Of what nation were they? Had she any pendant?	Had Spanish merchant colours up when we were far off. No pendant.	Hoisted Spanish colours, and fired immediately one musket shot; her colours were at the main. No pendant.
How many men do you think she had?	I think she had 40.	Saw only three or four hands before a boat went alongside; after which there appeared to be 30 or 40 men on her deck.
Describe the town and harbour.	Consists of about 20 large houses, built on a sandy beach; an anchorage between the coast and the bays.	A small town; no appearance of a harbour.
Did you see a boat go alongside?	Yes.	Yes.
Whence came she? Had she many men?	From the shore. Four men.	From inside; can't say whether from the vessels or the shore. She appeared to be full. Saw a great many go from her on board the vessel.
Who fired the first shot?	She fired the first three shot.	They fired several shots first.
Did the other vessel seem inclined to assist her?	No; I did not observe.	Saw a vessel furl her awning; it might have been a preparation to render assistance.
Describe the shipping lying there.	I observed a large two-masted vessel, with her masts stripped, and three fore-and-aft schooners, all light, lying about a quarter of a mile off the town.	Four vessels were at anchor outside, not far from the town.
What became of her after she slipped?	Ran towards the other shipping.	She ran in among the other shipping.
Had she a long gun mounted?	Yes, she fired it twice.	Had a long gun mounted, besides two or three swivels on her gunwale; saw the long gun miss fire. A shot fell near the boat, which must have been discharged from one of the swivels.
Did she hail before she fired?	No.	No.

Second Enclosure in No. 45.

Mr. Tolmé to the Prince of Anglona.

British Consulate, Havana, April 10, 1840.

MOST EXCELLENT SIR,

By Her Majesty's sloop "*Rover*," arrived yesterday evening from Jamaica, I have received Despatches from Commodore Douglas, commanding the British naval forces on this division of the West India station, informing me of a pinnace belonging to the above-mentioned vessel having on the 17th of last month been fired into by a Spanish merchant schooner, at anchor off Guanimar, by which a Lieutenant and seaman were *severely*, and several of the crew *slightly* wounded.

The particulars of the outrage are given in the enclosed extract from the report of the Commander of the "*Rover*."

I submit the facts to your Excellency, and beg your Excellency to take such

steps as are proper, that prompt satisfaction may be rendered for this gross attack on the British flag.

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

His Excellency the Prince of Anglona,
&c. &c. &c.

Third Enclosure in No. 45.

The Captain-General to Mr. Tolmé.

With One Enclosure,

Havana, April 10, 1840.

I HAVE received the communication which you have been pleased to address to me under this date, in which you apprise me of the disagreeable event which took place on the 17th of last month, of a Spanish merchant schooner, anchored off Guanimar, having fired into a boat of Her Britannic Majesty's sloop "Rover," by which a Lieutenant and a sailor were severely wounded. I take note of the facts, and in reply have to inform you that I have communicated to the Commander-in-Chief of the Navy your official letter, and the extract of the report of the Commander of the "Rover," in order that the investigation of the affair may be proceeded with in conformity with the laws, so that the authors of so grave an attack on the subjects and flag of a nation at amity and in alliance with Spain may be punished as they deserve.

I enclose you a copy of my official Letter to the aforesaid Commander-in-Chief of Marine.

God preserve you, &c.
THE PRINCE OF ANGLONA.

C. D. Tolmé, Esq.,
&c. &c. &c.

The Captain-General to the Commander-in-Chief.

(Translation.)

MOST EXCELLENT SIR,

Havana, April 10, 1840.

I ENCLOSE a copy of a translation of a Letter addressed to me under this date by the Consul of Her Britannic Majesty, and also of an extract of a report to which it refers, on the disagreeable occurrence which took place on the 17th of last month, when a Spanish merchant schooner, anchored off Guanimar, fired into a boat of Her Britannic Majesty's sloop "Rover," by which a Lieutenant and a seaman were severely, and several of the crew slightly wounded, in order that your Excellency may be pleased to direct the institution of proceedings for ascertaining the particulars of this scandalous attack on the subjects and flag of a nation at amity and in alliance with Spain.

God preserve your Excellency, &c.
THE PRINCE OF ANGLONA

His Excellency the Commander-in-Chief
of the Naval Forces.

Fourth Enclosure in No. 45.

Mr. Tolmé to Commodore Douglas.

SIR,

British Consulate, Havana, April 13, 1840.

I HAD the honour of receiving your Despatch of the 29th ultimo, relative to the attack of a pinnace belonging to Her Majesty's sloop "Rover" by a Spanish merchant schooner, anchored off Guanimar, and immediately addressed an official letter to his Excellency the Captain-General, detailing the particulars, and calling on him to take such steps as are proper, that prompt satisfaction may be rendered for so gross an attack on the British flag.

I have now to wait on you with a copy of his Excellency's reply, and to add that in a personal interview, which I had afterwards with him, he expressed more strongly than he has done in his Letter a determination to pursue the investigation of the

matter in question with vigour, so that the authors of so heinous an offence may be brought to justice.

I shall in due time inform you of the result of his Excellency's proceedings.

I have, &c.

(Signed) C. D. TOLME'.

Commodore Douglas,
&c. &c. &c.

Fifth Enclosure in No. 45.

The Captain-General to Mr. Tolme.

(Translation.)

Havana, April 13, 1840.

HIS EXCELLENCY the Commander-in-Chief of the Navy on this station, under date of the 11th instant, writes to me as follows:—"Most Excellent Sir,—After yesterday transmitting to the Adjutant of the Register Office of the district of Batabano your Excellency's official Letter of the same date, in which you are pleased to enclose translations of a Despatch and Report from Her Britannic Majesty's Consul of this place to your Excellency, on the disagreeable rencontre off Guanimar, on the 17th of March last, between a schooner, with a Spanish merchant flag flying at the main, and a boat of Her Britannic Majesty's sloop 'Rover,' I added as follows:—'And I transmit you the enclosed copies of the Reports of Her Britannic Majesty's Consul and of the Commander of Her Majesty's sloop "Rover" to Commodore Douglas, in order that after making yourself acquainted with their contents you proceed immediately to investigate the matter, arresting the persons suspected of being implicated, and embargoing the ship or ships that may have committed the offence in question, and taking such other measures as you may judge fit, advising me of the receipt of this communication and its results.' And I transcribe the above as a prompt reply to your Excellency." And I forward this to you as a sequence to my communication of the 10th instant on the subject.

God preserve you, &c.

C. D. Tolmé, Esq.,
&c. &c. &c.

(Signed)

THE PRINCE OF ANGLONA.

Sixth Enclosure in No. 45.

Mr. Tolmé to the Captain-General.

British Consulate, Havana, April 24, 1840.

MOST EXCELLENT SIR,

HAVING to communicate with the Commander-in-Chief of Her Majesty's Naval Forces at Jamaica, by the mail to Santiago de Cuba, on Monday next, I take leave to ask your Excellency to be pleased to inform me, whether an investigation set on foot for discovering the authors of the attack on the boat of Her Majesty's sloop "Rover," at Guanimar, on the 17th ultimo, has yet led to any satisfactory result.

I have, &c.

(Signed) C. D. TOLME'.

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

Seventh Enclosure in No. 45.

The Captain-General to Mr. Tolmé.

(Translation.)

Havana, April 25, 1840.

I HAVE forwarded a transcript to the Commander-in-Chief of this station of the communication you were pleased to make me under yesterday's date, with a view of ascertaining the present state of the proceedings going on for the discovery of the authors of the acts you mention, and shall transmit you his Excellency's reply as soon as it is in my hands.

C. D. Tolmé, Esq.,
&c. &c. &c.

(Signed)

God preserve you, &c.

THE PRINCE OF ANGLONA.

Eighth Enclosure in No. 45.

The Captain-General to Mr. Tolmé.

(Translation.)

Havana, April 25, 1840.

HIS EXCELLENCY the Commander-in-Chief of the Navy on this station writes to me, under yesterday's date, as follows:—"Most Excellent Sir,—Having forwarded to the Auditor of the Navy for his opinion the letter of this date, in which your Excellency is pleased to transcribe what Her Britannic Majesty's Consul in this place wrote to you yesterday, he has given it in the following words:—"Most Excellent Sir,—This very day I advised your Excellency, in consequence of the summary proceedings instituted by the sub-delegate of Guanimar, relative to the rencontre of a boat of Her Britannic Majesty's sloop "Rover" with a merchant Spanish schooner, to inform his Excellency the Captain-General, that he might make known to Her Britannic Majesty's Consul the efficacious means dictated by your Excellency for clearing up all that happened in that disagreeable occurrence; and thus the desire of the said Consul, expressed as he intimates with a view of giving the particulars to the Government which he represents, will be satisfied. But observing the contents of the present Despatch, your Excellency may, if you think fit, add to your reply, that at present the proceedings referred to do not furnish the necessary particulars to form a judgment of the merits of the case; for as the schooner was abandoned, and neither her papers nor crew were found on board, so that even her name is still unknown, your Excellency has recommended the prompt prosecution of the case, and instructed the Military Adjutant of the Navy at Batabano to proceed with it, and that your Excellency will, with all possible brevity, as soon as the results of the measures ordered to be taken are known to you, communicate the issue to the Captain-General. This is my opinion, &c.—*Havana, April 25, 1840.*—GONZALES ARANGO." And adopting this opinion, I transmit it to your Excellency in reply to your Despatch referred to." And I forward it to you for your information, &c., in reply to your above-mentioned Letter.

C. D. Tolmé, Esq.,
 &c. &c. &c.

God preserve you, &c.
 THE PRINCE OF ANGLONA.

Ninth Enclosure in No. 45.

Mr. Tolme to Commodore Douglas.

SIR,

British Consulate, Havana, April 27, 1840.

ANXIOUS to inform you by Captain Lushington of the progress of the investigation going on, relative to the attack made on one of the boats of Her Majesty's sloop "Rover," by a Spanish schooner at Guanimar, I applied to his Excellency the Captain-General for particulars, and have now the honour to wait upon you with a copy and translation of the answer* I have received from him.

I have, &c.

(Signed) C. D. TOLME'.

Commodore Douglas,
 &c. &c. &c.
Port Royal.

Tenth Enclosure in No. 45.

Commodore Douglas to Mr. Tolmé.

SIR,

"Magnificent," Port Royal, Jamaica, April 23, 1840.

THIS letter will be delivered to you by Lieutenant Wright of Her Majesty's schooner "Skipjack," who will bring to me your answer to my letter by Commander Symonds of Her Majesty's sloop "Rover," who I hope gave you all the information you required, and I will thank you to give to Captain Milne, of Her Majesty's ship "Crocodile," a copy of your letter to me; and should any further proceedings be necessary with his Excellency the Governor-General, I shall direct Captain Milne to undertake them with you; and I trust that your united efforts

will be the means of a satisfactory explanation and redress for the unprovoked attack on the boat of the "Rover."

(Signed) I have, &c.
P. J. DOUGLAS, *Commodore.*

C. D. Tolmé, Esq.,
&c. &c. &c.

Eleventh Enclosure in No. 45.

MOST EXCELLENT SIR, *British Consulate, Havana, March 3, 1840.*

I HAD the honour of receiving your Excellency's official letters of the 25th and 26th ultimo, relative to the attack on the boat of Her Majesty's sloop "Rover," at Guanimar, and learn with pleasure the prompt and efficacious measures adopted for discovering the authors of so grave an offence.

The vessel from which the shots were fired being, as your Excellency informs me found, the identification of her, through her name was unknown at the date of the last communication from Batabano, can offer no difficulty, and this point gained, her owners, and through them the crew on board at the time of the attack, will easily be traced.

The result of the inquiry I therefore consider no longer doubtful, and I rely so much on the efforts of the Marine department to bring the matter to a speedy issue, that I should not at present trouble your Excellency further about it, but that a schooner of war has arrived this day with Despatches addressed to me by the Commander-in-Chief of Her Majesty's naval forces at Port Royal upon the subject, which prove the great importance he attaches to it, and render it my imperative duty again to bring it before your especial notice.

I have now the honour of doing so, and avail myself of this opportunity to reiterate the assurances of the distinguished consideration with which I have, &c.

His Excellency the Captain-General, (Signed) C. D. TOLME'.
&c. &c. &c.

Twelfth Enclosure in No. 45.

The Captain-General to Mr. Tolmé.

(Translation.)

Havana, May 4, 1840.

I HAVE received your official Letter of the 2nd instant, acknowledging the receipt of mine of the 25th and 26th ultimo, and this day I communicate it to his Excellency the Commander-in-Chief of the Navy, and assure you, that as well by this Government as by the department of the said Commander-in-Chief, efficacious means have been prescribed and will be adopted for the discovery of the crew of the schooner, deserted at Guanimar, which had a rencontre with the boat of Her Britannic Majesty's sloop "Rover." The proceedings are continued by the Adjutant of the district of Batabano, and as I informed you, up to that date, they did not furnish sufficient particulars of the facts, the crew and Papers not being found on board the schooner, and even her name being unknown; but notwithstanding orders were given for pursuing the investigation, and his Excellency the Commander-in-Chief has agreed to inform me as soon as he knows the result of the measures taken, which he will assuredly do.

God preserve you, &c.

C. D. Tolmé, Esq., (Signed) THE PRINCE OF ANGLONA.
&c. &c. &c.

Thirteenth Enclosure in No. 45.

Mr. Tolmé to the Captain-General.

British Consulate, Havana, May 6, 1840.

MOST EXCELLENT SIR,

I HAVE the honour to acknowledge receipt of your Excellency's Despatch of the 4th instant, and thank your Excellency for the efficacious measures taken relative to the discovery of the offenders in the case of the boat of Her Majesty's sloop "Rover." The schooner from which the shots were fired being found, one

part of our object is gained, and not a doubt can now be entertained as to the result of further inquiries; the thread is discovered by which the aggressors may be traced.

I am so satisfied with the zeal with which this will be done by a Government anxious to render justice to all, but especially to the subjects of a country in so close an alliance with it as Great Britain, that I need not urge the matter; but as Her Majesty's ship "Crocodile" has just arrived here on her way to join Admiral Sir Thomas Harvey, Commander-in-Chief of Her Majesty's naval forces on the West India and North American station, and as this vessel will leave to-morrow evening for Halifax, I beg to solicit your Excellency to put me in possession of such further facts as may have been elicited since your Excellency's last communication, in order that I may, whilst I assure the Admiral of the efforts making in the business, inform him of the effects of them up to this time.

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

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

Fourteenth Enclosure in No. 45.

Mr. Tolmé to Captain Milne.

SIR,

British Consulate, Havana, May 7, 1840.

I HAVE the honour to transmit you, enclosed for the information of the Commander-in-Chief, copies of a correspondence relative to the attack on a pinnace of Her Majesty's sloop "Rover," the last letter in the series being that which I addressed to the Captain-General yesterday. Should I receive his Excellency's reply before your departure, I shall also send you a copy of it.

With reference to the suggestion of Commodore Douglas, that you and I should see the Captain-General together, I do not conceive that in the present stage of the business this step would be attended with any beneficial results; but if you are of a different opinion I shall be happy to wait on his Excellency in company with you at any time you appoint, or indeed to unite my efforts with yours, in any way which you deem calculated to promote the object to which this correspondence refers.

I have further only to request you to assure Sir Thomas Harvey, that in the prosecution of the claims against the authorities, no exertions shall be wanting on my part to procure the redress to which we are so justly entitled.

I have, &c.

Captain Milne, R.N.,
Her Majesty's ship "Crocodile,"

(Signed) C. D. TOLME'

Fifteenth Enclosure in No. 45.

The Captain-General to Mr. Tolmé.

(Translation.)

Havana, May 7, 1840.

AT the very time that I received your communication of yesterday, by which you request me to inform you of such further facts as to the case of the boat of Her Majesty's sloop "Rover," which may have been elicited since my last Despatch, and the measures taken for the discovery of the criminals, a letter reached me from his Excellency the Commander-in-Chief of the Navy on this station, informing me of the result which up to that time was exhibited by the summary proceedings, from which it appears that neither papers nor people were found on board the schooner, that her name was unknown, and that she had been left derelict, her crew escaping through the mangrove trees of Guanimar, their escape being effected in spite of the coast guard, owing to the distance, the marshiness of the soil, and the want of men sufficient to pursue and capture them, for the number of the said crew would not be less than 12 or 14. By the said proceedings it likewise appears, from the depositions of fishermen of that coast, that on the 19th of March, not the 17th as you say, just after the said schooner had anchored in that roadstead about one mile from the shore, a boat was seen with a large crew proceeding towards her, and being within gunshot they reciprocally kept up a fire of musketry

and occasionally artillery, and that this lasted about a quarter of an hour, when the boat put off to sea, without there appearing in the horizon any larger vessel to which she could belong, so that they were persuaded she was a pirate or wrecker, the more so because they could not discern her having any flag flying.

That it further appears, that from that moment the schooner was abandoned, floating in the direction of the shore when she ran aground, and that finally the sub-delegate of the coast guard went on board with the intention of floating her, by the assistance of some fishermen and of his slaves; that he found her in ballast, with the smoke of powder on deck, having on board 14 muskets, 3 pistols, and 5 cutlasses, the fire-arms evidently recently used, which weapons he took and has possession of, the schooner being also placed in safety.

The Commander-in-Chief adds that in spite of the zeal, activity, and efficacy with which the proceedings have been carried on, the name of the schooner and of her crew, and the part from which she comes and the persons to whom she belongs, are still unknown, as well as the bidding-place of the crew, who succeeded by a precipitate flight in penetrating the vast extent of the country round; and this in spite of the many and divers witnesses who have been produced to testify to these particulars, and to others supposed to throw light on the business. This I state for your information as the result of the inquiries up to this time, and in order that you may make it known to his Excellency the Admiral-in-Chief of Her Britannic Majesty's naval forces in the West Indies.

I regret extremely, from the extent and marshiness of the country and the other causes stated, that it has been impossible to apprehend the crew, and that the obstacles adduced by his Excellency the Commander-in-Chief of this station have hitherto prevented the discovery of the name of the vessel or the place from which she came. I persuade myself, however, that not the slightest doubt can be entertained of the zeal and activity, with which the authorities of this island, as much interested in doing so as those of Her Britannic Majesty can be, have proceeded and are proceeding in the investigation of the matter, in which their not having succeeded, alone arises from its being beyond their power to conquer difficulties which are insuperable.

God preserve, &c.

C. D. Tolmé, Esq.,
&c. &c. &c.

(Signed)

THE PRINCE OF ANGLONA.

Sixteenth Enclosure in No. 45.

Mr. Tolmé to the Captain-General.

British Consulate, Havana, May 7, 1840.

MOST EXCELLENT SIR,

I HAVE had the honour to receive your Excellency's letter of this date, and whilst I beg your Excellency to accept my thanks for your Excellency's prompt attention to my representation of yesterday, I assure your Excellency that I am fully convinced of the zeal which inspires not only your Excellency, but also his Excellency the Commander-in-Chief of Her Britannic Majesty's Naval Forces on this station, and the heads of departments, for the discovery of the authors of the attack on the boat of Her Majesty's sloop "Rover."

At the same time it is but frank to say, and I say it with extreme regret, I am far from believing that the same spirit animates the individuals who, in a subordinate character, are charged with the investigation of the affair; for it is drawing rather too much on our credulity to ask us to believe, that a Spanish schooner should be anchored within one mile of Guanimar; that she should communicate with that place; that a boat should go off to her from thence with four men; that as soon as those men were on board the attack on the "Rover's" pinnace should commence; that she should afterwards run into the very roadsted, where only four or five vessels were lying, and land her people; and that there should be no officer, no individual in the town, who should know anything about the vessel, or where her crew had concealed themselves!

As to the statement of the fishermen, that the boat of Her Majesty's sloop "Rover," when attacked by the schooner, had no flag flying, it is as absurd as it is untrue—*untrue* on the assertion of a British lieutenant of high character, who with his crew declares the contrary, and absurd because the pinnace had been sent off by Her Majesty's sloop "Rover" with her ensign and pendant both flying, because

CLASS B.

the officer would have been liable to punishment for appearing without them, because there was no motive for doing so, and because on the contrary those very flags gave to the boat a character, which amongst civilized nations, in time of peace, might be expected to protect her from attack.

Nor is there more truth or reason in the declaration of the boat and schooner firing simultaneously. Lieutenant Murray and his men assert that it was not so; and it would be folly to suppose a British officer, if it were his intention to board a vessel lying at anchor, capable of firing into her, without resistance previously offered. However brave, our men would scarcely be so foolhardy as to seek at the cannon's mouth objects obtainable by a peaceful approach.

Besides this, how are fishermen at a distance to judge which fired first? They might be in a position in which they could not see the first fire. Men face to face, like those of the "Rover's" boat and the schooner, were much more likely to know the fact.

The complaint, in truth, my Prince, which I have been called upon to make, rests on undoubted authority, not a little strengthened by the flight of the schooner's crew, who, had they done no more than is described by their friends the fishermen,—had they merely fired into a boat without a flag, which they supposed a pirate or a wrecker, and at the same time that they were fired upon, would hardly have deemed themselves so criminal as to evade justice. Sufficiently indicative of their crime was their flight, at a moment when they could have had no other accusers but their own consciences.

These, however, my Prince, are but my humble opinions.

The facts I shall make known to Admiral Sir Thomas Harvey, and be guided as to further representations by his instructions, or those of the Commodore, or those of Her Majesty's Government, hoping that, in the interval, the prosecution of the inquiry may lead to more favourable results than hitherto.

I have, &c.

(Signed)

C. D. TOLME, *Consul.*

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

Seventeenth Enclosure in No. 45.

Mr. Tolmé to Commodore Douglas.

SIR,

British Consulate, Havana, May 8, 1840.

ALTHOUGH I had, so recently as the 24th of April last, as you would see by my letter of the 27th, sent by Her Majesty's sloop "Cleopatra," addressed the Captain-General on the subject of the attack on Her Majesty's sloop "Rover's" pinnace,—yet when I received your letter of the 23rd of the same month, which reached me on the 2nd instant, I again thought fit to communicate with his Excellency.

The Enclosure No. 1* is a copy of my letter to him, and No. 2† is the answer I received to it.

Thus matters stood till the 6th instant, when Her Majesty's ship "Crocodile," Captain Milne, arrived, on her way to join Vice-Admiral Sir Thomas Harvey. I did not act on your suggestion to take further steps in the business in union with Captain Milne, because we believed that in its present stage no advantage would be derived from it; but I again wrote to the Captain-General,‡ requesting him to inform me of the progress making in the investigation, in order that I might communicate the particulars to the Admiral.

His Excellency immediately complied with my request. Nos. 3 and 4‡ are copies of the correspondence. The opinion I entertain of the latter I have expressed pretty freely in a rejoinder to his Excellency, of which No. 5§ is a copy; and whilst I refer you thereto, I beg to add my firm conviction, that unless Her Majesty's Government take the matter in hand, no satisfaction whatever will be obtained for the outrage committed.

I gave Captain Milne, to be delivered to Sir Thomas Harvey, copies of the whole correspondence on the affair, as far as my letter of the 6th of May, inclusive. The Captain-General's and my own of the 7th forming the present Enclosures Nos. 4

* See Nos. 11, 12.

† Nos. 14 and 15.

‡ See No. 13.

§ No. 16.

and 5, were not sent, being too late for the "Crocodile," which vessel sailed yesterday afternoon.

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

Commodore Douglas,
&c. &c. &c.

Eighteenth Enclosure in No. 45.
The Captain-General to Mr. Tolmé.

(Translation.)

Havana, May 19, 1840.

I TRANSMIT to his Excellency the Commander-in-Chief of Marine, your communication of the 7th instant, relative to the proceedings for the discovery of the authors of the attack said to have been made on the boat of Her Majesty's sloop "Rover," though I cannot do less than inform you that for my part I have no motive for suspecting, as you do, the sentiments that animate the individuals who are, in a subordinate character, charged with the investigation; abstaining, for the present, from giving a reply to some points of the construction, which you have thought fit to put upon the simple and exact account of the result of the proceedings which I transmitted you. As before said, they still continue.

Nineteenth Enclosure in No. 45.
Mr. Tolmé to Commodore Douglas.

SIR, *British Consulate, Havana, May (misdated March) 25, 1840.*

I HAD the honour of addressing you on the 8th March last, by the "Skipjack," relative to the attack on the "Rover's" boat, and now take leave to enclose translation of a letter* on the subject, addressed to me by his Excellency the Captain-General in reply to mine of the 7th, of which a copy is already sent to you.

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

Commodore Douglas,
&c. &c. &c.
Port Royal.

Twentieth Enclosure in No. 45.
Commodore Douglas to Mr. Tolmé.

SIR, *"Magnificent," Port Royal, Jamaica, June 15, 1840.*

I BEG leave to acknowledge the receipt of your Despatch dated the 25th of March, with an Enclosure from the Captain-General, dated 19th May.

I have forwarded the whole of your Despatches and their Enclosures to the Commander-in-Chief, and quite agree with you, that unless the Government at home take the matter in hand, no ample satisfaction will be given, which so grave an outrage requires.

I have, &c.
(Signed) P. J. DOUGLAS, *Commodore.*

C. D. Tolmé, Esq.,
&c. &c. &c.

Twenty-first Enclosure in No. 45.
Mr. Tolmé to Commodore Douglas.

SIR, *British Consulate, Havana, July 1, 1840.*

I HAVE the honour to acknowledge receipt of your Despatch of the 15th ultimo, and to say that since I last wrote to you on the 25th May (my letter was misdated March), relative to the investigation going on for the discovery of the authors of the attack on the "Rover's" boat, nothing of interest has transpired. The vessel from which she was fired on is still lying at Guanimar under seizure, or was very recently.

In the event of the crew not being found, ought we not to claim the schooner as

forfeited. Being without papers of any kind whatever, she must be considered a piratical craft. The Spaniards have no right of property in her, and she ought surely to be delivered up to those upon whom her acts of piracy were committed.

Commodore Douglas,
&c. &c. &c.
Port Royal.

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

Twenty-second Enclosure in No. 45.

Mr. Tolmé to the Captain-General.

British Consulate, Havana, July 31, 1840.

MOST EXCELLENT SIR,

NOT having heard further from your Excellency relative to the attack made on the boat's crew of Her Majesty's sloop "Rover," I would take leave to ask your Excellency whether any trace of the perpetrators of that outrage has yet been discovered, and whether the vessel from which they fired, and which was seized at Guanimar, is still there, or has come round here, and in the latter case in whose hands she now is.

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

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

Twenty-third Enclosure in No. 45.

The Captain-General to Mr. Tolmé.

Havana, August 2, 1840.

(Translation.)

I RECEIVED your communication of the 31st ultimo, in which, not having heard further relative to the attack made on the boat's crew of Her Majesty's sloop "Rover," you request me to say whether any trace of the perpetrators of the outrage has yet been discovered, and whether the vessel from which they fired, and which was seized at Guanimar, is still there or has come round here, and in the latter case in whose hands she now is; and having made known the contents of your letter to his Excellency the Commander-in-Chief of Her Majesty's forces on this station, I state the fact as a preliminary reply thereto.

God preserve, &c.
C. D. Tolme, Esq., (Signed) THE PRINCE OF ANGLONA.
&c. &c. &c.

Twenty-fourth Enclosure in No. 45.

Vice-Admiral Harvey to Mr. Tolmé.

Winchester, Bermuda, May 22, 1840.

SIR,

I HAVE the honour to acknowledge the receipt of your letter of the 7th instant, with its enclosed correspondence with the Governor-General of Cuba, relative to a rencontre which took place between a Spanish vessel at anchor off the Isle of Pines, and a boat belonging to Her Majesty's sloop "Rover," in March last; and I beg to acquaint you in reply that I regret you have been put to so much trouble and correspondence on that occasion, and I request you will allow the affair to drop, and not to proceed any farther in the business.

I have, &c.
(Signed) T. HARVEY.
Vice-Admiral and Commander-in-Chief.

C. D. Tolmé, Esq.
&c. &c. &c.

Twenty-fifth Enclosure in No. 45.

Commodore Douglas to Mr. Tolmé.

SIR,

"Magnificent," *Port Royal, Jamaica, June 27, 1840.*

I BEG leave to enclose you a letter which I have received from the Commander-in-Chief for you, and he has desired me to request you to drop all communication with the Captain-General relative to the affair of the "Rover's" boat.

C. D. Tolmé, Esq.
&c. &c. &c.

I have, &c.

(Signed)

P. J. DOUGLAS.

Twenty-sixth Enclosure in No. 45.

Her Majesty's Commissioners at Havana to Mr. Tolmé.

SIR,

Havana, August 3, 1840.

WE have only very recently learned that a slave vessel, the crew of which about the month of March last, fired upon a boat belonging to Her Majesty's sloop "Rover," had since come into the hands of the Government of this island. We have heard also that a correspondence has been had by some parties with the Captain-General on the subject, and not knowing with whom any could have passed but through you, we have to request you will furnish us with copies of any correspondence in your power respecting the matter, and whatever particulars have come to your knowledge.

This information we require, not only as considering it probably a fit case for the intervention of the Mixed Court of Justice, but also in obedience to the directions you received from his Grace the Duke of Wellington, dated the 17th January, 1835.

We have, &c.

(Signed)

J. KENNEDY.

CAMPBELL J. DALRYMPLE.

C. D. Tolmé, Esq.
&c. &c. &c.

Twenty-seventh Enclosure in No. 45.

Mr. Tolmé to Her Majesty's Commissioners at Havana.

GENTLEMEN,

British Consulate, Havana, August 4, 1840.

IN reply to your letter of yesterday's date, I beg to say, that I have been in correspondence with the Captain-General, relative a rencontre between a Spanish schooner and a boat belonging to Her Majesty's sloop "Rover," but as neither Commodore Douglas, at whose instance I brought the facts before the Government here, nor Commander Symonds, nor any other parties to my knowledge, represented the vessel in question as a slave trader, I had no motive for addressing you on the subject.

Still if you have reason to think she was such, and that the letters which have passed between Commodore Douglas and myself, and the Captain-General and myself, in reference to the attack complained of, are likely to throw light on the fact, I am quite willing to submit them to your perusal whenever you please to call at this consulate.

I am, &c.

(Signed)

C. D. TOLMÉ, Consul.

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

Twenty-eighth Enclosure in No. 45.

Mr. Tolmé to Vice-Admiral Sir Thomas Harvey.

SIR,

British Consulate, Havana, August 4, 1840.

I BEG to enclose copies of the correspondence relative to the attack on the "Rover's" boat, which has passed between the Consulate and his Excellency the Captain-General, from the date of my last communication of the 7th of May until yesterday, when I had the honour of receiving your letter of the 22d May, in con-

sequence of which I shall as you desire, allow the affair to drop, and not proceed further in the business.

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

Vice-Admiral Sir Thomas Harvey, K.C.B.
&c. &c. &c.

Twenty-ninth Enclosure in No. 45.

Mr. Tolmé to the Captain-General.

MOST EXCELLENT SIR, *British Consulate, Havana, August 8, 1840.*

I SHOULD not again trouble your Excellency on the subject of my letter of the 31st ultimo, to which in a provisional answer given on the 2nd instant it was stated, that its contents had been communicated to the Commander-in-Chief of Marine, but that I am hourly expecting Her Majesty's homeward bound packet, by which I am anxious to make known to the British Government the particulars that I asked, so that I shall esteem it a favour, if your Excellency will be pleased to communicate them to me.

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

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

Thirtieth Enclosure in No. 45.

The Captain General to Mr. Tolmé.

(Translation.) *Havana, August 9, 1840.*

As soon as his Excellency the Commander-in-Chief of the naval forces on this station replies to the questions which you put to me relative to the attack of the crew of Her Britannic Majesty's sloop "Rover," sent him again under this date, I shall give you the answer that you require in your communication of yesterday.

God preserve, &c.
THE PRINCE OF ANGLONA.

C. D. Tolmé, Esq.
&c. &c. &c.

Thirty-first Enclosure in No. 45.

The Captain-General to Mr. Tolmé

Havana, August 12, 1840.

HIS Excellency the Commander-in-Chief of the Naval Forces on this station, writes to me yesterday as follows:—"Most Excellent Sir.—In answer to the official letters which you were pleased to address to me on the 2nd and 3rd instant, relative to the communication of the English Consul on the subject of the rencontre at the roadsted of Guanimar, between a schooner and the boat of Her Britannic Majesty's sloop 'Rover,' I have, with the advice of the auditor, determined to transmit to your Excellency, as I now do, a certificate of the Scrivener of the station of the course observed in the legal proceedings instituted in the matter, and I beg to assure your Excellency, that according to the returns of the Captain of the Port on the 24th of July last, the said schooner has entered this harbour, proceeding from Guanimar under the name of the 'Alyandrina,' Captain Juan Allende, in ballast, consigned to Don José Balancher." These particulars I make known to you, enclosing the document mentioned, for your information, and in reply to your letters on the subject.

God preserve you, &c.
THE PRINCE OF ANGLONA.

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

CERTIFICATE.

I DON PLACIDO BORREGO, Notary Public by Royal authority duly admitted and sworn, and Chief Scrivener of Marine on this station, certify, that having received in this, the Military Tribunal of the Royal Navy, the summary investigation

made by the sub-Delegate of Marine in the district of Guanamar, relative to the combat between a schooner and a boat of Her Britannic Majesty's frigate "Rover," in the roadsted of that place, his Excellency the Commander-in-Chief of the station, acting under the advice of the honorary Judge Auditor, given in conformity with the representation of the Fiscal, did decree on the 22d of May last, (see the proceedings, page 35) that the Captain, Mate, and the rest of the crew of the schooner, which on the 19th of March last entered the roadsted of Guanamar under Spanish colours, and sustained a combat with a boat of Her Britannic Majesty's sloop "Rover," be called on through the public papers of this city to present themselves in the public prison; and likewise that all persons able to give particulars of the names and description of these individuals, of the route they took in their flight, or of the place where they now are, be cited to appear within nine days from the date of the last notice, before this Tribunal, and for the furtherance of the ends of justice, declare to the facts; the said master and his crew being apprised that, in the event of their not presenting themselves within 15 days, they will suffer judgment by default, the judicial summons made in the halls of the Courts being of equal effect in their wrong as if served on them personally. And his Excellency further ordered, that the derelict schooner should be brought round to this port in order that being duly examined by proper surveyors, declarations be taken on oath of her build, rig, tonnage, and condition. And I likewise certify, that everything having been done in conformity with these dispositions, and the summonses having appeared in the *Diario* of the Havana on the 25th, 26th, and 27th of May last, and in the "*Noticioso y Lucero Mercantil*," on the 24th, 25th, and 26th of the same month, no person presented himself able to give an account of the facts, nor did the owners, captain, or crew of the said vessel (as appears by the attestations, page 36 of the proceedings); under which circumstances, and in consequence of the Military Adjutant and Register of the district of Batabano having pointed out the obstacles in the way of sending the schooner round to this port, his Excellency the Commander-in-Chief, with the advice of the Auditor, decreed on the 22nd of June, that there being no funds applicable to the repairing and expenses necessary in case of bringing her round, that the said Adjutant be ordered to proceed, before other witnesses, in default of a notary and surveyor, to a full and faithful examination of the said vessel, certifying her measurement, dimensions, condition, and her description of build; and this done, after she had been carefully and properly valued, to dispose of her by auction to the best bidder, endeavouring to obtain in the interests of Her Majesty the highest price possible. And I certify that due course having been given to this order, the said Adjutant, on the 9th of July, transmitted an account of the steps taken in conformity therewith, by which the said vessel appears to be a two topsail schooner, built in America, with a sharp entrance and clean run, carries her breadth upon deck, has some sheer, and is in middling condition, neither new nor old, measures 88 feet from stem to stern post, and has 79 feet keel, 21 beam, and 8 depth of hold; and the Adjutant likewise notified that the sale had been made to Don Jose Balanchar, the highest bidder; of all which the Fiscal of the station being fully informed, he prayed, under date of the 8th of the present month, that the survey, valuation, and sale to Balanchar, for two-thirds of the price at which the said schooner was appraised, and 50 dollars more, be ratified in all the forms of law, that the amount be immediately made over to the Treasury of the Royal Navy, and that the requisite steps be promptly taken for bringing the matter before a council of war; that for that object the more ample declarations and depositions applicable to the case be taken by the public prosecutor, to be named for the purpose, and that the cause be transmitted to the Major-General of the station.

And in virtue of the instructions given me, I grant the present in the Havana, 11th August, 1840.

(Signed) PLACIDO BORREGO.

Thirty-second Enclosure in No. 45.

Mr. Tolmé to Her Majesty's Commissioners.

GENTLEMEN,

British Consulate, Havana, August 13, 1840.

ACCORDING to my promise, I herewith transmit for your perusal a Letter from the Captain-General of the 12th instant, and its Enclosure, containing further

particulars relative to the recounter between Her Majesty's sloop "Rover's" boat, and the Spanish schooner in the roadstead of Guanimar.

I will thank you to return them to me as soon as you conveniently can.

I have, &c.

(Signed) C. D. TOLME'

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

No. 46.

Mr. Tolmé to Viscount Palmerston.

British Consulate, Havana, August 18, 1840.

(Received September 25.)

MY LORD,

I HAVE the honour to inform your Lordship, that I have this day sent the kidnapped African, Daniel Speck, on board Her Majesty's packet "Seagull," for a passage to England, no opportunity offering for Sierra Leone direct from hence.

I have, &c.

(Signed) C. D. TOLME',

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

Consul.

&c.

&c.

&c.

No. 47.

Mr. Tolmé to Viscount Palmerston.

British Consulate, Havana, August 29, 1840.

(Received October 20.)

MY LORD,

I HAVE the honour to wait on your Lordship with copies of Letters which have passed between Lieutenant Holland, commanding Her Majesty's schooner "Pickle," and myself, relative to the destruction of the Spanish brigantine "Iberia."

I have, &c.

(Signed) C. D. TOLME',

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

Consul.

&c.

&c.

&c.

First Enclosure in No. 47.

Lieutenant Holland to Mr. Tolmé.

Her Majesty's Schooner "Pickle," Havana, August 26, 1840.

(Extract.)

I HAVE also to request that you will be pleased to give me, for the information of the Commander-in-Chief, any particulars with which you may have become acquainted relative to the destruction, by Her Majesty's schooner under my command, of the Spanish slave brigantine "Uriacke," on the reef of the Rincon, on the evening of the 5th July last, it having been reported by Commander Frasier, of Her Majesty's ship "Sappho," who arrived at Port Royal from Havana a short time since, that the said brigantine was in fact the notorious "Arrogante," which has made so many successful trips to Africa, and that she was totally lost on the above reef. Should you confirm this statement, I have also to request that you will enable me to procure a statement of her registered tonnage, armament, and number of crew, that I may transmit it to the Secretary of the Admiralty, in order to obtain the customary reward granted per amount of tonnage, to those concerned in the capture or destruction of Spanish vessels employed in the traffic of slaves.

I have, &c.

(Signed) FREDERICK HOLLAND.

C. D. Tolmé, Esq.,
&c. &c. &c.

Second Enclosure in No. 47.

Mr. Tolmé to Lieutenant Holland.

SIR,

British Consulate, Havana, August 26, 1840.

I BEG to acknowledge receipt of your Letter of this date, by which I learn that Commodore Douglas has sent you hither for Despatches, and in consequence take leave to trouble you with one for him and another for the Governor-General of Jamaica.

In reply to your inquiry about the "*Arrogante*," once the "*Urraca*," and last the "*Iberia*," I beg to say that she left this port the 5th ultimo, under the latter name and Spanish colours, bound for Africa; and there is no doubt that, on the evening of the same day, being closely pursued by the schooner under your command, she ran on shore between this port and Matanzas to escape capture. On the 11th of the same month I myself saw her lying there; she was then dismantled, and has since, I understand, been abandoned as a complete wreck.

This was the vessel which, under the name of "*Urraca*," landed on the Island of Cuba,—

1	cargo of slaves in June, 1830
1	" January, 1831
1	" December, 1831
1	" August, 1832
1	" March, 1833
1	" October, 1833
1	" November, 1834
1	" March, 1836.

She then, by a transfer at the Cape Verds in November, 1836, became the Portuguese brigantine "*Arrogante*," and made one successful voyage; on a second trip she was captured by Her Majesty's brig "*Snake*," and condemned at Sierra Leone. Her next appearance was at Havana as the British brig of the same name. Here she was sold to her original owners, and, as the Spanish schooner-brig "*Iberia*," proceeded to the Coast of Africa, from whence she returned to this port in February, 1840, after landing 335 slaves in Porto Rico. She was therefore proceeding on her 11th voyage, when, by your skilful management, her career was terminated, and a vessel happily destroyed, which had previously made 10 fortunate trips, and landed no fewer probably than 4,000 slaves in the Spanish colonies.

According to this vessel's English register, dated 19th September, 1838, she measured, under 5 and 6 Will. IV. chap. 56, 104 tons. Her passport from the Cape Verds (see P. P. 1838-9, Class A. page 28) describes her as 155 tons. Of her armament and the number of her crew, on her last voyage, I am not able to give you any particulars that can be relied on.

Lieutenant Holland,
&c. &c. &c.

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

No. 48.

Mr. Tolmé to Viscount Palmerston.

MY LORD,

*British Consulate, Havana, October 26, 1840.**(Received December 1.)*

I HAVE the honour to refer to what I wrote to your Lordship, under date of the 6th of July last, relative to John Fontanales and William Jones. I have now to enclose copies of my correspondence with the Captain-General respecting them, from which your Lordship will see,

1st. That Fontanale swill be delivered up to my keeping, whilst his case is under investigation, to work for his own profit, with every probability of being ultimately set at liberty, &c.

2d. That not only Jones, but also five others, with whom, on inquiry into his case, I became acquainted, will likewise no doubt be liberated.

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

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

CLASS B.

First Enclosure in No. 48.

*Mr. Tolmé to the Captain-General.**British Consulate, Havana, September 8, 1840.*

MOST EXCELLENT SIR,

IT being my duty to report to Her Majesty's Government the progress which has been made in the inquiry, instituted relative to the kidnapped negroes, William Jones and Juan Fontanales, referred to in your Excellency's Letter of the 3d July last, I take leave to beg that your Excellency will be pleased to give me some information in the matter, in order that I may be able to write by Her Majesty's packet "Penguin," now daily expected from Vera Cruz on her way home.

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

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

Second Enclosure in No. 48.

The Captain-General to Mr. Tolmé.

(Translation.)

Havana, September 11, 1840.

THE Auditor of War, to whom I passed your communication of the 8th of the present month, requesting me to report to you the progress that had been made in the investigation of the case of the negroes William Jones and John Fontales, states to me to day what follows:—

"MOST EXCELLENT SIR,—The Auditor has examined the two cases instituted in consequence of the claim made by the British Consul by the preceding Despatch, in which cases a Letter was written to the Commander-of-Arms in Guinea to take and send to this city the negro John Fontanales, to be examined relative to the particulars in question, and also to his Excellency the Intendente, requesting him to be pleased to send the other, William Jones, for the requisite examination; and not having received a reply from either, they have been to-day both reminded that it is urgent that they furnish answers, of which your Excellency will please to inform the said Consul, in order that he may be convinced that the necessary steps are being taken in the matter, and that he may know the state in which it is, since he was addressed upon the subject on the 31st ultimo; but your Excellency will nevertheless resolve what is most proper." And being of one opinion with the Auditor, I transmit you the above for your information and in reply to your Letter.

God preserve, &c.
(Signed) THE PRINCE OF ANGLONA,
Marquis of Javal Quinto.

C. D. Tolmé, Esq.,
&c. &c. &c.

Third Enclosure in No. 48.

*Mr. Tolmé to the Captain-General.**British Consulate, Havana, September 14, 1840.*

MOST EXCELLENT SIR,

I HAVE had the honour of receiving your Excellency's Letter of the 11th instant, relative to the claim that I set up nearly three months ago, for the liberation of the kidnapped negroes, Fontanales and Jones, and am sorry to see that so little progress has been made in a matter of such importance, although Her Majesty's Minister at Madrid was assured by the Spanish Government that the authorities of this island are instructed to persevere in their zealous investigations, for the discovery of British negroes illegally and surreptitiously reduced to slavery. I request your Excellency to cause it to be pursued in the sequel with more energy, and have the honour to be,

Most excellent Sir, &c.
(Signed) C. D. TOLME'

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

Fourth Enclosure in No. 48.

The Captain-General to Mr. Tolmé.

(Translation.)

Havana, September 15, 1840.

I ENCLOSE you a notarial copy of the letter addressed to me by his Excellency the Superintendent-General of the Finances, President of the Royal Corporation for the Encouragement of Commerce and Agriculture, and of the determination taken thereon in conformity with the advice of the Auditor of War, in order that you may be pleased to comply with the measures proposed for fulfilling the desires expressed in your Despatch of the 4th July last, to which I now reply

God preserve you, &c.

C. D. Tolmé, Esq.,
&c. &c. &c.

(Signed)

THE PRINCE OF ANGLONA.

Fifth Enclosure in No. 48.

M. de Larrazabal to the Captain-General.

(Translation.)

Havana, September 9, 1840.

MOST EXCELLENT SIR,

THE department of the accounts of the royal corporation, to which I referred your Excellency's Despatch of the 1st instant, reports thereon, under date of the 7th, in the following terms:—"Most Excellent Sir, In the register of runaway negroes, kept in this office, the name of William Jones, an English negro, referred to in the official letter of his Excellency the Captain-General, of the 1st instant, does not appear. Four only of that nation are found there, of which one is called Charles, sent by the deputy of Puerto Principe, on the 6th of April, 1837, and is now on the works of the railroad, No. 10; another, Thomas, proceeding from the deputation of Villa Clara, 24th April, 1828, No. 15; another, Joseph, proceeding from the deputation of S. Espiritu, 13th October, 1833, No. 36; and the other, Gregorio, sent from Bayanio, 1st May, 1834, No. 44. The two last, when they were admitted, declared themselves to be slaves:" and I pass the same to your Excellency, in reply to the above-mentioned letter.

God preserve, &c.

(Signed) The COUNT DE VILLAMIERA ANTONIO MA. DE ESCOVEDO, Secretary to his Excellency the Governor and Captain-General of this island.

Havana, September 14, 1840.

SEEN;—and in conformity with the proposition of the Second Fiscal Substitute of the tribunal in the preceding matter, let a copy of the official letter of his Excellency the Intendente be transmitted to the British Consul, in order that he may be pleased to commission a person of his confidence to proceed to the deposit of the Consulado, and examining if the negro, William Jones, be there, notify which is he, or furnish other more exact data that may lead with greater facility to the discovery of the party interested, for there may have been a variation in the name, which often occurs with persons of this class, and every measure being useless on the contrary supposition; and let the receipt of the letter of his Excellency the Intendente, of the 9th instant, be at the same time duly acknowledged.

(Signed)

ANGLONA.

ARMERO.

LORENZO DE LARRAZABAL.

On the same day, notification hereof was made to the Procurator Acting Fiscal, which I certify.

(Signed)

BEJERANO LARRAZABAL.

Havana, September 16, 1840.

The above is in conformity with the original existing in the proceedings instituted for discovering the abode of the English negro, William Jones, claimed by Her Britannic Majesty's Consul, to which I refer; and, complying with what is ordered, I cause this extract to be made.

(Signed)

LORENZO DE LARRAZABAL.

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

Sixth Enclosure in No. 48.

The Captain-General to Mr. Tolmé.

(Translation.)

September 17, 1840.

THE Señor Auditor de Guerra writes to me, under yesterday's date, as follows:—"Most Excellent Sir, After having made known to Her Britannic Majesty's Consul, on the 11th instant, the steps taken for the discovery of the two kidnapped negroes, who he says are now in this island, in a state of slavery, an official letter was received from the Intendente, informing your Excellency that William Jones is not to be found in the depôt of the Consulado, and that no individual, of that Christian and surname, has been on the lists of the said depôt; in consequence of which, your Excellency, the day before yesterday, issued the decree which appears in the notarial copy of the proceedings furnished by the Scrivener-of-War. Thereby your Excellency will see, and the Consul will be equally convinced, that nothing has been omitted, on the part of the tribunal, that could lead to the discovery of the abode of the said negro; and that if, until now, the desired object has not been obtained, this has depended solely on the notice given by the Consul, relative to his abode, not being exact; in consequence whereof he was urged, in the last decision, to commission a person who merited his confidence, to proceed to the said depôt, and if the negro referred to is there, to state which he is; for it is not sufficient that he should intimate that there are two kidnapped negroes, but necessary for him to say 'these are they,' whereby the investigation would be brought to a speedier termination, and many useless steps be spared. Such is the present state of a business to which the tribunal has, owing to the very nature of it, given attention in preference to others, as it has done in all claims of this kind which have come before the Captain-General; for, as well as your Excellency, your worthy predecessors have ever been solicitous to prosecute and punish those guilty of so grave an offence.

In his last communication, of the 14th instant, which the Auditor has now before him, the said Consul limits himself to the expression of regret, that so little progress has been made in an affair of such importance, and to a request that your Excellency would order more energy to be displayed in the further prosecution of the case. But whilst the *corpus delicti*, the primordial and necessary basis of every proceeding, and the first to be made out, is not found, there can be but little progress in the affair, though, on the part of the tribunal, the proceedings are carried to the full extent of its means. But this, belonging rather, and with more immediate fruits, to the Consul himself, for having notified that there were such kidnapped negroes, it was for him to point them out to the authority in a determinate manner, in order that they might be immediately apprehended and placed in safe keeping, at the disposition of the tribunal by which the requisite proceedings would then be immediately entered on, this information relative to the discovery being more promptly and easily acquired by quiet extra-judicial executive measures, than by public ones emanating from a court of justice. These reflections the Auditor-of-War believes will make such an impression on the intelligent mind of the Consul, as to convince him that there has been no such apathy or indifference, on the part of the authorities or the individuals who compose the tribunal, as would lead them to fail in seconding his desires for the discovery of a crime of such moment; and that, in order to attain the end he wishes, it is indispensable for him to aid them with data more accurate than those which, up to the present day, he has furnished."

I transmit this to you in consequence of your communication of the 14th instant, relative to the affair.

God preserve, &c.

(Signed)

THE PRINCE OF ANGLONA.

C. D. Tolmé, Esq.
&c. &c. &c.

Seventh Enclosure in No. 48.

*Mr. Tolmé to the Captain-General.**British Consulate, Havana, September 20, 1840.*

MOST EXCELLENT SIR,

I HAVE had the honour of receiving your Excellency's letters of the 15th and 17th instant, relative to the kidnapped negro, William Jones; and, in reply more

particularly to the latter, beg to say that I never had a doubt of your Excellency's desire to carry out the just and politic views of the Spanish Government, relative to this class of persons; nor could I for a moment attribute other inclinations to the Señor Auditor de Guerra, for whom I entertain the highest respect, or to any of your Excellency's law officers. It only seemed to me, seeing that my letter, claiming Jones's freedom, was dated the 4th of July, and that no application was made on his behalf to the Intendente until the 1st of September, that the matter was not pursued by the competent tribunal with the ardour that it merited. Circumstances, of which I could not be aware, no doubt occasioned the delay; and I will not allude to it again, as the affair is at present in such a train as to lead me to hope that it will soon be brought to a satisfactory termination. The information that I gave your Excellency, relative to Jones, was as full and exact as his own representation could make it; and I have no doubt that your Excellency's idea of a possible change of names having taken place is well founded, and that the examination of the British negroes in the Consulado (which it is proposed that I should entrust to a person of confidence) will prove the fact. I intend to undertake the task myself, this very day, and shall have the honour of informing your Excellency of the result. I profit of this occasion to repeat the assurances of high consideration with which I am,

Most excellent Sir, &c.

(Signed)

C. D. TOLME'.

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

Eighth Enclosure in No. 48.

Mr. Tolmé to the Captain-General.

British Consulate, Havana, September 21, 1840.

MOST EXCELLENT SIR,

WITH reference to my letter of the 20th instant, I beg to inform your Excellency that I went yesterday, and again to-day, to the Consulado, and had the satisfaction of finding the British negro, William Jones, who it appears is registered as Julian Carabali, No. 42; the similarity of the pronunciation of William and Julian, in the mouth of one whose organs of speech are not the most cultivated, having given rise to the mistake.

From this man's knowledge of English, and from the plainness and straightforwardness of his tale, I have no doubt of its truth; and I trust, therefore, after proper investigation, that your Excellency will order him to be delivered to me, to be restored to freedom at home.

But my request to your Excellency does not stop here. From the conversation which I had with Jones and some of the others named in your Excellency's Despatch of the 15th instant, I am convinced that not only he, but also that Charles, No. 10; Tomas, No. 15; José, No. 36; Gregorio, No. 44; and another in the Consulado, called, I think, Martin Brun, or Brown, whom they can point out, are all British negroes, illegally held in bondage; and I have therefore to request your Excellency that their cases may be likewise inquired into, so that, if I am right, they too may be set free.

I have, &c.

(Signed)

C. D. TOLME'.

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

Ninth Enclosure in No. 48.

Mr. Tolmé to the Captain-General.

British Consulate, Havana, October 7, 1840.

MOST EXCELLENT SIR,

TAKING leave to refer to my letters of the 20th and 21st ultimo, and to those which I previously wrote, relative to Fontanales and Jones, I would request your Excellency to be pleased to inform me of the progress which has been made

in the investigation of the case of those kidnapped negroes, in order that I may be able to make a report on the subject to Her Majesty's Government, by the next homeward-bound packet.

I have, &c.

(Signed)

C. D. TOLME.

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

Tenth Enclosure in No. 48.

The Captain-General to Mr. Tolmé.

(Translation.)

October 13, 1840.

IN consequence of your official Letter of the 7th instant, relative to the negroes Fontanales and Jones, I have to inform you that the first is deposited in the Royal Orphan House; that the requisite measures are being taken for proving the culpability of the party by whom, as may result, he was stolen and brought to this island; and that secret proceedings are in progress, which may lead to the end that the tribunal has in view.

With respect to the second, no answer has yet been received from his Excellency the President of the Junta de Fomento to the Despatch addressed to him, requesting that his Excellency would place him at the disposal of this tribunal, sending him for safe keeping to the Casa de Beneficencia, that proceedings may be instituted as in the case of Fontanales; but under this date he has been reminded of it, in order that what has been resolved on may be carried into effect; and considering the state of the investigation going on relative to Fontanales I beg to inform you that if you will take charge of him, in preference to leaving him where he now is, whilst the proceedings are going on, he shall be placed at your disposition; it shall also be done, according to your reply, with the other negroes who may appear under the same circumstances. At present, Fontanales is the only one who can thus be dealt with, and this act is rather one of the executive authority than of the tribunal, and is adopted with an understanding that you will detain him under your care, so that he may be at the disposition of this tribunal, when required to appear to give evidence as to his having been stolen.

C. D. Tolmé, Esq.,
&c. &c. &c.

God preserve you, &c.
(Signed) ANGLONA.

Eleventh Enclosure in No. 48.

Mr. Tolmé to the Captain-General.

MOST EXCELLENT SIR,

British Consulate, Havana, October 21, 1840.

I HAVE not sooner done myself the honour of replying to your Excellency's Despatch of the 13th instant, because I first wished to see John Fontanales. A conversation with him has since so fully convinced me that he is positively a British subject, that I beg your Excellency to be pleased immediately to carry into effect the plan of placing him at my disposition.

I shall then allow him to gain for himself, *as every freeman has a right to do*, the wages of his labour, keeping him so much under my eye that I can produce him whenever his declaration may be required.

I beg however, at the same time, that the case he is connected with may be pursued with vigour, so that I may soon be at liberty to send him to his native country.

I hope that the kidnapped negroes in the consulado will also, without loss of time, be delivered up to me, and I am the more sanguine on this point, because I know the humane feelings which have always animated his Excellency the Intendente (the head of the department to which that establishment belongs) from the time that he was a Judge of the Mixed Commission up to the present day.

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

I have, &c.
(Signed)

C. D. TOLME.

No. 49.

*Mr. Tolmé to Viscount Palmerston.**British Consulate, Havana, October 26, 1840.*

MY LORD,

(Received December 1.)

A GENTLEMAN from Santa Cruz having accidentally called upon me, I availed myself of the opportunity to inquire of him respecting the kidnapped negro Henry Shirley, alluded to in my Despatch 6th July, 1840, and finding that he was well acquainted with many particulars respecting him, I took his deposition on the subject. A copy of it forms the Enclosure No. 1. This gave rise to the correspondence with the Captain-General, of which Nos. 2, 3, and 4 are copies; and the result is such that I have no doubt of Shirley's release.

I have, &c.

(Signed)

C. D. TOLME'.

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

First Enclosure in No. 49.

British Consulate, Havana, October 14, 1840.

DEPOSITION.

PERSONALLY appeared Mr. Joseph Phillips, of Jamaica, lately residing at Santa Cruz, in the province of Puerto Principe, who declared that he is well acquainted with a Mr. Antonio Ledesma of the said town; that the said Mr. Antonio Ledesma keeps a bodega and general shop there, with a billiard-room, and was formerly trading to Montego Bay, as supercargo of different vessels, among which one was the "Invidia" and another the "Anna Maria;" and that the said Antonio Ledesma has an English slave, who now goes by the name of Francisco, and who, Mr. Ledesma told Mr. Phillips, came from Jamaica; and Mr. Phillips further declared that he also knows in Santa Cruz a free coloured woman, called Rufina, who takes in washing, who is said to be the wife of Francisco, and in whose house he lives, which house is situated towards Cago Muerto, and that the woman Rufina is afflicted with elephantiasis, and that there can be no difficulty on the part of the authorities in identifying either her, Francisco, or Mr. Ledesma, as they are all well known in Santa Cruz.

(Signed)

JOSEPH PHILLIPS.

Second Enclosure in No. 49.

*Mr. Tolmé to the Captain-General.**British Consulate, Havana, October 14, 1840.*

MOST EXCELLENT SIR,

WITH reference to the case of the kidnapped negro at Santa Cruz, relative to which your Excellency was pleased to address me on the 22nd of July last, I have now the honour to say, that a person from that place (which it appears is situated not in the province of Cuba but of Puerto Principe) has just informed me that he is well acquainted with Mr. Antonio Ledesma, who keeps a bodega there, and who was formerly trading to Montego Bay as supercargo of different vessels, one called the "Invidia" and another the "Anna Maria," and that the said Mr. Ledesma has a Jamaica negro, who now goes by the name of Francisco, originally Henry Shirley; that the said negro lodges with a washerwoman called Rufina, whose house is near Cago Muerto, and who, being afflicted with elephantiasis, may easily be known; in fact, that Mr. Ledesma and Rufina, as well as Francisco, are all persons with whom the whole town is acquainted, so that the authorities can have no difficulty whatever in identifying the latter. I communicate these facts to your Excellency in the hopes that they may serve to procure his immediate liberation, and have the honour to be, &c.

(Signed)

C. D. TOLME'.

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

Third Enclosure in No. 49.

The Captain-General to Mr. Tolmé.

(Translation.)

Havana, October 20, 1840.

IN the proceedings formed for the discovery of the abode of Henry Shirley, an English negro, I have, acting on the legal opinion of the Auditor of War, decreed as follows :—

Havana, October 19, 1840.

“ Let an official Letter be addressed to the Military Governor of the city and Puerto Principe, inserting that of Her Britannic Majesty’s Consul, of which a copy is to be found at page 12 of the proceedings, directing him to order the necessary measures to be taken for verifying the statements contained in the said Despatch; and, if proved, to receive the said negro, and transmit him to this city, to be placed at the disposal of the tribunal, the same being done with the least possible delay, the subordinate officers charged with this duty being made answerable for its exact fulfilment, and the superior authorities responsible for the most prompt report of the result, through the medium of the scrivener of the tribunal; and let the Consul’s letter be acknowledged in a respectful reply.

(Signed)

“ ANGLONA.

“ ARMERO.

“ LARRAZABAL.”

And this I transcribe for the objects in view.

Her Britannic Majesty’s Consul,
&c. &c. &c.

God preserve you, &c.

(Signed)

ANGLONA.

Fourth Enclosure in No. 49.

*Mr. Tolmé to the Captain-General.**British Consulate, Havana, October 21, 1840.*

MOST EXCELLENT SIR,

I HAVE this day had the honour of receiving your Excellency’s Despatch of the 20th instant, relative to Henry Shirley of Santa Cruz, and beg your Excellency to urge the prompt decision of his case, the more so as the fact of its having been hitherto erroneously referred to the authorities of Santiago de Cuba, instead of Puerto Principe, has already caused a delay by which he is a serious sufferer.

I have, &c.

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

(Signed)

C. D. TOLME’.

No. 50.

*Mr. Tolmé to Viscount Palmerston.**British Consulate, Havana, November 4, 1840.*

MY LORD,

(Received December 9.)

I HAVE the honour to enclose your Lordship a duplicate of my Letter of the 2nd instant, announcing that I had procured the liberty of six negroes named therein.

I now beg to say that they are only waiting for an opportunity to be sent to Jamaica, to which island they are desirous of going.

The case of Fontanales I have again urged the Captain-General to bring to a conclusion, and have no doubt that the boy will soon be set at liberty.

I have, &c.,

(Signed)

C. D. TOLME’.

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

&c.

&c.

&c.

Enclosure in No. 50.

Mr. Tolmé to Viscount Palmerston.

(Duplicate.)

MY LORD,

British Consulate, Havana, November 2, 1840.

I HAD the honour of informing your Lordship, in my Despatch of the 26th October last, that William Jones and five other Africans, held in slavery, would, in consequence of measures which I had taken, no doubt be liberated. I now beg to say that I have this day received a Despatch from His Excellency the Captain-General announcing that the six individuals in question, viz., William Jones, Charles, Thomas, Joze, Gregorio, and Martin Bruno, are placed at my disposal, with an understanding that they shall leave the island.

As it is only at the moment when the vessel by which I send the present is about to leave that I receive this agreeable intelligence, I am unable to state to your Lordship the wishes of Jones and his comrades as to their destination; but I presume that they will be desirous of proceeding to Jamaica, and I shall do all that is in my power to procure them a passage to any part to which they have rational motives for desiring to be sent.

I have, &c.

(Signed)

C. D. TOLME.

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

&c.

&c.

&c.

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

No. 51.

Mr. Wright to Viscount Palmerston.

British Consulate, St. Jago de Cuba, March 20, 1840.

(*Received May 12.*)

MY LORD,

I HAVE had the honour of addressing your Lordship, during the last year, three Despatches marked "Slave Trade," numbered from 1 to 3 inclusively.

I have, &c.

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

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

&c. &c. &c.

No. 52.

Mr. Wright to Viscount Palmerston.

British Consulate, St. Jago de Cuba, March 10, 1840.

(*Received May 12.*)

MY LORD,

I HAD the honour of receiving your Lordship's Despatch, transmitting two copies of an Address upon Slave Trade from the House of Peers to Her Majesty, and of Her Majesty's most gracious Answer thereto.

I have, &c.

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

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

&c. &c. &c.

No. 53.

Mr. Wright to Viscount Palmerston.

British Consulate, St. Jago de Cuba, March 15, 1840.

(*Received May 12.*)

MY LORD,

I HAVE the honour of acknowledging the receipt of your Lordship's Despatch, dated September 3, 1839, transmitting a copy of an Act of Parliament for the Suppression of Slave Trade.

I have, &c.

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

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

&c. &c. &c.

No. 54.

Mr. Wright to Viscount Palmerston.

British Consulate, St. Jago de Cuba, March 20, 1840.

(*Received May 12.*)

MY LORD,

I HAVE the honour of acknowledging the receipt of your Lordship's Despatch, dated October 12, 1839, with one Enclosure.

I have, &c.

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

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

&c. &c. &c.

No. 55.

*Mr. Wright to Viscount Palmerston.**British Consulate, St. Jago de Cuba, March 30, 1840.*

MY LORD,

(Received May 12.)

I HAD the honour of receiving your Lordship's Despatch, dated November 2, 1839, informing me of the different orders issued, by command of Her Majesty, for the suppression of the Slave Trade.

I have, &c.

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

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

No. 56.

*Viscount Palmerston to Her Majesty's Consul.**Foreign Office, August 13, 1840.**Circular sending Papers presented to Parliament.*

No. 57.

*Viscount Palmerston to Her Majesty's Consul.**Foreign Office, August 24, 1840.*

SIR,

I HEREWITH transmit to you a copy of a Memorial from the General Anti-Slavery Convention. I have to acquaint you that Her Majesty's Government concurs in the sentiments expressed in that Memorial, and especially in the opinion that it would be unfitting that any officer holding an appointment under the British Crown should either directly hold or be interested in slave property.

I am, &c.

(Signed) PALMERSTON.

Her Majesty's Consul, St. Jago de Cuba,
&c. &c. &c.

Enclosure in No. 57.

Memorial, (see page 33.)

No. 58.

*Mr. Wright to Viscount Palmerston.**British Consulate, St. Jago de Cuba, September 11, 1840.*

MY LORD,

(Received October 29.)

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 23rd April last, transmitting a copy of a Treaty concluded between Her Majesty and the Republic of Venezuela, for the Abolition of the Slave Trade.

I have, &c.

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

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

PORTUGAL.

No. 59.

Viscount Palmerston to Baron Moncorvo.

Foreign Office, May 22, 1840.

THE Undersigned, &c., has the honour to transmit to the Baron da Torre de Moncorvo, &c., the accompanying copies of papers recently received from the Admiralty, containing the answer of Lieutenant Kellett, of Her Majesty's brig "Brisk," to the complaint made by the Portuguese Government against the conduct pursued by that officer, in respect to certain proceedings which took place at the Island of Bulama in the month of December, 1838; and Her Majesty's Government trust that the statement given by Lieutenant Kellett of his conduct on that occasion, will afford to the Government of Portugal satisfactory proof, that there is no foundation for the charge brought against that officer of misconduct and harshness, in the execution of the orders he had received to put an end to the system of piratical Slave Trade, carried on at the Island of Bulama.

With respect to the question whether Great Britain or Portugal has the preferable title to the sovereignty of Bulama, the Undersigned has already had the honour to state to Baron Moncorvo, that Her Majesty's Government is anxious to come at the truth on this matter, and is making particular inquiries for ascertaining, on the best authority that can be obtained, whether Great Britain or Portugal has the superior right to the island; but, in the mean time, Her Majesty's Government feels it right to declare, that Great Britain cannot permit this island, which is claimed by the British Crown, to be used by piratical slave traders, as a market-place for their nefarious dealings, and a place of confinement for the victims of their crime.

The Undersigned, &c.
(Signed) PALMERSTON.

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

First Enclosure in No. 59.

Sir John Barrow to Lord Leveson.

MY LORD,

Admiralty, April 29, 1840.

WITH reference to your letter of the 30th August last, transmitting copies of a Note and its Enclosures, from the Baron de Moncorvo, Her Most Faithful Majesty's Envoy at this Court, complaining of the conduct of Lieutenant Kellett, of Her Majesty's brig "Brisk," with respect to certain proceedings which recently took place at the Island of Bulama, on the Coast of Africa; I am commanded by my Lords Commissioners of the Admiralty to send you herewith, for Viscount Palmerston's information, copies of two letters from Lieutenant Kellett, dated the 23d instant, explaining the several points alluded to.

I am, &c.
(Signed) JOHN BARROW.

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

Second Enclosure in No. 59.

Lieutenant Kellett to Sir John Barrow.

SIR,

Selskar, Wexford, April 23, 1840.

I BEG to acknowledge the receipt of your letter of the instant, and the copy of a Note with its Enclosures, received from the Baron de Moncorvo, relative to my proceedings on the Island of Bulama, and their Lordships that I should explain the several points contained in them.

In reply, I have the honour to inform you, for their Lordships' information, that, being the naval officer in charge of the Sierra Leone portion of Cape of Good Hope station on the 27th November, 1838, a letter was addressed to me by the Governor of Sierra Leone, giving information of a large collection of slaves being recently formed on the Island of Bulama, for the purpose of embarkation, and calling on me to proceed to that island, and remove all such slaves, together with all those aiding in so glaring a transgression of the laws of Great Britain; the sovereignty of the island being vested in Her Majesty.

I lost no time in proceeding to accomplish so important an object. I seized the schooner "*Aurelia Felix*," for having a few days previous landed slaves on the above-mentioned island; I proceeded in the schooner with a part of the crew of the "*Brisk*." I landed on the Island of Bulama on the 10th December and proceeded at once to the barracoons, which were empty, we followed the pathway to the forest, when we heard the clinking of chains, and shortly afterwards, observed a large number of slaves, the drivers with drawn swords beating them into the forests. I explained the object of my visit (Translation No. 2) through an interpreter; they all returned with me to the beach in chains two and two, some with two pairs on, 100 in number, although the individual, Nozolino, states in Translation No. 1, that only the ringleaders were in irons—a large number out of 169 men brought by me to Sierra Leone. The barracoons were fired by my direction. The agent was taken by me to Sierra Leone for trial.—(Translation No. 3.)

The schooner "*Liberal*" was seized by me in the River Jiba for being engaged in the illicit traffic in slaves, contrary to the First Article of the Treaty, and to the additional Articles of the Treaty with Portugal: my right to seize her was clearly established by the Court of Mixed Commission at Sierra Leone having condemned vessel and cargo as prize to Her Majesty's brig then under my command; though provided with all the documents mentioned in No. 3, the correspondence, public and private, were put into Court by me according to the instructions, and I am happy to say it condemned the vessel and liberated the slaves; their Lordships will, on the arrival of the Report of the Mixed Commission, have full proof of the shameful violation of the Treaties on the part of the Portuguese authorities at Bissao, and how largely they shared in the profits of this new system of slaving, for the first time brought to light by me. I have further to state, that no furniture was taken from any passenger and thrown overboard, and that passengers and crew are, according to the rules of Her Majesty's service, permitted on all occasions to take their clothing with them.

On my second arrival at Bulama, I found the flag of Portugal flying; I landed, hoisted the British flag, and hauled down the Portuguese, fired the quarters and disarmed the troops, and received under the protection of the British flag, all who claimed it, and removed them to Sierra Leone; the infant, mentioned in translation No. 5, was brought to the beach by its nurse, who claimed my protection, its mother having on my first visit claimed my protection, but the wretches on the island, calculating on maternal affection, took the infant from her; but I am happy to say, the Governor of Sierra Leone gave directions for its being placed with its mother. I most positively deny that any portion of private property was taken out of the house or store, as mentioned in No. 5; even the individual complainant mentions in said translation, "they would have committed acts of violence, but, finding my houses full of goods and property, they shrunk back;" consequently, no iron chest could have been forced open. A small provision of rice, for the Africans was taken on board the "*Brisk*," which was brought out of the store by the servants of the individual complaining. I have also to state, that no individual was forced from the island, and that no blows were given to coerce any of the unfortunate people; so far from such a feeling existing, the seamen, marines, and

mere boys of Her Majesty's squadron, consider themselves as the natural protectors of the unfortunate slaves.

Translation No. 4 is perfectly correct, four slaves were taken out of this boat; they having claimed my protection, and being in British waters, I received them on board the "Brisk," and they were, by order of the Governor of Sierra Leone, received into the liberated African department.

Their Lordships will perceive, in the copies of letters addressed to the Commander-in-Chief, the Africans removed by me to Sierra Leone from the islands of Bulama, and by me put into the Vice Admiralty Court, the Judge could not pass sentence, but ordered all proceedings to be taken off the file of the Court, stating, that though the people were in fact slaves, the law of the land must consider them as freemen, as slavery could not exist in a British territory.

I trust their Lordships will consider that, in undertaking those services, no other course was open to me but to perform it with determination; that no reference was necessary to the Portuguese authorities at Bissoa; had such taken place the 229 human beings, held in chains and slavery on the island, would, in a short time, have been exposed in the slave-mart, at Cuba, for sale.

I have, &c.

(Signed) ARTHUR KELLETT, *Commander.*

Sir John Barrow, Bart.,
&c. &c. &c.

Third Enclosure in No. 59.

Lieutenant Kellett to Sir John Barrow.

SIR,

Selskar, Wexford, April 23, 1840.

WITH respect to the Letter of the Baron de Moncorvo, with Enclosures, one most important circumstance appears to have escaped the notice of the Portuguese authorities, that of accounting for one of Her Majesty's subjects, being found by me shackled to another slave on the island of Bulama, having been sold out of a trading boat from Sierra Leone, to the notorious Caetano de Nozolino, and held by him with the other slaves for embarkation; the poor creature was the first whose shackles were knocked off by my orders, and was most useful as a guide during my stay at Bulama.

I have, &c.

(Signed) ARTHUR KELLETT, *Commander.*

Sir John Barrow, Bart.,
&c. &c. &c.

No. 60.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, May 23, 1840.

YOUR Lordship's Despatch, "Slave Trade," of the 26th April, 1840, has been received; and Her Majesty's Government have taken into consideration the Note enclosed in it, which was addressed to your Lordship by the Count de Villa Real, on the 23rd of April, 1840, upon the subject of the proposed Treaty between Great Britain and Portugal for the Suppression of the Slave Trade.

I have to desire, that in reply your Lordship will address to the Count de Villa Real a Note, in which you will state:—

First, that the alteration, which his Excellency has suggested to be made in the preamble to the Treaty, appears to Her Majesty's Government unnecessary and inexpedient; because that alteration would seem to imply, that any person, being a native of Africa, but not happening to be black, may, without impropriety, be carried from Africa, in order to be consigned to slavery; a thing which, however, the Portuguese Government cannot mean; and, therefore, the preamble must stand as it does.

Secondly. You will state, that if the Count de Villa Real will look at the Draft of Treaty, which was presented to the Portuguese Government, on the 1st of August, 1838, by Mr. Jerningham, in pursuance of instructions sent out to Mr. Jerningham by me on the 23rd July of that year, Count Villa Real will find, that the Draft so presented to the Portuguese Government does not contain, as Count Villa Real supposes, a stipulation that negroes found on board slave ships shall be delivered up to the Government in whose dominions the adjudging commission is established; but on the contrary, that Draft provides that such negroes shall be

delivered over to the Government to whom belongs the cruizer which made the capture; and to this arrangement Her Majesty's Government still adhere.

Thirdly. You will state, that Her Majesty's Government cannot assent to the Article on Piracy proposed by the Portuguese Government; because its meaning is not the same as that of the stipulation proposed by Her Majesty's Government in my Despatch of the 8th February to your Lordship; for Count Villa Real's Article says, that when the Slave Trade shall be declared piracy in Portugal the Treaty "shall remain" in full force; whereas, the proposition in my Despatch was, that the Treaty should not come into force until such law shall have been passed in Portugal.

Fourthly. You will state, that Her Majesty's Government regret they cannot consent to a limited duration of the Treaty; because the Act of Parliament which was passed last Session is unlimited in its duration; and, as the new Treaty is intended to be a substitute for the execution of that Act, the Treaty must be unlimited also.

Moreover, the object intended to be accomplished is the permanent suppression of the Slave Trade, and that object cannot be attained by a temporary treaty.

It is also to be borne in mind, that arrangements such as those contained in the Treaty will be necessary as long as the condition of slavery anywhere exists; because, so long as slavery exists, there will be a temptation for unprincipled men to carry captives off, in order to make them slaves; and so long as such men have any temptation to carry on the Slave Trade, treaties like that which is proposed to Portugal will continue to be necessary, in order to prevent them from doing so. But, if ever the condition of slavery should every where cease to exist, there can be no doubt that the Powers, who have made Treaties for the Suppression of the Trade in Slaves, will then cancel those treaties, because such treaties will then have become useless and inapplicable.

With respect to the mutual right of search, which Great Britain and Portugal have conceded to each other, without limit as to space, by the Treaties now existing between them, and which the proposed Treaty would also contain, Her Majesty's Government cannot admit that this mutual right is likely to be in any degree more vexatious to the legal commerce of Portugal, than to the legal commerce of Great Britain; and if Great Britain is willing to encounter all risk of abuse in this respect, for the sake of ensuring the suppression of the Slave Trade, Portugal may well do the same; but this is a point which has often been argued, about which the opinion of Her Majesty's Government is fully made up, and upon which it cannot give way.

Fifthly. You will say, that Her Majesty's Government must decline to make the declaration desired by the Portuguese Government, with respect to the Convention of the 28th July, 1817, because such a declaration would interfere with the immediate operation of the Act of Parliament on Portuguese Slave Trade, and would materially limit the power, which that Act gives to the Crown of England to suppress the trade.

Sixthly. With regard to the Act of Parliament, your Lordship will state, that Her Majesty's Government would, upon signing the proposed Treaty, declare by Note that, when the Treaty shall have been ratified, and the Portuguese legislature shall have passed the stipulated laws, Her Majesty's Government will abstain from exercising the powers given to the Crown by that Act. But the provisions of that Act will, of course, continue to be carried into execution till the new Treaty shall have come into operation.

Seventhly. You will tell the Portuguese Minister, that Her Majesty's Government will not object to a stipulation, whereby two Portuguese Commissioners, jointly with the two British members of the Mixed British and Brazilian Commission at Rio de Janeiro, shall form a Mixed British and Portuguese Commission, for trying the cases of Portuguese slave-vessels at Rio de Janeiro; but it will not be proper that the Brazilian members of the court should sit in judgment upon cases of Portuguese vessels.

Finally. You will observe, that Her Majesty's Government appreciates the assurance given by Count Villa Real, of the desire of the Portuguese Government to come at length to a definitive understanding with the British Government upon the Slave Trade.

It will afford Her Majesty's Government great satisfaction to be able to come to a friendly arrangement on this subject with an ancient ally of Great Britain, and Her Majesty's Government will, therefore, be glad to see the assurance of his Excellency followed up by the signature of the Treaty already proposed. But

Her Majesty's Government cannot in the mean time consent to suspend the measures, which it has had recourse to in order to suppress that trade. As Marshal Saldanha is arrived in London, I shall endeavour to persuade him to sign such a Treaty as Her Majesty's Government may be able to agree to.

I have, &c.

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

(Signed) PALMERSTON.

No. 61.

Lord Howard de Walden to Viscount Palmerston.

Lisbon, May 18, 1840.

(Received May 25.)

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatches, marked "Slave Trade," to that of the 23d April last inclusive.

I have, &c.

(Signed) HOWARD DE WALDEN.

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

No. 62.

Viscount Palmerston to Baron de Moncorvo.

Foreign Office, May 29, 1840.

THE Undersigned has received the Note, addressed to him on the 8th instant by the Baron da Torre de Moncorvo, &c., containing a request on the part of his Government to be furnished with the originals, or certified copies of the papers of Portuguese vessels captured for Slave Trade, especially when such papers may have been issued by any Portuguese Consul or other Portuguese authority; and the Undersigned has the honour to state to the Baron Moncorvo, that directions will be given to Her Majesty's officers, employed in suppressing Portuguese Slave Trade, to transmit the papers required to Her Majesty's Government, in order that they may be forwarded to the Portuguese Government, pursuant to the desire expressed in this respect by Baron Moncorvo.

The Undersigned, &c.

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

PALMERSTON.

No. 63.

Lord Howard de Walden to Viscount Palmerston.

Lisbon, June 1, 1840.

(Received June 8.)

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatches, marked "Slave Trade," to that of the 23d May last inclusive.

I have, &c.

(Signed) HOWARD DE WALDEN.

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

No. 64.

Viscount Palmerston to Marquis Saldanha.

Foreign Office, June 15, 1840.

SIR,

I HAVE the honour to transmit herewith to your Excellency a Draft of Treaty between Great Britain and Portugal on Slave Trade, which Her Majesty's Government propose to the Government of Portugal.

This Draft is the same with that which was presented to the Portuguese Government by Mr. Jerningham, in August, 1838, with the exception that a few words have been added towards the end of Article III, in Annex B, to provide, that the proceedings of the Courts of Mixed Commission under the Treaty shall be conducted in public.

I shall feel great pleasure in signing with your Excellency a Treaty copied from this Draft.

I transmit at the same time, for the information of your Excellency, a copy of an Instruction which I addressed on the 23d May last to Her Majesty's Envoy at Lisbon, expressing the sentiments of Her Majesty's Government upon a Note, which on the 23d April preceding Count Villa Real had addressed to Her Majesty's Envoy, upon the subject of the proposed Treaty.

I have, &c.
 (Signed) PALMERSTON.
The Marquis of Saldanha,
 &c. &c. &c.

First Enclosure in No. 64.

Printed Draft of a Treaty, sent to Mr. Jerningham, August, 1838.

(See Class B., 1838.)

Words added to Art. 3 of Annex B. :—

“The proceedings of the said Mixed Commissions shall be open to the public; and all the essential parts of the proceedings of the said Commissioners shall be written down in the language of the country in which the Commissions shall respectively reside.”

Second Enclosure in No. 64.

Viscount Palmerston to Lord Howard de Walden.

Foreign Office, May 23, 1840.

(See No. 60, page 70.)

No. 65.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, June 29, 1840.

I HEREWITH transmit to your Lordship a copy of a communication which has been received at this office from the Admiralty, relative to encouragement given to Slave Trade by the Portuguese authorities at St. Paul de Loando and Benguela; and I have to desire that your Lordship will communicate these papers to the Portuguese Government, in order that they may give such orders as they may judge suited to the occasion.

I have, &c.
 (Signed) PALMERSTON.
The Lord Howard de Walden,
 &c. &c. &c.

First Enclosure in No. 65.

Sir John Barrow to Viscount Leveson.

MY LORD,

Admiralty, June 5, 1840.

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Viscount Palmerston, a copy of a Letter from Rear-Admiral the Honourable G. Elliot, dated 20th January last, relative to the encouragement given to the Slave Trade by the Portuguese authorities at St. Paul de Loando and Benguela.

I am, &c.
 (Signed) JOHN BARROW.
Viscount Leveson,
 &c. &c.

Second Enclosure in No. 65.

Admiral Elliot to Mr. Wood.

SIR,

“Melville,” at Sea, January 28, 1840.

I BEG you will acquaint the Lords Commissioners of the Admiralty, that by the information I have obtained from Her Majesty's cruizers under my command,

CLASS B.

L

I can have little doubt of the Portuguese authorities at St. Paul de Loando and Benguela being interested in, and rather encouraging than attempting to suppress the Slave Trade, which is so extensively carried on from that coast. I do not include the Governor-General, who has just returned to Europe, and who appeared anxious to suppress the trade, but the Governor of Benguela and the Acting Governor of St. Paulo cannot, I believe, be exempted from the charge; and it is perhaps right to state that it appeared to be the prevailing opinion, that the authorities *could not put it down*, because they were entirely dependent upon the revenues derived, either directly or indirectly, from such a traffic to support their colonial establishments. The activity of Her Majesty's cruizers, and the serious interruption they have lately caused to the Slave Trade on that coast, has generated a most hostile feeling towards British subjects. The "Columbine" was last month refused permission to anchor at the usual anchorage of St. Paulo, and desired to anchor outside the port, which Commander Elliot refused to do, unless he had the Governor's directions *in writing*, which they declined sending. He was also told that the authorities would not be answerable for the lives of any of his officers or crew if they attempted to land, and was thus cut off from any species of supply, at a time when an American and 20 Portuguese, mostly slave vessels, were lying at the usual anchorage, obtaining all they required, and protected by the neutrality of the port, till they were ready to take in their slaves, either outside of the harbour, or under Cape Lagostios, a few miles to the northward; the slaves sent from St. Paulo in large canoes.

At Benguela the slaves are said to be openly shipped in the port, and a capitation tax paid to the Governor. Their Lordships will already be in possession of the statement made by Commander Tucker, relating to the conduct of the commander of the Portuguese corvette "*Urania*," (enclosed in my letter of the 21st instant, No. 15), the senior Portuguese officer on that coast; and I thought it better to acquaint them of the hostility felt towards Her Majesty's cruizers, and the indisposition shown to grant supplies or assistance of any kind. I have only to trust that the future success of Her Majesty's ships may be such as is likely to continue this feeling on the part of the slave dealers, and their influence is not sufficient to prevent the native chiefs from granting the few supplies they are possessed of, unless in the immediate vicinity of the only two Portuguese establishments, at St. Paulo and Benguela. The Portuguese claim, I believe, the sovereignty of the coast as far north as the Congo, but as they have not possession of one foot of the country north of Cape Lagosto, and the native chiefs do not acknowledge any dependence on the Portuguese, I trust their Lordships will approve of my not considering the rights of neutrality to extend to any other places than St. Paul de Loando and Benguela. The Portuguese Government have not even the pretence of any other establishments, though individuals, English, American, Portuguese, and Spanish, have either stores, or slave barracoons at convenient places for trade along the coast which the natives permit, and upon which each hoists the colours of his nation, as is usual in the factories on the whole of the African coast.

I am, &c.

Charles Wood, Esq.,
&c. &c. &c.

(Signed)

GEORGE ELLIOT,
Rear-Admiral.

No. 66.

Lord Howard de Walden to Viscount Palmerston.

Lisbon, June 20, 1840.

(Received June 29.)

MY LORD,

THE Count de Villa Real has informed me, that it is the intention of the Portuguese Government to forward to the Marquis de Saldanha, by this mail, instructions and full powers, with a view to the signature of a Treaty with Great Britain, for the suppression of the Slave Trade.

I can barely anticipate any indispensable obstacle in the way of instructions, which can fetter the Marshal.

The only real difficulty which has stood in the way of the conclusion of the Treaty, as last proposed by Her Majesty's Government, has arisen, I am satisfied, from the dread on the part of the various Portuguese Plenipotentiaries, with whom I have treated, of the effect of the united opposition of the Septembrista party, aided by the funds of slave traders, and the co-operation of persons who are interested in the

perpetuation of the *illicit* traffic in slaves, as a source of indirect pecuniary advantages to themselves.

It thus obviously became a question of personal calculation, as to the effect on the popularity or stability of the Plenipotentiary himself, or of the Government of which he was a member, which required strong principles of integrity and true feelings of patriotism and humanity to combat.

Marshal Saldanha possesses all these qualities. He has always been the avowed enemy of the slave trader; he does not fear responsibility as to any consequences to himself, when embarked in what he considers a just cause.

Under these circumstances, if any statesman can sign the Treaty in question, he is the man who can do so with most honour to himself, as acting upon principles already publicly avowed by him, rather than upon expediency.

There is but one feeling among all classes against the Act of Parliament passed last Session for the suppression of Portuguese Slave Trade, and any Treaty, therefore, would certainly be considered by the mass of the people in a national point of view as less humiliating to Portugal than the act in question, and would, consequently, I am satisfied, when sanctioned by the authority and name of so great a man, and one so universally popular throughout the country as the Marshal, be hailed with satisfaction throughout all classes, but those personally, directly or indirectly, interested in the perpetuation of the Slave Trade, as the corrupt and infamous source of illicit and degrading pecuniary gain.

I have, &c.

(Signed) HOWARD DE WALDEN.

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

No. 67.

Lord Howard de Walden to Viscount Palmerston.

Lisbon, June 22, 1840.

(Received June 29.)

MY LORD,

I HAVE the honour to enclose to your Lordship the copy and translation of a Note, which I have just received from Count de Villa Real, informing me, officially, that Her Most Faithful Majesty has resolved to send to the Marquis of Saldanha full powers and instructions, in order to conclude the Treaty for the suppression of the Slave Trade, in London.

I have, &c.

(Signed) HOWARD DE WALDEN.

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

Enclosure in No. 67.

(Translation.)

Count Villa Real to Lord Howard de Walden.

Office of Foreign Affairs, June 20, 1840.

THE Undersigned, Minister, &c., has the honour to inform Lord Howard de Walden, Envoy, &c., that Her Majesty the Queen, having taken into consideration the contents of the Note addressed by his Lordship to the Undersigned on the 20th of May last, respecting the observations made by him, on the Treaty now in negotiation between the two Crowns for the suppression of the Slave Trade, and as from the context of the same Note it appears that his Lordship's instructions do not permit him to agree to the stipulations, which are considered as being most essential, Her Majesty has resolved to send to the Marshal Marquis of Saldanha both the power and necessary instructions, in order to conclude this affair in London.

The Undersigned, &c.

(Signed) COUNT DE VILLA REAL.

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

No. 68.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, July 9, 1840.

I HAVE received your Lordship's Despatches, marked "Slave Trade," of the 20th and 22d June last, respecting instructions and full powers, said to have been forwarded by the Portuguese Government to the Marquis de Saldanha, with a view to the signature of a Treaty between Great Britain and Portugal for the suppression of the Slave Trade. I have now to acquaint your Lordship, that the Marquis de Saldanha informed me, that his Government require, as a *sine quâ non* condition of a new Slave Trade Treaty, that the duration of any such Treaty shall be limited.

I stated to the Marquis de Saldanha, in reply, that, for the reasons which have frequently been explained to the Portuguese Government, such a condition is wholly inadmissible by Her Majesty's Government, and that consequently I considered his communication tantamount to a declaration, that Portugal will not conclude a new Treaty for the suppression of the Slave Trade; but I said, that this is now a question which concerns Portugal alone, because by the Act of Parliament of last Session the British Government has means to put down Slave Trade under the Portuguese flag, as effectual as those which a new Treaty would confer.

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

I am, &c.
 (Signed) PALMERSTON.

No. 69.

*Baron Moncorvo to Viscount Palmerston.**Londres, 11 Juillet, 1840.**(Received July 14.)*

LE Soussigné, Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté Très Fidèle près Sa Majesté Britannique, ayant porté à la connaissance de son Gouvernement le contenu de la Note, et des documens qui l'accompagnaient, que lui fut adressée en date du 22 Mai dernier par son Excellence Monsieur le Vicomte Palmerston, Principal Secrétaire d'Etat de Sa Majesté Britannique au Département des Affaires Etrangères, le Gouvernement de Sa Majesté Très Fidèle apprit avec le plus sincère regret, qu'après dix mois d'attente, et quand il espérait que la Note que le Soussigné eût l'honneur de présenter à son Excellence, en date du 9 Août, 1839, aurait meritée la plus sérieuse attention, même dans l'intérêt du Gouvernement Britannique, et pour amour de la réputation de sa marine, à sa plus grande surprise, au lieu d'une enquête rigoureuse au sujet des accusations portées contre M. Arthur Kellett, officier de la Marine Britannique, le Gouvernement de Sa Majesté Britannique se limita à la démarche d'exiger de M. Kellett (la partie accusée) quelques explications, dans lesquelles il paraît ne vouloir pas même se faire charge de répondre aux accusations les plus sérieuses présentées contre lui, et auxquelles l'honneur et la réputation de cet officier paraissent tellement tenir.

Le Soussigné a donc reçu l'ordre d'assurer son Excellence Milord Palmerston, que dans l'esprit le plus sincère de conciliation, et désirant d'éviter tout sujet de récriminations acrimonieuses, le Gouvernement de Sa Majesté Très Fidèle espère que son Excellence fera examiner de nouveau les accusations en question, pour y porter un jugement impartial, par tout autre personne qui ne soit le propre accusé, à fin d'éviter la conséquence naturelle qu'il devienne juge de sa propre cause. Car non seulement ces accusations se rapportent à des faits qui paraissent prouvés, et qui sont une infraction évidente du droit des gens, mais à d'autres objets qui, quand même ils soient jugés d'après les lois Britanniques, mériteraient une punition sévère, si M. Kellett ne prouvait d'une manière indubitable son innocence à ce sujet.

Quant à la question de la souveraineté de l'isle de Bolama, question que M. Kellett trancha d'une manière vraiment insultante pour une nation libre, quelques soient ses relations avec la Grande Bretagne, et plus encore si on veut se rappeler un instant des rapports de tout genre qui ont existés si long tems entre le Portugal et la Grande Bretagne, le Soussigné prie son Excellence de vouloir bien prêter attention à la Note, que le Ministre Secrétaire d'Etat des Affaires Etrangères de Sa Majesté Très Fidèle dirigea à Milord Howard de Walden, en date du 26 Novembre 1834, dont il est bien de présumer que ce Ministre en donna connaissance à son Gouvernement. Non seulement en conséquence de tout ce qui fut allégué dans

cette Note, mais à cause du propre aveu de son Excellence dans celle du 22 Mai dernier, il n'est que trop évident, que la conduite du Gouverneur de Sierra Leone d'ordonner, et de M. Kellett d'exécuter de la manière dont il le fit, la prise en possession de l'isle de Bolama, où le pavillon Portugais flottait, et où une garnison de troupes de ligne se trouvait, insultant tout exprès l'un et l'autre, donne occasion aux justes plaintes du Gouvernement Portugais.

Le Soussigné croit en avoir dit assez pour attirer l'attention de son Excellence ; et dans l'espérance de la mériter sans aucun délai, il ne lui reste qu'à réitérer à son Excellence M. le Vicomte Palmerston l'assurance de sa plus haute considération.

(Signé)

LE BARON DA TORRE DE MONCORVO.

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

&c.

&c.

&c.

(Translation.)

THE Undersigned, &c., having communicated to his Government the contents of the Note, and of the Documents which accompanied it, which was addressed to him, under date of the 22d May last, by his Excellency Viscount Palmerston, &c., the Government of Her Most Faithful Majesty learnt with the most sincere regret, that after six months' expectation, and when they hoped that the Note which the Undersigned had the honour to present to his Excellency, under date of the 2d August, 1839, would have merited the most serious attention, even for the sake of the British Government, and out of regard for the reputation of its navy, to their greatest surprise, that instead of a rigorous inquiry on the subject of the accusations brought against Mr. Arthur Kellett, an officer of the British navy, the Government of Her Britannic Majesty limited itself to the step of demanding from Mr. Kellett (the party accused) some explanations, in which he apparently does not even take the trouble to answer the most serious charges preferred against him, which so much affect his honour and reputation.

The Undersigned has therefore received orders to assure his Excellency Lord Palmerston, that, in the sincerest spirit of conciliation, and desiring to avoid all subjects of acrimonious recrimination, the Government of Her Most Faithful Majesty hopes that his Excellency will cause a fresh inquiry to be made into the accusations in question, so that an impartial judgment may be brought to bear upon them, by any other person but the party accused, in order to prevent the natural consequence of his becoming judge in his own cause ; for not only do these accusations refer to facts which appear to be proved, and which are an evident infraction of the law of nations, but to other matters, which, even if judged according to British laws, would merit severe punishment, if Mr. Kellett did not, in an unquestionable manner, prove his innocence on the subject.

With regard to the question of the sovereignty of the Island of Bulama, a question which Mr. Kellett cut short in a manner truly insulting towards a free nation, whatever may be its relations with Great Britain, and still more so if one recollects for an instant the relations of all sorts which have so long existed between Portugal and Great Britain, the Undersigned begs his Excellency to have the kindness to pay attention to the Note which the Secretary of State for Foreign Affairs of Her Most Faithful Majesty addressed to Lord Howard de Walden under date of the 26th November, 1834, which it may be presumed that Minister communicated to his Government. Not only in consequence of all that was alleged in that Note, but on account of his Excellency's own avowal in that of the 22d May last, it is but too evident that the conduct of the Governor of Sierra Leone in ordering, and of Mr. Kellett in executing as he did, the taking possession of the Island of Bulama, where the flag of Portugal was floating, and where there was a garrison of troops of the line, expressly insulting both one and the other, give occasion for the just complaints of the Portuguese Government.

The Undersigned believes that he has said enough to attract the attention of his Excellency ; and in the expectation of meriting it, without any delay, it only remains for him to repeat, &c.

(Signed)

THE BARON DA TORRE DE MONCORVO.

No. 70.

*Viscount Palmerston to Baron de Moncorvo.**Foreign Office, July 17, 1840.*

THE Undersigned has received the Note addressed to him on the 11th instant by the Baron da Torre de Moncorvo, &c., respecting the conduct of Lieut. Kellett of Her Majesty's ship "Brisk," in certain proceedings which had recently taken place at the island of Bulama. And the Undersigned has to acquaint Baron Moncorvo that he has transmitted the Note in question to the Board of Admiralty, and has requested that Board to institute further enquiries into the proceedings referred to: and the Undersigned will again communicate with Baron Moncorvo upon this subject, as soon as Her Majesty's Government shall have learnt the result of those further enquiries.

The Undersigned, &c.,

(Signed) PALMERSTON.

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

No. 71.

*Lord Howard de Walden to Viscount Palmerston.**Cintra, July 12, 1840.**(Received July 20.)*

MY LORD,

I HAVE had the honour to receive your Lordship's Despatches marked "Slave Trade," to that of the 29th June last, inclusive.

I have, &c.

(Signed)

HOWARD DE WALDEN.

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

No. 72.

*Viscount Palmerston to Lord Howard de Walden.**Foreign Office, July 31, 1840.*

MY LORD,

I HEREWITH transmit to your Lordship for communication to the Portuguese Government, the copy of a Despatch and of its Enclosure from Her Majesty's Commissioners at Sierra Leone, containing a Report of the case of the Portuguese schooner the "*Pomba d'Africa*" detained by Her Majesty's schooner "*Fair Rosamond*," and condemned in the Mixed British and Portuguese Court of Commission, on the ground of being engaged in Slave Trade. The case of the "*Pomba d'Africa*" is peculiarly revolting from the circumstance that upwards of 150 slaves, besides a large crew and several passengers, were in this instance crammed into a vessel of 35 tons burthen.

The "*Pomba d'Africa*" as well as her cargo of slaves belonged to Doña Francisca de Lima, a lady of Princes Island, and the vessel was furnished with papers from the Council administering the government of that island, testifying that she was bound on a voyage of lawful commerce: but the commerce described as lawful was the purchase of 155 negroes, for importation into Princes Island.

I have, &c.

(Signed)

PALMERSTON.

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

Enclosure in No. 72.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, August 14, 1839.*

(See Class A. No. 96, page 180.)

No. 73.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, July 31, 1840.

WITH reference to my other Despatch of this date respecting the connivance of Portuguese authorities with Slave Trade, I herewith transmit to your Lordship a Copy of a Despatch, and the original Papers enclosed in it, from Her Majesty's Commissioners at Sierra Leone, containing a Report of the case of the Portuguese schooner "*Liberal*," captured with 41 slaves on board, in the Bissao Channel, by Her Majesty's brig "*Brisk*."

The persons concerned in the slave undertaking in this case, attempted to prove that they were carrying 38 of these slaves to the Cape Verds, in accordance with the Portuguese Decree of December, 1836, and that the three remaining slaves formed part of the crew.

On a minute inquiry into the facts, however, it appeared that 14 of these slaves were owned and shipped by João Joze Antonio Frederico, Director of the Custom House at Bissao, and were consigned to a Custom-house officer at Villa da Praya, and that three of the slaves were owned and shipped by Honorio Pereira Barretto, the Governor of Bissao.

You will, by a Note to the Portuguese Minister, bring these facts to the knowledge of the Portuguese Government, as proof, in addition to those already afforded, that Portuguese functionaries in Africa still disgrace their authority, by employing it for the purpose of evading the laws, which they are specially bound to support, for the suppression of the Slave Trade.

I am, &c.

(Signed)

PALMERSTON.

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

Enclosure in No. 73.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, May 13, 1839.*

(Class A, No. 95, page 175.)

No. 74.

*Lord Howard de Walden to Viscount Palmerston.**Cintra, July , 1840.**(Received August 3.)*

MY LORD,

I HAVE the honour to enclose a copy of a Note, which I have received from Senhor Rodrigo Fonseca da Magalhaes, in acknowledgment of the receipt of the Note which I addressed to His Excellency, on the 15th instant, communicating to him the Report of Rear-Admiral Elliot, relative to the encouragement given to the Slave Trade on the coast of Africa by the Portuguese authorities.

I have, &c.

(Signed)

HOWARD DE WALDEN.

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

&c.

&c.

&c.

Enclosure in No. 74.

(Translation.)

*M. Magalhaes to Lord Howard de Walden.**Office of Foreign Affairs, July 21, 1840.*

THE Undersigned, Minister and Secretary of State, &c., had the honour to receive the Note addressed to him by Lord Howard de Walden, and an accompanying copy of an official letter, addressed by Rear-Admiral Elliot to the Admiralty of Great Britain on the 28th of January last, in which he complains against the

Portuguese authorities on the coast of Africa for giving protection to the Slave Trade.

As the charges made against the said authorities in that Official Letter are very grave, the Undersigned will lose no time in making them known to the Minister of Marine, in order that the most scrupulous examination may be directed to be made through that department, respecting the proceedings of the said authorities, by issuing the most positive orders to have the law of the 10th of December, 1836, vigorously enforced there, not only as regards the said authorities, but also all other individuals who might have infringed on the dispositions of the said Decree.

The Undersigned, &c.

(Signed) RODRIGO DA FONSECA MAGALHAES.

The Lord Howard de Walden,

&c. &c. &c.

No. 75.

Lord Howard de Walden to Viscount Palmerston,

Cintra, July , 1840.

(Received August 3.)

MY LORD,

I HAVE the honour to acknowledge your Lordship's Despatches marked "Slave Trade," up to that of the 29th of June last, inclusive.

I have, &c.,

(Signed) HOWARD DE WALDEN.

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

&c. &c. &c.

No. 76.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, August 6, 1840.

I HEREWITH transmit to your Lordship a copy of a Despatch from Her Majesty's Commissioners at Rio de Janeiro, reporting that the "*Leopoldina*," a vessel bearing the flag of Portugal, but belonging to Rio de Janeiro, had gone to Quilimane, in order to embark a cargo of slaves, but had been compelled to return in ballast, in consequence not only of the vigilance of the British squadron, but also of the honourable opposition which the Governor of Quilimane made to the prosecution of her illegal enterprise. You will communicate the enclosed paper to the Portuguese Government.

I have, &c.,

(Signed) PALMERSTON.

The Lord Howard de Walden,

&c. &c. &c.

Enclosure in No. 76.

Her Majesty's Commissioners to Viscount Palmerston.

Rio de Janeiro, May 19, 1840.

(See Class A. No. 171, page 317).

No. 77.

Viscount Palmerston to Baron de Moncorvo.

Foreign Office, August 8, 1840.

THE Undersigned, &c., has the honour to acquaint the Baron de Moncorvo, &c., that he has transmitted to the Board of Admiralty a copy of the Communication addressed to him by the Baron de Moncorvo on the 11th ultimo, respecting the conduct of Lieutenant Kellett of Her Majesty's ship "*Brisk*," in certain recent

proceedings at the island of Bulama; and that the Board of Admiralty have stated to the Undersigned in reply, that they have forwarded copies of that communication, as well as of the former correspondence on this subject, to the senior officer of Her Majesty's ships and vessels on the coast of Africa, with directions to him to investigate the whole of the allegations on both sides, and to report to Her Majesty's Government the result. And the Undersigned has to inform the Baron de Moncorvo, that whenever the result of that investigation shall have reached Her Majesty's Government, the Undersigned will communicate further with the Baron de Moncorvo on the subject.

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

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

No. 78.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, August 8, 1840.

It appears from Despatches from Her Majesty's Commissioners at Sierra Leone, that in the month of June, 1839, the Governor-General of the Cape Verd Islands, Don Joaquim Pereira Marinho, transmitted to Mr. Barker, Her Majesty's Pro-Consul in those Islands, a list of vessels which had obtained Passports from the Cape Verds, between the month of December, 1835, and the month of January, 1838.

The Governor-General, in transmitting that list to Mr. Barker, requested to be informed whether any, and which of those vessels had been concerned in the Slave Trade; and also to be furnished with such legal documents, connected with their detention and condemnation, as should ensure the punishment of the offenders according to law.

By a comparison of the list thus furnished by the Governor of the Cape Verds, with the list of vessels actually condemned at Sierra Leone, it appeared that the paper transmitted by the Governor, and purporting to be a correct official document, contained the names of twenty only out of thirty-seven vessels, which had been provided with Cape Verd Passports, within the period comprised in the return furnished by M. Marinho, and had been condemned at Sierra Leone on a charge of Slave Trade. I herewith transmit to you copies of the two papers, marked Nos. 1 and 2, respectively.

The Commissioners at Sierra Leone judged that they should best comply with the request of M. Marinho, by transmitting to his Excellency, through Her Majesty's Consul at the Cape Verds a return of the names and official documents connected with such vessels only as were referred to in his Excellency's list, and had been captured with cargoes of slaves actually on board, and had been condemned in the British and Portuguese Court of Mixed Commission.

Her Majesty's Commissioners accordingly have transmitted to Her Majesty's Consul at the Cape Verds, a list of fifteen vessels thus circumstanced, and have added to that list the original Passports, granted by the Governor of the Cape Verds to those vessels, and certificates of the condemnation of each of those vessels respectively, under the signature of the Registrar, and under the seal of the Court. I transmit to your Lordship a list of those vessels marked No. 3. In each of these vessels guilt was proved beyond question by the presence of a full cargo of slaves; all of them were condemned as Portuguese vessels, for an undeniable violation of the Conventions which subsisted between Great Britain and Portugal for the suppression of illegal Slave Trade.

The original Passports of those vessels, and the Certificates of condemnation in each case, furnish the most undeniable documentary evidence, of the fraudulent and illegal conduct of the persons who were owners and commanders of the vessels.

It remains, therefore, now with the Governor-General of the Cape Verds, and with the Government of the mother-country, which delegated its authority to him, to prove the sincerity of their professions on Slave Trade, by prosecuting to punishment those persons, who in the cases of these vessels have offended against the laws

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of Portugal, by attempting to carry on a piratical Slave Trade, under cover of Passports ostensibly destined to protect innocent and legal commerce.

You will acquaint the Portuguese Government with the facts stated in the Dispatch; and you will add that Her Majesty's Government will be anxious to learn the result of the proceedings, which, in consequence of the communication here referred to from the Commissioners at Sierra Leone to the authorities at the Cape Verds, may be instituted against the Slave Traders concerned in the cases of those vessels.

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

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

First Enclosure in No. 78.

List furnished by Governor-General of the Cape Verd Islands.
(Class A, page 190.)

Second Enclosure in No. 78.

List furnished by Her Majesty's Commissioners at Sierra Leone.
(Class A, page 192.)

Third Enclosure in No. 78.

*List of Vessels in Note * at the foot of page 189, Class A.*

No. 79.

Lord Howard de Walden to Viscount Palmerston.

Cintra, July 26, 1840.

(Extract.)

(Received August 9.)

YOUR Lordship informs me by your Despatch of the 9th instant, that the Marquis de Saldanha has stated to your Lordship, that his Government required, as a *sine quâ non* condition of a new Slave Trade Treaty, that the duration of any such Treaty shall be limited.

This is at variance with the assurances I had received from the Count de Villa Real personally.

No. 80.

Lord Howard de Walden to Viscount Palmerston.

Cintra, August 1, 1840.

MY LORD,

(Received August 9.)

I HAVE the honour to enclose the "Diario de Governo" of the 29th ult., in which the debate in the House of Senators on that part of the address which refers to the Slave Trade, and the protest of the Cortes against the British Act of Parliament for the suppression of Portuguese Slave Trade, is given at some length, and I understand with unusual accuracy.

The principal speeches worthy of attention are those of Baron Ribeira de Sabrosa, Senhor Rodrigo Fonseca de Magalhaes, Baron Tojal, Count Villa Real, and the Duke of Palmella.

The Baron da Ribeira Sabrosa indulges, as usual, in unmeasured terms of hostility and antipathy to England.

Senhor Rodrigo Fonseca de Magalhaes, Count de Villa Real, and the Duke of Palmella, all spoke more openly than they had hitherto done, in the sense of a justification of the policy of English alliance, and criticising the course pursued by the Government of the Revolution of September. Each appeared, however, to seek to neutralize the unpopular effect such doctrines, uttered by themselves, might create among the Septembrista party, by launching forth in strong protests against the Act of Parliament for the suppression of the Portuguese Slave Trade.

The speech of the Baron Tojal is a most excellent one, and has created great impression. It is remarkable for the boldness with which he brought forward unpalatable truths, in refutation of the doctrines of the Septembristas, and in exposure of the system of misrepresentation and deception which has so long been practised on the public in regard to English alliance; and it is highly creditable to him, not only for the soundness of the views and the correctness of the arguments by which they are supported, but for the independent spirit of real patriotism by which it was dictated.

I have, &c.

(Signed) HOWARD DE WALDEN.

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

First Enclosure in No. 80.

Diario de Governo, Lisbon, July 29, 1840.

Second Enclosure in No. 80.

Extracts translated from the Diario de Governo of the 29th of July, 1840, from the Debate on the Answer to the Speech from the Throne.

BARON da Ribeira de Sabrosa, in a long and vehement speech upon the Slave Trade question and British Alliance, said, that he not only felt it his duty, but a real satisfaction to him, to show to his country that the atrocious and unheard-of hostilities, committed by Great Britain against Portugal and her colonies, and perpetrated by her under the garb of peace and of the most designing and treacherous alliance with Portugal, issued from quite a different motive from that which had been proclaimed by Great Britain. What England calls with the specious names of *philanthropy* and *mercantile interests*, in the face of foreign nations, was nothing more than *overbearingness and ambition*. It has been propagated in England that the Portuguese flag was either exclusive in the slave traffic, or at least the most conspicuous in it amongst other nations.

This seems to be the reason why special mention was made of it in the fourth paragraph of the nefarious Bill passed in Parliament, which was a correct imitation of the Decree of Milan.

The Baron made an exposition of facts to prove the falsity of this assertion, &c. He explained the proceeding of Mr. Tolmé, the British Consul at Havana, respecting slave vessels found to be foreigners under the Portuguese flag; exclaimed against England, whose aim was to force Portugal to make cession to her of her colonies—that England was jealous of the improvement of agriculture in Africa; animadverted on the conduct of Great Britain towards Ireland, quoting Sir Robert Inglis's Travels into that country, in which is seen that the poor and the working classes in Ireland live like pigs, and in the same huts with these animals, with whom they share their food. "Philanthropy! (the Baron exclaimed,) I doubt whether any philanthropy exists in England, since Lord Byron, who knew his countrymen well, asserts that 'virtue was not to be found in England.'"

"The English (continued the orator) will not allow that sugar and coffee should be cultivated in Brazil and the island of Cuba, at a cheaper rate than in her colonies; but their efforts are not devoted to the slavery of the negroes, but they aim at

the possession of that fertile soil of which we are unluckily the owners, and which produces also hides, ivory, and wax, and excites the envy of the Government of Great Britain." (Hear! hear!) The orator said that this was the real motive that induced England to humiliate Portugal, by throwing every impediment in the way of negotiating a Treaty, which is to be concluded by common accord, and without it the Conventions of 1817 can never be annulled.

The Minister of the Interior said, he allowed that the wish of all Administrations, from the date of the restoration of the Throne up to the present day, was that of making an end of the Slave Trade; that they all had at heart the suppression of the Slave Trade by concluding a Treaty: so far it is correct; but one truth, however bitter, must be owned, and this truth is, that in spite of the measures adopted by the Administrations that came into power after the Revolution of September, 1836, a large traffic in slaves has been carried on by slave vessels under the Portuguese flag. Who will deny, then, that the Portuguese flag covered this nefarious traffic? It was not with the consent, but against the consent of the Portuguese Government that this fraud has been committed; and the expression made use of by the illustrious Senator, and attributed to a British Minister, ought to be explained in this manner. The Government, in the face of certain facts, and indeed of many facts, cannot deny that the Portuguese flag has been fraudulently hoisted in order to cover the nefarious traffic in slaves—(hear! hear!);—but it is not less certain that the wish of the Government is to oppose the continuation of a similar fraud, to which end they have adopted efficacious measures. It is also true, it must be confessed, these measures have not proved effective, and that the orders of Government have been treated with contempt, and that foreigners have obtained Passports and other papers from persons in the employ of Portugal for the purpose of carrying on this traffic. (Hear! hear!) After this, mention may be made of the question,—the observations made by the Noble Senator respecting the rigorous and violent measures exclusively put in practice against Portuguese vessels. There certainly exists certain cases when those outrages were committed innocently against Portuguese vessels; but it is also certain that many Portuguese vessels have been captured with slaves on board, and having all the appearance of being slave ships, and after all proved not to be Portuguese vessels: therefore we must confess the hard truth of our having been insulted, first by contrabandistas (smugglers), and then by the English cruisers. By lawless smugglers first, by their subjecting the Portuguese flag to double infamy, viz., that of covering the slave traffic, and of exposing the flag of Portugal to the violence of British cruisers, by vessels which were not Portuguese. These insults, therefore, not being made to Portugal, but to the borrowed flag which the said smugglers carried on their vessels, such an evil requires a remedy. Russia, of whom the Noble Senator spoke as being a great and powerful nation, has abandoned all Russian vessels, or vessels carrying the Russian flag, to the mercy of the British cruisers, whenever they were met by them and found to be employed in the Slave Trade. "I saw (the orator said) a copy of the instructions sent to the Consular Agents at every port, by which it is declared that the Russian Government not only would not give protection to, but even abandoned as not belonging to her, all vessels employed in the slave traffic, in spite of their carrying the Russian flag. I am of opinion (continued the orator) that the suppression of the Slave Trade is by no means against the interests of Portugal and of her Colonies; on the contrary, I consider it greatly in her favour. (Hear! hear!) I will go further. I not only consider it as a real good, but I look upon it as a matter of necessity. If I am not mistaken (the orator said) I understood the Noble Baron asserts, that under the plea of philanthropy an attempt was made to attack, together with the Slave Trade, the vessels employed in this traffic, the resources derived from it to the persons that carried it on, and the country from which slaves are exported; in other words, that under the pretext of philanthropy the English were endeavouring to put an end to this trade, with the view of completely ruining the Portuguese colonies. [Here Baron da Ribeira de Sabrosa said that this was his opinion.] Very well (continued the orator), in this case mine is perfectly in opposition to that of the Noble Baron, and so, I believe, will say any other man who has a knowledge of the African territory, and considers its prosperity wholly depending on its population. Let us speak openly. If the English had the ruin of the Portuguese Colonies in view, why should they endeavour to suppress the trade, by the prohibition of which the negroes are no longer exported from their native country?

A wise Government never could allow the traffic in slaves, who, by ceasing to be exported from Africa, would bestow the labour which enriches other countries in favour of their own. (Hear! hear!) This fact evidently contradicts of itself the Noble Baron's assertion, and as such I must differ with him in opinion.

“ There is no doubt (the orator said) but we (the Portuguese) have suffered a great many insults, on the supposition, either ill or well founded, that there was no sincerity on the part of the Portuguese Government in their wish to join Great Britain in the suppression of the Slave Trade. I am far from believing such to be the case; but in their persuading themselves that there was no sincerity in our wishes appearances must have had a great share; for, at a time when almost all maritime nations, such as Spain, Naples, Sardinia, and Brazil, had concluded a Treaty with England for the suppression of the slave traffic, no Treaty had been concluded, nor is concluded up to the present day, with Portugal to the same effect. He did not intend, however, by this observation to exculpate the many insults offered by the British cruizers to Portugal; but we (the Portuguese) cannot help after all concluding, as it is expressed in the Committee's project of the answer to the Throne, that the conclusion of a Treaty with England is now indispensable: and this necessity the orator considered not only in consequence of the present situation in which Portugal is placed, but also in consequence of circumstances supervened, God knows through whom, which have been the cause of Portugal being in that situation. Moreover, in order that Portugal may not be behind hand in what is called civilization, Portugal ought, even without a Treaty, to exert all means in her power to suppress this traffic; and, were it not for the circumstances stated above, I (the orator) would say, Well, let us make no Treaty, but, on the other hand, let us exert ourselves by every means in our power to suppress this trade; let us send all the vessels of war we can muster to the seas of Africa; let us make prisoners and condemn to death all those who dare to make use of the Portuguese flag in a fraudulent manner to cover the Slave Trade. (Hear! hear!) Let this way of thinking be called partiality on my part: it is not so. Let all the sarcastic language be used on the supposed motives for the suppression of this traffic. What harm can result to us in attributing to a nation that makes every effort to put down this traffic, principles of virtue or humanity? However, we will allow it for a moment to be partiality on my part. Very well. There are certain prejudices which a Government never can combat. Would it not have been a folly, nay, a very great folly, for any Government, at the time of the Crusade, when all the world had taken into their heads to go and meet with their graves at Palestine, to attempt to dissuade them from following this religious impulse?

“ Portugal is in duty bound to conclude this Treaty; she gave her word many years ago to conclude it, and her word she must keep. It is certain that the evils which result from the non-conclusion of this Treaty are both real and fatal. I blame no one (said the orator) but I trust the Chamber will do me the justice to say that I was not the cause of them, nor had I any share in preventing the conclusion of the said Treaty. The present Administration found the negotiations for it in the same state as it is at present, perhaps in a worse state.

“ The orator would not attempt to deny the words of Lord Byron, he will only make some observations on the testimony given by that nobleman. He would ask, who would rather give such a testimony in good faith, a Frenchman or Lord Byron? It is therefore necessary to look for a better testimony. But a Frenchman will never be able to form a good idea respecting England, no more will an Englishman respecting France. Every one knows that Lord Byron was a man of great talent, but nothing could satisfy him, nor could he be quiet in any place. His ideas of good and evil were the offspring of his own imagination, and both his slander and his praise were generally bestowed upon things just as they were painted in it, and not as they were in reality. Sir Robert Inglis (said the orator) was one more testimony produced by the Noble Baron, but let us say the truth. Is Ireland situated beyond Hindostan or China? The Noble Baron, as he is fond of reading, may perhaps have read the Voyages of a German Prince, who belongs to a nation characterized by their being cool in thinking. I mean that they are very persevering in combining their ideas, in order to give things their just value, without showing any partiality either to England or to France. The work I quote (said the orator) enjoys good reputation for impartiality, therefore I should always give it the preference to epigrams or satirical works, written by natives or by foreigners in any country. I do not pretend to say that Ireland is on a par with England

either in civilization or prosperity. I know she stands greatly below England, but the comparison made of the Irish with pigs never can be conceived when speaking of beings who wear a human form. (Hear, hear.) The Irish, like all other nations, have good and bad qualities. But that country has nevertheless given birth to so many great men, that one of them would be enough to destroy the comparison made of them with pigs. But I shall leave this episodium a part which is now answered by another episodium, without any pretension to the honour of being the defender of the Irish nation.

"I have no other observations to make for the moment (said the orator), although what has been said by the Noble Baron, in order to prove that we have been ill-treated and insulted by a foreign nation, is not sufficient to do away with the necessity of concluding a Treaty with England. This is the main object, because it is well known that without a Treaty it is impossible to put a stop to the effects of that unfortunate and tyrannical Bill. To this object a prudent Government ought to direct its views, in conforming to the stipulations of this Treaty, with the honour and dignity of the nation, and making a Treaty that will frankly and directly tend to obtain the double end of abolishing the Bill, and of efficaciously suppressing the traffic in slaves."

Baron Ribeira Sabrosa, in reply to Count Villa Real's observations on the Treaty under negotiation between Lord Howard de Walden and Viscount de Sa da Bandeira, said, "That the proof that the intention of the British Government was to remedy the evil consequences of the Slave Trade by the ruin of Portugal was the Ultimatum of Mr. Jerningham.

"I am so much convinced of this being their plan, that I did not hesitate to declare one day in the presence of some of the august personages, that I would sooner leave this country, or even die, than sign such an insulting Ultimatum, presented in such an insolent manner; all my colleagues joined me in opinion on that occasion. He said that the situation of a Portuguese subject, doomed to be tried before a foreign tribunal whose language he does not understand, is truly distressing: moreover, the prisoner might happen to be a passenger quite guiltless of the crime of contraband, and in this case he would find himself in a dreadful situation, most horrible to be thought of, and if there should be any Portuguese subject willing to consent to such a stipulation, or a minister that would make no scruple in signing it, the curse of God must fall upon their heads." The orator said, "that very often British philanthropy is the offspring of vanity, as ten pounds of potatoes and an equal weight of coals is distributed by the philanthropist amongst those wretched families starving in their neighbourhood, but before the fire is made and the potatoes boiled, his pompous gift is announced to the Morning Post on a sheet of gilt paper, and by this newspaper, in its turn, to all the world. Christian charity, Mr. President, is more modest, and hides itself in the shade like the violet, to avoid ostentation."

The Minister of the Interior begged leave to say a few words respecting Ireland, in answer to the observations made by Baron Ribeira de Sabrosa on the subject.

"The Baron said (if I mistake not, said the Minister) that the only difference between men and pigs in Ireland was, that men spoke, and pigs grunted. I am not aware that such a difference alone could be admissible. I know many unfortunate men who live in the greatest indigence, but are otherwise endowed with an excellent mind. It is true that the people of Ireland have been kept down by the political circumstances of that country; nevertheless I have no doubt but the Noble Baron will coincide with my opinion, that the mental faculty of the Irish, who possess it in the same degree as any other nation, ought not to be depreciated, therefore it is by no means fair to compare them with pigs; nor does it follow, because they do not eat meat, that they may not choose some other aliment for their support. In Portugal we know that many of the inhabitants of the Northern Provinces do not live upon meat. The Minister, speaking on the question of piracy, said, that Portugal could not help adopting the general opinion, both of the Government and nations of Europe, respecting the Slave Trade, this opinion being manifest in reality both in the King's palace and in the poorest cabin in Ireland."

The Minister of Justice said, "I mention this (in answer to Baron da Ribeira de Sabrosa, respecting the Ultimatum presented by Mr. Jerningham). If this explanation were not given, after hearing the Noble Baron say, with that energy which is proper to his character, 'that he would rather die or quit the country,' it might

be presumed that the august personages alluded to by him might have evinced unwillingness or obstinacy on their part."

Count de Villa Real said, "When Her Majesty was pleased to appoint me to the Ministry the Bill had already passed, therefore my own efforts, in conjunction with those of my colleagues, were directed to the conclusion of a Treaty, in virtue of which the said Bill should cease to operate, and against which no Government in Portugal could avoid protesting, as it is contrary to public right, and being likewise an act of a foreign power, which was destined to be enforced against Portuguese subjects. It is therefore evident that it attacks Portuguese independence, a circumstance which must be felt with indignation by all the Portuguese nation. (Hear, hear.)

"I endeavoured, therefore, to enter immediately into a negotiation by verbal communications, which preceded the Note addressed by me to the British Minister, in order to see if it were possible to conclude a Treaty with England.

"I believe Portugal has bound herself by her first Treaty to fix a future period for putting an end to the Slave Trade, and I also think that the Decree of the 10th of December, 1836, has done more harm than good. I must declare, however, that I did not impugn the good wishes of that Administration in promulgating the said Decree; I merely mention this as matter of fact. (Hear, hear.) Brazil being no longer a colony of Portugal, the reserve stipulated in the first Treaty with England could of course no longer be applied to it; this stipulation was that which granted it the faculty of carrying on the Slave Trade south of the Line. It is therefore clear that Brazil could not be comprehended in this stipulation. But when England saw that, after the promulgation of the Decree of the 10th December, 1836, the Slave Trade continued to be carried on under the Portuguese flag, she strongly suspected the sincerity of the intentions of the Portuguese Government of putting down this inhuman traffic. We must confess, however, that circumstances are very different now to what they were in 1836, when I (Count Villa Real) was in the administration, and when on the point of signing a Treaty by far more advantageous than any that have been afterwards under negotiation on the subject.—I could not help regretting when I returned into the Administration, that our situation should be now less favourable than it was at that time.

"The question of the progress of negotiation with England respecting the same Treaty is perfectly independent of the Revolution of September, as no rupture between England and Portugal having taken place within that and the present time, the Government continued the said negotiation."

Baron Tojal, in a long and talented speech, commenced by asserting that he would have written on the entrance-door of that Chamber, that he who was afraid to speak the truth ought not to enter it, and that on his part he would prove to the senate the real state of the question under discussion, as an independent man who would speak boldly what his conscience dictated him, and what he considered of advantage to his own country. He said that Portugal could not have existed as a kingdom, and even at the present moment could not maintain her independence, without the alliance of Great Britain; that this alliance was the bulwark of the Portuguese monarchy and the spirit that animated her, a fact well attested in her history, and recognized by all the Monarchs that reigned in Portugal, from the days of Cromwell down to the French invasion of the Peninsula. Thus British assistance was demanded by the Portuguese Monarchs in various moments of danger, and Great Britain never denied her powerful assistance as given to a faithful ally. Here he recapitulated all the historical facts that are in record from Don John the First down to John the Sixth, in the most accurate manner, by which he showed the inestimable value of the British alliance to Portugal.

He observed that, far from the nation inveighing against Lord Palmerston, they ought to confess their obligation to this noble statesman whose zeal and interference has not only rescued Portugal from the hands of despotism, and placed her amongst the free and independent kingdoms of Europe, but kept her secret enemies at bay, who would fain have taken advantage of her disunion with England, by the moral weight of her alliance with and protection of Great Britain, fully evinced during the last struggle for her independence. He thought Portugal ought never to lose sight of these truths, and conclude as soon as possible her treaty with so faithful an ally. The orator answered an observation made by Baron Ribeira de Sabrosa, respecting the conduct of the Marquis of Pombal towards the British Cabinet, in making it give a satisfaction for the insult offered to the two French vessels in the Bay of

Lagos, by saying that the noble Baron was perfectly correct as to the fact of such a satisfaction having been given to Portugal by the British Cabinet, but he would ask the Chamber whether any one could ever believe that the great Lord Chatham, who had previously made the Cabinet of the Bourbons in France tremble, and defeated all their plans, would tamely submit to the threats of Pombal, who, the orator said, made him give a satisfaction? No man will certainly believe it; a satisfaction was given, it is true, but this satisfaction must have sprung from the friendly feelings of an ancient ally, and not elicited by the imperative tone of the Marquis. Moreover, this supposition is confirmed by the subsequent conduct of the Marquis towards England, which is also sufficient to convince us of the high opinion that statesman entertained of the importance of the alliance of Portugal with Great Britain for the welfare of the Portuguese nation, when Monsieur de Choiseul, the Minister of France, and Señor Count de Aranda, the Spanish Minister, intimated to the Marquis the resolution of their Sovereigns to send an army to invade Portugal, if a declaration of war was not immediately made by Portugal against England. What was the Marquis's answer to the representatives of these two powerful nations? He told them they might attempt such an invasion if they pleased, that the Portuguese Government would never declare war against her ancient ally, with the assistance of whom they would easily repel their threatened invasion. The result was that Portugal, having applied to England for an able general to organize her army, Count la Lippe was sent out, and the assertion of the Marquis was verified by the complete defeat of the invading army.

Respecting treaties, the Baron observed that from the time of Cromwell to that of Don John the First, John the Fifth, and up to the year 1810, many treaties were made in accordance to the situation of Portugal; and if England, as a powerful nation, had then exacted some extraordinary concessions in her favour, at a moment of danger, who could say she was to blame? Did ever England force Portugal into any treaty at the mouth of the cannon? Moreover, who enjoyed the advantage of reciprocity in their respective commerce? was it Portugal, supplying with her products 24,000,000 of inhabitants, or England with her manufactures a country peopled by 3,000,000 of souls? He spoke upon several points, and concluded by saying that the vitality of Portugal was preserved by her alliance with Great Britain.

The Duke of Palmella made a long speech in the same sense, and begged leave of the Senate to read part of his correspondence with the Portuguese Government in 1817, in which he urged the necessity of keeping on good terms with Great Britain, as Portugal was then threatened by the colossal power of the Holy Alliance to be subdued by a political slavery, and that a Spanish army would march immediately into Portugal, if they were not checked by the knowledge of her being allied with Great Britain.

Respecting the slave question, he said he confessed that the demand of the British Government of the Treaty being perpetual was harsh, and such as Portugal could not submit to, but as he was aware of there being a remedy for everything in this world, he could also find a remedy against this demand; and this remedy was for Portugal to cease to exist!!! However, continued the noble Duke, ought Portugal to subscribe to her political death under such circumstances? He certainly would say, no! and no one valued more highly than he did the importance of Portugal being united to Great Britain by treaties, and having her as an ally, who has always, and ever will, succour her in the day of trial.

Viscount de Sá da Bandeira spoke largely on the Treaty, and dwelt on the impossibility of the Portuguese Government sanctioning the perpetuity of it, for the reasons he had formerly assigned. Respecting the Treaty proposed by France for the suppression of the Slave Trade, he observed that this Treaty confined the right of search to 25 degrees of latitude, say 15 degrees north and 10 degrees south of the equator; it so happened, however, that all the French ports were situated to the north of the 15 degrees, whereas the Portuguese settlements were all comprised within the limits specified, consequently, while the French were justified legally in searching every Portuguese ship leaving the Portuguese ports on the coast of Africa, the Portuguese would be completely debarred from doing the same to French vessels, when quitting their settlements; therefore the Treaty is void of reciprocity with regard to Portugal.

Baron Ribeira de Sabrosa, in answer to Baron Tojal's speech, observed that the noble Baron had only read part of the history of Portugal, upon which he based his

arguments, and therefore he did not examine those facts that outweighed them, but that the Baron, in so doing, only aimed at pleasing the British Government, as it was evident by his speech.

(Signed) SEBASTIAN CHARLES ROZAS.

Lisbon, July 20, 1840.

No. 81.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, August 10, 1840.

I HEREWITH transmit to your Lordship, a Copy of a Despatch and of its Enclosure from Her Majesty's Commissioners at Sierra Leone, containing a report of the case of the Portuguese schooner "*Passos*," which was detained with a cargo of 87 slaves on board, by Her Majesty's sloop "*Wolverine*," within a few miles of Princes Island.

The "*Passos*" was one of those vessels which are employed for the purchase and transport of slaves, from the mainland of Africa to the Islands of Princes and St. Thomas. These vessels form a numerous class, and the Government authorities of Princes and St. Thomas have afforded great encouragement and assistance to the nefarious enterprizes in which those vessels are engaged. Her Majesty's Government have frequently had to communicate to that of Portugal facts and circumstances respecting these Slave Trade transactions, and Her Majesty's Government have remonstrated against the impunity enjoyed by Portuguese subjects engaged in and abetting those undertakings.

Her Majesty's Government regret to perceive, that notwithstanding the professions of the Portuguese Government in respect to Slave Trade, these transactions still go on, and are still protected by Portuguese authorities. Your Lordship will by Note communicate to the Portuguese Government the facts of the case, as detailed in the accompanying papers, for such measures as that Government may judge proper to take upon the subject.

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

I am, &c.
 (Signed) PALMERSTON.

Enclosure in No. 81.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, May 13, 1839.

(See Class A, No. 93, p. 171.)

No. 82.

Viscount Palmerston to Lord Howard de Walden.

Foreign Office, August 13, 1840.

Circular sending Papers presented to Parliament.

(See No. 14.)

No. 83.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, August 14, 1840.

I HEREWITH transmit to your Lordship a Copy of a Despatch, and of its Enclosures, which I have received from Her Majesty's Consul at the Cape Verd Islands. Your Lordship will see in that communication a detailed account, verified

CLASS B.

upon oath, that a vessel of the Portuguese Royal Navy has been employed in conveying slaves from the continent of Africa to the Cape Verds.

You will communicate by Note to the Portuguese Government the substance of the accompanying papers, and you will in that Note call the attention of the Government to the circumstance, that so flagrant was this instance of Slave Trade on the part of the authorities of the Cape Verds, that the Municipal Chamber of the Islands thought it right to send up a Protest to the Governor, against the impropriety of employing the Government vessels for so criminal an object.

I am, &c.

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

(Signed)

PALMERSTON.

Enclosure in No. 83.

Mr. Rendall to Viscount Palmerston.

St. Jago, May 22, 1840.

(See No. 128.)

No. 84.

Lord Howard de Walden to Viscount Palmerston.

Cintra, August 10, 1840.

(Received August 17.)

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatches, marked "Slave Trade," to those of the 31st July last, inclusive.

I have, &c.

(Signed)

HOWARD DE WALDEN.

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

No. 85.

Lord Howard de Walden to Viscount Palmerston.

Cintra, August 13, 1840.

(Received August 24.)

MY LORD,

I HAVE the honour to enclose a copy of a Note, which, in pursuance of your Lordship's instructions, I have addressed to Senhor Rodrigo Fonseca de Magalhaes, communicating the circumstances attending the seizure of the Portuguese schooner, "*Pomba de Africa*," and calling his Excellency's attention to the conduct of the Portuguese authorities in question,

I have, &c.

(Signed)

HOWARD DE WALDEN.

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

Enclosure in No. 85.

Lord Howard de Walden to M. Magalhaes.

Lisbon, August 11, 1840.

THE Undersigned, &c., has been instructed to communicate to the Portuguese Government a copy of a Despatch, and of its Enclosure, from Her Majesty's Commissioners at Sierra Leone, containing a report of the case of the Portuguese schooner, the "*Pomba de Africa*," detained by Her Majesty's schooner "*Fair Rosamond*," and condemned in the Mixed British and Portuguese Court of Commission, on the ground of being engaged in the Slave Trade.

The Undersigned has the honour to request the particular attention of Senhor

R. F. de Magalhaes, &c., to this case of the "*Pomba de Africa*," being one peculiarly revolting, from the circumstance of upwards of 150 slaves, besides a large crew and several passengers, having in this instance been crammed into a vessel of 35 tons burthen.

The "*Pomba de Africa*," as well as her cargo of slaves, belonged to Donna Francisca de Lima, a lady of Princes Island; and the vessel was furnished with papers from the Government of that island, testifying that she was bound on a voyage of lawful commerce. But the commerce described as lawful was the purchase of 155 negroes, for importation into Princes Island!!!

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

His Excellency Senhor R. Fonseca de Magalhaes,
&c. &c. &c.

No. 86.

Lord Howard de Walden to Viscount Palmerston.

Cintra, August 13, 1840.

(Received August 24.)

MY LORD,

I HAVE addressed to Senhor Rodrigo Fonseca de Magalhaes, a Note, (a copy of which I enclose), communicating to his Excellency the Report of Her Majesty's Commissioners at Sierra Leone, relative to the condemnation of the Portuguese slave vessel "*Liberal*;" by which further proof is afforded of the participation and co-operation in the Slave Trade, still continued by the authorities under the Crown of Portugal.

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

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

Enclosure in No. 86.

Lord Howard de Walden to M. Magalhaes.

Lisbon, August 11, 1840.

WITH reference to another Note of this date, respecting the connivance of Portuguese authorities with Slave Trade, the Undersigned, &c., has the honour to transmit herewith to Senhor R. Fonseca de Magalhaes, &c., a copy of a Despatch, and the original papers enclosed in it, from Her Majesty's Commissioners at Sierra Leone, containing a report of the case of the Portuguese schooner "*Liberal*," captured with 41 slaves on board, in the Bissao Channel, by Her Majesty's brig "*Brisk*." The persons concerned in the slave undertaking in this instance attempted to prove, that they were carrying 38 of these slaves to the Cape Verds, in accordance with the Portuguese Decree of December, 1836, and that the three remaining slaves formed part of the crew.

On a minute enquiry into the facts, however, it appeared that 14 of these slaves were owned and shipped by João José Antonio Frederico, Director of the Custom-house of Bissao, and were consigned to a Custom-house officer at Villa da Praya; and that three of the slaves were owned and shipped by Honorio Pereira Baretto, the Governor of Bissão. The Undersigned has been instructed to bring these facts to the knowledge of the Portuguese Government, as proof, in addition to those already afforded, that Portuguese functionaries in Africa still disgrace their authority, by employing it for the purpose of evading the laws, which they are especially bound to support, for the suppression of the Slave Trade.

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

Senhor R. F. de Magalhaes,
&c. &c. &c.

No. 87.

Lord Howard de Walden to Viscount Palmerston.

Cintra, August 16, 1840.

(Received August 24.)

MY LORD,

I HAVE communicated to Senhor Rodrigo de Magalhaes, that I had been informed that Senhor João Baptista Moreira was about to be restored to his post of Consul-General in Brazil. His Excellency assured me that this was not the case, although the subject of the withdrawal of his exequatur had been treated on in the instructions to the Portuguese Minister.

His Excellency acknowledged that he had given Senhor Moreira a passport to return to the Brazils, where he had left his family, and that he was still Consul-General, as the Queen had not cancelled his appointment.

His Excellency admitted that it would be highly *unsuitable* for the Portuguese Government to re-establish Senhor Moreira again in the *active post* of Consul-General, considering how deeply and extensively his name had been mixed up in Slave Trade matters; and he added that he would give me the most positive assurance, that in the event of the Brazilian Government restoring him his exequatur, he should, within a month, be replaced by another Consul-General.

As there is no probability of Senhor Magalhaes holding the portfolio of Foreign Affairs at the time of Senhor Moreira's arrival in Brazil, I cannot look upon his Excellency's pledge as a guarantee, that Senhor Moreira will not be successful in regaining the post of Consul-General.

I thought it right to remark, that the mere idea that the Portuguese Government could contemplate such an act, must at once destroy all confidence in their professions of cordial co-operation with Her Majesty's Government in the suppression of the Slave Trade, and that it could not be doubted, in the event of Senhor Moreira's re-establishment as Consul at Rio de Janeiro, it would be out of the question entertaining the possibility of the Bill for the suppression of Slave Trade being substituted, as desired by the Portuguese Government, by a Treaty conceived for the same end.

Senhor Magalhaes acknowledged this, admitting that Senhor Moreira had done infinite mischief, and repeating his assurance that he would immediately remove him, should he obtain his exequatur from the Brazilian Government.

I have, &c.,

(Signed)

HOWARD DE WALDEN.

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

&c.

&c.

&c.

No. 88.

Lord Howard de Walden to Viscount Palmerston.

Cintra, August , 1840.

(Received August 24.)

MY LORD,

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

I have, &c.,

(Signed)

HOWARD DE WALDEN.

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

&c.

&c.

&c.

No. 89.

Lord Howard de Walden to Viscount Palmerston.

Cintra, August 19, 1840.

(Received August 31.)

MY LORD,

I HAVE the honour to enclose a copy of a Note which, in pursuance of your Lordship's instructions, I have addressed to the Minister of Foreign Affairs, com-

municating to him the Report of Her Majesty's Commissioners at Sierra Leone, relative to the Slave Trade carried on by vessels from the Cape Verd Islands.

I have, &c.

(Signed)

HOWARD DE WALDEN.

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

Enclosure in No. 89.

Lord Howard de Walden to M. Magalhaes.

Lisbon, August 18, 1840.

IN the month of June, 1839, the Governor-General of the Cape Verd Islands, Dom Joaquim Pereira Marinho, transmitted to Mr. Barker, Her Majesty's Pro-Consul in those islands, a list of vessels, which had obtained Passports from the Cape Verd Islands, between the month of December, 1835, and the month of June, 1838.

The Governor-General, in transmitting that list to Mr. Barker, requested to be informed whether any and which of those vessels had been concerned in the Slave Trade; and also to be furnished with such legal documents, connected with their detention and condemnation, as should insure the punishment of the offenders according to law.

By a comparison of the list thus furnished by the Governor of the Cape Verds, with the list of vessels actually condemned at Sierra Leone, it appeared, that the paper transmitted by the Governor, and purporting to be a correct official document, contained the names of 20 only out of 37 vessels, which had been provided with Cape Verd Passports, within the period comprised in the return furnished by M. Marinho, and which had been condemned at Sierra Leone on a charge of Slave Trade.

Copies of the two papers, marked Nos. 1 and 2 respectively, are herewith enclosed.

The Commissioners at Sierra Leone judged they should best comply with the request of M. Marinho, by transmitting to his Excellency, through Her Majesty's Consul at the Cape Verds, a return of the names and official documents connected with such vessels only, as were referred to in his Excellency's list, and had been captured with cargoes of slaves actually on board, and had been condemned in the British and Portuguese Court of Mixed Commission.

Her Majesty's Commissioners accordingly have transmitted to Her Majesty's Consul at Cape Verds a list of 15 vessels thus circumstanced, and have added to that list the original Passports granted by the Governor of the Cape Verds to those vessels, and certificates of the condemnation of each of those vessels respectively, under the signature of the Registrar and under the seal of the Court.

A list of these vessels is also enclosed, marked No. 3; in each of these vessels guilt was proved beyond question by the presence of a full cargo of slaves. All of them were condemned as Portuguese vessels, for an undeniable violation of the conventions which subsisted between Great Britain and Portugal, for the suppression of the illegal Slave Trade.

The original Passports of those vessels, and the Certificates of condemnation in each case, furnish the most undeniable documentary evidence of the fraudulent and illegal conduct of the persons, who were Owners and Commanders of the vessels.

It remains, therefore, now with the Governor-General of the Cape Verds, and with the Governor of Her Most Faithful Majesty, which delegated its authority to him, in confirmation of the sincerity of their professions on Slave Trade, to prosecute to punishment those persons, who in the cases of these vessels have offended against the laws of Portugal, by attempting to carry on a piratical Slave Trade, under cover of Passports ostensibly destined to protect innocent and legal commerce.

The Undersigned, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, in communicating these facts to Senhor R. da Fonseca Magalhaes, Secretary of State for Foreign Affairs to Her Most Faithful Majesty, has been instructed to state the anxious desire of Her Majesty's Government to learn the result of the proceedings, which, in consequence of the communication herein

referred to, from the Commissioners at Sierra Leone to the authorities of the Cape Verds, may be instituted against the slave-traders concerned in the cases of the vessels.

The Undersigned, &c.

(Signed)

HOWARD DE WALDEN.

To His Excellency R. da F. Magalhaes,
&c. &c. &c.

No. 90.

Lord Howard de Walden to Viscount Palmerston.

Cintra, August 19, 1840.

MY LORD,

(Received August 31.)

I HAVE the honour to enclose a copy of a Note, which I have addressed to the Minister of Foreign Affairs, making known to him, by your Lordship's directions, the case of the "*Leopoldina*," and the honourable proceedings of the Governor of Quilimane.

I have, &c.

(Signed)

HOWARD DE WALDEN.

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

Enclosure in No. 90.

Lord Howard de Walden to M. Magalhaes.

Cintra, August 18, 1840.

By a Despatch received from Her Majesty's Commissioners at Rio de Janeiro, it is reported to Her Majesty's Government, that the "*Leopoldina*," a vessel bearing the flag of Portugal, had gone to Quilimane, in order to embark a cargo of slaves, but had been compelled to return in ballast, in consequence not only of the vigilance of the British squadron, but also of the *honourable opposition* which the Governor of Quilimane made to the prosecution of her illegal enterprise. The Undersigned, &c., has infinite satisfaction in having the honour of making known this circumstance to Senhor R. da F. Magalhaes, &c., by the communication of the report in question.

The Undersigned, &c.,

(Signed)

HOWARD DE WALDEN.

To His Excellency Senhor R. da F. Magalhaes,
&c. &c. &c.

No. 91.

Lord Howard de Walden to Viscount Palmerston.

Cintra, August 24, 1840.

MY LORD,

(Received August 31.)

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

I have, &c.,

(Signed)

HOWARD DE WALDEN.

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

No. 92.

Viscount Palmerston to Lord Howard de Walden.

Foreign Office, September 2, 1840.

MY LORD,

I HAVE received your Lordship's Despatch of the 16th ultimo, giving an account of what had passed between yourself and the Portuguese Minister

for Foreign Affairs, on the subject of Senhor João B. Moreira's approaching return to Rio de Janeiro, as Portuguese Consul-General in Brazil; and I have to desire that your Lordship will again state to the Portuguese Minister, that the fact that the Portuguese Government has permitted Mr. Moreira to return to Brazil in any official character, must be considered as a conclusive proof of the determination of the Portuguese Government, to encourage and to protect the Slave Trade; and under such circumstances Her Majesty's Government could not consent to sign a Treaty with Portugal, which would substitute a Mixed Commission, for a Court of British Vice Admiralty, for the adjudication of captured slave ships.

I am, &c.,

(Signed) PALMERSTON.

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

No. 93.

Baron Moncorvo to Viscount Palmerston.

Londres, 11 de Septembre, 1840.

(Received September 13.)

PARMI tous les sujets de plainte, qui continuellement se présentent au Gouvernement de Sa Majesté Très Fidèle, à cause de la conduite illégale et arbitraire des officiers commandant les vaisseaux de guerre de la Marine Britannique, en croisière dans les mers d'Afrique, pour empêcher la Traite des Nègres, il y en a deux tout recents qui tellement se sont signalés par la manière offensante avec laquelle l'indépendance d'une nation libre fût invahie, que malgré le désir que la Cour de Lisbonne cherche à témoigner d'éviter des motifs de més-intelligence, et toute apparence d'aigreur dans ses rapports avec un Gouvernement, auquel le Portugal a été si long-temps et se intimément lié, il lui est néanmoins impossible de s'adresser à l'égard de tels griefs sans se servir d'un langage fort et énergique, proportionné aux hostilités et aux excès commis contre des sujets Portugais, et contre des propriétés appartenants au propre Gouvernement de Portugal.

C'est donc en exécution des ordres de Sa Majesté Très Fidèle que le Soussigné, son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté Britannique, a l'honneur de porter à la connaissance de son Excellence Monsieur le Vicomte Palmerston, Principal Secrétaire d'Etat de Sa Majesté Britannique au Département des Affaires Etrangères, un rapport résumé des deux évènements, qui constituent le juste sujet de plainte, qu'il adresse maintenant à son Excellence; ayant puisé ce rapport dans les copies des pièces officielles, transmises à Lisbonne par les différentes autorités Portugaises, et d'après lesquelles son Excellence pourra s'informer plus en détail des circonstances attenantes à ces évènements, si cela lui paraît nécessaire.

Le Gouverneur-Général d'Angola reçût des ordres de Lisbonne pour nommer un Commandant au poste ou factorie Portugaise établie à la Baie de Mossamedes, et de faire garnir ce poste par un détachement de troupes de ligne. Il les exécuta donc en nommant le Lieutenant de l'Artillerie de Benguela, Joao Francisco Garcia pour Commandant, lequel il fit partir avec un détachement de ce même corps, du port de Benguela à bord du brick marchand "*Raimundo Primeiro*," lequel fût frété par le Gouvernement pour cette expédition. Ce bâtiment ne contenait aucun autre chargement que le Lieutenant, accompagné de son épouse et ses enfans, avec ses hardes, et d'autres objets nécessaires à qui doit s'établir de nouveau dans un pays presque désert.

Autant peut on dire du petit détachement qu'il commandoit; et en outre il y avait aussi quelques passagers, qui se rendaient également à la factorie pour des affaires de commerce licite. Avant le départ du vaisseau, il fût visité et examiné par les autorités de la douane, et rien ne s'y trouva à avoir même une apparence qu'il se destinait à la Traite des Nègres. Il se fit donc à la voile, mais à peine était il à une petite distance du point de son départ, qu'une chaloupe, avec un équipage de douze personnes armées et un Commandant, aborda le "*Raimundo Primeiro*," ou tout ce monde fût reçu sans la moindre difficulté ni résistance, parceque à son bord, ou ne s'imaginait pas qu'on avait à faire à des ennemis.

Alors le Commandant de la chaloupe declara, qu'il venait de la part du brick de guerre Anglais "*Brisk*," qui croisait dans ces mers, mais qui n'était pas alors en vue, et qu'il fallait que le vaisseau se rendit près du brick pour être visité. Tant le Capitaine du bâtiment Portugais comme le Lieutenant Garcia cherchèrent à

obtenir du Commandant Anglais, qu'il examina le bâtiment lui-même, et que n'y trouvant rien de soupçonneux il le laissa suivre son cours, une fois qu'on ne savait au juste où rencontrer le "Brisk." Mais non seulement le Commandant Anglais se refusa à un propos si raisonnable, mais croyant devoir intimider l'équipage, qu'il trouva plus nombreuse et armée qu'il ne s'attendait, et sous le prétexte de faire taire un matelot, qui expostulait contre la violence pratiquée envers le bâtiment, il tira à bout portant un coup de pistolet sur ce matelot, qui heureusement ne fût pas tué sur-le-champ, mais resta grièvement blessé. Malgré cet événement, qui de soi-même était suffisant pour exciter l'équipage à se venger de ses agresseurs, le Capitaine du bâtiment et le Lieutenant Garcia cherchèrent à calmer l'équipage pendant cinq jours et cinq nuits qu'on navigua à la recherche du "Brisk," qui à la fin fût rencontré par le "*Raimundo Primeiro*." Tant le Capitaine de ce bâtiment comme le Lieutenant de l'Artillerie furent passés de suite à bord du brick de guerre Anglais, où ils cherchèrent à faire expliquer au Commandant toutes les circonstances de son bâtiment, et l'objet de leur expédition ; mais pour toute réponse on leur dit, que le "*Raimundo Primeiro*" était pris, et qu'il devait de suite partir pour Sierra Leone. Alors on fit passer à bord du brick de guerre l'équipage Portugais, laissant à peine dans le transport son second Commandant et un soldat Portugais, que de vive force on y garda, et le bâtiment partit pour Sierra Leone avec un équipage et un Commandant Anglais.

Si la conduite du Commandant et de l'équipage du "Brisk" se limitait aux actes d'hostilités déjà rapportés, elle serait au moins telle que le droit des gens reconnaît entre des adversaires, quand il y a une *guerre déclarée*. Mais le Sous-signé ne s'adressera point à un tiers pour obtenir un jugement sur ce que se suit ; il appellera aux principes de justice et de droiture de son Excellence, pour qu'elle veuille bien décider si une conduite pareille fait honneur à la marine d'une nation civilisée, et si elle est d'accord avec la renommée de la Marine Britannique, dont cette nation a tant de raisons d'être fière ?

Après la décision du Commandant du brick de guerre Anglais, les malheureux prisonniers prièrent qu'on leur permit au moins de retirer de bord du bâtiment Portugais quelques effets, tels qu'on accorde même à des prisonniers de guerre après que la victoire décide une affaire acharnée ; mais rien ne leur fût accordé, et pas même la présence d'une dame et de quelques enfans innocens pût adoucir la rancune qu'on portait aux Portugais, rancune que de reste sert bien pour cacher d'autres vues ; car comment pourrait le Commandant du "Brisk" accorder ce que lui demandaient ces pauvres malheureux, quand le bâtiment Portugais avait déjà été livré au plus honteux et au plus indigne pillage ?

Il reste encore à voir comment le Commandant Anglais se débarrassa de ses prisonniers : et sa conduite à cet égard fût parfaitement d'accord avec ses précédents. Car sans s'occuper un seul instant de l'idée s'il risquait ou non l'existence de tant de personnes, en les abandonnant de la manière qu'il le fit, il ordonna que tout ce monde passa dans des canots ; et sans les pourvoir ni de couverture, ni d'eau, ni de provision d'aucune espèce, ces malheureux furent débarqués sur un plage désert, où ils auraient tous périés si après quelques heures de cruelles angoisses ils ne fussent ramassés par un bâtiment caboteur, qui passait au hasard, et qui s'empressa à répondre aux signalements qu'on lui fit, et vint sauver tant de personnes d'une mort inévitable !!

Une circonstance encore très digne de remarque, et qui prouve au-delà de toute expression quelles sont les intentions de la plupart de ces officiers, employés en Afrique, à faire la guerre aux Portugais, c'est que sans se satisfaire de la manière arbitraire et violente dont ils agissent contre des gens inoffensifs, ils se plaisent de plus à insulter et à humilier les Portugais, par des actes qui doivent naturellement irriter qui que ce soit, même les plus indifférents aux idées sublimes d'amour de la patrie. Par exemple, le Commandant du "Brisk" après avoir pris possession du bâtiment "*Raimundo Primeiro*" ordonna de suite qu'on amenât le pavillon Portugais, et il fit arborer à sa place les deux pavillons Anglais et Portugais, celui-ci restant dessous de l'autre, tel qu'on pratique avec des bâtiments pris dans une guerre légitime. Mais quand est ce que l'Angleterre a déclaré la guerre au Portugal, malgré que de fait on peut dire qu'elle existe en Afrique ? Quand même un bâtiment est arrêté avec tous les indices d'être un négrier, est-il permis à l'officier que le retient de le déclarer de suite bonne prise, et de le traiter comme telle, avant l'arrêt de la Commission Mixte siégeant à Sierra Leone ou à quelque autre part, et à qui seule appartient cette décision ? Et quand la Commission en effet condamne le bâtiment, est-il censé d'être seulement une prise des Anglais, ou sa valeur n'est elle pas partagée entre les nations dont la Commission est composée ?

De tous ces raisonnements il paraît assez clair, que l'insulte fait au pavillon Portugais par le Commandant du "Brisk" n'était aucunement mérité, et ne peut rencontrer la moindre excuse. Si justice serait faite au Portugal, cet officier aurait dû être sévèrement puni, et son exemple empêcherait les autres d'agir de la même façon.

En voilà les circonstances de la prise du brick "*Raimundo Primeiro*" au mois de Février de cette année.

Le second sujet de plainte auquel le Soussigné est chargé d'appeler l'attention de son Excellence, est celui de la prise du petit bâtiment Portugais nommé "*Anna Felix*," par la corvette de guerre Anglaise "*Modeste*," commandée par le Capitaine Harry Eyres. Avant d'entrer dans les détails de cette plainte il sera fort convenable d'informer son Excellence, que les Commissions de Finances et les Intendants des Gouvernements dans les établissements Portugais d'Afrique, trouvent rarement les moyens de fournir en argent monnoyé, et sans grande perte, les sommes nécessaires pour payer les employés civiles et militaires, et pour satisfaire les autres dépenses publiques. C'est donc un usage des tems les plus réculés, d'envoyer le montant de l'argent nécessaire en marchandises et en denrées propres des différents marchés, et avec leur produits on obtient plus avantageusement l'argent pour les dépenses publiques de ces colonies. Ce fût d'après cet usage que le département des finances publiques à Mozambique freta un petit bâtiment, à qui dans ses contrées ou donne la dénomination de *palkinha*, et dont le nom était "*Anna Felix*," à bord duquel se trouvait le Capitaine Alexandre Jozé Freire, officier dans la garnison de la forteresse Portugaise à la Baie de Lourenço Marques, (ou Baie da Lagoa,) plusieurs autres passagers, et un chargement de marchandises appartenant au Gouvernement Portugais, dans la valeur de 31,332 mil reis, ce qui au cours de change actuel valera à peu près huit mille livres sterlinges. Ce bâtiment est donc parti de Mozambique pour compte du Gouvernement, avec l'ordre de se rendre premièrement à Quillimane, où il devait débarquer quelques unes de ses marchandises, et de là il devait alors se rendre à la Baie de Lourenço Marques.

En arrivant vis-a-vis de Quillimane le bâtiment Portugais fût sommé avec quelques coups de canon à boulet, par la corvette de guerre Anglaise "*Modeste*," que se trouvait en croisière à Quillimane. Le commandant Portugais se rendît à la sommation, et à l'instant même son bâtiment fût visité par des gens armés de la corvette, qui sans se donner beaucoup de peine à examiner les papiers et les circonstances du bâtiment, firent passer l'équipage Portugais à bord de la corvette, d'où on envoya une garnison dans le bâtiment Portugais, et celui-ci se mit à la voile pour le Cap de Bonne Espérance, le Capitaine Eyres l'ayant déclaré bonne prise, aussi bien que son chargement, permettant cependant à ses gens de retirer du bord de l'"*Anna Felix*" une grande quantité de marchandises dont ils s'emparèrent. Les Portugais furent enfin débarqués au port de Bombato le 30 Janvier, 1840, où on les abandonna entièrement à leur sort misérable, dépourvus de tous les moyens nécessaires; et avant de débarquer, une partie des effets que leur restaient leur fût encore prise par l'équipage de la corvette, qui à vive force s'en empara avant de débarquer ces malheureux.

Peut-être le Soussigné aurait dû accompagner ce rapport de quelques reflexions, car il y en a assez de quoi en faire; mais les faits sont d'une telle nature qu'ils parlent de soi-même et dispensent tout espèce de commentaire; et le Soussigné s'abstient d'en faire, confiant qu'ils mériteront la plus sérieuse attention de la part du Gouvernement de Sa Majesté Britannique.

En attendant le Soussigné exécutera les ordres qu'il recût de sa Cour, de protester, de la manière la plus formelle et solemnelle que le droit des gens permet de faire, contre la conduite de ces officiers de la marine Britannique, qui violent et outragent l'indépendance du pavillon Portugais, si leurs actes sont en conséquence des ordres qu'ils reçoivent à cet effet; et s'ils procedent du propre gré de ces officiers, le Soussigné est chargé de demander une satisfaction proportionnée à ces mêmes actes, et la punition severe de ceux qui en sont responsables. En même tems le Gouvernement Portugais réclame, pour soi-même et pour ses sujets, l'indemnité de toutes les pertes qui s'en sont suivies, avec les intérêts d'usage, et tels que le Gouvernement Britannique demande dans des pareilles occasions.

Le Soussigné prie son Excellence Monsieur le Vicomte Palmerston de vouloir bien porter le contenir de cette Note à la haute connaissance de son auguste Souveraine; et il saisit cette occasion pour, &c.

(Signé)

LE BARON DA TORRE DE MONCORVO.

Son Excellence Vicomte Palmerston, G.C.B.

&c.

&c.

&c.

CLASS B.

(Translation.)

Baron Moncorvo to Viscount Palmerston.

London, September 11, 1840.

(Received September 13.)

AMONG all the subjects of complaint, which continually present themselves to the Government of Her Most Faithful Majesty, on account of the illegal and arbitrary conduct of Officers commanding vessels of war of the royal navy, cruizing in the African seas to prevent the Trade in Slaves, there are two quite recent ones, which are so marked by the offensive manner in which the independence of a free nation was invaded, that, in spite of the desire which the Court of Lisbon endeavours to testify to avoid motives for misunderstanding, and all appearance of ill temper in its relations with a government with which Portugal has been so long and so intimately connected, it is, nevertheless, impossible for it to make mention of such wrongs, without making use of strong and energetic language, suited to the hostilities and excesses committed against Portuguese subjects, and against property belonging to the Government of Portugal itself.

It is, then, in execution of the orders of Her Most Faithful Majesty, that the Undersigned, &c., has the honour to communicate to his Excellency, Viscount Palmerston, &c., a concise statement of two events which form the just subject of complaint which he now addresses to his Excellency; having drawn this statement from the copies of official papers, transmitted to Lisbon by the different Portuguese authorities, and from which his Excellency can, if he thinks it necessary, inform himself more in detail of the circumstances touching these events.

The Governor-General of Angola received orders from Lisbon to name a Commander to the Portuguese post or factory, established at the bay of Mossamedes, and to furnish this post with a detachment of troops of the line. He executed these orders by naming, as Commandant, Joao Francisco Garcia, Lieutenant of the Benguela Artillery, whom he caused to depart, with a detachment of that corps, from the port of Benguela, on board the merchant brig, "*Raimundo Primeiro*," which was freighted by the government for this expedition. This vessel contained no other cargo than the lieutenant, accompanied by his wife and children, with his baggage, and other things necessary to one about to establish himself anew in a country almost desert.

The same may be said of the small detachment he commanded; and besides, there were some passengers who were also going to the factory on affairs of legal commerce. Before the departure of the vessel, she was visited and examined by the custom-house authorities, and nothing was found which had even an appearance of her being destined for the Slave Trade. The vessel made sail then; but scarcely was she a short distance from the place of her departure, when a boat, with a crew of 12 persons armed, and one in command, boarded the "*Raimundo Primeiro*," where they were received without the slightest difficulty or resistance, because nobody on board imagined that they had to deal with enemies.

The Commander of the boat then declared, that he came on the part of the English brig of war, "*Brisk*," which was cruizing in those seas, but which was not then in sight, and that the vessel must go to the brig to be visited. Both the Captain of the Portuguese vessel and Lieutenant Garcia endeavoured to induce the English Commander to examine the vessel himself, and if he found nothing suspicious to allow her to follow her course at once, as it was not known exactly where the "*Brisk*" was to be met with. But not only did the English Commander refuse this very reasonable proposal, but, thinking that he ought to intimidate the crew, which he found to be more numerous and better armed than he expected, and under the pretext of silencing a sailor, who remonstrated against the violence practised in regard to the vessel, he fired a pistol close to this sailor, who happily was not killed on the spot, but who was seriously wounded.

In spite of this event, which of itself was sufficient to excite the crew to avenge itself on the aggressors, the Captain of the vessel and Lieutenant Garcia endeavoured to calm the crew for five days and five nights, during which they were in search of the "*Brisk*," which was at last met with by the "*Raimundo Primeiro*." Both the Captain of this vessel and the Lieutenant of Artillery were immediately sent on board the English brig of war, where they tried to explain to the Commander all the circumstances of the vessel, and the objects of their expedition; but the only answer they received was, that the "*Raimundo Primeiro*" was taken, and must immediately set off for Sierra Leone. The Portuguese crew was then

transferred to the English brig of war, scarcely leaving in the transport the second in command and a Portuguese sailor, who were kept there by force, and the vessel departed for Sierra Leone with an English crew and commander.

If the conduct of the Commander of the "Brisk" was limited to the acts of hostility already reported, it would, at least, be such as the law of nations recognises between adversaries when *there is a declared war*. But the Undersigned will not address himself to a third party for a judgment on what follows; he will appeal to his Excellency's principles of justice and of right, to decide if such conduct does honour to the navy of a civilized nation, and if it is accordant with the renown of the British navy, of which that nation has so much reason to be proud?

After the decision taken by the Commander of the English brig of war, the unhappy prisoners begged that they might be, at least, permitted to take from the Portuguese vessel, such effects as are granted even to prisoners of war after victory has decided a bloody action; but nothing was granted them; and not even the presence of a lady and some innocent infants could soften the rancour borne towards the Portuguese—a rancour which, by-the-bye, served well to hide other views; for how could the Commander of the "Brisk" grant what these poor unhappy persons asked, when the Portuguese vessel had been already given up to the most shameful and most unworthy pillage?

It still remains to be seen how the English Commander disembarassed himself of his prisoners; and his conduct in this respect was perfectly in accordance with what he had done before. For, without troubling himself with the idea whether or not he risked the existence of so many persons, in abandoning them as he did, he ordered them all to get into boats, and without providing them either with covering, or with water, or with provisions of any sort, these unhappy people were disembarked on a desert swamp, where they would all have perished had they not, after some hours of cruel agony, been picked up by a coasting vessel, which passed by chance, and which hastened to reply to the signs made to it, and succeeded in saving all these persons from inevitable death.

One circumstance also very worthy of remark, and which proves beyond all expression what are the intentions of the generality of these Officers employed in Africa to make war upon the Portuguese, is that not satisfied with the arbitrary and violent manner in which they act against inoffensive persons, they are pleased besides to insult and humiliate the Portuguese by acts which must naturally irritate any one, let him be ever so indifferent to the sublime ideas of patriotism. For example, the Commander of the "Brisk," after having taken possession of the "*Raimundo Primeiro*," immediately ordered the Portuguese flag to be brought, and caused in its place the two flags, English and Portuguese to be hoisted, the latter being below the other, as is done with vessels taken in lawful war. But when is it that England declared war with Portugal? Though in fact it may be said to exist in Africa. Even when a vessel is taken with every indication of her being a slaver, is it permitted to the Officer who detains her at once to declare her a good prize, and to treat her as such, before sentence has been pronounced by the Mixed Commission sitting at Sierra Leone or elsewhere, to whom alone it belongs to decide? And when the Commission actually condemns the vessel, is it considered to be only a prize of the English, or is not its value divided between the nations of which the Commission is composed?

From all these arguments it appears clearly that the insult offered to the Portuguese flag by the Commander of the "Brisk" was in nowise merited, and cannot meet with the least excuse. If justice were done to Portugal this Officer ought to be severely punished, and his example would prevent others from acting in the same way.

The above are the circumstances attending the seizure of the brig "*Raimundo Primeiro*," in the month of February this year.

The second subject of complaint, to which the Undersigned is instructed to call the attention of his Excellency, is that of the capture of the little Portuguese vessel named "*Anna Felix*," by the English corvette of war "*Modeste*," commanded by Captain Harry Eyres. Before entering upon the details of this complaint it will be proper to inform his Excellency, that the Commissions of Finance, and the Intendants of Government of the Portuguese establishments in Africa, rarely find means to furnish in specie, and without great loss, the sums necessary to pay the military and civil servants, and to meet other public expenses. It has then been a custom from the earliest times to send the amount of the money required in merchandize and goods suited to the various markets, and with the produce thereof the money for the public expenses of these Colonies is obtained more advan-

(Translation.)

Enclosure in No. 94.

*M. Magalhaes to Lord Howard de Walden.**Office of Foreign Affairs, August 20, 1840.*

THE Undersigned, Minister, &c., had the honour to receive the Note which Lord Howard de Walden, &c., addressed to him on the 11th instant, relative to the capture of the Portuguese schooner "*Pomba de Africa*," from Princes Island, made by the British schooner of war, "*Fair Rosamond*;" and of her having been condemned by the Mixed Commission at Sierra Leone, in consequence of its being proved that the said schooner was employed in Slave Trading.

Her Majesty's Government, in taking into due consideration the contents of the above-mentioned Note of your Lordship, as well as the Documents therein enclosed, will immediately issue the most positive orders for all the individuals implicated in the crime to be tried and punished, for the infraction of the law of the 10th of December, 1836, committed in the prohibited traffic in which the aforesaid "*Pomba de Africa*" was employed; as well as for proceeding to make the most correct investigation respecting the blame that might in this case be attached to the Portuguese authorities at that island, in order to inflict upon them the punishment ordained by the same Decree.

The Undersigned, &c.

(Signed) RODRIGO DA FONSECA MAGALHAES.

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

No. 95.

*Lord Howard de Walden to Viscount Palmerston.**Lisbon, September 2, 1840.**(Received September 14.)*

MY LORD,

I HAVE the honour to enclose a copy of a Note, which I have received from the Minister of Foreign Affairs, in reply to the Note which I addressed to his Excellency on the subject of the "*Leopoldina*" slave-vessel, and the upright conduct of the Governor of Quilimane, in not allowing that vessel to take a cargo of slaves, and obliging her forthwith to leave the Port.

I have, &c.

(Signed) HOWARD DE WALDEN.

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

(Translation.)

Enclosure in No. 95.

*M. Magalhaes to Lord Howard de Walden.**Office of Foreign Affairs, August 25, 1840.*

THE Undersigned, Minister, &c., had the honour to receive the Note which Lord Howard de Walden, &c., addressed to him on the 18th instant, enclosing a copy of an official communication from the British Commissioners, forming part of the British and Brazilian Mixed Commission, established at Rio de Janeiro, acquainting their Government with the honourable proceeding of the Governor of Quilimane, in preventing the "*Leopoldina*," arrived there from Rio de Janeiro under Portuguese colours, from taking a cargo of slaves on board, threatening to capture the said vessel if she did not immediately put to sea.

The Undersigned, in thanking his Lordship for this satisfactory communication, has every reason to believe that the British Government will be satisfied with the conduct of the said Governor, and at the same time see a further proof of the incessant efforts made by the Portuguese Government, in order that the law of the 10th December, 1836, may be carried into execution all over the Portuguese dominions.

The Undersigned, &c.

(Signed) RODRIGO DA FONSECA MAGALHAES.

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

No. 96.

*Lord Howard de Walden to Viscount Palmerston.**Lisbon, September 2, 1840.**(Received September 14.)*

MY LORD,

I HEREWITH transmit a copy of a Note, which I have addressed to the Minister of Foreign Affairs, according to your Lordship's instructions, relative to certain proceedings in the Cape Verd Islands, of vessels, bearing under authority the pennant of the Royal Navy of Portugal, partaking of the character of Slave Trade; and I have the honour to enclose a copy of the Reply which I have received from his Excellency, assuring me that the Government will immediately proceed to a strict investigation, and to the most severe punishment of the persons who put the slaves on board of vessels of war; and particularly of the commanders of the vessels that transported them, as also of the local authorities, who allowed the said slaves to be disembarked without giving notice to Government of so manifest a violation of the laws.

I have, &c.

(Signed) HOWARD DE WALDEN.

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

&c. &c. &c.

First Enclosure in No. 96.

*Lord Howard de Walden to M. Magalhaes.**Lisbon, August 25, 1840.*

By information which has been received by Her Majesty's Government from the Cape Verd Islands, it appears, that a vessel of the Portuguese Royal Navy has been employed in conveying slaves from the continent of Africa to those islands.

The Undersigned, &c. has been instructed to communicate to Senhor R. F. da Magalhaes, &c., the substance of a statement which has been made upon oath, giving a detailed account of the proceeding in question; according to which, the "*Constituição*," a schooner bearing the pennant of the Royal Navy of Portugal, on arriving at Porto Praia from Bissao with some troops on board, also brought with her a number of slaves, which slaves were landed, part by two boats on the evening of the 4th of April, after the troops had disembarked, and part by another boat on the following morning.

This is believed not to be the first time that a Portuguese man-of-war had brought slaves from the African Coast, as it is said that the other Portuguese man-of-war schooner on that station did the very same thing in the month of March, bringing from Bissao 28 slaves, who were also landed at Porto Praia.

The Undersigned is instructed to call the special attention of his Excellency to the circumstance, that so flagrant was this instance of Slave Trade, on the part of the authorities of the Cape Verd Islands, that the Municipal Chamber of the Islands has even protested to the Governor of the Province, against the employment of Government vessels for so criminal a purpose.

The Undersigned, &c.

(Signed) HOWARD DE WALDEN.

Senhor R. F. da Magalhaes,

&c. &c. &c.

Second Enclosure in No. 96.

M. Magalhaes to Lord Howard de Walden.

(Translation.)

Office of Foreign Affairs, August 26, 1840.

THE Undersigned, Minister, &c. in answering the note addressed to him under yesterday's date by Lord Howard de Walden, &c., respecting the communication received by his Government of the Portuguese schooner of war "*Constituição*," and another, stationed at Cape Verds, having transported slaves from Bissao to Ilha da Praia, has the honour to inform his Lordship, that Her Majesty's Government is very thankful for this communication, and, in consequence of the

same, the Undersigned wrote this day an official letter to the Minister of Marine and Colonies, in order to proceed through his department to a strict investigation to ascertain the fact, and to punish most rigorously both the persons who put the said slaves on board of vessels of war as, and most especially, the commander of the vessels who transported them, and no less so the local authorities who allowed them to be disembarked, without giving an account to the Government of so manifest a violation of the laws, and of disregard to the repeated orders which have been transmitted to them with special recommendation.

The Undersigned, &c.

(Signed) RODRIGO DA FONSECA MAGALHAES.

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

No. 97.

Lord Howard de Walden to Viscount Palmerston.

Lisbon, September 2, 1840.

MY LORD,

(Received September 14.)

I HEREWITH enclose a Copy of a Note, which I have addressed to the Minister of Foreign Affairs under your Lordship's instructions, contained in your Despatch of the 10th ultimo, relative to the capture by Her Majesty's sloop "Wolverine," and the condemnation by the Mixed Commission at Sierra Leone, of the Portuguese slave vessel "*Passos*."

I have, &c.

(Signed) HOWARD DE WALDEN.

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

First Enclosure in No. 97.

Lord Howard de Walden to M. Magalhaes.

Cintra, August 29, 1840.

THE Undersigned, &c. has the honour to communicate herewith to Senhor R. da F. Magalhaes, &c., that the Portuguese vessel "*Passos*" having a cargo of 87 slaves, has been detained by Her Majesty's sloop "Wolverine," within a few miles of Princes' Island.

The "*Passos*" was one of those vessels which are employed for the purchase and transport of slaves, from the mainland of Africa to the Islands of Princes and St. Thomas.

These vessels form a numerous class, and the Government authorities of Princes and St. Thomas have afforded great encouragement and assistance to the nefarious enterprizes in which those vessels are engaged. Her Majesty's Government have frequently had to communicate to that of Portugal facts and circumstances respecting these Slave Trade transactions, and Her Majesty's Government have remonstrated against the impunity enjoyed by Portuguese subjects engaged in and abetting those undertakings.

Her Majesty's Government regret to perceive that, notwithstanding the professions of the Portuguese Government in respect to the Slave Trade, these transactions still go on, and are still protected by Portuguese authorities.

The facts of the case of the "*Passos*" are contained in the accompanying enclosure.

The Undersigned has been instructed to bring these particulars to the knowledge of the Senhor R. da F. Magalhaes, for such measures as the Portuguese Government may judge proper to take upon the subject.

The Undersigned, &c.

(Signed) HOWARD DE WALDEN,

Senhor R. da F. Magalhaes,
&c. &c. &c.

Second Enclosure in No. 97.

Case of the Portuguese Slave Vessel "Passos," captured by Her Majesty's Sloop "Wolverine," and condemned by the Mixed Commission at Sierra Leone.

"ON the 8th ultimo, Her Majesty's sloop 'Wolverine,' Commander Tucker, detained a few miles from Princes' Island the Portuguese schooner 'Passos,' with a cargo of 87 slaves on board. The detained schooner was at that time in such a leaky state that the Captor immediately conveyed her to Princes, where she was conveyed and found to be in so very unsound and unseaworthy a condition, that the slaves, together with all her moveable stores, were embarked in Her Majesty's brigantine 'Dolphin,' for conveyance to this colony where she arrived on the 3d instant. The prize was in the mean time taken out to sea off Princes, and destroyed by burning.

"Three official papers were found on board this vessel at the time of her capture, are dated at Princes' Island on the 18th of February last. They declare the Owner of the vessel to be a Portuguese subject of the name of Manoel Jozé Ferreira de Barros, and authorize a voyage to the River Calabar, and other African ports.

"On the 23d of February the 'Passos' received an official Manifest of the cargo on board, and a clearance from the Custom-house, which is signed by three persons, one of whom is named Antonio Dionizio Furtado.

"For the credit of the Portuguese Government, we hope this officer of the Customs is not the same individual (he certainly bears the same name) who has during the last four years, rendered himself so infamous by the frequency with which he has appeared as the nominal Owner of Spanish vessels, to which Portuguese Passports have been granted at the Cape de Verd Islands. With the above Papers were also brought into Court a number of loose papers and memoranda relating to the Trade carried on by the vessels for slaves; none of them, however, are worthy of notice except two (Nos. 8 and 11) which are written in the English language, and are as follows:—

(Copy.)

No. 8.

"I PROMISE to give 58 slaves and 600 yams.

(Signed)

KING EGABA."

No. 11.

"I HAVE promised to pay the Captain one slave, or any thing that he (here a word is obliterated) be paid by his return back.

(Signed)

Y. H. DUKE,
DUKE OFFCORN.

March 20, 1839.

"The person here mentioned is evidently Duke Ephraim, so well known in the Calabar. The two Papers were written, we presume, by some person acting in the capacity of clerk to the native chiefs, a deserter, probably, from one of the palm oil ships trading in that river.

"The 'Passos' had completed her cargo of slaves, and was on her voyage home to Princes, when she was fallen in with and detained by Her Majesty's sloop 'Wolverine.' At this time the prize was in a very leaky condition, and was in consequence carried into Princes' Island, where she was carefully surveyed by competent persons, and pronounced unfit in every way for a sea voyage. The slaves and stores of the 'Passos' were then transferred into Her Majesty's brigantine 'Dolphin,' for conveyance to Sierra Leone, under the orders of the Seizor, Commander Tucker, of Her Majesty's sloop 'Wolverine.'

"The arrival of the 'Dolphin' in this harbour was reported by the Marshal on the 3d instant, on which day we also received a medical report from the Surgeon to the Courts, stating that of the 82 slaves brought in, only six required hospital treatment.

"On the following day, the 4th instant, the papers of the vessel only authenticated were filed in the British and Portuguese Court, with the declaration of the Seizor, when the usual monition issued, and the witnesses produced were ordered to be examined. The disembarkation of the slaves took place on the same day.

“Commodore Tucker, in his first declaration, stated that on the 8th ultimo Her Majesty’s sloop ‘Wolverine,’ being in 1° 45’ north latitude, and 7° 43’ east longitude, he detained the ‘Passos,’ sailing under Portuguese colours, in a voyage from Calabar River to the Island of Princes, with a cargo of 88 slaves on board.

“The detained vessel appeared unseaworthy, without extensive repairs, and had only provisions and water sufficient for the consumption of the negroes for two days. On the 10th ultimo, Commander Tucker made a second declaration, setting forth the unseaworthy condition of his prize, and the removal therefrom of the slaves and stores into Her Majesty’s brigantine ‘Dolphin,’ for conveyance to this colony. To this declaration was appended the report of survey held upon the ‘Passos,’ made by the Commander, First-Lieutenant, Master, and Carpenter of Her Majesty’s sloop ‘Pylades,’ and others, and which contained the following expressions:—

“‘We find the slave vessel ‘Passos’ perfectly rotten, totally unseaworthy and irreparable, consequently unfit to proceed to Sierra Leone; therefore we recommend that she should be taken out into deep water and burnt. And we further feel it our duty to declare that we consider the conduct of the person or persons who sent her on her present voyage in the state she must have been for some time past highly reprehensible, and guilty of the most flagrant act of inhumanity, it appearing to us a miracle that she floated so long.’

“The destruction of the ‘Passos,’ in accordance with the suggestion contained in the above report, was carried into effect on the same day, as appeared from the affidavit of the officers belonging to the ‘Wolverine,’ who was placed in charge of the slaves on their passage to this place. On the 4th instant the witnesses in the case were examined in the standing interrogatories by the Registrar.

“The master of the detained vessel, João Antonio Rodriguez, deposed that he was born at Lisbon. Has lived 14 years in Princes’ Island; is a subject of Portugal, and has never been a subject of any other state. Is married, and his wife and family reside with him at Princes. He was appointed to the command of the detained vessel by Manoel José Ferreira de Barros, a subject of Portugal, and living at Princes, from whom also he received possession in March (February) last. First saw the vessel there 13 years ago; she was built at Bahia in Brazil. She sailed under Portuguese colours, and there were no others on board. Neither he nor any of the officers or mariners had any interest in the vessel or lading. Was master on board. The voyage began and was to end at Princes, which was the last clearing port. She touched at Calabar for slaves, and at no other place during the voyage. The owner of the vessel was Manoel José Ferreira de Barros, whom witness has already mentioned. The fact of the ownership was notorious. De Barros’ wife and family reside with him at Princes, where they were all born, and are, like himself, subjects of Portugal. The laders and owners of the cargo were very numerous, but witness does not know their names. He was himself the consignee. He was also the lader of the slaves, who were to be delivered at Princes for the account and risk of several owners of the merchandize. The cargo on the last voyage shipped at Princes for Gaboon was tobacco, aguardente, dry goods, and beads. The present cargo consisted of the same kind of articles. The vessel, after capture, was taken to West Bay, in Princes’ Island, and three days afterwards was carried six miles out to sea and destroyed by burning. The passports and other papers were, and are, entirely true and fair. There was no charter party; neither vessel or goods were insured.

“Cosmo Linho de Santos, the Cook of the detained vessel, was examined at the same time. His replies to nearly all the interrogatories were, that he knew nothing of the subjects enquired about, excepting as regarded the voyage being from and to Princes, and the shipment of the slaves at Calabar.

“From the affidavit accounting for the deaths among the slaves on the voyage to this colony, it appeared that four men and one woman had died, of the 87 embarked in Her Majesty’s brigantine ‘Dolphin.’

“Publication of the above evidence was granted on petition, on the 6th instant, and the 11th was named for the trial of this case, the monition, which was issued on the 4th instant, being returnable into Court on that day.

“The Court, after having heard the evidence, pronounced a sentence of condemnation upon the stores and sails which had been removed from the schooner ‘Passos’ prior to her destruction, and at the same time decreed the emancipation of the surviving slaves seized in that vessel, in number 81, five slaves having died previous to the arrival of Her Majesty’s brigantine ‘Dolphin’ in this harbour, and one subsequently; and 87 slaves having been on board the ‘Passos’ at the time of her capture.”

CLASS B.

No. 98.

Lord Howard de Walden to Viscount Palmerston.

Lisbon, September 5, 1840.

(Received September 14.)

MY LORD,

I HAVE the honour herewith to enclose a copy of a Note which I have received from Senhor R. da F. Magalhaes, in reply to the Note which I addressed to his Excellency's predecessor, the Count de Villa Real, on the 17th January, respecting the Spanish vessel "*Vigilante*," which, as a cover to its Slave Trading destination, and as a protection against Her Majesty's cruisers, had obtained at Lisbon the Portuguese flag.

Your Lordship cannot be surprised, after the painful experience Her Majesty's Government have had of the conduct of Portuguese authorities in protecting the Slave Trade, that after seven months' deliberation, such a plea for not punishing the offenders in this most flagrant case should have been concocted.

The quoting the Article in the Commercial Code is insulting to common sense, and at direct variance with the daily practice in this country in administration of modern laws.

The decree prohibiting the *assumption of the national flag* of Portugal by foreign built vessels was *general*. Those foreign vessels *already* considered as Portuguese were excepted from the general operation of the law. A special exception was also made in favour of foreign steam-vessels, which might be bought and owned by Portuguese subjects.

But this Decree distinctly declares, that all laws contrary in operation to this enactment are so far revoked.

It is remarked that the interpretation now given, after seven months' delay, which rendered the Decree in question, signed by Viscount de Sà da Bandeira, a dead letter in regard to the abuse of the national flag of Portugal, must, *if it was* that which influenced the Intendente of the Marine in giving protecting papers to the Slave Trader "*Vigilante*," have been acted upon while the Viscount de Sà da Bandeira was himself Minister of Marine; and that it has now taken seven months to give this explanation in excuse for the proceedings of the Portuguese authorities implicated in this transaction.

I feel confident Slave Traders *alone* have had the benefit of this alleged misinterpretation of the laws.

I have, &c.

(Signed) HOWARD DE WALDEN.

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

&c. &c. &c.

(Translation.)

Enclosure in No. 98.

M. Magalhaes to Lord Howard de Walden.

MY LORD,

Office of Foreign Affairs, September 2, 1840.

IN answer to the official Letter addressed by your Lordship to my predecessor on the 17th January last, in which, informing him of the capture made of the Spanish brig "*Vigilante*," by the British brig of war "*Termagant*," and which Spanish brig had been transformed into a Portuguese one, under the name of "*Bragança*," your Lordship complained against her having been registered by Portuguese authority as a Portuguese vessel, in contravention of the Decree of the 16th of January, 1837, and with reference to what my aforesaid predecessor stated to your Lordship on the 10th of February, I have the honour to inform your Lordship, that by an official communication, received from the Marine Department, of the 6th of last month, it appears that the said vessel had been actually registered as Portuguese in the Marine Board of this capital, as the Superintendent of it, having in view that, in accordance with the 1317th Article of the Commercial Code, and the 1st Article of the Decree of the 17th December, 1836, the nationalization and register of foreign vessels purchased by Portuguese subjects was permitted, after paying the respective duties, considered the definition and classification of Portuguese vessels, established by the 2nd Article of the above-mentioned Decree of 1837, as not being general in regard to the derogation of those laws, but special and limited to the object which the said Decree treats upon, and the same opinion was also entertained by the Solicitor-General of the Crown, before he came to the knowledge of the orders issued by Government, which gave a clear explanation to the 2d Article of the aforesaid Decree.

Now, therefore, in harmony with the orders from Government, in order to make all the authorities uniformly execute the said law, competent orders have been issued by the Marine Department to the Superintendents of Marine in this kingdom, in order that they may no longer grant the register to Portuguese vessels, without being under the terms expressed in the 2d Article of the said Decree.

I avail, &c.

(Signed) RODRIGO DA FONSECA MAGALHAES.

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

No. 99.

Lord Howard de Walden to Viscount Palmerston.

Lisbon, September 10, 1840.

MY LORD,

(Received September 21.)

I HEREWITH enclose a copy of a Note which I have received from the Minister of Foreign Affairs, in which he informs me that under the same date he had called officially upon the Department of the Marine to send immediately the necessary orders, that all implicated in the proceedings of the Portuguese slave trader "*Passos*," as detailed in my Note of the 29th August, and which vessel had been captured by Her Majesty's sloop "*Wolverine*," should be severely punished according to the laws.

I have, &c.

(Signed) HOWARD DE WALDEN.

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

(Translation:)

Enclosure in No. 99.

M. Magalhaes to Lord Howard de Walden.

Office of Foreign Affairs, September 5, 1840.

THE Undersigned, &c. in answer to the Note received from Lord Howard de Walden, &c., dated on the 29th ultimo, in which he informed him of the capture made north of the line by the British cruizer "*Wolverine*," of the Portuguese ship "*Passos*," met by the said cruizer with slaves on board, has the honour to state to his Lordship, that under this day's date he has addressed an official Letter to the Colonial Department, to the end that the necessary orders may be forwarded without delay, for punishing severely according to law, the persons implicated in so odious a transaction.

The Undersigned, &c.

RODRIGO DA F. MAGALHAES.

(Signed)

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

No. 100.

Lord Howard de Walden to Viscount Palmerston.

Lisbon, September 10, 1840.

MY LORD,

(Received September 21.)

I HAVE the honour to enclose a copy of a Note, which I received from the Minister of Foreign Affairs, in reply to the one I addressed to his Excellency on the 15th July last, communicating to him by your Lordship's instructions a report made by Rear-Admiral Elliot, as to the encouragement given to the Slave Trade by the Portuguese authorities on the West Coast of Africa.

In that Note his Excellency encloses a Paper, purporting to be an extract of a Report from the Marine Department, which document his Excellency states will prove, that there is no foundation for the assertions made by Rear-Admiral Elliot against the Portuguese authorities.

Your Lordship will not be surprised, with the experience Her Majesty's Government have had, of the spirit in which all such Papers are written, which are sent to me from the Foreign Office, to discover in this document, the name of the author of which is withheld, though countersigned as a true copy by Senhor

Gomes d'Oliveira of the Foreign Office, calumnies against Her Majesty's cruizers.

It is stated in the Note of the Minister of Foreign Affairs, that this document *disproves* Rear-Admiral Elliot's assertions, whereas it will be seen, that in one of its first paragraphs all that can be advanced in contradiction to the Admiral respecting Benguela is, that the Portuguese Government has not received any notice of the Governor of that place permitting the Slave Trade, or receiving a head-tax upon the exportation of negroes!!

Your Lordship will observe that the assertion of the advocates of the Slave Trade, that the continuation of that infamous traffic is necessary for the payment of various charges on the colony, which is noticed by Rear-Admiral Elliot, is now I believe for the first time contradicted; but apparently rather abandoned, for the purpose of making calumnious and false imputations against Her Majesty's cruizers, for destructive interference with lawful commerce.

In a subsequent paragraph of this Memorandum it is expressed, that the hostility of the population against Her Majesty's cruizers, "if it exists, is natural," acting as they do in the "most outrageous manner against the lawful interests of those people, it appearing that they aim at destroying them, rather than suppressing the Slave Trade; it is moreover cruel to make a crime of the disgust the people cannot help feeling."

The contents of this document are, however, so far serviceable, as demonstrating not only the spirit which prevails in the public offices, respecting the measures necessary to be carried into effect for the purpose of accomplishing the suppression of the Slave Trade, but also, what is more important, the extent to which the professions of a Minister are rendered valueless on the subject of the Slave Trade, and his intentions paralysed, when he can adopt, as blindly as Senhor Magalhaes has done, such a fabrication as this Paper in question, for official communication to Her Majesty's Government.

I have, &c.

(Signed)

HOWARD DE WALDEN.

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

&c.

&c.

&c.

First Enclosure in No. 100.

M. Magalhaes to Lord Howard de Walden.

(Translation.)

Office of Foreign Affairs, September 5, 1840.

THE Undersigned, Minister, &c. with reference to the Note addressed by him to Lord Howard de Walden, &c., on the 21st of July, and in answer to that which Lord Howard de Walden addressed to him on the 15th of the same month, enclosing, by order of his Government, a copy of the official Letter, addressed by Rear-Admiral Elliot on the 23th of January to the British Admiralty, stating that Slave Trade is protected by the Portuguese authorities on the Western Coast of Africa, has the honour to transmit to Lord Howard de Walden, the enclosed and authentic extract of the official Letter he received from the Marine Department, dated 30th July, by which is shown the want of foundation of the assertions made by Rear-Admiral Elliot, to the prejudice of the Portuguese authorities in the Colonies, specially charged with co-operating for the extinction of the nefarious traffic in slaves.

The Undersigned, &c.

(Signed)

RODRIGO DA FONSECA MAGALHAES.

The Lord Howard de Walden,

&c.

&c.

&c.

Second Enclosure in No. 100.

(Translation.)

Extract of an Official Letter from the Marine Department of the 30th of July, 1840, serving as an Answer to the representation made by Rear-Admiral Elliot on the 28th of January of the same year, to the British Admiralty, pretending to show that Slave Trade is protected by the Portuguese Authorities on the Western Coast of Africa.

"THE Decree of the 10th of December, 1836, having been promulgated spontaneously, from the conviction every one had that the said traffic is not only infamous

and degrading to the human species, but also opposed to the real interests of the Portuguese Colonies, as it robs them of arms which might be otherwise employed in cultivating those riches contained in them, Her Majesty's Government were very active in causing the said Decree to be put in execution, by giving the most ample instructions and positive orders to the authorities in Africa to this effect, and sending a sufficient force there, in order to assist the operations of the persons charged with the suppression of the said traffic.

"The moment it was known that some of those authorities were less solicitous in executing the said Decree, they were immediately dismissed; and this example being given towards a Governor-General of Angola, ought to have been sufficient to intimidate all other authorities, even if in the choice of their successors the greatest scruple had not been manifested.

"During Vice-Admiral Noronha's government the most active and well directed measures have been put in practice, in order to prevent this traffic; it is not necessary to relate them, as Rear-Admiral Elliot himself gives testimony of the good conduct of those functionaries; however, it is no less certain that his successor, the present Governor-General of Angola, both from principle and conviction, as a military man, at all times punctual in the execution of orders by him received, had used the greatest efforts to suppress this traffic, sending soldiers to occupy some suspicious spots where it was supposed this traffic might be carried on, and making several apprehensions of slaves, at one of which he attended in person.

"Although Her Majesty's Government, putting in practice different means to watch the execution of its orders, had not yet received the slightest insinuation respecting the Governor of Benguela permitting the traffic in slaves to be carried on, and this under the most aggravating circumstance of receiving capitation fees; but as no facts are produced on the subject, and Rear-Admiral Elliot's assertion rests on a simple *hearsay*, it ought to be permitted to doubt the existence of such a crime; this shall not, however, prevent further investigations being ordered to be made on the subject, which are now going to be forwarded to this effect.

"The Commandants of the ships-of-war on the Angola station, under the direction of the Commander-in-Chief of the same station, P. A. da Cunha, have rendered very relevant services on that spot for the suppression of this trade, by sailing on that coast from Zaire to Massamedes and making several apprehensions of slaves; the Commander of the "*Urania*," himself, who has been censured by Rear-Admiral Elliot, is one of the officers who distinguished himself most in his zeal for putting down the Slave Trade, co-operating with the British cruizers to this end; and no hostile act can with truth be produced as perpetrated by this officer, who has at all times conducted himself with deference and respect towards British officers.

"Rear Admiral Elliot's assertion of entrance and refreshments having been denied to British cruizers in the port of Loanda is not correct; the generous reception of Commander Tucker, Commander Matson of the "*Water Witch*," and others, sufficiently prove the contrary; and if Commander Elliot of the "*Columbine*" did not receive refreshments the last time he was in that harbour, it is owing to his refusing to anchor in the spot marked out by the regulation of that port, which ought always to be respected.

"The assertion made respecting the authorities in Africa being under the necessity of continuing the Slave Trade, in order to receive their salaries and perquisites, is likewise incorrect.

"It is true, pecuniary resources in those countries are heavily pressed upon, *not so much owing to the suppression of the Slave Trade, as in consequence of acts practised by several British cruizers under the pretext of preventing it; and this, against all those vessels who traded on the Coast of Africa, whether they carried on licit or illicit trade, which caused trade to disappear and rendered difficult those means, which were destined for putting in practice the beneficial improvements, devised by Her Majesty's Government in favour of that country, by endeavouring to engage the merchants and wealthy men to employ their capitals in several branches of agriculture and national industry; the means to support both the land and sea forces necessary to prevent the slave-traffic, and to support the persons employed to this effect, not having been wanting up to this day.*

"With regard to the indisposition of the people towards British cruizers, if such indisposition *exists it is very natural, since the said cruizers conducted themselves in the most violent manner against the licit interests of those people, it appearing that they aim at destroying them, rather than suppressing the slave traffic; it is moreover cruel to make a crime of the disgust they cannot help feeling.*

“As Rear-Admiral Elliot is guided by the informations of the cruisers under his command, in affirming that the Portuguese authorities were protecting the Slave Trade, he must be completely deluded. In the enclosed document the very son of the Rear-Admiral, Captain Elliot of the “Columbine,” gives a clear testimony, that both the authorities and Government of Her Most Faithful Majesty have used every means on their part in order to suppress the said traffic; and confesses also his having met with the co-operation both of the Portuguese ships-of-war, and of the authorities at Loanda to that effect. This declaration having been transmitted to Rear-Admiral Elliot, according to the promise of his son, must have soon removed the aforesaid delusion.

“Respecting the last part of the Official Letter of Rear-Admiral Elliot, in which he seems to entertain a doubt on the right of the Portuguese Crown upon other territories of Western Africa, exclusive of Loanda and Benguela; it is necessary to observe that such right was acquired many ages since upon a larger extent of territory than what is comprehended within the 8th and 18th degree of south latitude, and that Her Most Faithful Majesty had reserved Her right over the territories of Molembo and Cabinda from 5° 12', down to 8° of the same latitude, it being very surprising that a high authority of the British Government should wish to bring forward a question of limits, which is not admissible, since they are already acknowledged, as Rear-Admiral Elliot ought to be aware of.”

A true copy. Office of Foreign Affairs, September 4, 1840.

(Signed) ANTONIO JOAQUIM GOMES D'OLIVEIRA.

Third Enclosure in No. 100.

Commander Elliot to Captain P. A. Cunha.

(Translation.)

Copy of a paragraph of an Official Letter addressed by George Elliot, Commander of Her Majesty's ship “Columbine,” cruising on the western coast of Africa, dated 3rd of March of the present year, to Captain P. A. da Cunha, Commander of Her Most Faithful Majesty's Naval Station at Angola.

“HAD I known, on arriving on this coast on the 5th of February, of the sudden change in the disposition of the authorities in Loanda with regard to the Slave Trade, I should have felt it my duty to be more courteous and less inclined to suspect the character of one of Captain Amaral's convoy, but I have now the pleasure to state, that I have made a public representation to his Excellency the Commander-in-Chief, of the co-operation Her Britannic Majesty's cruisers have received from Her Most Faithful Majesty's ships of war, and authorities on shore at Loanda.”

Captain P. A. Cunha,

&c. &c. &c.

Está conforme.

(Signed) ANTONIO PEDRO DE CARVALLO.

Está conforme. Secretaire d'Estado dos Negocios Etrangeiros em 12 d'Agosto, 1840.

(Signed) ANTONIO JOAQUIM GOMES D'OLIVEIRA.

No. 101.

Viscount Palmerston to Baron Moncorvo.

Foreign Office, September 26, 1840.

THE Undersigned, &c., has received the note which the Baron da Torre de Moncorvo did him the honour to address to him on the 11th instant, relative to the alleged misconduct of the officers of Her Majesty's ships “Brisk” and “Modeste” towards the Portuguese vessels “Raimundo Primero” and “Anna Felix;” and the Undersigned begs to acquaint Baron Moncorvo, that the proper Department of Her Majesty's Government has been requested to make inquiry into the circumstances of these cases.

The Undersigned cannot but entertain the hope that it will turn out, upon investigation, that the transactions referred to by Baron Moncorvo have not been accurately represented by the parties, who have addressed to the Portuguese Government their complaints against the British naval officers concerned therein; and that the imputations against those officers, as having behaved in a manner so inconsistent with the habits and feelings of the British naval service, will prove to be essentially incorrect.

But the Undersigned begs leave to assure Baron Moncorvo, that however anxious Her Majesty's Government undoubtedly are to put an end to the Slave Trade, they never will countenance or protect an abusive exercise of those powers, which have been given to Her Majesty's cruizers on the coast of Africa, and which it is the duty of the naval officers concerned to employ for the prevention of crime, and not for the annoyance and oppression of innocent parties.

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

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

No. 102.

Lord Howard de Walden to Viscount Palmerston.

Lisbon, September 19, 1840.

(Received September 28.)

MY LORD,

I HAVE the honour to enclose herewith a copy of a Note, which I have received from the Minister of Foreign Affairs, in reply to the one which I addressed to his Excellency on the 18th ultimo, communicating to him, by your Lordship's directions, the list of slave vessels, having Passports from the Portuguese authorities at the Cape Verd Islands, which had been condemned by the Mixed Commission at Sierra Leone.

His Excellency states that he has called upon the Minister of Marine to send the most positive orders, that all persons concerned in the traffic carried on by the said vessels may be tried and adjudged, in conformity with the Decree of the 10th December, 1836.

I have, &c.

(Signed) HOWARD DE WALDEN.

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

(Translation.)

Enclosure in No. 102.

M. Magalhaes to Lord Howard de Walden.

MY LORD,

Office of Foreign Affairs, September 4, 1840.

I HAVE the honour to acknowledge the receipt of your Lordship's Note of the 18th ultimo, inclosing copy of the schedule of the Portuguese vessels to which Brigadier Joaquim Pereira Marinho, Governor-General of the Cape Verd Islands had given Passports, and which schedule had been forwarded by him to Mr. Barker; as likewise that of another schedule of the vessels condemned by the Mixed Commission at Sierra Leone, in which 13 vessels are included, which had also obtained Passports at the Cape Verds.

I have written an official Letter to the Minister of Marine, under this day's date, transmitting to him the copy of the above-mentioned Note of your Lordship, together with the documents your Lordship forwarded to me; requesting him to cause the most positive orders to be issued, in order that upon the strength of the documents which had been forwarded to the above-mentioned Governor-General by the Mixed Commission, through the said Mr. Barker, the Owners, Captains, and all other persons implicated in the criminal traffic of slaves carried on in the said vessels, may be tried and adjudged, in conformity with the Decree of the 10th December, 1836; and I will communicate to your Lordship the result of the respective trials as soon as it comes to my knowledge.

I avail, &c.

(Signed) RODRIGO DA FONSECA MAGALHAES.

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

No. 103.

Lord Howard de Walden to Viscount Palmerston.

Lisbon, September 21, 1840.

(Received September 28.)

MY LORD,

I HAVE duly communicated to the Minister of Foreign Affairs the substance of your Lordship's Despatch of the 2nd instant, respecting the return of Senhor João Baptista Moreira as Portuguese Consul-General to Rio Janeiro.

His Excellency endeavoured to explain that he could not have acted otherwise than he had done; that Senhor Moreira was only going to Brazil on his private affairs; and that he could not have refused him a passport to return to his family.

His Excellency also referred to the assurance he had given me, that he should not be allowed to perform the functions of Consul, even if the Brazilian Government should restore his exequatur.

I replied that I was of course ready to give full credit for the sincerity of his Excellency's intentions as explained to me, but that he, on his part, must not lose sight of the public effect created before the world by Senhor Moreira's return to Rio de Janeiro, being still, as far as depended upon the Portuguese Government, Consul-General. I begged to remind his Excellency that a new Consul-General had once been destined for Rio Janeiro, and, as I understood on the authority of the individual himself, had actually been appointed, but that the nomination had been cancelled by his Excellency; that this gentleman was publicly declaring that he had been sacrificed for Mr. Moreira, while Mr. Moreira also gave out that he was going back as Consul-General, having no doubt of being able to obtain his exequatur from the Brazilian Government. The case then, as regarded his Excellency, stood thus, that his Excellency had cancelled the appointment of a new Consul-General, that he had allowed Mr. Moreira, avowedly retaining his commission of Consul-General, to return to Rio de Janeiro; that as the only set-off against this public proceeding, his Excellency gave me personally his assurance, which could not be generally known, that Mr. Moreira would not be allowed to act in his official capacity; and I pressed upon his Excellency's serious attention the inevitable bad effect such a circumstance must produce on the minds of the world in general, which was not disposed to interpret favourably any doubtful proceedings of the Portuguese Government, on questions connected with the Slave Trade.

I also reminded his Excellency that his own personal assurance to me did not afford any practical guarantee to Her Majesty's Government against the future effective reintegration of Senhor Moreira as Consul-General; as his Excellency held the portfolio of Foreign Affairs only *ad interim*, and the probability was that by the time Mr. Moreira might have succeeded in recovering his exequatur, the portfolio of Foreign Affairs would be transferred to other hands.

His Excellency acknowledged that the circumstances of the case were embarrassing. He admitted that another person had received the promise of the succession to the Portuguese Consulate-General at Rio de Janeiro from the Count de Bomfim, but that he had a person in view for this office, but that considerations had made it expedient not to appoint him as yet. He repeated his positive assurance to me, that Senhor Moreira should not act again as Portuguese Consul, concluding by the declaration that he would make the appointment he intended.

I reminded his Excellency that I had cautioned him at the time against the consequence of Senhor Moreira's return to Brazil, and that he must now see that he had better have paid more attention to my warning, which had been given in the most friendly spirit. Senhor Magalhaes replied that this was true, that the effect produced was unfortunate, but that he trusted I could believe in the sincerity of his assurances, and that he should settle the matter by appointing a new Consul-General.

I have, &c.

(Signed)

HOWARD DE WALDEN.

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

&c.

&c.

&c.

No. 104.

Lord Howard de Walden to Viscount Palmerston.

Lisbon, September 21, 1840.

MY LORD,

(Received September 28.)

WITH reference to my Despatch of the 28th ultimo, enclosing the copy of a Note from Senhor Rodrigo da Fonseca Magalhaes, respecting the "*Pomba d'Africa*," Portuguese vessel, condemned at Sierra Leone for being engaged in the Slave Trade, I have now the honour to inclose a copy of an additional Note from his Excellency, assuring me that orders have already been sent out to the Islands of St. Thomas and Princes, to bring to trial and punish all the individuals and authorities connected with the criminal transaction in question.

I have, &c.

(Signed)

HOWARD DE WALDEN.

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

&c.

&c.

&c.

Enclosure in No. 104.

M. Magalhaes to Lord Howard de Walden.

(Translation.)

Office of Foreign Affairs, September 18, 1840.

THE Undersigned, Minister, &c., in addition to the Note addressed by him to Lord Howard de Walden, Envoy, &c., on the 20th ultimo, in answer to the communication made by his Lordship of the capture of the Portuguese schooner "*Pomba d' Africa*" by the British schooner of war "*Fair Rosamond*," as well as of her having been condemned by the Mixed Commission at Sierra Leone, for being implicated in the Slave Trade, has the honour to state to his Lordship, that by an official Letter received from the Marine and Colonial Department, dated 14th instant, the Undersigned was informed, that the most positive orders had already been sent to the Governor of St. Thomas and Princes' Islands, for the purpose of bringing to trial, adjudging and punishing, in accordance with the Decree of the 10th December, 1836, all the individuals and authorities implicated in the criminal transaction.

The Undersigned, &c.

(Signed) RODRIGO DA FONSECA MAGALHAES.

The Lord Howard de Walden,

&c. &c. &c.

No. 105.

*Viscount Palmerston to Baron Moncorvo.**Foreign Office, October 21, 1840.*

THE Undersigned, &c., has the honour to acquaint the Baron da Torre de Moncorvo, &c., with reference to the complaint made by him on the 11th ultimo, relative to the alleged misconduct of the officers of Her Majesty's ships "*Brisk*" and "*Modeste*" towards the Portuguese vessels "*Raimundo Primeiro*" and "*Anna Felix*," that the only information which Her Majesty's Government has yet received, with respect to those last-mentioned vessels, is derived from a return of captured vessels, in which the names of those vessels are found inserted. But the Undersigned has to inform Baron Moncorvo that the commanding officers of Her Majesty's ships "*Brisk*" and "*Modeste*" have been called upon to furnish, without loss of time, an explanation of their conduct in the transactions adverted to; and the Undersigned will have the honour of communicating the result to Baron Moncorvo, as soon as the replies of those officers shall have been received.

The Undersigned, &c.

(Signed) PALMERSTON.

The Baron da Torre de Moncorvo,

&c. &c. &c.

No. 106.

*Lord Howard de Walden to Viscount Palmerston.**Lisbon, October 16, 1840.**(Received October 26.)*

MY LORD,

I HAVE the honour to transmit to your Lordship a copy and translation of a Note, which I have received from Senhor Rodrigo da Fonseca Magalhaes, in answer to mine of the 11th August last, enclosing to his Excellency the original papers of the Portuguese slave trader "*Liberat*," captured in the channel of Bissao, by which it appeared that the negroes were the property of Portuguese authorities at Bissao, consigned to another Portuguese officer at Villa da Praia.

His Excellency informs me that he has ordered the Portuguese authorities implicated in this transaction to be dismissed from their offices, and to be tried.

I have, &c.

(Signed) HOWARD DE WALDEN.

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

&c. &c. &c.

(Translation.)

Enclosure in No. 106.

*M. Magalhaes to Lord Howard de Walden.**Office of Foreign Affairs, October 15, 1840.*

THE Undersigned, Minister, &c., had the honour to receive the Note addressed to him by Lord Howard de Walden, &c., on the 11th of August last, with an enclosed Copy of a Despatch of the Commissioners at Sierra Leone, as well as their Report, and the original Papers to which it refers, on the case of the Portuguese schooner "*Liberal*," captured by Her Majesty's brig "*Brisk*," in the channel of Bissao, with 41 slaves on board, 14 of which, having been shipped by João Jozé Frederico, Director of the Custom-house of Bissao, and Secretary to the Government, consigned to João Antonio Lopes, an officer of the Custom-house of Villa da Praia, and 3 belonging to the Governor of Bissao, Honorio Pereira Barreto, as it appears by the said original papers.

The Undersigned returns his Lordship thanks, in the name of the Government, for such an important information; and the said Government, wishing to give a public testimony that they neither connive nor pass over unnoticed the infamous proceeding of those three functionaries, have addressed an official Letter to the Department of Marine, under this day's date, through this Department, directing the said three functionaries to be dismissed as soon as possible, and brought to trial, together with all other individuals implicated in this prohibited slave traffic, and the Decrees of their dismissal published through the press.

The Undersigned, whilst having the honour to make the above determination on the part of the Government known to your Lordship, avails himself, &c.

(Signed) RODRIGO DA FONSECA MAGALHAES.

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

No. 107.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, October 22, 1840.

I HAVE received your Despatch, "*Slave Trade*," of the 4th ultimo, enclosing a copy and translation of a Note addressed to your Lordship by Senhor R. da F. Magalhaes, on the 2nd September last, in answer to the Note which you had addressed to the Count de Villa Real on the 17th January, on the subject of the "*Vigilante*."

The Portuguese Minister attempts, in the Note now transmitted by your Lordship, to give to the conduct of the Intendant of Marine, in issuing Portuguese papers to the Spanish slaver "*Vigilante*," the colour of a mere misinterpretation of the law. That the conduct of the Intendant of Marine was contrary to the law cannot indeed be controverted. But that of which the Government of Great Britain especially complains, is the practice of the Portuguese Government of suffering its laws against Slave Trade to be violated, sometimes under one pretence, and sometimes under another, and of acquiescing in the futile allegations and excuses of those who commit such abuses. And you will state to the Portuguese Minister that this practice, of which the British Government has before had occasion to complain in other cases, is again particularly observable in this case of the "*Vigilante*."

I am, &c.

(Signed) PALMERSTON.

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

No. 108.

*Baron Moncorvo to Viscount Palmerston.**Londres, 2 de Novembro de 1840.**(Received November 3)*

O ABAIXO assignado, Enviado Extraordinario e Ministro Plenipotenciario de Sua Magestade Fedelissima junto a Sua Magestade Britannica, tem a honra de levar á presença de Sua Excellencia Milord Visconde Palmerston, Principal Secretario de Estado de Sua Magestade Britannica na Repartição dos Negocios Estrangeiros, a traducção inclusa do Memorial que dous subditos Portugueses,

Jozé de Lomba e Jozé Joaquim Gomes Vianna dirigiraõ antes de hontem ao Consul-Geral de Portugal, nesta cidade, e que pelo mesmo foi officialmente transmittido ao abaixo assignado.

De quanto se acha relatado no dito Memorial, não he possivel duvidar de que os factos de que os dous subditos Portuguezes se queixaõ, parecem á primeira vista conter materia sufficiente para o abaixo assignado dirigir as mais energicas queixas a sua Excellencia contra a crueldade e tyrania com que subditos e propriedades Portuguezas foraõ tratadas. Procedendo—se contra estes com tanto on maior rigor do que se houvesse huma guerra declarada entre Portugal e a Gram-Bretanha.

Naõ pertende por certo o abaixo assignado sustentar que em todas as circumstancias secundarias seja perfeitamente exacto o relatorio dos queixosos ; mas o abaixo assignado está disposto a acreditar como verdadeiros os factos principaes, os quaes de persi constituem a mais atróz e injusta aggressão quer sejaõ contra pessoas quer contra propriedades, em auxilio das quaes elle julga ser hum dever seo reclamar de sua Excellencia medidas promptas que satisfação a injuria e o damno commettido por huma embarcação de guerra da Real Marinha Britannica.

Espera pois o abaixo assignado que sua Excellencia se servirá mandar proceder immediatamente a hum exame rigoroso do assumto desta queixa ; o que parece ser facil de obter sem grande lapso de tempo ; e no entanto que os dous subditos Portuguezes que forçosa e injustamente foraõ trazidos prezos por hum taõ longo espaço de tempo, e que se achaõ ainda abordo da não “ Donegal ” em Portsmouth, onde se lhes permite agora a liberdade mas só depois de estarem despojados de quanto possuiaõ, que elles sejaõ transportados para Lisboa, quanto antes, por conta do Governo Britannico, ou que o mesmo Governo lhes conceda meios para isso, sendo lhes primeiramente permittido desembarcar em Portsmouth, para se appresentarem ao Vice-Consul Portuguez na quelle porto, para o fim de sob juramento fazerem as declaraçoens e mais protestos necessarios á cerca do procedimento violento contra elles praticado.

O abaixo assignado tem a honra de repetir a sua Excellencia Milord Visconde Palmerston os protestos da sua mais alta consideração.

(Signed)

BARAO DO TORRE DA MONCORVO.

(Translation.)

Baron Moncorvo to Viscount Palmerston.

London, November 2, 1840.

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary of Her Most Faithful Majesty to Her Britannic Majesty, has the honour to enclose to his Excellency my Lord Viscount Palmerston, Her Britannic Majesty's Principal Secretary of State for Foreign Affairs, a translation of the Memorial which two Portuguese subjects, Jozé da Lomba and Jozé Joaquim Gomes Vianna, addressed the day before yesterday to the Consul-General of Portugal, in this city, and which was officially transmitted to the Undersigned.

From the statement contained in this Memorial, it is impossible to doubt that the facts of which the two Portuguese subjects complain, appear on the first glance to involve sufficient matter for the Undersigned to address to his Lordship the most energetic complaints of the cruelty and tyranny, with which Portuguese subjects and property have been treated, seeing that they were proceeded against with as much rigour as if war had been declared between Portugal and Great Britain, or even with greater.

The Undersigned certainly does not mean to contend, that the narrative is perfectly correct in all minor particulars, but he is inclined to consider the principal facts as founded in truth, and as constituting of themselves a most atrocious and unjust aggression, as well against persons as against properties ; and, with the view of assisting them, he deems it his duty to demand of his Lordship prompt measures, in satisfaction of injury and damage committed by a man-of-war of the Royal British Navy.

The Undersigned, therefore, hopes that his Lordship will be pleased to direct an immediate and rigorous investigation into the merits of this complaint, which may easily be obtained without much loss of time ; and that in the mean time the two Portuguese subjects, who have forcibly and unjustly been made prisoners,—have remained long so, and are now, on board the “ Donegal ” at Portsmouth—at liberty, it is true, but despoiled of all their property,—may as soon as possible be sent to Portugal, at the charge of the British Government, unless perhaps the latter should

prefer granting them the means to proceed thither, they being previously permitted to disembark at Portsmouth, in order to present themselves to the Portuguese Vice-Consul there, for the purpose of making their depositions on oath, as well as the necessary protests against the violent proceedings taken on that occasion.

The Undersigned, &c.

(Signed) BARON DA TORRE DE MONCORVO.

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

Enclosure in No. 108.

Translation of a Memorial to the Portuguese Consul-General in London.

JOZE da Lomba, and Jozé Joaquim Gomes Vianna, Captain and Pilot of the Portuguese patacho (brig-schooner) "*Treze de Junho*," subjects of Her Most Faithful Majesty, declare that they sailed from the port of Rio de Janeiro on the 28th of March last, on their voyage to the port of Benguela, with a crew of 15 persons and 1 passenger, carrying on board a cargo of brandy and various other merchandise, all cleared and manifested at the Custom-house at Rio de Janeiro, and having navigated as far as latitude 23° 41' south, and longitude 42° 1' west of the meridian of London, they were captured at this same latitude and longitude on the 31st of the said month of March last, by a corvette-of-war in the service of Her Britannic Majesty, and from thence conducted back again to Rio de Janeiro, where all the crew were placed on board a hulk, the complainant (Captain) being alone left on board the patacho, and in this manner kept and guarded by an English armed crew, by day and night watching the complainant, who was not allowed to speak or write to any person, or even to make his protest; and being in this manner kept always incommunicable, both with people on shore and on the water, until the 20th of April, the Complainant is quite ignorant of what occurred on shore with respect to this patacho and her cargo; and on that day the Pilot being brought on board from the hulk, was with him made to go out to sea in the said patacho, manned with eight sailors and an officer (Englishmen), and after sailing till the 31st of May, they arrived at a port of the Island of Barbadoes, in the West Indies, where the said Officer of the prize, who came with them, continued to keep the Complainants prisoners, and detained on board the patacho, and in this manner guarded day and night by the armed crew, not being allowed even to speak with any persons who might pass in boats near the ship, though the Complainants could not speak the language of that country; and as the Complainants were always thus kept without communication with all and every person, they were quite ignorant of all that the prize Officer did or acted on shore with respect to the said patacho and her cargo; but on the 24th of June last, the prize Officer having ordered the hatches of the ship to be opened, and beginning to unload the cargo and to send it on shore, the Complainants took occasion to ask the said prize Officer where they were taking the cargo of the patacho, to which he (the Officer) answered by saying to the Complainants, that it mattered not to them, as he was thus acting in compliance with his orders, and continued the unloading until the 27th of June, on which day he told them verbally that the patacho and her cargo was all sold, leaving the Complainants in the utmost astonishment, not having been called before any authority or government, but on the contrary most strictly guarded by the crew, and in this manner kept constantly prisoners on board the patacho.

On the 29th of the said month of June, the Complainants were forcibly compelled by the prize Officer to embark in a barge, which carried them on board an English transport at anchor in that port, thus obliging the Complainants to abandon the patacho, which still had all the loading of brandy on board; the Complainants being still ignorant of the cause why their ship was condemned, in which nothing was found but what was lawful and clear, and the documents in the best possible order. And as the Complainants arrived in the said transport at this port of Portsmouth on the 17th of this month of October, and as the prize Officer who came with them put them on board a man-of-war of Her Britannic Majesty, called the "*Donegal*," the Complainants are ignorant in what manner they were placed there by the prize Officer, as they neither understand nor speak the language of this nation; but as, on the eighth day of their stay on board the said ship of war, the prize Officer, coming from shore on board of her, told them (the Complainants) that they might either go on shore or wait for a ship for Lisbon, the Complainants chose this last proposal, as they were quite destitute of means, not only for their

subsistence, but even for their transport to the nearest place; and as the Complainants, for the reasons already alleged, have all their sea reports and their case for protest, they wish to lay them before you, and to ratify them on oath, in order to be able at all times to obtain justice; and as, in their present situation, they can do nothing without your assistance, they therefore solicit your aid, that they may be removed and taken before you to present their report and ratify it on oath, or to cause them to be transported as soon as possible to Portugal, where they hope to obtain some help, which in this country is wanting to them.

(Signed) JOZE DA LOMBA.
JOZE JOAQUIM GOMES VIANNA.

*On board the ship of war "Donegal," at anchor in Portsmouth,
October 28, 1840.*

No. 109.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, November 3, 1840.

WITH reference to my Despatch of the 2d September last, upon the subject of the reported re-appointment of Senhor Moreira as Portuguese Consul-General in the Brazils, I herewith transmit to you, for your information, a copy of a Despatch from Her Majesty's Chargé d'Affaires at Rio de Janeiro, relative to the report in question; together with a copy of the reply which I have this day addressed to Mr. Ouseley.

*Lord Howard de Walden.
&c. &c. &c.*

I am, &c.
(Signed) PALMERSTON.

First Enclosure in No. 109.

Mr. Ouseley to Viscount Palmerston.

Rio de Janeiro, July 18, 1840.

(No. 158.)

Second Enclosure in No. 109.

Viscount Palmerston to Mr. Ouseley.

Foreign Office, November 3, 1840.

(No. 164.)

No. 110.

Baron Moncorvo to Viscount Palmerston.

London, November 6, 1840.

(Received November 9.)

MY LORD,

I HAVE the honour to lay before your Excellency some important documents, by copy, which have reference to the note which I addressed to your Excellency on the 2d instant, and I beg to solicit your most earnest attention to the said documents.

Convinced then that your Excellency will not deny this Act of Justice to the subjects of a country, which hitherto was treated by Great Britain as its most ancient ally, I will abstain from any observations which might lead me out of that course of moderation, which my Government is anxious to pursue even in cases of a positive grievance. But your Excellency will allow me to point out to you a few circumstances worthy of remark, as for instance, the certificate which the vessel had from the British Consul at Rio de Janeiro, and which Captain Preston has kept in a most unwarranted manner, not returning it to the Portuguese Master of the brig; the taking of the watches, and other valuable property belonging to private individuals, as if they were articles employed in, or proofs of carrying on, the Slave Trade; and last, but not least, the mock citations, and trial of the Barbadoes Court of Admiralty, calling on the interested parties to defend the seized vessel, when the two only individuals that could be of any service to that effect, who were Jozé da Lombe and Jozé Joaquim Gomes Vianna, were kept close prisoners, and

incommunicable whilst they were at Barbadoes, as those very same individuals have already declared.

Should the British Government be disposed (as I confidently hope it will) to order an immediate and strict inquiry into this affair, I beg to request that it may go beyond hearing only Captain Preston's account of the transaction, because great as may naturally be the reliance of the British Government on the reports made by British Naval Officers of all ranks, yet if parties make declarations on oath in contradiction to those reports, it is but just and fair to inquire minutely into them. Far be it from my mind to say anything disparaging to the British navy; but in the printed papers laid before Parliament in the last session, in the case of the Danish ship, "*Charlotte*," Captain Smyth of the "*Grecian*" declared, that he had not fired on that vessel; and at the legal examination which immediately took place at Rio de Janeiro, when the Danish ship came into that harbour, it was clearly proved, by the marks on the sails and on the rigging, that the vessel had been fired at with shot.

In conclusion, my Lord, excuse me for once more requesting your Excellency's interference, in order to have these two unfortunate Portuguese sent back to their country, by some of the almost daily opportunities at the disposal of the British Government; and that some pecuniary assistance may be given to them previous to their departure, to be taken afterwards into account of the immense valuable private property so forcibly taken from them.

I have, &c.

(Signed)

MONCORVO.

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

&c.

&c.

&c.

(Translation)

First Enclosure in No. 110.

Protest made at Sea by Jozé de Lomba, Captain of the Portuguese pataxo, (a kind of brig) "Treze de Junho," which was sailing from the port of Rio de Janeiro for Benguela, after having fully complied with all the forms of the Law.

WE the undersigned, Captain, Officers, and ship's company, of the pataxo "*Treze de Junho*," certify on our oaths, taken on the Holy Gospels, that on the 28th March, 1840, we were sailing from the port of Rio de Janeiro and prosecuting our voyage to the port of Benguela, our crew, exclusive of one passenger, consisting of 15 persons; that we carried in said vessel under deck a dry and well-conditioned cargo of pipes of brandy, merchandise, and sundry wares, all specified in the Manifest, and despatched by the Custom-house of Rio de Janeiro; that we were proceeding on our voyage till the 31st of the said month of March, without any occurrence worth recording; and that on that day, when by calculation in 23° 41' south latitude, and 42° 1' longitude, east of London, at 6 A.M., we came in sight of a sloop of war with a large flag, which we found to be English, and which making straightway towards us, discharged, when within distance, several shot by way of signal that she wanted to reconnoitre us. Having hoisted the Portuguese colours, I ordered my vessel to be brought to, which operation was not well concluded, when the sloop put out two launches full of men, with two officers, who boarded us. Commencing forthwith a rigorous search, they went into the large cabin and mess-room, leaving neither cupboard, locker, or chest, which they did not inspect or break open. Thereafter they tried to burst open the cabin floors to get into the hold. In the next place they endeavoured to make their way by the mess-room in the fore part: this they effected by shifting from one side to the other several bulky packs of the cargo, which were damaged by that removal. Not attending, however, to what I told them, as Captain of the vessel, who had to answer for the cargo, they even overhauled the casks, containing the water for the use of the crew, as well as the provisions and flour, which I kept in the bread-room for daily consumption during the voyage. I displayed before them all the papers relating to the ship and her cargo, and also the Manifest and Invoice, but so far from heeding my pains, they struck our Portuguese flag, tore it in two, and before my eyes and those of my whole ship's company trampled upon it. After this, they made me go on board the sloop of war, with the view of delivering to her Commander all the papers of the vessels. Finding the great disorder of several lots of the cargo, by the above transportation of them, I directed my mate, as the second officer of this vessel to repair, instead of me, on board the sloop, to deliver the papers. Having

received them the Captain kept my Mate as prisoner. At 4 P.M. the Captain himself came on board my vessel, acquainting me that I must return in her with him to Rio de Janeiro. He then, without attending to me, ordered all my crew, together with the passenger, without any more clothes than they had on, to embark in the launches alongside, leaving me alone on board with the Cook. When my crew had reached the sloop, the Captain sent English sailors, commanded by an officer, to man the pataxo. From that instant there was an end to my authority, I was not allowed to give any more orders. At five they sent me back my Mate from the sloop, and at six orders were issued to set sail for Rio de Janeiro. In consequence I protest against the Commander of the sloop of war, and against all the officers and sailors that came on board my vessel. I further protest against the Underwriters and Owners; also against the receivers of the cargo, and against the persons in any way interested in the pataxo and her cargo, as well as against whomsoever I have or may have a right to protest, in order to recover in due time and place all the losses, damages, expenses, injuries, and other charges, from whomsoever I am or may be entitled so to do. And with the view of testifying to the truth of the above, I have caused to be made out this Protest, which we have signed; Engaging to depose to it in or out of any Court where we may be summoned.

On board the pataxo "Treze de Junho" at sea, in latitude 23° 41' south, longitude 42° 1' east of the meridian of London, the 30th March, 1840.

And I Jozé Joaquim Gomes Vianna, Mate of this pataxo, who drew this up in default of a Notary, and signed it.

(Signed)

JOZE DE LOMBA.

JOZE JOAQUIM GOMES VIANNA.

I certify, that as the crew is not on board now, there appears to this Protest only my signature, and that of the Captain, but I declare that all the crew are ready to sign it, inasmuch as when they left this vessel to proceed on board the sloop, they took their oath that they would do so.

On board, March 31st, 1840.

(Signed)

JOZE JOAQUIM GOMES VIANNA, *Mate.*

Protest sent forth by Jozé de Lomba, Captain of the Portuguese pataxo "Treze de Junho," which sailed from Rio de Janeiro for Benguela, with a cargo of Brandy and Merchandise, and was captured by the English Sloop-of-war "Curaçoa" in latitude 23° 41' south, and longitude 42° 1' east of the meridian of London, intended to be presented to the first representative of the Portuguese nation, in any of the states of Her Britannic Majesty, or wherever it may be expedient or necessary.

WE the Undersigned, the Captain and Mate of the pataxo "*Treze de Junho*," do protest upon our oaths, which we have taken on the Holy Gospels as follows:

That having sailed from the Port of Rio de Janeiro on the 28th March, 1840, we prosecuted our voyage to the Port of Benguela, with a crew of 15 men and one passenger, and carrying under deck a dry and well-conditioned cargo of pipes of brandy, merchandize, and sundry wares, the whole constituting a lawful cargo, dispatched to this effect, and manifested by the Custom-house of Rio de Janeiro. And having, by the favour of God, navigated till the 31st March, without any occurrence worthy of notice, it chanced that we were taken by an English sloop of war, when by our calculation we were in latitude 25° 41' south, and longitude 42° 1', east of the meridian of London; where after having rigorously searched my vessel, they carried off all my crew to the sloop of war, leaving me only a Cook. They also took away the Mate, and all the ship's papers, Manifest, Invoice, &c. The Mate returned at five, all the papers remaining in the possession of the English Commander. My vessel having been manned with an English crew and officer, we set sail for Rio de Janeiro, where we cast anchor the 4th of April, at eight in the evening.

2. That after the pataxo had come to an anchor, the Mate and the Cook were immediately carried prisoners on board a "*preziganza*," (receiving ship,) while I was left alone, watched by the armed English crew; that on the following 5th of April when I wished to go, or send another person, ashore, to present the Protest I had drawn up at sea on being taken, I was refused, and not even permitted to write or speak to any one. In fact, while in that port, I had no communication with any individual, not even with my crew, who were then already prisoners on board the *preziganza* (receiving ship).

3. That during my stay at that port they were continually searching my vessel, turning over the cargo, taking packages from the hold upon deck, and even opening bales and packs. They made me go twice on board the sloop, though I am still to learn for what reason, they not having asked me any question. Indeed I had nothing to answer, and they sent me back again.

4. That on the 15th of April, when I was looking for something in my cabin, they took from me a bag with gold and silver coin, the amount of which is specified not only in the Invoices signed by me at Rio de Janeiro, but in the Manifest of the Custom-house; I was to have delivered this money to some person at the port of Benguela to whom it was addressed. On the 16th April, as I was opening my trunk they took seven watches out of it, some of gold and others of silver, which had been repaired at Rio de Janeiro, and were to have been returned to the owners at Benguela. Both for the money and for the watches the Commander of the sloop gave me a receipt, which is still in my possession, but which I am unable to make out as I do not understand English. On the same day I saw them unload from the pataxo and take on shore ten pipes of brandy, but I had no means of ascertaining where they were carried.

5. That on the 20th April, at four in the morning, they sent my Mate from the preziganza to keep me company, and at six o'clock the pataxo weighed anchor, being attended as far as beyond the bar by four launches full of men, and commanded by three officers. The latter returned, and on board my vessel there remained a crew of eight men, under the orders of a Commander. We commenced our voyage without my knowing whither, as the officer was disinclined to name the place of destination, saying only that he had to choose among three ports. On the first of May we made Bahia in Brazil. The officer sent four men of his crew on shore, taking four others in return. He also filled three of his water casks, not having on board sufficient for the voyage, so that rain water had several times been used instead, as well for drinking as for the purposes of cookery.

6. That on the 3d of May we sailed from Bahia, and on the 8th were on the point of foundering, either from the want of caution or of intelligence of the Commander, who applied to me and my Mate for assistance, saying that he was at a loss what to do or order. Perceiving the great danger to which the ship was reduced, we bade the Commander be of good heart, and exerted ourselves to the utmost in providing for her safety, when the vessel was near going on shore between Viza Barries and St. Francisco, to the north of Bahia, it blowing just then very hard from the north-east and the sea going high, till, by dint of great toil, we succeeded in weathering the storm; indeed the Commander had consulted us as to the course he was to steer, being apt to run into mistakes. In short I and my Mate contrived to carry the pataxo safely to Barbadoes, the principal merit of which was due partly to my Mate, and partly, to say truth, to the labours of the English crew.

7. That on the 23d May, there happening a dispute between two men of the crew, the Commander deemed it expedient to put them in irons; but not finding on board the pataxo any thing like them, he was obliged to form something in lieu of them, out of the net for catching a particular fish while the ship is under sail, and thus the prisoners were secured till our arrival at Barbadoes, where we cast anchor the 31st May, at four post meridian. There the Commander requested us to depose to the dispute of the two prisoners during the voyage. Our deposition was dated the 6th June, we certifying merely what we had seen. The Commander was also desirous that we should depose to the way in which he had treated us during that trip, and we declared under our hands that we had no complaint to make as to the treatment we had experienced.

8. That from the day of our departure from Rio de Janeiro to our arrival at Barbadoes, we subsisted on our own provisions, and the Commander gave some of them also to his crew. Thus he kept untouched a whole cask of pork which was to have been used for his men, but which he either sold or gave away at that port, some of our provisions were sold by his crew, or bartered for all kinds of liquors brought alongside by bum-boats. When I would have prevented the sale or barter of them, the sailors answered that they acted by the directions of their officers. By this practice we were nearly starved, not even receiving what was necessary. The Commander, in like manner, disposed of various stores of the vessel, such as ropes and tar, and pieces of sail-cloth, canvas, and rope-yarn, which he sent on board the steamers and other vessels, for there he passed all his time, leaving me and the Mate at the mercy of the sailors, who allowed us just as much as they pleased.

9. That on the 15th of June an Englishman came from the shore on board our

vessel to deliver some papers written in English, which the Commander handed to me, saying that they belonged to me, and that I should keep them. Not understanding their contents, I inquired what they were about, to which the Commander replied by repeating his words. When I desired to go or send my Mate on shore in quest of some representative of the Portuguese nation, no leave was granted; on the contrary we were the more strictly guarded by the armed crew. On the 24th June a launch of some frigate came, and they opened the hatches and began unloading the cargo into a lighter, by which it was conveyed ashore. On my asking the Commander whither the cargo was carried, he made no answer.

On the following day (25th June) the pataxo was taken into dock, and the unloading of the goods was completed, except that some pipes of brandy were left in the hold. On the 26th I inquired of the Commander how the goods were bestowed. His answer was, that that did not concern me, as the pataxo and all her cargo were already sold; when I asked again what reason there could have been for such sale, he bade me hold my peace, jumped into the boat and went ashore.

10. That on the 28th June, when our vessel was near a quay, my Mate went ashore, taking with him the two protests, stating, the first, the circumstances of the capture, and the second, the occurrences since our departure from Rio de Janeiro up to the 20th, enquiring for a representative of the Portuguese nation; he learned that there was only one Portuguese merchant in the island. Him he met at home and found that all the papers and documents of the pataxo had been lodged with him. The merchant took also charge of my two protests. The Mate having asked why the pataxo and all her cargo had been sold, the merchant answered that the Commander of the prize had assured him that she had on board a great deal of water and flour. On this the Mate acquainted him with the real facts, that the vessel contained nothing beyond the cargo specified in the Manifest, and the provisions required during the voyage, and as to the water it had all been used up during their passage from Rio de Janeiro, notwithstanding that some casks had been replenished at Bahia, and that they had frequently been compelled to have recourse to rain water. The merchant set down all these particulars, kept the Protests, and desired the Mate to call again next day.

11. That on the 29th of June, the day when the Mate was to have returned to the merchant, there came a boat from the frigate, and two officers of her having boarded the pataxo addressed themselves directly to me and the Mate, and handing to us an order from the Commander of the frigate, importing that we should forthwith repair thither in the boat, and that in case of our refusal the bearer was directed to use force. In consequence we stepped into the boat, which took us on board the English transport, in which we are at this day. I have to add that, in the afternoon of the day of my departure from Rio de Janeiro for Benguela, I was obliged by the post office of Rio de Janeiro to take charge of a mail with letters for the post office at Benguela, for which I entered a receipt in a book at the former office.

In reference to all the above, and to the contents of the present Protest, I engage to take my oath wheresoever called upon. I also am willing to attest on oath, that the pataxo did not carry any articles save such as are permitted and lawful both at the port of Rio de Janeiro and at this port of Barbadoes; and, accordingly, I protest against the Commander of the sloop "Curaçoa," and against all officers and sailors that came on board the pataxo when she was taken, as also against the prize master that came in her to this port. I protest, furthermore, against those who sold the pataxo and her cargo, as well as against the purchaser or purchasers of the pataxo, and of her cargo, and against the underwriters, owners, and receivers of the cargo; and against the persons in any way interested either in the pataxo or in her cargo, moreover against whom I have, or may have, a right so to do, on purpose to recover in due time and place all the losses, damages, expenses, and injuries, which I am or may be entitled to recover; and inasmuch as all the preceding is the truth, I have caused to be made out the present declaration of Protest, which we have signed, engaging to depose to it on oath, in or out of court, wherever summoned.

Done on board the English transport "Prince Regent," at anchor in the port of the isle of Barbadoes, the 30th June, 1840.

And I Jozé Joaquim Gomes Vianna, Mate of the pataxo, who, in default of the notary, have drawn this up and signed it.

(Signed)

JOZE DE LOMBA,
JOZE JOAQUIM GOMES VIANNA.

BOROUGH OF PORTSMOUTH.

We, the Undersigned, and whose names are subscribed to the within written statements, do hereby solemnly and sincerely declare, that the within written statements are true and correct; and we make thus solemn declaration, conscientiously believing the same to be true, and in pursuance of the provisions of the Statute made and passed in the fifth and sixth year of the reign of his late Majesty, King William the Fourth, intituled, "An Act to Repeal an Act of the present session of Parliament, intituled an Act for the more effectual Abolition of Oaths and Affirmations, taken and made in various departments of the State, and to substitute Declarations in lieu thereof, and for the more entire suppression of voluntary and extrajudicial Oaths and Affidavits, and to make other provisions for the abolition of unnecessary Oaths."

(Signed)

JOZE DE LOMBA.

JOZE JOAQUIM GOMES VIANNA.

Declared this fourth day of November, 1840, at the said Borough of Portsmouth, before me, one of Her Majesty's Justices of the Peace for the said borough.

(Signed)

THOMAS BUSBEY.

I, the Undersigned, Vice-Consul of the kingdom of Portugal, do hereby certify unto all whom it may concern, that the above signature is of the handwriting of Thomas Busbey, one of Her Majesty's Justices of the Peace for the borough of Portsmouth, and that due faith is to be given thereto.

Given under my hand and Seal of Office at Portsmouth, November 4, 1840.

(Signed)

AMGUADI ARN. VAN DEN BERGH.

Second Enclosure in No. 110.

M. Van den Bergh to M. Van Zeller.

SIR,

Portsmouth, November 4, 1840.

IN conformity with the directions contained in your favour of the 3d instant, enclosed, I beg to hand you a statement, containing every particular of the Portuguese patacho called "*The Thirteenth of June*," declared by Jozé de Lomba, and Jozé Joaquim Gomes Vianna, before one of the magistrates of this Borough, duly legalized, to which I have added Act of Condemnation, and copy of the Receipt of the Money and Property taken from the Master on the 19th April last at Rio de Janeiro by Captain Preston, of Her Majesty's ship "*Curaçoa*;" amongst the ship's papers and clearance taken was a Document given by the British Consul at Rio de Janeiro, stating that the patacho was a regular trader from Rio to Benguela.

On calling at the "*Donegal*" I learnt that they were sent on board the "*Queen*," guard-ship, to which ship they have returned, having liberty to repair on shore whenever they should think proper.

I remain,

(Signed)

AM. VAN DEN BERGH.

*To Francisco Van Zeller, Esq.
Portuguese Consul-General in London.*

(Copy.)

Received from Jozé de Lomba, Master of the detained slave brigantine, "*Thirteenth of June*," the undermentioned treasure, which will be returned if the vessel is not condemned.

Five hundred and seventy-one Medea dobroes, and six Patacoons and a half.
Her Majesty's ship "Curaçoa," Rio Janeiro.

(Signed)

WILLIAM PRESTON, *Acting Captain.*

Which will be returned if the vessel is not condemned.

(Signed)

WILLIAM PRESTON.

Received from Jozé de Lomba, Master of the detained slave brigantine, "*Thirteenth of June*," the undermentioned watches:—

	Dollars.
A gold watch, marked José da Silva	6,000
A ditto ditto	4,000
A ditto Vidal	6,000

	Dollars.
A small gold watch, marked Vanchey à Paris, Garcia	4,000
One silver watch, marked Manoel Joaquim Teixcorà	4,000
A watch marked Garcia	4,000
A silver watch, marked Africa de la Conde	4,000

Her Majesty's ship "Curaçoa," Rio de Janeiro, 19th April, 1840.

(Signed) WILLIAM PRESTON, *Acting Captain.*

Which will be returned if the vessel is not condemned.

(Signed) WILLIAM PRESTON.

Third Enclosure in No. 110.

VICTORIA by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith.

To Patrick Joseph Dottin Lynch, Gentleman, Marshal of our Vice Admiralty Court of Barbadoes, and to his deputy whomsoever, greeting: Whereas our beloved the worshipful John Alleyne Beccles, Judge and Commissary of our said Court, lawfully constituted and appointed in a certain cause or business of forfeiture, moved and prosecuted before him in our said Court, on our behalf against a brigantine or vessel called "*The Thirteenth of June*," whereof Jozé de Lomba was Master, her cargo, tackle, apparel and furniture taken and seized by Her Majesty's ship, called the "*Curaçoa*," William Preston, Commander, and brought to Carlisle Bay, in the Island of Barbadoes, and against the persons in general having, or pretending to have, any right, title, or interest therein, rightly and duly proceeding at the petition of the proctor on our behalf, hath decreed the said Jozé de Lomba, the Master of the said brigantine or vessel in special, and all persons in general, who have, or pretended to have, any right, title, or interest in the said brigantine, or vessel, her cargo, tackle, apparel and furniture, to be monished, cited, and called to judgment, at the time and place hereunto written, and to the effect hereafter expressed, (justice so requiring). We do, therefore, charge and command you jointly and severally, that you omit not, by reason of any liberty or franchise, but that you monish, or cause to be monished, peremptory and personally the said Jozé de Lomba, whom also we monish by virtue of these presents, and that by affixing these presents in some conspicuous part of the public quay, or wharf, of Bridge Town, in the parish of St. Michael, in our Island of Barbadoes, aforesaid, at the usual time of the public resort of merchants thither, and by leaving there affixed a true copy thereof, you do also monish and cite, or cause to be monished and cited peremptorily, all persons in general who have, or pretend to have any right, title, or interests, in the said brigantine or vessel, her cargo, tackle, apparel, and furniture, whom also we monish by virtue of these presents, that they appear before us, our said Judge, or his surrogate, in the registry of our said Court situate at No. 8, Victoria Street, in Bridge Town, aforesaid, on the fourteenth day after service of these presents, between the hours of 12 and 2 o'clock in the forenoon of such day, then and there to show and allege in due form of law, a reasonable and lawful cause, if they have or know any, why the said brigantine or vessel should not be pronounced to have been equipped for the Slave Trade, contrary to the provisions of the statutes in such case made and provided, and as such, or otherwise subject and liable to forfeiture and condemnation, and to be adjudged and condemned as forfeited to us, our heirs and successors, accordingly; and why the penalties due by law should not be pronounced for, and further to do and receive in this behalf, as unto law and justice shall appertain, and that you daily intimate, or cause to be intimated peremptorily and personally, to the said Joze de Lomba in special, and that you also duly intimate peremptorily to all persons in general, all of whom by the tenor of these presents, we do also respectively intimate, that if they shall not appear at the time and place above-mentioned, or appearing, shall not show a reasonable and lawful cause to the contrary, our said Judge or his surrogate doth intend to proceed, and will proceed, to adjudication on the said seizure, and will pronounce the said brigantine or vessel, "*The Thirteenth of June*," her cargo, tackle, apparel, and furniture, to have been equipped for the Slave Trade, contrary to the provisions of the statute or statutes in such case made and provided, and as such, or otherwise, subject and liable to forfeiture and condemnation, and will adjudge and condemn the same as forfeited to us, our heirs

and successors, and further doth intend to proceed, and will proceed, to pronounce for the penalties due by law, the absence or rather contumacy of the parties so cited and intimated in anywise notwithstanding. And that you duly certify our said Judge or his surrogate, what you shall do in the premises, together with these presents. Given at Bridge Town, in our aforesaid Court, under the Seal thereof, the 4th day of June, in the year of our Lord, 1840, and of our reign the third.

(Signed)

JOHN E. EVERSBY,

Deputy Registrar of Vice Admiralty Court.

No. 111.

*Viscount Palmerston to Baron Moncorvo.**Foreign Office, November 11, 1840.*

THE Undersigned, &c., has had the honour to receive the Note addressed to him, under date of the 2nd of this month, by the Baron da Torre de Moncorvo, &c., relative to the case of a vessel called the "*Treze de Junho*," captured under Portuguese colours, by a British ship of war, on the coast of Brazil; and he begs to acquaint Baron Moncorvo, that his Note and its inclosure have been referred to the proper department of Her Majesty's Government for their report on the case in question.

The Undersigned, however, begs in the meanwhile to inform Baron Moncorvo, that from information already received at this office, it appears that the "*Treze de Junho*," had made several voyages from Brazil to the coast of Africa, bringing home on each voyage, in addition to a legal cargo, a number of negroes, who were landed in the neighbourhood of Rio de Janeiro, before she entered that port and discharged her other cargo. The "*Treze de Junho*" left Rio de Janeiro on the 28th March last, for Benguela, and was detained a few days after by Her Majesty's ship "*Curaçoa*," Captain Preston, in pursuance of instructions issued by Her Majesty's Government, under the Act of Parliament for the suppression of the Slave Trade; and it appearing that she was proceeding to the coast of Africa with a cargo, and with money and bills, for the purchase of negroes, she was sent by the captor to be tried before a British Vice Admiralty Court, at Barbadoes, in compliance with the provisions of the Act above-mentioned.

Having thus communicated to Baron Moncorvo all the information at present in his possession relative to the "*Treze de Junho*," it only remains for the Undersigned to assure Baron Moncorvo, that he shall be duly made acquainted with the further proceedings which have taken place relative to that vessel.

The Undersigned avails himself of this occasion, &c.

The Baron da Torre de Moncorvo,

(Signed)

PALMERSTON.

&c. &c. &c.

No. 112.

*Lord Howard de Walden to Viscount Palmerston**Lisbon, November 7, 1840.**(Received November 17.)*

MY LORD,

WITH reference to your Lordship's Despatch of the 8th August last, I have the honour to enclose the copy and translation of a Note, which I have received from Senhor R. da Fonseca Magalhaes, in which his Excellency transmits to me an official communication from the minister of the colonies, which I likewise enclose, stating that he has directed the Governor-General of the Cape Verd Islands to investigate the cause of the difference between the statement of the Passports given at the Cape Verds during the government of Brigadier Joaquim Pereira Marinho, and that drawn from the papers of the vessels condemned by the Mixed Commission at Sierra Leone. His Excellency, the Minister for the Colonies has likewise sent orders to the Cape Verds to bring to trial all the Owners and Captains of vessels, who may appear from the papers transmitted to the Governor of the Cape Verds by the Mixed Commission at Sierra Leone to have been concerned in the traffic in slaves.

I have, &c.

(Signed)

HOWARD DE WALDEN.

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

&c.

&c.

&c.

(Translation.)

First Enclosure in No. 112.

M. Magalhaes to Lord Howard de Walden.

MY LORD,

Office of Foreign Affairs, October 30, 1840.

IN addition to the Note I addressed to your Lordship on the 4th of last month, in answer to your Lordship's Note of the 18th of August, accompanying the statements of the vessels which have obtained Passports in the province of Cape Verds, during the period in which Brigadier-General Joaquim Pereira Marinho was governor of it, as also of the vessels having Passports, condemned by the Mixed Commission at Sierra Leone, I have the honour to enclose for your Lordship's information the copy of an official communication, made to me on the 21st instant by the Minister for the Colonies, in which he informs me of his having forwarded on the same day the necessary order to the Governor-General of the province of Cape Verds, for the purpose not only to find out the origin of so remarkable a difference, as appears to exist between the two statements, but also to cause the Owners and Captains of vessels implicated in the criminal traffic in slaves to be brought to trial, upon the strength of the documents he must have already received from the aforesaid Mixed Commission; the said minister promising to inform me of the result of it, in order that I may be able to communicate it to your Lordship.

I avail myself, &c.,

(Signed)

RODRIGO DA FONSECA MAGALHAES.

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

(Translation.)

Second Enclosure in No. 112.

*Count Bomfim to Minister for Foreign Affairs.**Office of the Colonies, October 21, 1840.*

MOST ILLUSTRIOUS AND EXCELLENT SIR,

IN answer to the Official Letter of your Excellency, of the 4th of last month, which enclosed a Note of the British Minister at this Court, under the date of the 18th of August, accompanying the statement of the vessels that have obtained Passports at the province of Cape Verds during the time that Brigadier-General Joaquim Pereira Marinho was governor of it, as also of those vessels which, being furnished with Passports from the same period, have been condemned by the Mixed Commission at Sierra Leone; I have the honour to inform your Excellency that orders were issued under this day's date to the Governor-General of the above-mentioned province, not only for him to find out the origin of such a remarkable difference as appears to exist between the two said statements, but also that the Owners, Captains, and other persons concerned in the criminal traffic of slaves, may be brought to trial, and punished in conformity with the law, upon the strength of the documents which he must have already received from the aforesaid Mixed Commission; and as soon as the information requested, of the result of the said trial, reaches this department, I shall transmit it to your Excellency for the purpose stated in your Excellency's Official Letter.

May God, &c.,

COUNT DE BOMFIM.

The Secretary of State for Foreign Affairs,
 &c. &c. &c.

(A true Copy.) Office of Foreign Affairs, October 30, 1840.

(Signed)

ANTONIO JOAQUIM GOMES D'OLIVEIRA.

No. 113.

*Lord Howard de Walden to Viscount Palmerston.**Lisbon, November 8, 1840.*

MY LORD,

(Received November 17.)

IN reference to your Lordship's Despatch of the 10th August last, I have the honour to transmit a copy and translation of a Note with its Enclosure, which I have received from Senhor Rodrigo da F. Magalhaes.

His Excellency the Minister of the Colonies has ordered the Governor of the Islands of St. Thomas and Princes to prosecute according to law the persons connected with the slave dealing, carried on by the Portuguese vessel "*Passos*," and also to report such of the authorities as have been guilty of encouraging the Slave Trade to the Queen, that the proper steps may be taken with respect to them.

I have, &c.

(Signed) HOWARD DE WALDEN.

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

&c. &c. &c.

(Translation.)

First Enclosure in No. 113.

M. Magalhaes to Lord Howard de Walden.

MY LORD,

Office of Foreign Affairs, October 30, 1840.

IN addition to the Note I addressed to your Lordship on the 5th of last month, in answer to your Lordship's Note of the 29th of August, respecting the capture of the Portuguese vessel "*Passos*," by the British cruizer "*Wolverine*," I have the honour to enclose, for your Lordship's information, the copy of an official communication, made to me on the 21st instant by the Minister for the Colonies, informing me of his having forwarded to the Governor of St. Thomas and Princes Islands the most positive orders, for the purpose, not only of his causing the persons implicated in the traffic carried on by the ship "*Passos*" to be punished in conformity with the law, but also to report to Her Majesty, who were the authorities in that province, upon whom the general accusation may fall of scandalously encouraging the traffic in slaves, in order to take the necessary steps against them.

I avail, &c.,

RODRIGO DA FONSECA MAGALHAES.

The Lord Howard de Walden,

&c. &c. &c.

(Translation.)

Second Enclosure in No. 113.

*Count de Bomfim to Minister for Foreign Affairs.**Office of State for the Marine and Colonies,**October 21, 1840.*

MOST ILLUSTRIOUS AND EXCELLENT SIR,

IN acknowledging the receipt of your Excellency's Official Note of the 5th ultimo, enclosing a copy of the Note and Papers, transmitted to your Excellency by Her Britannic Majesty's Minister, on the 29th of August of the present year, giving an account of the capture of the Portuguese vessel, "*Passos*," by the British cruizer, "*Wolverine*," by which the said vessel was met with slaves on board, and complaining against the authorities of St. Thomas and Princes Islands, who, far from preventing the slave traffic, scandalously encouraged it; I have the honour to state to your Excellency that, by a Royal Order, issued in this department on the 14th instant, the most positive instructions were given to the Governor of those islands, not only to cause the persons implicated in the prohibited traffic carried on by the ship "*Passos*," to be tried according to law, but also to report to Her Majesty who are the authorities in those islands upon whom the general accusation made may fall, in order to take the necessary steps against them.

May God, &c.

(Signed) COUNT DE BOMFIM.

The Secretary of State for Foreign Affairs,

&c. &c. &c.

(A true Copy.) Office of Foreign Affairs, October 30, 1840.

(Signed) ANTONIO JOAQUIM GOMES D'OLIVEIRA.

No. 114.

*Lord Howard de Walden to Viscount Palmerston.**Lisbon, November 8, 1840.**(Received November 17.)*

MY LORD,

I HAVE the honour to inform your Lordship, with reference to your Lordship's Despatch of the 14th August last, that I have received a Note, of which I enclose a copy, from Senhor Rodrigo da Fonseca de Magalhaes, in which his Excellency states, that though the conveyance of slaves in Portuguese vessels of war from Bissao to Ilha da Praia may have occurred without infringing the existing law, nevertheless, in order to avoid all suspicion for the future, of Portuguese vessels of war having been concerned in the protection of the Slave Trade, the Minister of the Colonies has especially directed, that when it may be required to transport slaves from one point of a province to another, vessels of war shall never be employed in that service.

I have, &c.

(Signed)

HOWARD DE WALDEN.

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

&c.

&c.

&c.

(Translation.)

Enclosure in No. 114.

M. Magalhaes to Lord Howard de Walden.

MY LORD,

Office of Foreign Affairs, October 30, 1840.

IN addition to the Note I addressed to your Lordship, on the 26th of August last, in answer to your Lordship's Note of the day before, respecting the information received from the British Government of two Portuguese schooners of war, "*Constituição*" and another, having transported slaves from Bissao to Ilha da Praia, I have the honour to state to your Lordship, that the Minister for the Colonies has communicated to me officially the measures he had formerly adopted upon identical circumstances; stating at the same time, that the case in the manner your aforesaid Note relates, might have occurred without infringing the law, if the said slaves were imported in virtue of the faculty granted by the Third Article of the Decree of the 10th of December, 1836, and in the manner pointed out in the Fourth Article of the said Decree. However, in order to avoid suspicion as to Portuguese vessels of war protecting slave trading, he had renewed the orders already forwarded, and most particularly enjoined the authorities of those islands never to allow vessels of war to charge themselves with the transport of slaves; even when the said transport from one part of that province to the other could be effected in accordance with the law.

I avail myself, &c.

(Signed)

RODRIGO DA FONSECA MAGALHAES.

The Lord Howard de Walden,

&c.

&c.

&c.

No. 115.

*Lord Howard de Walden to Viscount Palmerston.**Lisbon, November 9, 1840.**(Received November 17.)*

MY LORD,

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

I have, &c.

(Signed)

HOWARD DE WALDEN.

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

&c.

&c.

&c.

No. 116.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, November 18, 1840.

THIS Letter will be delivered to you by Mr. Alexander, Secretary to the Anti-Slavery Society, who is about to proceed to Spain and Portugal, in order to endeavour to create in those countries a public feeling in favour of the abolition of slavery, and I have to desire that your Lordship will afford to Mr. Alexander all the assistance and protection in your power for promoting the object of his journey.

I am, &c.
(Signed) PALMERSTON.

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

No. 117.

*Viscount Palmerston to Baron Moncorvo.**Foreign Office, November 23, 1840.*

THE Undersigned, &c., has received the Note which the Baron da Torre de Moncorvo, &c., addressed to him, on the 6th instant, containing a further representation respecting the vessel the "*Treze de Junho*," the case of which vessel had already formed the subject of a Note from Baron Moncorvo to the Undersigned on the 2nd of this month. The Undersigned has to request that Baron Moncorvo will explain more specifically to the Undersigned, what are the points of this case to which his representations are directed. The Undersigned observes that the case, as appears from papers transmitted to him by Baron Moncorvo, is, that the "*Treze de Junho*" was searched on suspicion of being engaged in Slave Trade; that she was detained upon the charge of being equipped for Slave Trade; that she was sent to the Court of Vice-Admiralty at Barbadoes, and that the vessel and her cargo were there condemned by that Court upon that charge: and it appears that the two Portuguese, Jozé de Lomba, Captain or Master, and Jozé Joaquim Gomes Vianna, Pilot of the "*Treze de Junho*," have been sent to England, probably in order to be forwarded to Portugal.

The Master protested against the search made of his vessel; but the only circumstance mentioned by him, as having taken place during that search which he is entitled to complain of, is the indignity stated by him to have been offered to the Portuguese flag. This was most reprehensible if it really took place, and the Undersigned begs to assure the Baron de Moncorvo, that inquiry shall be made into the truth of that allegation.

But, with respect to all the other circumstances stated by the complainant, they seem to be the ordinary and necessary incidents attending the trial and condemnation of a vessel and her cargo, which have been brought to adjudication on a charge of being engaged in Slave Trade.

The Undersigned has to add, that inquiry shall, however, be made why the two men, Jozé de Lomba and Jozé Joaquim Gomes Vianna, were brought to England, and why they have not been sent on to Lisbon.

In the meanwhile, however, the Undersigned begs to remark, that even the statement transmitted by Baron Moncorvo himself proves, that these two men are not prisoners, but are at liberty to go where they like; and that it is at their own request, and as a favour to themselves, that they have been permitted to remain on board one of Her Majesty's ships at Portsmouth.

The Undersigned, &c.
(Signed) PALMERSTON.

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

No. 118.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, November 30, 1840.

WITH reference to my Despatch of the 3d instant, on the subject of a report that Senhor Moreira was reappointed Portuguese Consul-General in

the Brazils, I herewith transmit to you for your information a Copy of a further Despatch from Her Majesty's Chargé d'Affaires at Rio de Janeiro, containing a fresh statement of that report.

You will state to the Portuguese Government that Her Majesty's Government confidently hope, that the Government of Portugal will not pursue a course in this matter, which would confirm every suspicion that has been entertained as to their good faith, in regard to the suppression of the Slave Trade.

I am, &c.

(Signed) PALMERSTON.

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

Enclosure in No. 118.

Mr. Ouseley to Viscount Palmerston.

Rio de Janeiro, September 24, 1840.

(See No. 169.)

No. 119.

Baron Moncorvo to Viscount Palmerston.

Londres, 2 de Decembro, de 1840.

(Received December 4.)

O ABAIXO assignado, Enviado Extraordinario e Ministro Plenipotenciario de Sua Magestade Fidellissima junto a Sua Magestade Britannica teve a honra de receber duas Notas datadas a 11 e a 23 de Novembro proximo findo, que lhe foraõ dirigidas por Sua Excellencia Milord Visconde Palmerston, Principal Secretario de Estado dos Negocios Estrangeiros de Sua Magestade Britannica, nas quaes sua Excellencia responde á nota e á carta escritas pelo abaixo assignado á Sua Excellencia em data de 2 e 6 do mesmo mez de Novembro á cerca da injusta e violenta presa do Pataxo Portuguez "*Treze de Junho*" pela corveta de guerra Britannica "*Curaçoa*" commandada pelo Capitão Preston, e contra os procedimentos illegaes connexos com esta presa, e muito especialmente dos que até agora se tem praticado contra dous subditos Portuguezes por nome Jozé da Lomba, e Jozé Joaquim Gomes Viana, que foraõ mandados presos de Barbadas para Portsmouth, depois de terem sido detidos como prisioneiros incommunicaveis por hum muito longo espaço de tempo pelos officiaes e autoridades Britannicas que tem figurado em toda esta transacção.

Logo que abaixo assignado foi sabedor de semelhaute acontecimento, de viva voz e por escrito elle tem tido a honra de varias vezes expor a Sua Excellencia, e de lhe mostrar por documentos, quam reprehensivel fôra o procedimento que tivera lugar contra este navio Portuguez; guiandose o abaixo assignado nos passos que tem dado pelas instrucçoens geraes que recebeo do seo Governo; até que elle lhe enviasse ordens expressas a esse respeito. Teve pois o abaixo assignado a satisfação de que o Governo de Sua Magestade Fidelissima altamente approvou as reclamaçoens que o abaixo assignado tem apresentado a Sua Excellencia, e lhe transmittio novas e muito positivas ordens para progredir com energia em hum negocio que tanto importa á honra e á independencia da Nação Portugueza, como taõbem aos interesses pecuniarios de alguns subditos Portuguezes; a quem he dever do Governo dar-lhes toda a protecção á que elles tem direito. Foi por tanto com o mais vivo e mais sincero pezar que o Governo de Sua Magestade Fidelissima soube da presa do Pataxo "*Treze de Junho*," e de todas as circumstancias injurias para a Nação Portugueza que seguirão á mesma presa. Este pesar mais se augmentou com a prova indubitavel que tal successo patentea, de que são puramente illusórias todas as esperanças que o Governo Portuguez nutria de que havia finalmente o Governo Britannico mandado pôr termo ás repetidas violencias e insultos praticados por varios Commandantes de vasos de guerra Britannicos contra embarcaçoens e subditos Portuguezes. Porque acabados esses justos motivos de desgosto e de affronta para a Nação Portugueza, ella poderia renovar aquella boa

CLASS B.

intelligencia e harmonia, e aquelle trato amigavel que outrora fora taõ notavel entre Portugal e a Gram-Bretanha.

Naõ foi pois sem menor sentimento que o abaixo assignado léo as duas notas de Sua Excellencia, a que tem agora a honra de responder. Porque longe de encontrar nellas explicação alguma que o podesse induzir a esperar hum resultado satisfactorio ás reclamaçoens que elle tem apresentado, na primeira das citadas notas apenas se lêem promessas muito vagas, e do mesmo genero de outras tantas até agora dadas por Sua Excellencia sobre varias reclamaçoens; mas das quaes nem huma só ainda se virificou. Alem do que na referida Nota de 11 de Novembro parece Sua Excellencia querer indirectamente introduzir dous principios que o abaixo assignado não reconhecerá jamais, e contra os quaes formalmente protesta; quaes são, de que o ter hum navio huma porção avultada de cabedal em moeda de ouro e prata, he depersí indício evidente de se empregar no commercio da escravatura. O segundo vem a ser, de que huma embarcação pode ser tomada, por ser notorio que ella anteriormente fizera o trafico da escravatura. De cujo principio se seguiria que a imputação do delicto passaria de pessoas para cousas; e que sem examinar quem são os donos ou mestres da embarcação que a empregavaõ nesse trafico, poder-se-ha castigar o vaso com a presa e sem mais indagação alguma.

Por muitas razoens causou grande estranheza ao abaixo assignado o contendo da Nota de Sua Excellencia, datada a 23 do mez passado; porque nella se passãõ em silencio alguns documentos importantes, e outros factos já apontados pelo abaixo assignado que poem na maior evidencia o verdadeiro animo e intento de todas estes procedimentos hostis contra a bandeira Portugueza e contra as propriedades de subditos da mesma nação. Alem do que Sua Excellencia dá huma prova ao abaixo assignado que nem huma attenção lhe merecêraõ as observaçoens que elle de viva voz teve a honra de apresentar na ultima conferência que tivera com Sua Excellencia; pois que só assim poderia Milord Palmerston dirigir ao abaixo assignado o que se acha transcrito na Nota de 23 do mez passado nas seguintes palavras:—
“The Undersigned has to request that the Baron de Moncorvo will explain more specifically to the Undersigned what are the points of this case to which his representations are directed.”

No entanto por acabar com todas as duvidas ácerca do objeto especifico destas reclamaçoens, o abaixo assignado repete outra vez por escrito que elle reclama hum severo, e effectivo exame de todas as circumstancias connexas com a presa em questaõ; naõ devendo o mesmo exame limitar-se a ouvir unicamente huma só parte interessada a qual he o official que fez a presa; porque se o dito exame tiver lugar e se nelle apparecer o documento, sonogado pelo Capitaõ Preston, na forma que o abaixo assignado deve esperar, delle se conhecerá que a presa do Pataxo “*Treze de Junho*” foi illegal em todo o sentido; que o procedimento do Capitaõ Preston foi reprehensivelmente hostil e injurioso para a Nação Portugueza; excedendo mesmo ao que he tolerado entre naçoens que se achaõ em guerra declarada huma com a outra; e excedendo muito por certo á autoridade sob a qual elle tomou o Pataxo; pois que chegou mesmo a apoderarse dos relógios de particulares, o que nunca fora declarado até agora como objeto connexo com o trafico da escravatura. Conhecer-se-ha mais a má fe com que o Pataxo foi mandado para Barbadas, para ahi se lhe formar hum processo verdadeiramente illusorio; no qual contra todos os principios de jurisprudencia criminal vigente entre todas as naçoens e mesmo nos delictos mais graves, naõ foi a parte accusada ouvida; e muito de proposito se passou huma sentença á revelia, para assim se apoderarem de embarcação e da sua carga na qual entrava grande cabedal em moeda de contado. Finalmente e entaõ se conhecerá toda a injustiça da presa e da sentença do Tribunal de Barbadas que a confirmou assim como que as partes interessadas no Pataxo “*Treze de Junho*” tem direito incontestavel a serem amplamente indemnizadas por taõ grandes perdas e danos. De tudo isto deve resultar que o Capitaõ Preston autor de todos estes procedimentos hostis e injuriosos para Portugal, merece ser severamente castigado, e assim o reclama o abaixo assignado.

Saõ estes os objetos a que essencial e especificamente se dirige a reclamação que o abaixo assignado apresenta em quanto ao Pataxo “*Treze de Junho*.”

Pelo que respeita aos dous subditos Portuguezes Jozé da Lomba e Jozé Joaquim Gomes Vianna á cerca de quem Sua Excellencia diz que o abaixo assignado reconhece que elles se achaõ em liberdade; naõ parece justo ao abaixo assignado que Sua Excellencia se refira somente a hum facto que o abaixo assignado com toda a imparcialidade declarou, ao mesma tempo que Sua Excellencia guarda hum

perfeito silencio ácerca das circumstancias que trouxeraõ esses dous infelizes Portuguezes a Portsmouth ; onde se acharaõ sem meios alguns de subsistencia, logo que queiraõ usar dessa liberdade que se lhe concede agora, depois de varios mezes de prizaõ, em que estiveraõ incommunicaveis parte desse tempo, sem nunca se lhe formar culpa ou provar o menor delicto. O abaixo assignado conhece assaz as leis Inglezas para ousar perguntar se ellas permitem huma taõ flagrante violação do direito da pessoa ? E se isso tivesse lugar contra hum subdito Britannico qual seria o jury que hesitaria declarar reo ou reos do crime de ter feito huma prizaõ injusta e violenta aquelles que maltratassem subditos Britannicos como o tem sido esses dous Portuguezes ? Pode o abaixo assignado agora accrescentar mais para conhecimento de Sua Excellencia, que foi somente a rogos e por effeito de passos dados pelo Vice-Consul Portuguez em Portsmouth que se entregou huma pouca de roupa e huns insignificantes instrumentos nauticos desses Portuguezes, os quaes com elles se achavaõ detidos abordo da embarcação de guerra onde elles estavaõ prezos.

O abaixo assignado torna a appellar para os sentimentos naturaes de justiça de Sua Excellencia e lhe roga attenda ao paralelo que se segue. Alguns marinheiros Inglezes foraõ prezos em Lisboa por suspeitos de fazerem o contrabando de tabaco, contra o qual saõ muito severas as penas por ser esse hum contracto Real. Naõ se lhes pôde todavia provar a culpa, apesar de serem vehementes os indicios, e foraõ soltos os marinheiros. Mas o Governo Britannico naõ se satisfez com isso ; e exigio huma indemnização pecuniaria por amor da prizaõ, e depois de declarar de seo moto proprio qual seria a quantia que o Governo Portuguez deveria pagar, Sua Excellencia mesmo a satisfez, lançando maõ de dinheiros que pertenciaõ a Portugal, mas que estavaõ a seo alcance para assim indemnizar a esses marinheiros do navio " Clarence." Ora se Portugal fosse huma Potencia com as forças e com o poder que tem Inglaterra, poderia nunca Sua Excellencia levar a bem ou permittir que impunemente se satisfizesse e indemnizasse os dous Portuguezes Lomba e Vianna com fundos do Governo Britannico existentes em Lisboa, mas que taõ bem poderiaõ ser applicados para esse fim ? Qual he pois o caso desses dous Portuguezes, e o que he que o abaixo assignado reclama a favôr delles ? Pensava o abaixo assignado que tanto a sua Nota de 2 como a sua carta de 6 de Novembro claramente o indicavaõ ; mas o abaixo assignado de bom grado repete, que estes dous Portuguezes depois de terem sido forçadamente detidos como prezos por muitos mezes, e despojados de quanto possuiaõ, foraõ mandados do Rio de Janeiro para Barbadas e de lá para Portsmouth onde se achão ainda. Depois de alli chegarem e de ter estado prezos, naõ sabendo (ao que parece) as authoridades navaes do Porto o que fazer com esses dous homens, lhes disseraõ hum dia que tinhaõ liberdade para partir quando bem lhes parecesse ; mas naõ tindo elles se quer meio algum de subsistencia para hum só dia, muito menos tinhaõ para regressar para a sua patria ; e por isso se conserváraõ até agora na mesma situação em que estavaõ. A' vista de factos taõ claros e positivos reclamou já e torna a reclamar o abaixo assignado que estes dous Portuguezes sejaõ transportados para Portugal por conta do Governo Britannico, recebendo alguma indemnização pecuniaria pelo longo tempo que tem sido prezos.

Espera pois o abaixo assignado que as suas reclamaçoens se achaõ agora nos termos que Sua Excellencia requer. Ao mesmo tempo o abaixo assignado naõ pode deixar de lembrar a Sua Excellencia que meras promessas de exame e inquirição naõ poderaõ nunca satisfazer o Governo de Sua Magestade Fidelissima se ellas naõ tiverem effeito ; porque o mesmo Governo anciosamente tem esperado até agora pelo resultado das promessas já feitas por Sua Excellencia ácerca de varias outras reclamaçoens, como foraõ as que se contem nas Notas do abaixo assignado de 9 de Agosto de 1839, e de 11 de Julho de 1840 contra os procedimentos do Official da Marinha Britannica Arthur Kellett. A reclamação contenda na Nota do 1.^o de Janeiro de 1840 a que Sua Excellencia respondeo no 1.^o de Fevereiro de 1840 mas sem apresentar até agora, como depois lhe foi rogado, os documentos em que Sua Excellencia se fundou na sua resposta para positivamente asseverar que os navios naõ eraõ Portuguezes mas sim Brazileiros. Finalmente a reclamação que com tanta instancia o abaixo assignado apresentou na sua Nota de 11 de Setembro passado. Pois que essas embarcaçoens (o "*Raimundo Primeiro*" e a "*Anna Felix*") serviaõ de transportes do Governo Portuguez, e as hostilidades, e os insultos deshumanos que contra ellas se perpretaraõ excederaõ a quanto anteriormente se tinha feito. A vista pois de exemplos taes se acha o abaixo assignado na desagradavel necessidade de fazer as observaçoens que

deixa referidas, e de instar de novo pelo cumprimento efficaz de promessas taõ solemnes.

O abaixo assignado tem a honra de juntar mais hum documento aos outros que tem transmittido á Sua Excellencia a bem de provar a injustiça do presa do Pataxo "*Treze de Junho*." O abaixo assignado roga a Sua Excellencia Milord Visconde Palmerston queira aceitar os protestos da sua mais alta consideraçãõ.

(Signed)

BARON DA TORRE DE MONCORVO.

(Translation.)

Baron Moncorvo to Viscount Palmerston.

London, December 2, 1840.

(Received December 4.)

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary of Her Most Faithful Majesty to Her Britannic Majesty, has had the honour to receive two Notes, dated the 11th and 23rd of November ultimo, addressed to him by my Lord Viscount Palmerston, Her Britannic Majesty's Principal Secretary of State for Foreign Affairs, by which his Lordship replies to the Note and Letter written by the Undersigned to his Lordship, bearing date the 2nd and 6th of November last, respecting the unjust and violent capture of the Portuguese pataxo "*Treze de Junho*," by the British schooner "*Curaçoa*," commanded by Captain Preston, and against the illegal proceedings connected with that capture; but more particularly against those hitherto employed with regard to two Portuguese subjects, Jozé da Lomba and Jozé Joaquim Gomes Vianna, sent as prisoners from Barbadoes to Portsmouth, after having been kept strict captives for a much longer period, by the British officers and authorities that have borne a part in the transaction referred to.

When the Undersigned had become cognizant of this occurrence, he did himself the honour several times, both personally and in writing, to state to his Lordship, on the strength of documents, how unwarrantable had been the proceedings against this Portuguese ship, the Undersigned being guided in his steps by the general instructions he had received from his Government, till it sent him express orders to that effect. The Undersigned then had the satisfaction to find, that the Government of Her Most Faithful Majesty highly approved the representations he had made to his Lordship, and transmitted to him fresh and very positive orders energetically to press a matter, so important to the honour and independence of the Portuguese nation, as also to the pecuniary interests of some Portuguese subjects, to whom it is the duty of the Government to afford every protection which they have a right to expect.

It was, therefore, with the most lively and the most sincere sorrow, that the Government of Her Most Faithful Majesty received the intelligence of the capture of the pataxo "*Treze de Junho*," and of all the circumstances, so injurious to the Portuguese nation, which resulted from that capture. This sorrow was increased by the undoubted proof involved in this occurrence of the absolute illusion of all the hopes, entertained by the Portuguese Government, that the British Government had definitely ordered an end to be put to the repeated violences and insults, practised by several Commanders of British ships of war on Portuguese vessels and subjects; for if these just motives of disgust and ill-will in the Portuguese nation were put a stop to, it might renew that good intelligence and harmony, and that friendly intercourse formerly so remarkable between Portugal and Great Britain. It was not, therefore, with less regret that the Undersigned read the two Notes of his Lordship, which he has now the honour to answer; for far from finding in them any explanation that might have induced him to hope for any satisfactory result of the complaints made by him, the first of the Notes in question barely contains some very vague promises, similar to so many others hitherto made by his Lordship touching several representations, but of which promises not one has yet been fulfilled. Besides this, in the said Note of the 11th November, his Lordship seems to be willing, indirectly, to establish two principles, which the Undersigned will never recognize, and against which he formally protests. The first is, that when a ship has any considerable portion of treasure, whether gold or silver, on board, it is of itself an evident indication of her being employed in the Slave Trade; the second, that a vessel may be captured, if it be notorious that she has formerly carried on the Slave Trade, a principle from which it would follow that the imputation of crime passes from persons to things, and that, without examining who are the owners of the vessel that employ

her in this traffic, it shall be lawful to punish the vessel by taking her, and that, too, without any previous investigation.

The contents of his Lordship's note of the 23d ultimo, caused to the Undersigned great surprise, for many reasons, inasmuch as no notice whatever is there taken of some important documents, or of certain facts already pointed out by the Undersigned, so as to render most evident the real *animus* and intention of all these proceedings, so hostile to the flag and the property of the subjects of Portugal. His Lordship, moreover, proves to the Undersigned that he paid no attention to the observations which the Undersigned had personally the honour to make in the last conference he held with his Lordship, for thus alone it is possible to account for the following words, addressed in his Note of the 23rd ultimo to the Undersigned :—

“The Undersigned has to request that Baron Moncorvo will explain more specifically to the Undersigned, what are the points of this case to which his representations are directed.”

However, to remove all doubts respecting the specific object of these reclamations, the Undersigned once more repeats, in writing, that he desires a strict and effective examination into all the circumstances connected with the capture in question, so that this examination may not be confined only to the hearing of one of the parties concerned, namely, of the officer who made the capture; for if this examination should take place, and if there should be coming forth in it the document concealed by Captain Preston, in the shape that the Undersigned must hope it will, then it will appear from it that the capture of the pataxo “*Treze de Junho*,” was illegal in every sense of the word; that the proceeding of Captain Preston was reprehensibly hostile and wrongful to the Portuguese nation, as it even went beyond what is tolerated between nations in open war with each other; and that it, doubtless, greatly exceeded the authority under which he took the pataxo, for he even went so far as to possess himself of the watches of private individuals, which were never till now declared to be an object connected with the Slave Trade. There will also come to light the perfidiousness (*mà fê*) of sending the pataxo to Barbadoes, with the view to subject her there to a trial which, in fact, was illusory, since, against every principle of criminal jurisprudence in force among all nations, even on occasion of the most heinous crimes, the party under accusation was not heard, a sentence of contempt of court being purposely pronounced, in order thus to obtain possession of the ship and her cargo, among which there was a great deal of hard cash. Finally, there will then be laid open the whole injustice of the capture, and of the sentence of the Barbadoes court of justice which confirmed it, as well as that the parties interested in the pataxo “*Treze de Junho*,” possess an incontestable right of being completely indemnified for such great losses and damages. The result of all this must be, that Captain Preston, the author of all these proceedings, so hostile against and so hurtful to Portugal, deserves to be severely punished; and this is what the Undersigned demands.

Such are the points which the “Reclamation,” presented by the Undersigned, has essentially and specifically for its object, in relation to the pataxo “*Treze de Junho*.”

As for the two Portuguese subjects (Jozé de Lomba and Jozé Joaquim Gomes Vianna), concerning whom his Lordship says that the Undersigned recognizes them to be at liberty, it does not appear just to the Undersigned that his Lordship should refer only to a fact which the Undersigned most impartially declared, while at the same time his Lordship observes a complete silence with regard to the circumstances that brought these two unfortunate Portuguese to Portsmouth, where they found themselves without any means of subsistence, when, desirous to make use of the liberty now conceded them, after several months of incarceration, part of which they passed without being allowed any communication, though they had never been brought to trial, or convicted of the least crime. The Undersigned is sufficiently acquainted with the English laws to venture to ask, whether they permit such a flagrant violation of the Rights of Persons? If a British subject had been thus dealt with, would any jury hesitate to declare guilty him, who had subjected to an unjust and violent imprisonment, and ill-treated Englishmen, in the manner that these two Portuguese have been imprisoned? The Undersigned is now able to add, for his Lordship's information, that it was only at the instance of, and in consequence of steps taken by, the Portuguese Vice-Consul at Portsmouth, that they had returned to them some little wearing apparel, and a few insignificant nautical instruments, belonging to these Portuguese, and detained along with them on board the man-of-war, where they were kept prisoners.

The Undersigned once again appeals to his Lordship's inborn sense of justice, and solicits his attention to the following parallel. Some English sailors were imprisoned in Lisbon, from a suspicion of being engaged in smuggling tobacco, against which the penalties are most severe, on account of its being a contract of the Crown. It being, however, found impossible to bring the offence home to them, in spite of very strong circumstantial evidence, the sailors were released. But the British Government not being satisfied with this exacted a pecuniary indemnity by way of compensation for the imprisonment, and after settling at its own discretion the amount payable by the Portuguese Government, his Lordship himself satisfied it, availing himself of some funds belonging to Portugal, but then in his hands, in order thus to make amends to those sailors of the ship "Clarence." Now if Portugal were a power in possession of the same forces and authority as England, would his Lordship ever approve of, or permit, that the two Portuguese Lomba and Vianna, should be indemnified and settled with, by means of the funds of the British Government existing at Lisbon, but which might equally well be applied to this end? In what situation then are these two Portuguese, and what is it the Undersigned would desire to obtain for them? The Undersigned imagined that his Note of the 2nd, as well as his Letter of the 6th November, clearly indicated it, still, however, the Undersigned is very willing to restate that these two Portuguese, after being forcibly detained prisoners for many months, and stripped of all they possessed, were sent prisoners from Rio de Janeiro to Barbadoes, and thence to Portsmouth, where they still are. On their arrival there as prisoners, the authorities of Portsmouth being, it would appear, at a loss what to do with these two men, told them one day that they were at liberty to go where they liked. But being without the means of subsistence, even for a single day, they had much less wherewithal to return to their own country, so that they remain up to this moment in the same situation as before.

In consequence of these clear and positive facts, the Undersigned demanded, and now reurges the reclamation, that these two Portuguese be sent to Portugal, at the charge of the British Government, after receiving some pecuniary compensation for their protracted imprisonment.

The Undersigned now hopes that his representations are as explicit as his Lordship desires; at the same time the Undersigned cannot help to observe to his Lordship, that mere promises of examination and inquiry can never satisfy the Government of Her Most Faithful Majesty, unless they be carried into effect, because that Government has been anxiously waiting up to this moment for the result of the promises already made by his Lordship, respecting several other complaints, such as those contained in the Notes of the Undersigned, dated the 9th of August, 1839, and the 11th July, 1840, against Arthur Kellett, an officer of the British Navy. To the complaint contained in the Note of the 1st January, 1840, his Lordship answered by his of the 1st February, 1840, but without communicating up to this moment, as was subsequently requested, the documents on which his Lordship founded his answer, positively asserting that the ships were not Portuguese, but Brazilian. Finally no notice is taken of the complaint, which the Undersigned represented with such urgency in his Note of the 11th of September last, seeing that the vessels in question, namely the "*Raimundo Primeiro*," and the "*Anna Felix*," served as transports of the Portuguese Government, and that the hostilities and inhuman insults perpetrated against them, exceeded all that had been done previously. On considering such examples as these, the Undersigned found himself under the unpleasant necessity of making the above observations, and of now once more pressing for the efficacious fulfilment of such solemn promises.

The Undersigned has the honour to add another document to those already transmitted to his Lordship, for the purpose of proving the injustice of the capture of the pataxo "*Treze de Junho*."

The Undersigned, &c.

(Signed) BARON DA TORRE DE MONCORVO

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

&c.

&c.

&c.

(Translation.)

Enclosure in No. 119.

*M. Moniz to M. Figanière.**Consulate General of Portugal at Rio de Janeiro,
April 22, 1840.*

MOST ILLUSTRIOUS AND MOST EXCELLENT SIR,

The Portuguese brig "*Treze de Junho*," which sailed for Benguela the 28th of March last, having been taken by the English schooner "*Curaçoa*," commanded by W. Preston, who arrived in this port on the 5th instant, and your Excellency being ill, and having left town for your country seat at Tejeica, I forbore informing you of this occurrence, as your physician had expressly forbid you every kind of conversation. The owner of the vessel immediately applied to this Consulate to be allowed to make the competent protest, which he was. Though it had ever been notorious that this vessel was trading to the African coast with lawful cargoes, and was never so much as suspected, yet was she captured on the 20th instant, and carried to the Cape of Good Hope.

The English Consul called on me twice, to say that I was at liberty to examine the vessel, and as I was desirous to compare her present condition with that in which she was, on being visited previous to her departure, I was not able, after a strict search, to discover anything to warrant the suspicions of the captor. I bring this under your Excellency's notice, hoping that the present communication will not produce any unfavourable effect on your health.

God preserve, &c.

(Signed)

FRANCISCO JOAO MONIZ,

J. C. de Figanière à Moarão,
&c. &c. &c.*Vice Consul.*

No. 120.

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

MY LORD,

(Received December 6.)

I HAVE communicated with Senhor Magalhaes according to the instructions contained in your Lordship's Dispatch of the 22d ultimo, respecting the Portuguese papers granted by the Intendent of Marine, as pretended, under the misinterpretation of the law, to the slave vessel "*Vigilante*." I at the same time added remarks in the sense of your Lordship's comments.

Senhor Magalhaes expressed his great regret that there should be such cause for distrusting the subaltern authorities of the Government; but assured me that the Government was determining to act cordially and vigorously in checking all such abuses, and in endeavouring efficiently to co-operate in putting an end to the Slave Trade.

I have, &c.

(Signed)

HOWARD DE WALDEN.

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

No. 121.

*Viscount Palmerston to Baron Moncorvo.**Foreign Office, December 9, 1840.*

THE Undersigned, &c., with reference to the Note addressed to him by Baron Moncorvo, &c., on the 8th of May, 1840, requesting, on the part of the Portuguese Government, to be furnished with the originals, or certified copies of papers of Portuguese vessels captured for slave trading, has the honour to acquaint Baron Moncorvo, that Her Majesty's Government have recently received from Sierra Leone the ship's papers of 26 slave vessels, which were condemned in the Mixed British and Portuguese Court of Commission at that place, in the years 1837 and 1838; and the Undersigned has to request that Baron Moncorvo will send some person to this office, in order to look at the papers in question, with the view of deciding which of those papers it may be desirable to send to the Govern-

ment of Portugal, to assist that Government in bringing to punishment such Portuguese subjects as may be proved to have committed the crime of Slave Trade.

The Baron Moncorvo,
&c. &c. &c.

I am, &c.
(Signed) PALMERSTON.

No. 122.

Baron Moncorvo to Viscount Palmerston.

London, December 10, 1840.

(Received December 11.)

BARON DE MONCORVO has the honour to present his compliments to Lord Viscount Palmerston, and to acknowledge the receipt of his Excellency's Note of the 9th instant.

In conformity with the communication it contains Baron de Moncorvo will call at the Foreign Office, accompanied by Monsieur de Soveral, Acting Secretary of the Portuguese Legation at this Court, on Tuesday next the 15th instant, at two o'clock in the afternoon, to examine the papers belonging to Portuguese vessels that have been seized on the charge of carrying on the Slave Trade in the years 1837 and 1838.

Baron de Moncorvo will feel much obliged to his Excellency by giving directions at the Foreign Office for the said purpose; as also if his Excellency will order a certified list of the vessels seized, and of the papers belonging to each vessel, to be delivered over to Baron de Moncorvo on the occasion of the examination of these papers.

Baron de Moncorvo renews with great pleasure to his Excellency Lord Viscount Palmerston the assurance of his most distinguished consideration.

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

No. 123.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, December 22, 1840.

I HEREWITH transmit to your Lordship copies of a Despatch, and of its Enclosures from Her Majesty's Consul at Rio de Janeiro, showing that in the case of the vessel the "*Paquete de Benguela*," the Portuguese authorities at Benguela connived at Slave Trade, by granting to that vessel improper documents, which enabled her to pursue that unlawful traffic.

I have to desire that you will state the facts of the case in writing to the Portuguese Government, annexing to your Note copies of the accompanying papers, in order that the Portuguese Government may take such proceedings as it may think proper to institute.

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

Enclosure in No. 123.

Mr. Hesketh to Viscount Palmerston.

Rio de Janeiro, September 25, 1840.

(See No. 183.)

No. 124.

Viscount Palmerston to Baron Moncorvo.

Foreign Office, December 22, 1840.

THE Undersigned, &c., in reply to the representations which the Baron da Torre de Moncorvo, &c., has made to the Undersigned, upon the subject of two individuals named Jozé de Lomba, and Jozé Joaquim Gomes Vianna, the Master and Pilot of the Portuguese slave vessel "*Treze de Junho*," who were brought to England from Barbadoes, and are now at Portsmouth, has to acquaint Baron Moncorvo, that upon inquiry it appears, that these two men were discharged from custody at Barbadoes, immediately after the Court of Vice Admiralty in that island

had disposed of the case of the vessel to which those two men belonged ; and that they were then told by Mr. Curtis, the officer of the "Curaçoa" who was in charge of the prize, that they were at liberty to go when and where they chose. They, however, requested to be brought to England, and were accordingly brought to this country as passengers in the "Prince Regent" transport. They were afterwards permitted, at their own request, to remove to Her Majesty's ship "Queen," at Portsmouth ; but orders have now been given by the Admiralty, that the two persons in question should forthwith leave the "Queen," as they have no claim to be maintained and subsisted in that ship at the public expense.

With reference to the charge which these men brought forward against the Commander of the capturing vessel, that he had taken their property, the Undersigned thinks it right to observe, that the accusation is disproved by the facts which appear in the communication, addressed to the Undersigned upon this subject by Baron Moncorvo on the 6th November, 1840.

For one of the Enclosures in that communication was a protest of Jozé da Lomba and J. J. G. Vianna, declaring that the property in question belonged not to them, but to persons at Benguela ; and another Enclosure contained copies of formal receipts, which the Commander of the capturing vessel gave to the claimant for those articles, and those receipts state that the Captor was to return those articles only if the vessel should not be condemned.

<p><i>The Baron da Torre de Moncorvo,</i> &c. &c. &c.</p>	<p>The Undersigned, &c. (Signed) PALMERSTON.</p>
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No. 125.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, December 23d, 1840.

I HEREWITH transmit to you, for your information, a copy of a Despatch which I have received from Her Majesty's Consul at Parà, enclosing copies of his correspondence with the Portuguese Consul at that place, on the subject of official papers which, in compliance with my instructions, Mr. Cowper had caused to be published in a newspaper at Parà.

I have to instruct you to communicate this correspondence to the Portuguese Government, and to point out to them the improper language used by the Portuguese Consul at Parà, in respect to the publication made by Mr. Cowper in compliance with his instructions.

<p><i>Lord Howard de Walden,</i> &c. &c. &c.</p>	<p>I am, &c. (Signed) PALMERSTON.</p>
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Enclosure in No. 125.

Mr. Cowper to Viscount Palmerston.

Parà, September 26, 1840.

(See No. 212.)

No. 126.

Viscount Palmerston to Baron Moncorvo.

Foreign Office, December 30, 1840.

THE Undersigned, &c., has to acknowledge the receipt of the Note which the Baron da Torre de Moncorvo, &c., addressed to him under date of the 2nd instant, in answer to two Notes which were addressed by the Undersigned to Baron Moncorvo on the 11th and on the 23rd November last, respecting the Portuguese vessel, the "*Treze de Junho*;" and as Baron Moncorvo, in his Note of the 2nd instant, refers to promises which he asserts the Undersigned to have made on the several subjects to which the Baron's Note relates, the Undersigned must beg, in the first place, explicitly and distinctly to deny that he ever made to Baron Moncorvo any promises, upon any one of the matters mentioned or alluded to by the Baron in his Note, excepting the promise that the complaints of Baron Moncorvo should be examined and inquired into ; that any wrong which might prove to have been done to Portuguese subjects should be redressed, and that the Baron should be made acquainted with the result ; and those promises the Undersigned has kept as far as he has received the necessary information to enable him to

CLASS B.

do so. But with respect to the general bearing of the complaint of Baron Moncorvo in the case of the "*Treze de Junho*," the Undersigned has to observe, that it now appears, which certainly the Undersigned did not understand from the Baron's verbal statement, that the complaint of Baron Moncorvo is directed against the proceedings in this case, upon the ground that they are another instance of the exercise of the powers conferred upon the British Crown by the Act of the 24th August, 1839; and Baron Moncorvo seems, by some passages in his Note, to have been under an impression, that it has been the intention of Her Majesty's Government to abstain from putting these powers into action. The Undersigned is unable to imagine how such an impression came to arise in the minds either of Baron Moncorvo or of the Portuguese Government; but certainly nothing which the Undersigned has at any time either said or written could justify such a supposition. The only way in which the exercise of the powers conferred by the above-mentioned Act of Parliament could be suspended, would be by the conclusion of a satisfactory Slave Trade Treaty between Great Britain and Portugal; and this the Portuguese Government have recently, and while Marshal Saldanha was in England, again refused to consent to.

With regard to the particular case of the "*Treze de Junho*," the Undersigned has to state, that that vessel was regularly tried before, and condemned by, the Court of Vice-Admiralty at Barbadoes, on a charge of having been engaged in the Slave Trade; and the Undersigned is not competent to discuss with the Baron the merits of the judgment pronounced by that Court. If the defendants in that case were dissatisfied with the sentence, they had a power to appeal to Her Majesty in Council; and it is by such a course that they ought to have applied for redress, if they thought themselves aggrieved. But the Undersigned is inclined to believe, that no reasonable doubt can be entertained, that the vessel was engaged in Slave Trade when detained, and was, therefore, justly condemned.

These facts, however, explain, and at the same time rebut, the accusation brought against Lieutenant Preston by the two Portuguese, Jozé de Lomba and Joaquim Gomes Vianna, that money and watches, and other articles which were found on board the ship, have been illegally withheld from them. The articles in question were part of the cargo of the ship, and were, therefore, forfeited, together with the ship, by the sentence of the Vice-Admiralty Court.

The above-mentioned Portuguese complain that they were kept as prisoners the whole time they were at Barbadoes; that at Barbadoes they were compelled to embark on board a barge, which took them to a British transport; that they were brought from thence to England as prisoners, and that they were not set at liberty until the eighth day after their arrival at Portsmouth. Now, by communications from the Admiralty, of which the Undersigned herewith encloses copies, it appears that these men were not detained in custody after the adjudication of the vessel to which they belonged; that it was at their own desire that they were conveyed to England; that they were brought to this country in the "*Prince Regent*" transport, as passengers, not as prisoners, and that they were repeatedly told, during the passage to England, that on their arrival here they would be at liberty to go ashore; and that it was with their own consent that at Portsmouth they were removed from the "*Prince Regent*" transport into the "*Donegal*," having been previously informed that they might go when and where they chose.

The Baron will be able to judge, from this statement, how little dependence can be placed upon the assertions of these men.

The Undersigned, &c.
(Signed) PALMERSTON.

The Baron Moncorvo,
&c. &c. &c.

First Enclosure in No. 126.

Sir John Barrow to Lord Leveson.

MY LORD,

Admiralty, December 3, 1840.

HAVING laid before my Lords Commissioners of the Admiralty your letter of the 28th ult. respecting the "*Treze de Junho*," and transmitting a copy of a second Note from the Portuguese Minister, and of the reply which has been returned to Baron Moncorvo, and requesting that Viscount Palmerston may be informed why the *Master and Mate* of this vessel have been sent to England, and why they have not been sent to Lisbon; I am commanded by their Lordships to acquaint you, for the information of Lord Palmerston, that it appears the *Master and Pilot* of the condemned slave-trader "*Treze de Junho*" were brought here in the

“ Prince Regent ” transport as passengers, for their own convenience, and improperly discharged into the “ Queen ” at Portsmouth, with their own consent, having been previously told by Mr. Curtis, the officer of the “ Curaçoa,” who made the capture, who was in charge of her prize, that they were at liberty to go when and where they chose.

It would appear that their object in remaining at Portsmouth was to wait the result of a memorial, which they addressed to the Portuguese Consul in London, which was transmitted by Baron Moncorvo to Viscount Palmerston, and sent here by his Lordship on the 11th November last, in which the Baron asked that these persons may be sent to Portugal at the charge of the British Government, or give them the means of proceeding thither.

It was not till the 15th November that their Lordships, on inquiry, found that they were on board the “ Queen,” not as prisoners, but allowed at any time to go on shore.

If Lord Palmerston should think proper they may be forwarded to Falmouth, to go by the Lisbon packet, and be delivered up to the Portuguese Government, to be prosecuted as slave-traders; otherwise it appears to my Lords that they should be discharged at once. As the memorial of the two men in question charges Captain Preston with plundering their private property, their Lordships will call upon him to explain the conduct imputed to him.

I have, &c.,

(Signed)

J. BARROW.

Lord Leveson,
&c. &c. &c.

Second Enclosure in No. 126.

Sir John Barrow to Mr. Backhouse.

SIR,

Admiralty, December 23, 1840.

IN return to your Letter of this date, requesting that Viscount Palmerston may be informed, on what occasion, at what date, and at what place, Jozé de Lomba, and Jozé Joaquim Gomez Vianna, the Master and Mate, or Pilot of the “ *Treze de Junho*,” were discharged from custody as prisoners, and at what date also they were told by Mr. Curtis that they were at liberty to go when and where they chose, I am commanded by my Lords Commissioners of the Admiralty to acquaint you, that after the adjudication of the prize the men were no longer in custody, and wishing to get home, the Commodore ordered them a free passage in the “ Prince Regent ” transport, along with Mr. Curtis, who had taken the prize to Barbadoes for adjudication, and he (Mr. Curtis) told them on the passage that they would be at perfect liberty to go on shore on their arrival, and repeated it when they made the land.

I have, &c.

(Signed)

J. BARROW.

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

No. 127.

Lord Howard de Walden to Viscount Palmerston.

Lisbon, December 17, 1840.

MY LORD,

(Received December 30.)

I COMMUNICATED to M. Magalhaes yesterday the substance of Mr. Ouseley's Despatch, a copy of which was transmitted to me in your Lordship's Despatch of the 30th ultimo, respecting the reinstatement of Senhor J. B. Moreira as Consul-General of Portugal at Rio de Janeiro.

M. Magalhaes assured me most positively, that even in the event of the Brazilian Government restoring to M. Moreira his exequatur, M. Bayard was instructed not to allow him to act, but to refer home for instructions, where, as Senhor Magalhaes had already declared, his Excellency would immediately appoint a new Consul-General. His Excellency said that he could not instruct M. Bayard to oppose the restoration of the exequatur, as it was upon the mode and form of proceeding of its withdrawal by the Brazilian Government that the Portuguese representatives at Rio de Janeiro had had instructions to protest, and that therefore the restoration would be accepted as a concession to the Portuguese Government, totally distinct from any personal consideration of M. Moreira, who would be at once superseded.

I have, &c.

(Signed)

HOWARD DE WALDEN.

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

PORTUGAL. (*Consular*)—*Cape Verds.*

No. 128.

Mr. Rendall to Viscount Palmerston.

British Consulate, Bôa Vista, Cape Verds, May 22, 1840.

MY LORD,

(*Received August 1.*)

I HAVE the honour to transmit herewith to your Lordship copy of a Letter, which I this day forwarded to Her Majesty's Commissioners at Sierra Leone.

The deposition of James Maskill, who witnessed the landing of slaves at Porto Praia from a Portuguese man-of-war, is forwarded to your Lordship in original, a copy only having been sent to Her Majesty's Commissioners at Sierra Leone.

I have, &c.

(Signed)

JOHN RENDALL, *Consul.*

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

&c.

&c.

&c.

First Enclosure in No. 128.

Mr. Rendall to Her Majesty's Commissioners.

British Consulate, Bôa Vista, Cape Verds, May 22, 1840.

GENTLEMEN,

I HAD the honour to address you last from hence, under date of the 17th and 31st March; since then, I have visited St. Nicolas and St. Jago, and am intending now to proceed, by an early opportunity, to the Island of Sal.

When at St. Nicolas, a brig-schooner arrived there from New York, under Brazilian colours, having a Flag Captain, and a Sailing Captain, with Mate and crew, composed of Americans. Since then she has been to this island and St. Jago, where she increased the number of her crew very considerably. She is stated to be engaged in the whale fishery, but has only one boat fit to be used in that pursuit. The impression, however, in the Islands is, that she is bound upon a slave-trading voyage, and I believe there is no doubt of the fact. It is the first vessel that has come to the Islands, since my residence, assuming the appearance of a whaler, to cover the nefarious traffic of slave-trading.

The Portuguese Government have, running between these Islands and Bissao on the African coast, two vessels carrying pennants, which are therefore denominated men-of-war. They are both schooner rigged, one is about 100 and the other 50 tons burthen, with crews of 20 and 12 men, and commanded by officers in the Portuguese navy. Both of these vessels formerly sailed under the Spanish flag, and were confiscated for being engaged in the Slave Trade at these Islands.

It was reported to me that the vessels in question were in the habit of conveying slaves from one Island to the other, and from the coast of Africa, on account of private individuals. I, however, refrained from alluding to the report, until I had satisfied myself of the justness of the suspicion.

During my stay at Porto Praia a few days since, one of these schooners, the "*Constitucão*," came in from Bissao, where she had been with troops, and Senhor Caetano as passenger. I observed her decks to be much crowded, and I was told she had brought troops, in lieu of those carried away. Before night had well set in, information was brought me that two boats, loaded with slaves, had been landed after the troops were put ashore. I immediately took the deposition of the party who witnessed the transaction, a copy of which I beg to enclose, which, I presume, places the fact of connivance in the Slave Trade by the authorities beyond a doubt.

It is known that I am in possession of particulars, and some pains have been taken to convince me, that this is the first time a Portuguese man-of-war has brought slaves from the African coast. I, however, am sorry to say that I have heard to the contrary, and that the other man-of-war schooner, about two months since, did the very same thing, and brought from Bissao 28 slaves, who were also landed at Porto Praia. It is said the "*Constitucão*" brought over only 30.

I have just learnt that the Municipal Chamber of the Islands has heard of these

doings, and that they have protested to the Governor on the impropriety of employing the Government vessels for so criminal a purpose. From this circumstance, combined with some hints given me, I infer that the Government of the Province have received a handsome consideration, under the name of freight, for the accommodation afforded; and the accommodation is of some consequence, for the risk by a private ship is considered to be very great. If, however, the pennants of Her Majesty the Queen of Portugal are to be hired to cover slave-trading transactions, the old cry of a want of cash to pay bills will no longer be heard, and active employment is certain to as many vessels as may be put into commission.

I am assured that almost every vessel coming to the Islands from Cacheo and Bissao bring at least 10 slaves, that being the number they suppose to have the privilege of carrying, passes for whom are easily obtained from the authorities.

Your long experience upon the coast will have informed you that the slaves held at the Portuguese settlements of Bissao and Cacheo are all of recent purchase, and that there are none but what have been purchased since the promulgation of the Portuguese decree of the 10th December, 1836.

Since the entrance to the Bissao has been closely watched by British cruizers, I understand the slaves intended for shipment are now sent from thence by land to Cacheo, where the slave-trading vessels are generally directed to proceed. The difficulty of entrance to this river is supposed to be a great cause to deter British cruizers from remaining any time in its immediate neighbourhood, and thereby affording to the slave dealers an easy means of getting away from the coast with their wretched cargoes. I beg therefore to recommend this information to be given to Her Majesty's cruizers proceeding to that quarter.

I have, &c.

(Signed)

JOHN RENDALL, *Consul.*

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

Second Enclosure in No. 128.

AFFIDAVIT.

British Consulate, Porto Praia, St. Jago, Sixth day of April, One thousand eight hundred and forty,—

Before me, John Rendall, Esq., Her Britannic Majesty's Consul for the Cape Verd Islands, personally came and appeared James Maskill, of the Island of Boá Vista, on a voyage to St. Mary's, Gambia, who being duly sworn, maketh oath and saith, that on the evening of the 4th instant he was on shore at Porto Praia, when he observed a boat land some black people (slaves) from the Portuguese man-of-war "*Constitucão*," then at anchor in the harbour, and who had during the day arrived from Bissao on the African Coast with troops. That later in the evening, being on board the "*Criola*" sloop, he observed another boat load of people going on shore from the "*Constitucão*," which passed under the stern of the said sloop he was on board of, when this deponent asked the Captain of the "*Criola*," who is a native of the Islands, whether the people in that boat were not slaves; to which the Captain replied, "they are negroes from the Coast of Africa." And this deponent further saith, that on the following morning he observed another boat load of slaves come on shore from the "*Constitucão*," and his impression and belief is that he saw, at least, 30 slaves landed altogether from the "*Constitucão*." And this deponent also saith, that he is competent to distinguish a slave from a free subject, and that although the slaves he has deposed to have seen landed at Porto Praia were without shackles, yet they were accompanied by persons having charge of them.

(Signed)

JAMES MASKILL.

Sworn before me at Porto Praia, 6th April, 1840, the said James Maskill being well known.

JOHN RENDALL, *Consul.*

No. 129.

Viscount Palmerston to Mr. Rendall.

Foreign Office, August 13, 1840.

Circular sending Papers presented to Parliament.

PORTUGAL. (Consular)—*St. Michaels.*

No. 130.

Mr. Hunt to Viscount Palmerston.

British Consulate, St. Michael's, August 22, 1840.

MY LORD,

(Received September 28.)

THE schooner "*Fayal*," a Portuguese packet, having arrived here after a voyage of 58 days from Princes' Island, Coast of Africa, at which island she called on her way from Loanda, I think it my duty to transmit to your Lordship the enclosed report of the information which I have, by means of a confidential and trustworthy agent, received from her officers.

It is scarcely necessary to state that this information is not derived from strictly official or infallible sources, nor to apologise for bringing before your Lordship what, if it do not serve, may nevertheless interest Her Majesty's Government.

Although the comment is sufficiently obvious, I cannot refrain from alluding to the possible partiality of the statements given; because I am informed that the schooner taken by the brig "*Tejo*," was loading her slaves without the least effort for concealment, and in entire contempt of that vigilance and strictness for which the Governor of Angola is given credit.

I have, &c.

(Signed)

THOMAS CAREW HUNT.

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

&c.

&c.

&c.

Enclosure in No. 130.

Report of Information received by the Portuguese Packet "Fayal," from the West Coast of Africa.

It is stated that very strict orders have been received in the Portuguese possessions, from the Government of Lisbon, to use all means to suppress the trade in slaves.

That, in consequence of these orders, and consistently with his own principles, the new Governor of Angola, Senhor Molheros, had kept a strict watch on the proceedings of slave dealers, had stationed guards along 24 leagues of coast, north and south of Loanda, and had made a seizure of 900 slaves in a neighbouring depository.

That the Portuguese corvette, "*Urania*," had captured a schooner with slaves on board; and the brig-of-war "*Tejo*," another, while loading near Loanda; both under Brazilian colours.

That one of Her Majesty's cruizers had seized and burned a Portuguese vessel, loaded with a cargo of general merchandise, because two blacks were on board, forming a part of her crew.

That this took place in the month of May, and that no British cruizers had afterwards appeared on the coast.

That the corvette "*Urania*" had been ordered to Rio de Janeiro, and that the brig "*Tejo*" was then the only Portuguese man-of-war on the station.

BRAZIL.

No. 131.

Mr. Ouseley to Viscount Palmerston.

Rio de Janeiro, March 20, 1840.

MY LORD,

(Received May 15.)

I HAVE the honour to transmit a return of the slave vessels, which have entered this harbour, after having landed their cargoes in the vicinity of this capital, during the five last months of the year 1839.

I have, &c.

(Signed)

W. G. OUSELEY.

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

Enclosure in No. 131.

Returns of Vessels engaged in the Slave Trade, under the Portuguese Flag, and which have entered this Port during the last Five Months of the Year 1839.

AUGUST and SEPTEMBER.—Nil.

OCTOBER.

1. Brig "*Novo Destino*," from Quilimane; landed 600 slaves at Campos.
2. "*Don João de Castro*," from Mozambique; landed 450 slaves at Ilha Grande, and was afterwards captured by Her Majesty's sloop "*Grecian*."

NOVEMBER.

3. Brig "*Generozo Feliz*," from Quilimane; landed 384 slaves at Campos.
4. Schooner "*Ligeira*," from Benguela; landed 321 slaves at Paranagoa.
5. Brig "*Flor de Loanda*," from Rio Zaire; landed 370 slaves at Ilha Grande. (Not the vessel formerly captured by a British cruiser.)
6. Brig "*Resolucao*," from Quilimane; landed 421 slaves at Marambaya.

DECEMBER.

7. Bark "*Quatro de Março*," from Quilimane; landed 550 slaves at Mangaratiba.
 8. Schooner "*Idalia*," from Angola; landed 244 slaves at Ponta Negra.
 9. Schooner "*Umbelina*," from Benguela; landed 317 slaves at Macahé.
 10. Brig "*Fortuna d' Africa*," from Quilimane; landed 429 slaves at Macahé.
 11. Brig "*General Cabrera*," from Angola; landed 127 slaves outside the harbour, with the assistance of Lieutenant-Colonel Vasco and his canoes.
 12. Brig-schooner "*Flor de Loanda*," from Angola; landed 320 slaves at Macahé.
 13. Brig-schooner "*Dozé de Outubro*," from Angola; landed 263 slaves at the estate of Dois Rios, Ilha Grande.
 14. Patacho "*Andorinha*," from Angola; landed 280 slaves at S. Sebastiao.
 15. Brig "*Animo Grande*," from Quilimane; landed 590 slaves at Campos.
 Landed by 15 vessels, as above, 5,666.
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(Extract.)

No. 132.

Mr. Ouseley to Viscount Palmerston.

Rio de Janeiro, March 20, 1840.

MY LORD,

(Received May 15.)

It is with much gratification that I have to call your Lordship's attention to the diminution in the number of Africans that have been imported

during the latter part of the year 1839, as stated in my other Despatch of this date. During the months of August and September, *none* were imported; and the Slave Trade generally has been, for the present at least, dropped by individuals of large capital, formerly extensively engaged in it.

There is no doubt that the increasing difficulties and risks incurred by the slave dealers, are caused almost wholly by strong measures adopted by Her Majesty's Government, and the activity of the British cruizers on this coast. The conduct, however, of the late Governor of Angola, Admiral Noronha, and the absence of Senhor Moreira from this capital, also contributed to check the traffic in Africans during several months of last year. The prizes made of Portuguese vessels, under the late Bill, during the present year, have produced a most salutary effect, in discouraging the trade with the Coast of Africa; and had not the necessity of sending several of Her Majesty's vessels to the Rio de la Plata called away the cruizers from this coast, it is probable that the Slave Trade in this province would have been completely interrupted.

A few more small cruizers, and more especially an armed steamer or two, would enable Her Majesty's officers to suppress the traffic in Africans altogether; although I am informed that a new system for evading Her Majesty's cruizers and the laws of this country has been latterly adopted by the slave traders. They send vessels to Monte Video, where they have regular correspondents who fit out slave vessels for the coast. They also ship produce at small ports on the Brazilian coast, where there are no Custom-houses, and occasionally obtain papers from the local authorities for new negroes, as if they were creoles.

These and other circumstances I shall not fail to bring before the Imperial Government, when I obtain such evidence of the acts and designations of the individuals, who are directly or indirectly concerned in them, as will enable me to make a strong representation.

No. 133.

Mr. Ouseley to Viscount Palmerston.

Rio de Janeiro, March 20, 1840.

(Received May 15.)

MY LORD,

THE Brazilian Minister of Foreign Affairs had received a copy of the Brief issued by His Holiness the Pope, enjoining all Catholics to abstain from slave trading, before I received your Lordship's Despatch of the 31st December last, directing its communication to the Imperial Government and its insertion in the principal newspapers of this capital.

I was much gratified to find that Senhor Lopes Gama most readily concurred in the wish to give every publicity to this document, which his Excellency, with justice, considers as being of great importance, and likely much to assist the efforts of the Brazilian Government for the suppression of the Slave Trade.

The Brief has been published in the "Correio Official," and subsequently in the "Jornal de Commercio," and "Despertador," the principal newspapers of Rio de Janeiro.

I shall procure the publication of this document at Bahia and Pernambuco, if not already copied into the journals of those provincial capitals from the metropolitan papers.

The extreme dissatisfaction which the publication of this decisive manifestation of the sentiments of the Holy See, on the subject of slavery and the Slave Trade, has produced among the slave trading party in this country, sufficiently proves the importance attached to it. The opposition papers have taken occasion to sneer at the Administration for permitting its publication, and are very virulent against Senhor Lopes Gama for his "short-sighted policy," in regard to this measure of the head of the Catholic church, which, they say, has been obtained by false representations made to His Holiness the Pope, and attribute it to the dictation and influence exercised by your Lordship on this question, in respect to the Holy See as with other Governments.

I have, &c.

(Signed)

W. G. OUSELEY.

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

&c.

&c.

&c.

No. 134.

*Mr. Ouseley to Viscount Palmerston.**Rio de Janeiro, March 23, 1840.**(Received May 15.)*

MY LORD,

IN conformity with the instructions which I had the honour to receive in your Lordship's Despatch, of the 31st December last, I caused the pamphlet on the subject of the Slave Trade, which it enclosed, to be reprinted here. In order to give a wider circulation to it than could perhaps otherwise be obtained, it has been printed as an Appendix to the "Diario de Rio de Janeiro," a paper that has a greater circulation among the Brazilian population than any other. For this object it was necessary to have it printed as a single folio sheet, to be folded and delivered with the paper.

Four thousand copies have been printed, of which nearly half are to be distributed with the "Diario." I have forwarded 100 copies to Her Majesty's Commissioners, and by the steam packet about to sail for the northern ports, shall send, as directed by your Lordship, 50 copies to the different Consuls and Vice-Consuls; and by the first opportunities the southern Consulates will receive the same number.

I have sent several copies to the Brazilian Minister for Foreign Affairs, as well as to the different Foreign Legations; and some have been placed on the table of the Exchange Reading Room, the Subscription Library, and elsewhere.

I have the honour of forwarding three copies of the reprint of the pamphlet in question.

I have, &c.

(Signed)

W. G. OUSELEY.

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

&c.

&c.

&c.

No. 135.

*Mr. Ouseley to Viscount Palmerston.**Rio de Janeiro, March 24, 1840.**(Received May 15.)*

MY LORD,

I HAVE the honour to transmit to your Lordship a Letter, with its Enclosures, from Mr. Hesketh, Her Majesty's Consul, on the circumstances attending the case of the "*Dom Joao de Castro*," slave vessel lately captured by Her Majesty's ship "*Grecian*," and condemned by the Mixed Commission Court at this capital.

Having only received the above communication just before the hour of closing the bag, as will appear from the annexed Letter which accompanied it, I am unable to offer any remarks upon the contents of these Papers, and take the liberty therefore of transmitting them as they have been put into my hands, since Her Majesty's Consul is anxious that no further time should be lost in laying them before your Lordship.

I have, &c.

(Signed)

W. G. OUSELEY.

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

&c.

&c.

&c.

First Enclosure in No. 135.

Mr. Hesketh to Mr. Ouseley.

SIR,

Consul's Office, Rio de Janeiro, March 24, 1840.

I HAVE the honour to transmit herewith a Letter, and regret that owing to its Enclosures it was not in my power to do so at a longer period before the departure of this packet, as you may wish to forward without delay the observations I have therein made on a case lately before the Commission Court.

As the occurrence I allude to in the accompanying Letter are practical illustrations of many difficulties and evils I have long since remarked in that Court, I feel solicitous that the circumstances of the case of the "*Dom Joao de Castro*" should come to the knowledge of Her Majesty's Secretary of State for Foreign Affairs, with as little delay as possible.

Should you under these circumstances think it expedient to forward at so short a notice the accompanying Letter by this packet, I can with more leisure furnish you with a duplicate of the Letter and its Enclosures.

I have, &c.

(Signed)

ROBERT HESKETH,
*Her Britannic Majesty's Consul.**To W. G. Ouseley, Esq.*

&c.

&c.

&c.

CLASS B.

Second Enclosure in No. 135.

Mr. Hesketh to Mr. Ouseley.

Rio de Janeiro, March 23, 1840.

SIR,

I AM led to make the following observations on the proceedings in the case of the brig "*Dom Joao de Castro*," believing that they served to protect the owners of that vessel from the penalties of the law against Slave Trade, and wishing to show to what extent, even in a tribunal like the Mixed Commission Court, slave dealers are leniently treated.

The Portuguese brig "*Dom Joao de Castro*," detained by Her Majesty's sloop "*Grecian*," was libelled before the British and Brazilian Mixed Commission on the 24th October, 1839, for landing a cargo of slaves on the coast of Brazil, in this neighbourhood, the vessel being, in reality, the Brazilian brig "*Senador Vergueiro*," belonging to Rio de Janeiro. The empty and confused state of the vessel's hold, the vestiges of slaves having been recently on board, and the remnants of a slave equipment clearly perceptible in the vessel, added to the log-book and chart found on board, all proved the illegal nature of the voyage; and the deception attempted by the fraudulent assumption of the Portuguese flag was undeniably proved by the result of British and trustworthy surveys, shewing that the vessel answered exactly the description of the "*Senador Vergueiro*" in the official registers of this Custom house; and even the chronometer found on board, as well as the principal part of the crew, proved the identity of the "*Dom Joao de Castro*" with the "*Senador Vergueiro*," and established the guilt of the owners, and all concerned in the vessel, by showing the falsehood of the documents and the perjury of the witnesses, although the obstacles experienced in obtaining official proofs of such transactions were great, and obliged me to apply for your assistance, as shown by the enclosed copy of my Letter.

This evidence was before the Court by the 15th November, the period first fixed for proceeding to a decision on the case. However, subsequently the Court was disposed to concede to the accused further delays, and the decision was deferred till the 21st November, to give opportunity to me for a joint survey of the vessel by British officers, and artificers from the Brazilian dockyard; the result was a full exposure of the bad faith of the Brazilian report, which was diametrically opposite to that of the British officers; and as both reports were before the Court, it had that additional proof of the deceptions practised on it to favour the guilty.

Nevertheless, further time was awarded, that the accused might prepare the requisite security on which the Court was disposed to grant their petition to defer its judgment, for a period sufficiently long to allow the procuring from Mozambique of further documentary evidence regarding the vessel.

During the time thus allowed every exertion was made by the accused to obtain permission to remove from the hulk, on the plea of illness, the Master of the "*Dom Joao de Castro*," Vicenti de Freitas Serpa, a Portuguese. This plea, although rejected as false by the British medical officers in attendance on the prisoners, was nevertheless concurred in, and even ultimately countenanced by the Commissioners themselves, as shown by the enclosed translation of their Letter, but successfully resisted by the senior naval officer, according to your directions; V. de F. Serpa continuing a prisoner, and the proceedings of the Court stationary, as it waited for the promised security on the part of the accused, all this delay being permitted for a purpose, which the clear evidence before the Court proved was a mere pretence by which to gain time, and employ every means to accomplish V. de F. Serpa's release from British custody. On the 15th January I handed into the Commission Court a protest against further delay, a copy of which I enclose.

It would appear that as V. de F. Serpa was a Portuguese subject he felt himself safe from punishment if he could escape from British custody, and that to obtain his release he threatened to declare the truth, and thereby implicate the owners, who I named in my protest, and who are Brazilians of influence, and liable for a prosecution for their share in the criminal voyage and deceptions, proved in Court in the case of the "*Dom Joao de Castro*;" and it is natural that in such a position they would exert themselves to remove V. de F. Serpa to a Brazilian hospital, from whence his escape could be effected without much risk; and as his escape would relieve Serpa from personal responsibility, it would become more practicable to shield the owners, by charging him with barratry or committing at Mozambique illegal acts, without the owners' participation or authority.

Therefore, at the long period from the commencement of the case as the 25th

January, when in all probability the plan for Serpa's escape was matured, was the charter party of the "*Dom Joao de Castro*," first produced in the Mixed Commission Court, purporting that the vessel was chartered at Mozambique to take free colonists from thence to Angola, touching at Monte Video.

I enclose an official copy of this document, and a translation; it is referred to in the sentence, and on the plea that the transaction was not authorized by the owners of the vessel, they have not been included in the sentence as liable to the penalties of the law. Consequently, the very root of the evil is left untouched; and thus, after successfully landing a cargo of negroes from Africa, the only punishment inflicted on the persons, who instigated and profited by this illegal act, is confiscating their old vessel.

At length, in the night of the 29th January last, V. de F. Serpa, whose life was represented to be in such a precarious state through illness, effected his escape from the hulk, appearing publicly on the exchange the following day, and boasting to the very interpreter of the Court how he accomplished his escape, without any connivance with the sentries, by swimming from the hulk.

I must further observe that, notwithstanding the certificates attached to the charter party, I believe it to be altogether false and fabricated in this place; and by no means an authentic Mozambique document, to be received and acted upon as it was by the Commissary Judges.

The only persons attesting to the signature of the notary public at Mozambique are Jozé Ignacio Cardoza, and Jozé da Silva Pereira de Castro; the first has been connected with a notorious slave dealer in this place (Pimenton), the owner of the "*Commodore*," and I am informed is still deeply engaged in the Mozambique Slave Trade; the second person, I presume, must be a clerk or dependent on the parties interested, as notwithstanding every exertion I have not been able to discover who he is, so that the document is without any credible testimony. The notary public at Rio de Janeiro merely attests the signatures of those two persons, and not the document, nor could he give me any information regarding De Castro. As for the certificate of the Portuguese Consulate, it is superfluous and quite needless for the Mixed Commission Court, as it only recognizes the well-known signature of a notary in this place.

Besides, the document is at variance with V. de F. Serpa's testimony, as unmasked in the sentence. And by another declaration it appears that this document is in some degree suspected by the Commissary Judges, at all events only partly believed. Nevertheless it was received as credible, and just of so much weight as served to screen the owners of the "*Dom Joao de Castro*," that is "*Senador Vergueiro*," by deducing from such a document the extraordinary conclusions, that some transactions did take place at Mozambique, and that although the legal and proved representative of the owners, V. de F. Serpa, was a party to these transactions, still that it was not clear to the Commissary Judges, that the absent owners had any share or were responsible for them.

But admitting that such a document warranted conclusions of this nature, why have not the injured owners prosecuted and punished the Master of the "*Dom Joao de Castro*."

From all these occurrences my inference is, that so long as no chance existed to free V. de F. Serpa from British custody, it would have been dangerous and perhaps impossible to have attempted the mode of defence, or rather exculpation, for the owners of the vessel, which was ultimately adopted in the British and Brazilian Mixed Commission, and which evinces the spreading influence and determined perseverance of the slave dealers as a body in this place.

I have, &c.

W. G. Ouseley, Esq.,
&c. &c. &c.

(Signed) ROBERT HESKETH,
Her Britannic Majesty's Consul.

Third Enclosure in No. 135.

Mr. Hesketh to Mr. Ouseley.

SIR,

Rio de Janeiro, November 23, 1839.

I have been assured at the Mixed Commission Court that in the case of the "*Dom Joao de Castro*," now pending, it becomes essential to prove that Antonio Joaquim d'Oliveira, her present Mate, is the same person who was Master when

this vessel sailed last from Rio de Janeiro, being then called the "*Senador Vergueiro*." It appears that this Oliveira has denied that he is the person who commanded the "*Senador Vergueiro*," notwithstanding there are several others of the "*Senador Vergueiro's*" crew, now on board the "*Dom Joao de Castro*," and that the identity of both vessels has been clearly proved, still the Commissary Judges give such weight to the denial of Oliveira, that they have requested me, as the captor's agent, to prove the identity of the Master of the "*Senador Vergueiro*" and the Mate of the "*Dom Joao de Castro*." I yesterday produced before the Court the "*Senador Vergueiro's*" outward Manifest, dated March last, under the signature of Antonio Joaquim d'Oliveira, to show that the signature was that of the Mate of the "*Dom Joao de Castro*," and the Commissary Judges declared that they were satisfied it was so. But, nevertheless, they make these objections, firstly, that they must have legal proof that the document I produced (which is also signed by the Custom-house officers) is an authentic one; and secondly, that as Judges they are not qualified to decide on the similarity of the two signatures, I must obtain a magistrate's order for two notary publics to attend at the department of the Custom-house from whence I obtained the documents, and that they should then compare the signatures attached to it with Antonio Joaquim d'Oliveira's signatures in the process of the "*Dom Joao de Castro*," now pending in the Court. I have stated all these particulars that you may be aware of the troublesome, and, in my opinion inefficient method pursued by the Commission Court, to obtain and verify evidence. Lately, in the case of the "*Pompeo*," a signature in one of the Custom-house books clearly proved the existence in Rio de Janeiro of Joaquim Antonio Viera at a period he had sworn he was absent; in that instance the Court would not order any of its officers to go to the Custom-house and examine the signature, and the result of your application to the Supreme Government that the book might be produced before the Commissary Judges, was a declaration that such a course was inadmissible, but that it was open to their inspection or that of their officers. On this the Commissary Judges remarked to me that the verifying the signature was immaterial, as it *only* went to show that the witness had perjured himself. As for the notary publics, their testimony is not, in my opinion, to be relied on, because, like all the other Brazilian authorities, they will be most reluctant to do anything which can establish the criminality of a slave dealer, and of this the Commissary Judges are aware. Under these circumstances, I have returned to the Custom-house the document above referred to, because, not being a book, it was privately intrusted to me, and if it meet your approbation, I think that your application to the Brazilian Government for an order to have the document produced before the Commissary Judges by an officer attached to the Custom-house Department, or "*Consulado*;" the Commissary Judges might then have the document officially before them, and might, if they conceive themselves incompetent, procure any other means of verifying, whether or not the signature of the Master of the "*Senador Vergueiro*" is that of the Mate of the "*Dom Joao de Castro*."

I enclose a specification of the document referred to.

I have, &c.

W. G. Ouseley, Esq.
&c. &c. &c.

(Signed) ROBERT HESKETH,
Her Britannic Majesty's Consul.

(Translation.)

Fourth Enclosure in No. 135.

The Mixed Commission Court to Mr. Hesketh.

SIR,

Rio de Janeiro, November 16, 1839.

I AM ordered by the Brazilian and British Mixed Commission to intimate to you, that the Commission has granted the petition made by the attorney of Vicenti de Freitas Serpa, the Master of the brig "*Dom Joao de Castro*," conceding a survey on board of the said brig, to be made by the artificers of the naval dockyard, in the presence of officers named in behalf of the captor; to effect which, and present the report in this Commission, a period until the 21st instant has also been allowed: it is therefore expedient that you should make the Commodore acquainted therewith, not only that this proceeding may be permitted, but also that the officers who may be named may be present at the act.

God preserve you, &c.

(Signed)
Mr. Robert Hesketh, Attorney for
the Captor, Commander Smuth.

BRAZ. MARTINS DE COSTA PASSOS,
Secretary.

Fifth Enclosure in No. 135.

(Translation of a Letter from the Mixed Commission.)

(Signed) ROBERT HESKETH.

SIR,

Rio de Janeiro, November 28, 1839.

THE Brazilian and British Mixed Commission orders me to notify to you, that if you have any further documents to offer in the process of the "*Dom Joao de Castro*," you will be pleased to do so by the 3rd of December next.

God preserve you, &c.

(Signed) BRAZ. MARTINS DE COSTA PASSOS,
Secretary.

Mr. Robert Hesketh,
Attorney for the Captor, Commander Smyth.

Sixth Enclosure in No. 135.

The Mixed Commission Court to Mr. Hesketh.

(A Translation of the Original.)

(Signed) ROBERT HESKETH.

SIR,

Rio de Janeiro, January 7, 1840.

By direction of the Brazilian and British Mixed Commission Court I make known for your information, that to-day the following answer was given to a petition made by Vicenti de Freitas Serpa, the Master of the brig "*Dom Joao de Castro*," praying that arbitrators may be named to value the said brig, to the end that the required security may be given.

"Let the valuation referred to be proceeded with by competent persons acting on the part and behalf of the petitioner and of the captor's attorney, and with the declaration that the period of four months is to commence to-day, this petition will be taken under consideration."

God preserve you, &c.

In the absence of the Secretary.)

(Signed) JOSE AGOSTINHO BARBOZA, JR.
Interpreter.

(Translation.)

Seventh Enclosure in No. 135.

The Mixed Commission Court to Mr. Hesketh.

SIR,

Rio de Janeiro, December 24, 1839.

As holidays are about to commence, and as the Brazilian and British Mixed Commission are desirous that such a circumstance should not prevent the removal of the Master of the "*Dom Joao de Castro*," Vicenti de Freitas Serpa, who is now actually suffering by illness, from the hulk "*Nova Piedade*," to the naval hospital, in conformity with his petition; the said Commission orders me to acquaint you, that so soon as the said Serpa shall present an order from the competent Secretary of State, to be received in the said hospital, you will be pleased to take the requisite steps for the removal of that individual, as under such circumstances there is no objection on the part of the Commission.

God preserve you, &c.

(Signed) BRAZ. MARTINS DE COSTA PASSOS,
Secretary.

Mr. Robert Hesketh,
Attorney for the Captor, Commander Smyth.

Eighth Enclosure in No. 135.

(Translation of the Answer to the Letter dated December 24, 1839.)

(Signed) ROBERT HESKETH.

Mr. Hesketh to the Mixed Commission Court.

SIR,

Rio de Janeiro, January 11, 1840.

I COMMUNICATED to Mr. Ouseley the contents of your Letter respecting the removal of Vicenti de Freitas Serpa, the Master of the "*Dom Joao de Castro*," to the naval hospital, he being a prisoner on board the "*Nova Piedade*," under the charge of the senior officer of Her Britannic Majesty's ships in this port.

That removal has not been effected up to this date, because the British medical officers have not certified that it is requisite, and because the document addressed to the naval or military hospital, and which I return enclosed, does not appear satisfactory (as to the safe custody of the said Master) to Mr. Ouseley, to whom I addressed myself as the only official channel of communication with the officer commanding the British men-of-war in this port; and I further solicit you to make this explanation to the Commissary Judges, in order that they may adopt that channel for carrying into effect their intentions respecting prisoners.

I have, &c.

(Signed) ROBERT HESKETH.

To Senhor Braz. Martins de Costa Passos,
Secretary.

Ninth Enclosure in No. 135.

PROTEST.

Rio de Janeiro, January 15, 1840.

THIS Declaration to the Commissary Judges of the British and Brazilian Mixed Commission Court at Rio de Janeiro, for the suppression of African Slave Trade, sheweth—

That the Undersigned, acting on the part and behalf of the captor of the brig "*Dom Joao de Castro*," does most respectfully thus place before the British and Brazilian Commissary Judges the following observations, trusting that they, the Commissary Judges, will, on taking this declaration and statement into consideration, attend to the present solicitation, and will, without delay, pass judgment on the case of the above-mentioned vessel, ("*Dom Joao de Castro*,") which is a case that has been under the cognizance of the Mixed Commission Court since the 24th of October last.

The present document is submitted to the consideration of the Commissary Judges, because, from the citation sent on the 7th instant to ascertain the just valuation of the said vessel, as a preparatory step to fix the amount for which bond is to be exacted from the parties who are defendants in the case, it appears that these parties have prayed for and expect the indulgence of some months' delay in passing sentence on the case; said indulgence being solicited on the plea, that during such delay the accused parties can obtain proof to establish their innocence, or at all events to justify this solicited arrest of judgment. But for the following reasons it is hereby urged, on the part and behalf of the captor, that the Commissary Judges do, without delay, pass sentence on the case of the "*Dom Joao de Castro*."

The only circumstance under which an arrest of judgment can be justly asked for, and legally granted, is a want of proof, or such a deficiency in the evidence as to obscure the facts of a case, impeding thereby a conscientious decision. But the evidence produced to the Court in the case of the "*Dom Joao de Castro*" proves the following. In the first place, that the "*Dom Joao de Castro*" is the same vessel which sailed from Rio de Janeiro on the 11th of March last, under the denomination of "*Senador Vergueiro*," owned by Pereira de Campos Vergueiro, Joaquim Jozé Pereira de Faro Jr., and João Pereira Danigio Faro; all three residents of Rio de Janeiro, the vessel sailing under Brazilian colours direct for Mozambique, under the command of the nominal Master, Antonio Joaquim de Oliveira.

The proofs in Court of this first stage of the illicit proceedings consist of official Custom-house certificates, proving the nationality and ownership of the "*Senador Vergueiro*," as well as the date of her departure under a false declaration as to her

destination. The log and tract chart, showing that her voyage was direct from Rio de Janeiro to Mozambique; for the purpose of deception, that log is falsely headed as belonging to the "*Leão*," proof being before the Court that no such vessel departed from Rio de Janeiro at or about that period. This log found on board the vessel is proved to have been kept by Vicenti de Freitas Serpa, (the actual Master of the "*Dom Joao de Castro*,") by having his own proper signature at the commencement.

The chronometer found on board the "*Dom Joao de Castro*" is clearly identified to be that supplied to the "*Senador Vergueiro*," when she sailed last March, by a certificate of its rating, specifying the number, which corresponds with that in the existing instrument belonging to the "*Dom Joao de Castro*." On comparing the muster-rolls of both vessels, many of the crew are found on board; both by the Custom-house clearance and outward Manifest of the "*Senador Vergueiro*," it has been shown in Court, that the signature of the Master is the same as that of the Mate of the "*Dom Joao de Castro*;" and lastly, the official certificates of the tonnage and description of the "*Senador Vergueiro*" have been produced in the Court, with documents, showing that the "*Dom Joao de Castro*" answers exactly all the description.

Then, in the second place, the evidence proves that the sale of the "*Senador Vergueiro*" at Mozambique was fictitious; that under the new name of "*Dom Joao de Castro*," and under the command of her former nominal Mate, who then assumes his real name, Vicenti de Freitas Serpa, and who was assisted by the former nominal Master, Antonio Joaquim d'Oliveira, as Mate, the "*Dom Joao de Castro*" sailed direct from Mozambique to the coast of Rio de Janeiro with a cargo of slaves, which were landed only a short period before the vessel was met and captured by Her Majesty's sloop "*Grecian*."

The facts appertaining to the second stage of the proceedings are thus proved to the Court: the "*Dom Joao de Castro*" has not on board an indispensable document for a Portuguese vessel, which is the Bill of Sale, or proof of property.

The Certificate of Register as a Portuguese vessel is defective, not stating the build of the vessel; and the date of this important document is *two days after* the vessel cleared outwards from Mozambique, and *three days after* the date of the Passport, all showing that the two last documents were fraudulently granted.

But the fictitious proceedings at Mozambique are more clearly brought to light by the vessel clearing in *ballast* from Mozambique to *Angola*, touching at *Monte Video*. On comparing the log for the voyage from Mozambique with the tract on the chart found on board, it is seen that the vessel was steered direct from Mozambique to the coast of Rio de Janeiro; by noticing all the particulars in the captor's declaration as to the vestiges of slaves having been recently on board when the vessel was detained, as well as to the state of the hold, the quantity of water casks, and the irons found on board; and lastly, by considering the report of a British survey, held on board the "*Dom Joao de Castro*," giving such clear and satisfactory evidence of the previous existence of all the requisite cooking accommodation for a number of negroes, and of all the needful alterations in the hatches and 'twixt decks for the same purpose, although a Brazilian survey on the same equipment produced a report most outrageously false: on taking all these facts and evidence therein, the unlawful nature of the voyage from Mozambique to the Coast of Brazil is evident and undeniable.

After all these facts proved by the satisfactory evidence produced in Court respecting this vessel, and all which facts are moreover notorious in this place, the next decisive circumstances attending the case, to which allusion ought to be made, are the outrageous attempts of the defendants to practise every species of deception and fraud on the Court, besides the frequent instances of perjury on the part of the crew belonging to the "*Dom Joao de Castro*," who have been examined by the Court.

Reflecting that such outrageous proceedings during the process must have come under the cognizance of both the Commissary Judges, and that the parties who have petitioned for an arrest of judgment, have done so after adding perjury to the crime for which the evidence convicts them, the Undersigned conceives that in justice to the captors the object to be attained by delay ought to be examined, together with the consequences attending an arrest of judgment.

The evidence establishing the facts of the case is clear, connected, and has not been refuted. And as the "*Dom Joao de Castro*" is not Portuguese built, there is not even a shadow of doubt that the vessel could never obtain a legal right to us

the Portuguese flag; therefore there does not appear any attainable proof that can destroy the facts of the case as proved by the evidence, showing the illegal voyage of the "*Senador Vergueiro*," alias "*Dom Joao de Castro*." Therefore by entertaining a petition from the accused party or defendants to arrest judgment in the case of the "*Dom Joao de Castro*," the Commissary Judges concede without any justifiable motive an indulgence, the result of which is injurious to the captors. And moreover this concession to the defendants in this case weakens the salutary efficiency of the Court in effecting the suppression of Slave Trade. Because this petition for arrest of judgment against such conclusive evidence was presented on the very day which completed the period of two months, within which alone a petition of such a nature could be accepted, at the same time that the case unaccountably lingered on to such an extended period.

From all these considerations, the Undersigned, on the part and behalf of the captor, declares that the delay of sentence in the case of the "*Dom Joao de Castro*," on the petition of the defendants, is, in the face of the evidence, and under the circumstances the petition was made, an injustice to the captors, and therefore prays that the accused may not continue to receive such an unjustifiable indulgence, but that sentence may be pronounced on the case.

The Undersigned hereby tendering this declaration of protest on behalf of the captor against any further delay in the process or case of the "*Dom Joao de Castro*."

The Court being provided with an interpreter, this declaration is made in English, as the Undersigned does not feel warranted in addressing to the Court a document of this description in any other language.

(Signed)

ROBERT HESKETH.

The Commissioners of the Mixed Court.

Tenth Enclosure in No. 135.

(Translation of Petition.)

To the Most Illustrious Commissary Judges of the Mixed Commission.

ANSWER.

Let the Certificate be granted.

Rio de Janeiro, February 20, 1840.

(Signed)

CARNEIRO.

G. JACKSON.

PETITION.

Robert Hesketh, as Proctor of Commander Smyth, of Her Britannic Majesty's brig "*Grecian*," declares that for the interests of said Commander he requires a certified Copy of the Charter Party referred to in the sentence on the brig "*Dom Joao de Castro*;" and therefore prays your Worships may be pleased to decide as petitioned.

And the Petitioner will be thankful.

(Signed)

ROBERT HESKETH.

In the Brazilian and British Mixed Commission on Slave Trade, there is found in page 261 of the procees on the capture of the brig "*Dom Joao de Castro*," condemned by the said Commission, the document mentioned in the foregoing petition, the same being of the following tenor:—

Be it known to all to whom this public instrument of charter of the Portuguese brig "*Dom Joao de Castro*" may appear, that in the year of our Lord 1839, on the 26th day of July of said year, in the city of Mozambique, in the office of the Undersigned, João Mariana Moniz, Notary Public in this city and its district, by authority of Her Most Faithful Majesty, whom God preserve, &c. &c., personally appeared on one part, Antonio Braz dos Reys, a married man, resident in this city, and on the other part, Antonio Jozé Soteiro, also a resident in this city, both persons I attest as known to me, who declared in my presence, and before the undersigned witnesses, that he the said Antonio Braz dos Reys, as owner of the Portuguese brig called "*Dom Joao de Castro*," charters the said brig to Antonio Jozé Soteiro (the Master of the said brig on the present voyage being Vicenti de Freitas Serpa), for the sum of 5,280 Spanish dollars, under the following conditions:—

1st. That on the 30th instant the said brig "*Dom Joao de Castro*" shall be

ready to proceed from this port to that of Angola, touching at Monte Video, where she shall only remain 10 days, in the event of it being found practicable to conclude an agreement there for the services of 480 colonists, who are now by their free will embarked on board the said brig "*Dom Joao de Castro*," delivering the said colonists, if that agreement be concluded, to Senhor Manoel Gonçalves da Costa, or his order. If, on the contrary, the agreement be not concluded, the vessel is to proceed to the port of Angola, delivering them, the said 480 free colonists, to Senhor Francisco Teixeira de Miranda, or, in his absence, to Senhor Valeriano Ramos da Fonseca.

2nd. That the amount of the charter freight, being 5,280 dollars, shall be paid by the said Francisco Teixeira de Miranda, 21 days after the arrival of the said colonists, in Spanish coin, to the person in that port who may be authorized to recover the same by the said Antonio Braz dos Reys.

3rd. That the proper board and treatment of the colonists is intrusted to the Master, Vicenti de Freitas Serpa, for which he is to receive from the charterer, Antonio Jozé Soteiro, the reward of 400 dollars, to be paid to him by Senhor Francisco Teixeira de Miranda, after the vessel's arrival at the port of Angola, should it appear that the colonists have in fact been well treated, which is fully relied on, from his known good character.

4th. That all port charges, whether inwards or outwards, including those at this port, are for account of the owner of the vessel, Antonio Braz dos Reys.

5th. That in the event of a contract taking place for the services of all or a part of the said 480 free colonists at Monte Video, 5½ dollars per head for each colonist so engaged shall be deducted from the amount of the charter freight. All which the aforementioned parties declared, both obliging themselves to comply with their respective and above-mentioned conditions, under the penalty and responsibility of paying penalties and prejudices.

In witness and in testimony of the truth that this is the instrument authenticated and entered in my register, in the presence of the witnesses, Antonio Jozé Notre and Manoel Jozé Pereira, who declared that the parties herein named and hereunto consenting, are the same; and these witnesses have, together with the said parties and myself, the said Notary Public, signed this instrument, which I directed to be copied from my register, where it remains.

Signed by

JOAO MARIANO MONIZ.
ANTONIO JOZE SOTEIRO.
ANTONIO JOZE NOTRE.
MANOEL JOZE PEREIRA.

These are the contents of the said instrument to which I refer, as entered in my register, page 58.

In witness of faith and truth,

(Signed) JOAO MARIANO MONIZ.

We, the Undersigned, hereby certify as true the above signature of the Notary Public, Joao Mariano Moniz, knowing the same.

(Signed) JOZE IGNACIO CARDOZO.
JOZE DE SILVA PEREIRA DA CASTRO.

Rio de Janeiro, January 24, 1840.

I hereby attest as true the signatures to the foregoing Certificate.

In testimony of the truth,

(Signed) JOAO PINTO DE MIRANDA.

Rio de Janeiro, January 24, 1840.

[A certificate of having paid the Sello (a tax), signed by the collector, Oliveira.]

I, Francisco João Moniz, Vice-Consul acting in the Consulate-General of Portugal at Rio de Janeiro, certify that the foregoing signature of João Pinto de Miranda is the true and proper handwriting of the same, a Notary Public in this capital.—Given under my hand and seal of office at Rio de Janeiro this 24th of January, 1840.

(Seal.)

(Signed) FRANCISCO JOAO MONIZ,
Vice-Consul

And that all may be known where required, I have granted these presents.

(Signed) BRAZ. MARTINS DE COSTA PASSOS,

Rio de Janeiro, March 6, 1840.

Secretary.

CLASS B.

No. 136.

Mr. Ouseley to Viscount Palmerston.

(Extract.)

*Rio de Janeiro, April 13, 1840.**(Received June 3.)*

OF late I have ascertained that several slave vessels, hitherto navigated under the Portuguese flag, have resorted to the Brazilian flag, as less liable to seizure.

I regret to learn that the flag of the United States is now likely to be made use of by the Portuguese slave traders, and in a manner that will render it difficult to interfere effectually to prevent at once the evil consequences of the assistance thus afforded to them.

An American vessel called the "*Pelgrim*" (perhaps "*Pilgrim*") has taken on board as freight the coppers, irons, &c., and complete equipment, for three slavers.

She clears out for the Coast of Africa *viâ* the Island of St. Thomé. It is not supposed that she will be, as in the instances of some other American vessels, transferred to another flag, but merely that she will put on board Portuguese vessels, probably at St. Thomé, the fittings and Slave Trade equipment articles, and then return with a legal freight.

The Slave Trade articles now shipped were not announced in the usual manner, either in the Custom-house reports or in the newspapers, their silence having been purchased by the persons concerned in the speculation.

The Portuguese slave dealers have been endeavouring to induce English vessels to take the slave trading articles as freight to the Coast of Africa, until it was made known by Her Majesty's Consul, that such a speculation would be likely to entail serious and unpleasant consequences on all the parties concerned.

I have likewise been informed, that an application was made to M. de Wattenbach, the Hamburg Vice-Consul here, for his sanction to freighting in a similar manner a Hamburg vessel, of which he was consignee, but that he at once decidedly refused to permit it, as being contrary to the existing stipulations between Great Britain and the Hanse Towns, for the suppression of the Slave Trade.

No. 137.

*Mr. Ouseley to Viscount Palmerston.**Rio de Janeiro, April 13, 1840.**(Received June 3.)*

MY LORD,

I HAVE the honour to inform your Lordship, that on the 28th of February last Her Majesty's brigantine "*Fawn*," (late "*Carolina*" slaver,) Lieutenant Foote, Commander, brought into this harbour the Portuguese bark "*Roza*," which had been detained off Cape Frio by that officer a few days previous, under suspicion of being bound on a slaving voyage for the Western Coast of Africa.

On the 7th of March the "*Roza*" was sent, under the instructions received by Her Majesty's cruisers, to the Cape of Good Hope for adjudication by a Vice-Admiralty Court.

I have likewise the honour to report to your Lordship that on the 5th instant Her Majesty's ship "*Curaçoa*," Captain Preston, brought into this harbour the brigantine "*Treze de Junho*," under Portuguese colours, bound for the Coast of Africa, and which Captain Preston conceived himself borne out by his instructions in detaining on suspicion of being engaged in the Slave Trade. The "*Treze de Junho*" is very deeply laden, and is altogether in a most unseaworthy state. She is now being examined by order of Commodore Sullivan, in order to decide as to her capability for making the voyage to the Cape of Good Hope, to be adjudicated by a Vice-Admiralty Court: should she be found unfit for this voyage, it is in contemplation to send her Papers, Master, &c. with an officer of Her Majesty's ship "*Curaçoa*" to bring the case before the said Court.

I have, &c.

(Signed)

W. G. OUSELEY.

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

&c.

&c.

&c.

No. 138.

Mr. Ouseley to Viscount Palmerston.

Rio de Janeiro, April 14, 1840.

(Received June 3.)

MY LORD,

ON the 17th ultimo the patacho "*Providencia*," taken under Portuguese colours by the Brazilian brig-of-war "*Constança*," was brought by order of the Regent before the Mixed Court of Commission at this capital.

This vessel had been released by a Juiz de Paz of the province of Pernambuco, before whom it was brought in the first instance, and it was only in virtue of a positive order from the Central Government that it was ultimately brought before the Mixed Commission.

On the 3rd instant the "*Africano Atrevido*," captured by the Brazilian authorities in the port of Rio Francisco, was also brought, in conformity with a portaria of the Imperial Government, before the Mixed Court for adjudication.

These instances of sincere and effectual co-operation on the part of the Brazilian Government with that of Her Majesty, for the purpose of effectually suppressing the Slave Trade, are the more creditable as at this moment every effort is making by the slave-trading party in this country to influence the general and provincial Legislatures, in favour of the importation of Africans.

The general popularity of the present Administration is but too likely to suffer for the present by the honourable and praiseworthy execution of the laws of this Empire, and the fulfilment of the engagements contracted with Great Britain for the suppression of the Slave Trade; although in thus acting they consult the true interests of this country, and obtain the support and approbation of some of the most upright and enlightened Brazilian representatives.

I have, &c.

(Signed)

W. G. OUSELEY.

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

No. 139.

Mr. Ouseley to Viscount Palmerston.

Rio de Janeiro, April 14, 1840.

(Received June 3.)

MY LORD,

I HAVE the honour to inform your Lordship that Her Majesty's ship "*Crescent*," destined to serve as a receiving hulk for the negroes found on board slave vessels captured by Her Majesty's cruizers, and brought before the Mixed Commission Court at this capital, arrived here on the 6th instant.

Since her arrival, Commodore Sullivan has been occupied in preparing the "*Crescent*" for the above service. From having brought a large quantity of stores for the squadron, this labour is not yet concluded, and the hired hulk "*Nova Piedade*," which has been hitherto used as receiving ship, and receptacle for the crews of the captured slavers, has consequently not yet been given up. Every effort will be made known however to accomplish these objects as early as possible.

With reference to this subject I must remark to your Lordship that Lieutenant Donellan, Commander of the "*Crescent*," having communicated to me his instructions from my Lords Commissioners of the Admiralty, it appears that their Lordships have not considered that the "*Crescent*" would be used for any other purpose than that of receiving "*the negroes*" from the captured slavers. I take the liberty however of reminding your Lordship that one great object that induced the application for a hulk was, that it might serve as a secure place of confinement for the crews from the detained slave vessels, during the time, often protracted to some length, that elapses between their capture and final adjudication. The "*Nova Piedade*," hired hulk, has hitherto served for this purpose, and though very ill adapted for it, has proved far more secure than any Brazilian prison. I have therefore thought it my duty to advise Commodore Sullivan to make such arrangements on board the "*Crescent*," as may adapt her for this purpose, as well as for the reception of Africans, and I trust that this course will be approved, as otherwise great inconvenience may be caused, and the efforts of Her Majesty's Officers for the suppression of Slave Trade seriously impeded.

The general instructions which I have already had the honour to receive relative to the "Crescent" may however be considered as sufficient to authorize the employment of that vessel, for the same purposes as have hitherto been served by the "Nova Piedade."

I shall therefore recommend that the "Crescent" be made use of as circumstances and local experience may dictate, for the benefit of the peculiar service required of that vessel: and for the furtherance generally of the objects of Her Majesty's Government, until otherwise and specifically instructed by your Lordship.

I ought perhaps not to omit stating, that I find on the part of Commodore Sullivan and Mr. Donellan, the greatest readiness to co-operate in rendering the "Crescent" available for the objects for which it is to be employed.

I have, &c.

(Signed)

W. G. OUSELEY.

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

No. 140.

Mr. Ouseley to Viscount Palmerston.

Rio Janeiro, April 14, 1840.

(Received June 3.)

(Extract.)

WITH reference to my other Despatch of this date, in which the captured Portuguese slave vessel "*Africano Atrevido*" is mentioned as having been brought, by an order of the Imperial Government before the Mixed Court for adjudication, I have the honour to inform you that I have received an official notification from Her Majesty's Commissioners, to the effect that, inasmuch as the capture was made by a detachment of national guards, the Court could not take cognizance of the case.

I have the honour to enclose a translation of the *despacho* which was sent to the Imperial Government, stating this decision of the Court.

It may be remarked, that had the Mixed Court acted in the case of the "*Pompeio*" as it has in that of the "*Africano Atrevido*," *i. e.* declared its incompetence to take cognizance of the case, inasmuch as it was of opinion that the vessel was illegally captured, the "*Pompeio*" might have been proceeded against otherwise. But, by apparently entertaining the case, and acquitting the vessel on account of the mode of capture, and awarding damages, the slave dealers have obtained a great advantage.

The "*Africana Atrevido's*" case may still be sent before a jury for trial, and although it is almost hopeless to expect the condemnation of any vessel or person for slave-dealing by a Brazilian Court, yet the mere trial would have a discouraging effect to the slave-trading interest. In the case of the "*Pompeio*" a final sentence was given, although the capture was declared not according to Treaty, as in the present case.

Enclosure in No. 140.

(Translation.)

Notification.

It not belonging to this Commission, in virtue of the First Article of the Instructions, to take cognizance of any vessel not detained by the cruisers of either the Brazilian or British nation (excepting what is laid down by the fourth paragraph of the *Alvara* of the 26th June, 1818) and it appearing from these Papers that the brigantine "*Africano Atrevido*" was detained by the military authorities of the port of St. Francisco, let the said papers be returned to the Government of His Majesty the Emperor, in order that they may be taken into consideration, as the law may require.

Rio de Janeiro, April 6, 1840.

(Signed)

CARNEIRO.
G. JACKSON.

A true Copy.
(Signed)

BRAZ. MARTINS DE COSTA PASSOS, *Secretary.*

No. 141.

*Extract of a Despatch from Mr. Ouseley dated Rio de Janeiro,
April 14th, 1840.*

(Received June 3.)

I HAVE the honour to enclose a copy and translation of a Note that I have received from his Excellency Senhor Lopes Gama, on the subject of certain prizes made on the coast of Africa, some years ago, not condemned by the Mixed Court at Sierra Leone.

Enclosure in No. 141.

*Extract of a Letter from M. Lopes Gama to Mr. Ouseley, dated
Rio de Janeiro, February 26th, 1840.*

THE Undersigned, &c., has the honour to address Mr. W. G. Ouseley, &c., upon two questions, many years pending between their respective Governments, and solution of which affects in the highest degree the development and consolidation of the intimate relations which happily unite them. One of these consists of indemnities claimed on account of prizes made by British cruisers on the coast of Africa, and adjudged bad by the Mixed Commission itself at Sierra Leone. The other has in view the abolition of the Conservatorial Court.

The representations addressed to the British Government on these points have, up to the present moment, produced no satisfactory result.

It is not certainly necessary for the Undersigned to explain to a penetrating and judicious observer the degree of additional difficulty, encountered by the Imperial Government, in reconciling the public opinion of Brazil to the cause of the extinction of the Slave Trade, in consequence of failure of representations to the British Government in favour of individual interests seriously injured.

Mr. Ouseley is aware of the obstinacy of prejudices proceeding from habit; he knows the loyal intentions of the Imperial Government, and has not doubtless forgotten the energetic discussions, which took place in the Parliamentary tribunal during the course of the last Legislative Sessions, and will anticipate the renewed vigour with which they will shortly be repeated: his experience in affairs will enable him to appreciate the impressions which must be produced, both for the present and for the future, by the just arguments so frequently brought forward by the representatives of the nation.

In proportion as the Treaty of Commerce of 1827 approaches its term, so much the more do the public and its legitimate organs regret the delay of England in satisfying the just claims of Brazil.

With regard to the prizes, the Government of Her Majesty the Queen of Great Britain will doubtless perceive the difficulties resulting from them, in proving the fact of the existence, in the Conventions concerning the Slave Trade, of a real alliance between Brazil and England; an alliance, always supposing mutual obligations, a reciprocal desire between the contracting parties of assisting each other, and an equal regard for their respective rights. But the injured Brazilians, as well as the entire nation, will continue to doubt the existence of this union so long as the British Government neglects the reclamations of the subjects of His Imperial Majesty, deprived of their property ever since the period when it was considered as legitimate as is any of that, which England now places under the safeguard of a justly merited protection.

In submitting these reflections to Mr. Ouseley the Undersigned does not conceal the fact that they weigh deeply upon the mind of the Imperial Government, now on the approach of the period when they are called upon to render to the representatives of the nation an account of the state of public affairs; and that he sincerely hopes to be enabled to announce to the Chambers, shortly after their meeting, that Her Britannic Majesty's Government have taken into due consideration the reclamations so often urged by the Ministers of His Imperial Majesty, as well as by the Representatives of Brazil at the Court of London.

Nothing would more fully prove, in the eyes of the Brazilian nation, a reciprocity of esteem and consideration on the part of Great Britain, nothing more speedily silence the clamours of the public press, or materially assist the Imperial Government in co-operating with the British Government in the noble task in which they joined in 1826, than such a proof of justice; and the Undersigned

would consider himself fortunate could he thus demonstrate, that in a cause so dear to humanity, enlightened Britain despises neither individual rights, violated evidently by the false zeal of those who commanded her cruizers on the Coasts of Africa, as also that whilst protecting the interests of her own subjects, neither does she forget either the rights or generous susceptibilities of a friendly nation.

No. 142.

Viscount Palmerston to Mr. Ouseley.

SIR,

Foreign Office, July 6, 1840.

I HAVE received your Despatch of the 14th April, 1840, enclosing a Note from M. Lopez Gama, in which that Minister urged a satisfactory settlement of claims brought forward by the Brazilian Government, for indemnities to Owners of certain Brazilian slave-vessels, which had been detained by British cruizers, because they were illegally trading in slaves, but were afterwards released by the Mixed Commission, because the Captors, in detaining them, had outstepped the authority delegated to the cruizers under the Convention.

These claims were first urged by the Government of Portugal upon the British Government in the year 1823, when Brazil formed a part of the dominions of Her Most Faithful Majesty, and they have been brought forward anew by the Government of Brazil at various times since that country was separated from Portugal.

The question of their admission or rejection has turned upon the interpretation of the spirit of the Convention of 1817 between Great Britain and Portugal, and in particular of Article 9 of the Instructions annexed to that Convention, for the guidance of the Commissioners in awarding compensation; and in the year 1823, Mr. Secretary Canning, on a full consideration of the question, formally declared to the Portuguese Government, on the part of the Government of Great Britain, that in point of equity no compensation whatever could be due to traders engaged in illegal Slave Trade.

The Government of Her Most Faithful Majesty did not combat the proposition involved in that declaration, and the claim of the slave-traders for compensation for their losses in illegal trade remained in consequence unsatisfied.

A discussion on the same point took place between the British and Brazilian Governments in the year 1827, when the declaration of Mr. Secretary Canning was quoted by the Earl of Dudley, Secretary of State, as a precedent to be adhered to in all cases of captures irregularly made of slave-vessels found trading illegally: and in the correspondence which took place at that time upon the subject between the Governments of Brazil and Great Britain, the British Envoy at Rio, justly observed to the Brazilian Minister, that "if compensation should be allowed to slave-traders for losses incurred in their illegal undertakings, encouragement would thereby be given to the violation of the special object of the Convention, which is to prevent illegal Slave Trade."

The Brazilian Government, however, again advanced these claims in the year 1834, and His Majesty's Government having taken them into consideration, I stated to M. Ribeiro in my Note of the 11th August of that year, that "His Majesty's Government concurred entirely in the justice of the line taken on this point by His Majesty's Government in the year 1827."

Her Majesty's Government have now again considered the case of these claims with reference to the representation of them made by M. Lopez Gama in his Note to you of the 26th February, 1840. But Her Majesty's Government cannot see in that Note any facts or arguments that invalidate the opinion, which the British Government have so often pronounced upon these claims; and I regret to have to repeat to you the declaration, which I made to M. Ribeiro in my Note above referred to, that Her Majesty's Government cannot consent to pay to these offending parties anything in the shape of compensation, for any loss or expenses incurred by them in such illegal undertakings.

You will read this Despatch to M. Lopez Gama; and you may leave a copy of it with him, if that Minister wishes you to do so.

I am, &c.

W. G. Ouseley, Esq.
&c. &c. &c.

(Signed)

PALMERSTON.

No. 143.

*M. Lisboa to Viscount Palmerston.**No. 7, Milton-street, Dorset-square, August 2, 1840.**(Received August 5.)*

LE Soussigné, Chargé d'Affaires de Sa Majesté l'Empereur du Bresil, a l'honneur de porter à la connaissance du Vicomte Lord Palmerston, Principal Secrétaire d'Etat de Sa Majesté Britannique au Département des Affaires Etrangères, que le Gouvernement de Sa Majesté Impériale vient de nommer Monsieur Hermenegildo Frederico Nitheroy, à la place vacante de Commissaire Arbitre de la Commission Miste Brésilienne et Anglaise séante à Sierra Leone.

Monsieur Nitheroy devant se rendre incessamment à sa destination, muni du Diplôme qui lui confère la susdite qualité de Commissaire Arbitre Brésilien, le Soussigné s'empresse de prier son Excellence Vicomte Lord Palmerston de vouloir bien lui donner acte de la présente nomination; en ayant aussi la bonté de faire expédier les communications d'usage aux Autorités Britanniques de la Commission Miste de Sierra Leone, afin que Monsieur Nitheroy y soit dûment installé dans ses fonctions officielles.

Le Soussigné, &c.

(Signé) MARQUES LISBOA.

Son Excellence Vicomte Lord Palmerston, G.C.B.,
 &c. &c. &c.

(Translation.)

*M. Lisboa to Viscount Palmerston.**No. 7, Milton-street, Dorset-square, August 2, 1840.**(Received August 5.)*

THE Undersigned, &c., has the honour to inform Viscount Palmerston, &c., that the Government of His Imperial Majesty has recently named M. H. F. Nitheroy to the vacant situation of Commissioner of Arbitration in the Brazilian and English Mixed Commission sitting at Sierra Leone.

As M. Nitheroy intends immediately to proceed to his destination, furnished with the Diploma which confers on him the aforesaid office of Brazilian Commissioner of Arbitration, the Undersigned hastens to request His Excellency Viscount Palmerston to have the goodness to give him act of the present nomination, and also to make the usual communication to the English Authorities of the Mixed Commission at Sierra Leone, in order that M. Nitheroy may be duly installed in his official functions.

The Undersigned, &c.

(Signed) MARQUES LISBOA.

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

No. 144.

*Viscount Palmerston to Mr. Ouseley.**Foreign Office, August 13, 1840.**Circular sending Papers presented to Parliament.*

(Extract.)

No. 145.

*Mr. Ouseley to Viscount Palmerston.**Rio de Janeiro, May 28, 1840.**(Received August 13.)*

MY LORD,

RESOLUTIONS and petitions of different provincial Assemblies in this empire in which the general Legislature is urged to revoke the law of November 7th, 1831, for the effectual suppression of the Slave Trade, and rendering illegal the holding

in slavery newly-imported Africans, having been presented to the Chambers, a motion was made by one of the Members of the opposition party in the Chamber of Deputies for at once annulling that law, and even for giving it a retroactive effect, and declaring that all negroes now held in slavery, whether newly imported or not, shall legally be considered as the property of the persons, at present claiming them as slaves.

This motion is, in effect, a revival of the proposition made some time ago by the Marquis of Barbacena, and, like the law proposed by his Excellency, contains many excellent provisions, rendered, however, entirely nugatory by the last clauses, which would inevitably encourage and revive the Slave Trade in all its force.

The proposal gave rise to some animated debates, which were, however, stopped by a call for a secret session, made by the leading member of the ministerial party in the Chambers, Senhor Honorio Hermeto.

The slave-trading party is so strong, and has made such efforts lately to force the Government on certain measures, that notwithstanding the absence of the Marquis of Barbacena, there was reason to fear, that the revocation of the laws of the 7th November, 1831, would be hurried through the General Assembly.

I had an interview with the Brazilian Minister on the subject. The results of the verbal and written remonstrances that I thought it my duty to make on this occasion, have, I believe, had some effect. Senhor Lopes Gama, after at different times expressing doubt and difficulty, finally assured me, that the Imperial Government would be enabled to prevent the proposed revocation from being carried into effect. I have, therefore, for the present, refrained from writing a formal Note on this subject.

No. 146.

Mr. Ouseley to Viscount Palmerston.

(Extract.)

Rio de Janeiro, May 28, 1840.

MY LORD,

(Received August 13.)

THE enclosed correspondence took place on the capture of the "*Treze de Junho*," a slave vessel, under Portuguese colours, taken, soon after leaving this harbour for Benguela, on the 28th of March last. I was aware that great interest would be made by the Owner of the "*Treze de Junho*," and his friends, to obtain the interference of the Imperial Government for the release of that vessel, and also that he, the owner, was better prepared with proofs of the apparent legality of his intended speculation than any slave traders have lately been. I will not trouble your Lordship with the details of this case, (which I should earlier have had the honour of laying before you, but for the press of other matters, and a temporary indisposition,) but briefly mention that so clear and ostensibly honest did the testimony in respect to the "*Treze de Junho*" appear, that I was at first doubtful whether it would not be right to recommend the release of that vessel. I subsequently ascertained, however, that no doubt could exist of the employment of the vessel in question in the Slave Trade. She had made three or four voyages already to the Coast of Africa, and each time brought home a legal cargo, and, in addition, about from 30 to 50 negroes (perhaps as the speculation or mode of payment of the clerks and others in the house of the Owner, as is sometimes the case) and then, landing these negroes in the neighbourhood, entered with a regular cargo

But, on the present occasion, it was intended to trade upon the good character that the vessel had acquired by her former voyages, and to make a grand speculation, for which purpose a large cargo was laid in, and money and bills for purchasing negroes taken.

Having once satisfied myself that no moral doubt could exist of the illegal nature of the voyage, I considered it my duty to further, in every way, the views of the Captor, Captain Preston, commanding Her Majesty's ship "*Curaçoa*," and accordingly, on receiving the two Notes of the 6th of April, I replied by the Note No. 3. Subsequently it had been determined to send the "*Treze de Junho*" to Barbadoes, (the vessel not being in a state to proceed to the Cape of Good Hope at this season of the year,) and I ultimately addressed the Note No. 4, announcing officially to Senhor Lopes Gama the intended departure of the vessel.

First Enclosure in No. 146.

(Translation.)

*M. Lopes Gama to Mr. Ouseley.**Rio de Janeiro, April 6, 1840.*

THE Undersigned, &c. perceiving, by this morning's newspaper, that the British corvette "Curaçoa," entered this harbour yesterday with a Portuguese prize, a merchant vessel, which had sailed from hence for Benguela, on the 28th ultimo, hastens to request of Mr. Ouseley the information which the Imperial Government has a right to expect from the legation of Her Britannic Majesty at this capital, with reference to this occurrence.

The Undersigned, &c.,

(Signed) CAETANO MARIA LOPES GAMA.

W. G. Ouseley, Esq.

&c. &c. &c.

Second Enclosure in No. 146.

(Translation.)

*M. Lopes Gama to Mr. Ouseley.**Rio de Janeiro, April 6, 1840.*

THE Undersigned, &c., had scarcely despatched to Mr. Ouseley, &c. his Note of this date, when he received from Francisco Fernandes Guimaraes a petition, in which he declares himself to be the owner of the Portuguese brigantine named "Treze de Junho," which, having sailed for Benguela on the 28th ultimo with despatches from this government, and from the Portuguese consulate, entered this port yesterday as prize to the British corvette "Curaçoa."

In consequence of this declaration, it is the duty of the Undersigned to inform Mr. Ouseley, that the Imperial Government feels sure that the said Portuguese vessel will not leave this harbour, without its being satisfactorily ascertained if she be or not in the above circumstances; and he hopes that Mr. Ouseley will, to this end, immediately communicate with the Commander of the said corvette.

The Undersigned, &c.,

(Signed) CAETANO MARIA LOPES GAMA.

W. G. Ouseley, Esq.

&c. &c. &c.

Third Enclosure in No. 146.

*Mr. Ouseley to M. Lopes Gama.**British Legation, Rio de Janeiro, April 7, 1840.*

THE Undersigned, &c., has had the honour of receiving the two Notes of yesterday's date, addressed to him by his Excellency, Senhor C. M. Lopes Gama, requesting information respecting the Portuguese vessel "Treze de Junho," captured and brought into this harbour by Her Majesty's ship "Curaçoa."

In reply to the above mentioned Notes, the Undersigned can only, at present, observe, that from what has, as yet, come to his knowledge on the subject, he is of opinion that the "Treze de Junho" has been detained in pursuance of the instructions given to Her Majesty's squadron, founded upon the late Bill, passed by the British Parliament, for the purpose of effectually suppressing the Slave Trade, as carried on by vessels under the Portuguese flag.

As soon, however, as the Undersigned shall receive from Captain Preston, the Captor of the above vessel, or from Her Majesty's Consul, any official explanation of the circumstances attending her capture, and the grounds upon which the former considered himself justified in detaining her, he will have great pleasure, as a matter of courtesy, in communicating its substance to Senhor Lopes Gama, and he will likewise make it his business duly to inform his Excellency, should it be finally decided by Captain Preston, as Commander of Her Majesty's ship "Curaçoa," and in fulfilment of his instructions, to submit the "Treze de Junho" to the jurisdiction of the British and Brazilian Mixed Commission Court of Rio de Janeiro.

(Signed) W. G. OUSELEY.

Senhor C. M. Lopes Gama,

&c. &c. &c.

CLASS B.

Fourth Enclosure in No. 146.

Mr. Ouseley to M. Lopes Gama.

British Legation, Rio de Janeiro, April 19, 1840.

WITH reference to the Note which the Undersigned, &c. had the honour to address to his Excellency Senhor Lopez Gama, &c., on the 7th instant, in reply to those of his Excellency, on the subject of the capture of the "*Treze de Junho*" by Her Majesty's ship "*Curaçoa*," the Undersigned hastens to inform Senhor Lopes Gama, in conformity with the assurances that he has had the honour to give, that Captain Preston, the Commander of that corvette, has this moment communicated to the Undersigned his decision with respect to the "*Treze de Junho*."

The detention of the Portuguese patacho by the "*Curaçoa*" was, as the Undersigned conjectured, in virtue of the instructions issued to Her Majesty's naval officers, under the late Act for the effectual suppression of the Slave Trade under the flag of Portugal. On the receipt of Senhor Lopes Gama's communications, the Undersigned took upon himself to suggest to Captain Preston, that the Mixed Court of Commission, established at this Capital, might be the competent tribunal for the adjudication of the "*Treze de Junho*," and recommended a re-examination of the papers and contents of that vessel, with the view of bringing it before that Court.

As the captured vessel was in a very bad state, for undertaking any voyage in which she was likely to encounter bad weather, and was unprovided with even a single sail or rope beyond those in use, it was requisite, at all events, that she should remain in this harbour for some days, and therefore Captain Preston made no objection to the recommendation of the Undersigned, simply observing that, having detained the "*Treze de Junho*," under the late instructions, and moreover the Brazilian Commissioner having, on previous occasions, declared that he did not think himself authorized to take cognizance of the case of an outward-bound slave-vessel, it did not appear to him that he could bring the patacho before the Mixed Court.

Finally, Captain Preston this day informed me, that he must act in conformity with his instructions, and send the "*Treze de Junho*" before a British Vice-Admiralty Court, as she came clearly within the conditions specified in those instructions, inasmuch as her Papers were entirely irregular, and the correspondence on board amply proved participation in slave-trading transactions. Besides, some slave irons were found on board, as well as an extra quantity of leaguers and casks; and an extra quantity of farinha in bulk, besides that entered in the Manifest. Under these circumstances, the Captor could not do otherwise than send the vessel away immediately, to be brought before a British Vice-Admiralty Court.

The Undersigned, in making this communication to His Excellency Senhor Lopes Gama, cannot but express his regret at the additional proof afforded by the examination of the "*Treze de Junho*," of the persevering determination of certain Portuguese, established in Brazil, to violate the laws and insult the dignity of the Empire: at the same time that they attack its most vital interests by continuing to carry on a traffic, condemned alike by the Legislature of the country and by the principles of civilization, policy, and humanity, and against which the head of the Roman Catholic church has so lately pronounced himself, in a manner so decided as to leave no doubt of the utter reprobation, in which this odious traffic is held by the Holy See, as by every enlightened and civilized government. Nor is it possible to acquit many of the local authorities of this Empire of connivance and complicity with the foreign and other criminals in question, in the face of circumstances and evidence, which the Undersigned will have the honour, on a future occasion, of bringing to the knowledge of his Excellency the Minister of Foreign Affairs.

The Undersigned avails himself, &c.

(Signed)

W. G. OUSELEY.

Senhor C. M. Lopes Gama.

&c. &c. &c.

No. 147.

*Mr. Ouseley to Viscount Palmerston.**Rio de Janeiro, May 29, 1840.**(Received August 13.)*

MY LORD,

I HAVE much satisfaction in transmitting to your Lordship the enclosed copy and translation of a Note, addressed by the Brazilian Chargé d'Affaires to the Governments of the Republics of Peru and Bolivia, urging them to co-operate in the measures taken by the Governments of Her Majesty and of the Empire of Brazil, for suppressing entirely the importation of Africans into the American continent, and for declaring the Slave Trade to be piracy, and punishable as such; which Note was officially communicated to me by Senhor Lopes Gama, the Brazilian Minister of Foreign Affairs, on the 28th ultimo. His Excellency states, that he communicates this information "as another convincing proof of the philanthropic and loyal intentions of the Imperial Government upon this important subject; testifying, as it does, the zeal of its agents to assist in the total abolition of that traffic."

I have, &c.

(Signed)

W. G. OUSELEY.

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

&c.

&c.

&c.

Enclosure in No. 147.

(Translation.)

*Senhor Ribiero to the Peruvian and Bolivian Ministers for Foreign Affairs.**Legation of Brazil, Lima, February 18, 1840.*

THE Government of His Majesty the Emperor of Brazil, having agreed with that of Her Britannic Majesty in putting an end to the nefarious traffic in slaves with the Coast of Africa, and in considering as acts of piracy the continuance of that execrable traffic, has ordered its agents accredited with the neighbouring Governments to co-operate with those of Great Britain to induce these Governments to take part in this undertaking, which humanity and civilization call for; and the Undersigned, Chargé d'Affaires of His Imperial Majesty in the Republics of Peru and Bolivia, knowing that the Representative of Her Britannic Majesty has lately invited the Peruvian Government to conclude a Treaty, which will contribute to the proposed end, that of abolishing for ever the importation of African slaves to the American continent, and impose on the infringers the pains applied to pirates on the high seas, it is his duty to address the Minister for the (Foreign) Relations of Peru, in order that he may be pleased to make known to his Government this resolution of His Imperial Majesty, and his earnest desire that that of Peru should accede to the proposed Treaty, which so much interests humanity, and is called for by the enlightened philosophy of the present age. On this occasion the Undersigned reiterates, &c.

(Signed)

DUARTE DA PONTA RIBEIRO.

The Minister of the Foreign Relations of the Peruvian Republic,

&c.

&c.

&c.

N.B. The same was sent to the Bolivian Minister of Foreign Affairs.

(A true copy.)

(Signed)

DUARTE DA PONTA RIBEIRO.

BENTO DA SILVA LISBOA.

No. 148.

*Viscount Palmerston to Monsieur Lisboa.**Foreign Office, August 22, 1840.*

THE Undersigned, &c. has had the honour to receive the Note which was addressed to him on the 2nd instant by M. Lisboa, Chargé d'Affaires to His Majesty the Emperor of Brazil, announcing that His Imperial Majesty has ap-

pointed M. Hermenegildo Frederick Nitheroy to be His Imperial Majesty's Commissioner of Arbitration in the Mixed British and Brazilian Court of Commission, established at Sierra Leone under the Convention between Great Britain and Brazil for the suppression of the Slave Trade; and the Undersigned begs to acquaint M. Lisboa, that the necessary steps have been taken for notifying M. Nitheroy's appointment to Her Majesty's Commissioners, and to the British colonial authorities at Sierra Leone.

The Undersigned, &c.
(Signed)

PALMERSTON.

M. Marques Lisboa,
&c. &c. &c.

No. 149.

Viscount Palmerston to Mr. Ouseley.

SIR,

Foreign Office, August 22, 1840.

WITH reference to your Despatch, of the 13th April, 1840, respecting American vessels fitted up at Rio de Janeiro with equipment for Slave Trade, I herewith transmit to you, for your information, a copy of a Letter which, under my directions, has been addressed upon that subject by one of the Under Secretaries of State for this department to the Admiralty.

I am, &c.
(Signed)

PALMERSTON.

W. G. Ouseley, Esq.
&c. &c. &c.

Enclosure in No. 149.

Lord Leveson to the Secretary to the Admiralty.

SIR,

Foreign Office, August 8, 1840.

I LAID before Viscount Palmerston your Letter of the 3rd June, 1840, respecting the "*Pilgrim*," a vessel under the flag of the United States, which had taken on board at Rio de Janeiro boilers and other apparatus, constituting equipment for a slave-trading voyage; and I am directed by Lord Palmerston to acquaint you, that his Lordship referred your Letter to the Queen's Advocate, together with a communication which Lord Palmerston had received on the same subject from Her Majesty's Chargé d'Affaires at Rio de Janeiro.

And I am to request, that you will state to the Lords Commissioners of the Admiralty, that the Queen's Advocate has reported his opinion, that this case differs materially from those in which the American flag has been colourably assumed, for the purpose of covering property of the subjects of Spain, or of any other State with which Great Britain has entered into Treaties, giving the mutual right of visiting and searching merchant ships in the high seas.

Her Majesty's Minister at Rio represents the "*Pilgrim*" to be really an American vessel; and as there is no Treaty between this country and the United States, by which Great Britain has acquired the right of visiting and searching American ships on the high seas, the Queen's Advocate is of opinion, that British cruisers would not be justified in interfering with the "*Pilgrim*," or with any other American vessel having a similar cargo, and bound on a similar voyage.

I have, &c.
(Signed)

LEVESON.

The Secretary to the Admiralty,
&c. &c. &c.

No. 150.

Mr. Ouseley to Viscount Palmerston.

(Extract.)

*Rio de Janeiro, June 1, 1840.**(Received August 23.)*

I HAVE the honour to transmit to your Lordship the enclosed copy of a Letter relating to the capture, by Her Majesty's brig "*Wizard*," of a slave-

vessel, supposed to be the "*Tentador*," which was, after an arduous chase taken under circumstances that do high honour to the vigilance, seamanship, and zeal of Lieutenant Birch, Commander of the "*Wizard*." The difficulties and dangers attending the chase of a vessel among the shoals and intricate passages, between rocks and islands (with which the slavers are perfectly acquainted, they being likewise assisted from on shore by means of the signals, boats, &c., of their accomplices), are very great; and the very indifferent sailing qualities of the "*Wizard*," already weakened by the necessity of sending away men in former prizes, are circumstances which reflect the greater credit upon the manner in which the prize in question was secured.

The "*Tentador*" was sent, as soon as she could be prepared for sea, to the Cape of Good Hope;

Enclosure in No. 150.

Lieutenant J. T. Birch to Commodore Sullivan.

Her Majesty's brig "Wizard,"

Rio de Janeiro, April 15, 1840.

SIR,

I HAVE to submit the following report, in compliance with your desire to be furnished with particulars relative to the chase, and detention, of the brigantine captured by Her Majesty's brig "*Wizard*." At noon, April 9, 1840, in lat. 22° 19' S., long. 40° 50' W., observed a brigantine on larboard tack, standing to the S.W., made sail in chase, trimmed, made sail, shortened sail occasionally. Chase frequently altering her course; 6. 30. lost sight of chase; 7. 45. observed chase crossing bows on larboard tack, fired a musket to bring her to, when she immediately bore up, and made sail for the land; fired two guns, following in chase, wind falling light; at 2, anchored and sent boats in chase; a light breeze springing up, boats returned, having missed chase.

Daylight, observed former chase standing to the southward, weighed, and made sail after her; at 7, chase bore up, and, as we gained on chase, observed her at 8. 30. set studding sails: 11. 30. wind falling light, sent boat in chase; at noon, breeze freshening, made sail, keeping brigantine in sight, who made direct in for the shore and anchored: 4. 30. observed the chase weigh, having been taken possession of by boat at anchor about six or eight miles to the northward of the Periaba River, about two miles from the shore. On the cutter's approach, several boats were observed alongside, which, on nearing her, left for the shore, apparently filled with negroes, and which the stench on board fully confirmed. Tubs also filled with excrement were in her hold. She was abandoned and stripped of almost every thing affording a clue to her nationality, save a few scraps of paper found about her decks, the remains also of an old Portuguese ensign was found in the cabin, used as a bung to a spirit cask; the Brazilian arms were painted on the round house abaft; she never hoisted any colours.

Her rigging was cast adrift, wedges knocked up to assist her sailing in the attempt to escape. Her two guns were loaded with langrage; coppers shipped with a fire under them, and a quantity of jerked beef ready cooked; a large water tub on deck, with reeds used by the negroes to suck the water through; large hatchways with open gratings and bars; a temporary bulkhead of fire-wood; uprights with rough plank nailed athwartships, all covered over with untanned hides nailed against it as a substitute for a slave deck; a large quantity of untanned hides, covering provisions and water casks; shackles, bolts, and handcuffs; a great quantity of water-casks; a quantity of mess-tubs and farinha baskets; a very large boiler shipped; a quantity of farinha and jerked beef in hold.

The cutter, after taking possession of chase, pursued boats making for the shore; on boats rounding reef, cutter returned, weighed prize and closed us; next day she was despatched to Rio de Janeiro.

I have, &c.

(Signed)

J. T. BIRCH,

Lieutenant and Commander.

Commodore Sullivan, C.B.,
 &c. &c. &c.

Mr. Ouseley to Viscount Palmerston.

Rio de Janeiro, July 4, 1840.

(Received August 27)

(Extract.)

SINCE my Despatch of the 28th May last, respecting the attempted repeal of the Law of November 7, 1831, (declaring all illegally imported Africans unconditionally free,) having ascertained that a great effort was about to be made in the legislative body to force that measure through during the present session, finding also that the ministry seemed lukewarm, if at all sincere, in resisting the demands of the slave-dealing party, I thought it my duty to remind the Minister of Foreign Affairs, that Her Majesty's Government could not see with indifference so direct an encouragement given to the African Slave Trade, and such a flagrant violation of the spirit of the engagements of Brazil with England, as would result from the repeal of the law in question.

I addressed, consequently, the Note dated June 3, a copy of which I have the honour to enclose to Senhor Lopes Gama, calling his Excellency's attention to the breach of faith, towards the individuals liberated by a solemn law of the Empire, involved in this question, as well as the extremely unfavourable light in which it would place the character of the Imperial Government generally, and especially for sincere co-operation with that of Her Majesty respecting the Slave Trade; requesting, also, a declaration of the line of conduct which the Imperial Government meant to adopt on a subject in which Great Britain has a right to take an active part, and to share the interest that it excites in Brazil.

By the annexed copy of the Brazilian Minister's answer to my Note, your Lordship will perceive that His Excellency evades the discussion of the real nature of the measures proposed, and declines giving any precise declaration of the line of conduct which the Imperial Government intends to pursue, inasmuch as such a declaration could not, he asserts, be made, consistently with the constitutional powers of the executive Government.

Senhor Lopes Gama enters at some length upon the subject of the Slave Trade and slavery generally, remarks upon the comparative slowness with which Great Britain and other countries abolish the Slave Trade in their dominions, alludes to the difficulties made by certain Governments in acceding to the suppressive measures proposed by Her Majesty's Government, assumes (upon rather slight foundation) great credit for the humanity with which slaves are treated in Brazil, and (with greater justice) affirms, that the class of liberated slaves or their descendants enjoy, in fact, the same rights as any other citizens in this Empire.

His Excellency proceeds then to observe, that the proposed alteration of the law did not come from any member of the Government, that it dates from three years ago, (meaning the first Bill proposed by the Marquis of Barbacena,) that it is not calculated to encourage the Slave Trade, (which is true with the exception of the latter part of it, but, unfortunately, that contains the only provision of the new law likely to be practically carried into execution in this Empire,) that the Bill may be still rejected, or such amendments made as will free it from the objections to which it is now liable, and that it must be recollected that, at present, the executive Government does not possess, during the Emperor's minority, its full share of power.

Senhor Lopes Gama, therefore, declines giving any official declaration on this subject, inasmuch as it could only be founded on his personal responsibility as a minister, and would exceed the limited power of the Imperial Government, and thus compromise that character for upright dealing, from which his Excellency trusts never to depart in his communications with Her Majesty's Government.

First Enclosure in No. 151.

Mr. Ouseley to M. Lopes Gama.

Rio de Janeiro, June 3, 1840.

THE Undersigned, &c. has the honour to address his Excellency Senhor Lopes Gama, &c. on a subject, the deep importance of which to the ultimate success of the efforts, which the Queen's Government and that of His Imperial Majesty have so solemnly engaged conjointly and effectually to employ, for the purpose of utterly extinguishing the Slave Trade, is so obvious as to need no comment.

The measure here alluded to, is the proposed revocation of the law of November 7, 1831, and having already had the honour of bringing this subject earnestly to the attention of Senhor Lopes Gama, both personally and in confidential communication, the Undersigned abstains, at this moment, from making any further observations upon the nature and evident tendency of a proposition, such as that now before the legislative body; so calculated, both in principle and effect, to encourage that criminal traffic, which the repeated declarations, as well as the mutual agreements, of the two Governments, bind them, by every means in their power, completely to suppress.

There never, perhaps, was a moment in which it was of more importance than at present for the Governments of Great Britain and Brazil, both conjointly and separately, strongly and firmly to evince, by energetic acts, the good faith and efficiency of their united determination to put an end to the fatal traffic in human beings, by which Brazil is inundated with uncivilized hordes, iniquitously kidnapped from their native country, and by which the prodigious exertions of Her Majesty's Government, and the expenditure which it has incurred, are sought to be rendered unavailing.

The late decisive measures taken by Her Majesty's Government to suppress the Slave Trade on the Coast of Africa, and in the Portuguese colonies, have already produced a salutary check to the nefarious speculations of the Portuguese and other slave-traders; and the Undersigned is authorized to declare, that those measures will not be abandoned, but, if necessary, enforced with redoubled activity and energy, until the utter and entire annihilation of the traffic in human beings be effected.

It has afforded matter of real satisfaction to the Undersigned to have latterly, on more than one occasion, to communicate to Her Majesty's Government, proofs of a disposition on the part of that of Brazil to co-operate with that of Great Britain in the suppression of the Slave Trade; as well as to convey the assurances, which he has had the honour so frequently to receive from the Imperial Government, of real sympathy in this holy cause; and the Imperial Government is well aware, that that of Her Majesty has of late given strong proofs of the friendly feelings and good understanding, which a belief in that disposition has much contributed to strengthen.

It is, therefore, with perfect confidence that the Undersigned looks to his Excellency Senhor Lopes Gama on the present occasion, for a declaration of the intentions of the Imperial Government to prevent the enactment of any law calculated, like that now under discussion, to favour, directly or indirectly, those engaged in the Slave Trade; and that would be, in effect, opposed to the stipulations and spirit of the Treaty subsisting between Great Britain and Brazil.

The Undersigned trusts that Senhor Lopes Gama will be far from imputing to him on this, or any other occasion, a disposition to remark upon matters belonging only to the Legislature and internal economy of Brazil.

The law in question is, in fact, a sequel to the Treaty for the suppression of the Slave Trade between Her Majesty's Government and that of Brazil; and its adoption was in execution of that Treaty, nor could the Undersigned witness an attempt, assisted by the whole weight and power of the slave-trading interest in this country, supported unfortunately by a venal press, (in the hands, it is true, almost entirely of foreigners,) without, in fulfilment of his duty, reminding his Excellency the Brazilian Minister of Foreign Affairs, of the interest which Her Majesty's Government share with that of this Empire, in the law of the 7th November, 1831.

It would be much to be lamented should any proposition pass, which would render that law inoperative, or tend in any way to encourage the Slave Trade; as the Undersigned would have to protest in the strongest manner, in the name of his Government, against its adoption, which however, with the present enlightened administration, cannot be apprehended: as it is clearly impossible, in law or equity, whatever may, unfortunately, be *de facto* the practice, to deprive of their rights and liberty, guaranteed by the most positive laws and the stipulations of treaty, a multitude of individuals, unaccused even of crime, and living under the protection of the laws and engagements of the Imperial Government, for the sake of securing impunity to their criminal oppression.

The Undersigned repeats, that the possibility of carrying into effect such a violation of all moral and legal right is not to be expected in a civilized country, and by now urgently soliciting Senhor Lopes Gama's most serious attention to the

subject, he confidently trusts to avert the consequences which might arise from the success of a party, alike hostile to the Imperial Government and the best interests of Brazil, and evidently desirous to alter its amicable relations with Her Majesty's Government.

The Undersigned, &c.
(Signed) W. G. OUSELEY.

His Excellency Senhor Lopes Gama,
&c. &c. &c.

Second Enclosure in No. 151.

M. Lopes Gama to Mr. Ouseley.

(Translation.)

Rio de Janeiro, June 19, 1840.

THE Undersigned, &c., has the honour to acknowledge the receipt of the Note which Mr. Ouseley, &c., addressed to him on the 3d instant, with the object of calling his attention afresh to the importance of the project of law sent from the Senate to the Chamber of Deputies, modifying the law of November 7th, 1831, to the consequences that might result from that measure, and to the position in which Mr. Ouseley considers himself to be placed with respect thereto, requesting therefore a declaration of the intentions of the Imperial Government, in order to prevent the adoption of any measures tending to favour, directly or indirectly, individuals engaged in the traffic in slaves.

In no respect does the opinion of the Undersigned differ from that of Mr. Ouseley, as regards the immorality and the evils inherent as well in the traffic as in slavery itself; and the Undersigned will go, perhaps, still further, anticipating the arrival of a period when no people shall be able to conceive, that their ancestors should have supported it for ages. But if time be the best of reformers, all reforms carried into effect without its assistance are always very dangerous and frequently fatal.

It is not, however, the intention of the Undersigned, it is not concordant with his principles, to adduce the argument so often reproduced on the comparative slowness with which the cause of the suppression of the Slave Trade advanced in Great Britain, and the promptness with which it was adopted in Brazil, nor will he revert to the history of the last 50 years in order to cite facts, proving the great prudence with which the enlightened British Government proceeded, when it only depended on its own will to extinguish in the colonies conquered by its victorious arms, not merely the traffic in slaves but even slavery itself. In fine he will not adduce the instance of a Republic founded on the principles of equality and liberty, and in which, notwithstanding, the internal commerce in slaves continues, in which also it has been even recently decreed by Congress, that no proposition tending to favour the views of the abolitionists should ever be taken into consideration by it, and which latterly resists every proposal for giving to any other Power the right of visiting and capturing its merchant vessels. He will not refer to the example of France, which country, although it be more accordant with its ally Great Britain on this important question, does not admit mixed jurisdiction on the interests of its subjects, and has stipulated the condition of a special order of its Admiralty to empower a British cruiser to capture French vessels.

The Undersigned well knows that other nations have manifested less jealousy on these points, and it is sufficient for him to recollect the obligations contracted by Brazil, and their beneficial effects. However it must be remembered that Brazil is a vast continent, and consequently cannot be compared with small islands, in which a certain species of property can, by the generosity of the nation to which they belong, be easily bought up. It must be considered that the form of Government of this empire, if it be not founded on the basis of democratic equality, is so on that of political and civil liberty, and that one of the principal duties of its Government consists in not violating this principle, in favour of any class or of any interest. It is necessary, finally, in order to justly judge of this country, to examine how its inhabitants apply in their domestic life the fundamental principles of their political organization.

Now not only since the establishment of the constitutional system, but from remote periods, the Brazilians have distinguished themselves for their humanity and consideration for the unhappy class of their slaves. In no country, perhaps, has there

always existed so much facility for emancipation, in none is this act of generosity more common, and in none does there exist less intolerance relative to the Africans.

By the Constitution those who may have been born in Brazil, whether freeborn or freedmen, even although their fathers be foreigners, are Brazilian citizens. This article Mr. Ouseley well knows is not merely theoretical. He may constantly observe manifest and numberless proofs of this principle in practice.

So humane a system surely absolves the Brazilian nation from many of the accusations, which may be made against it by evil disposed or superficial observers.

Passing now to the question which constitutes the chief object of Mr. Ouseley's Note, the Undersigned will remind him, that the project of law to which it refers was not brought forward by any Member of the Government; that three years have passed since its first proposal; that it does not belong to the attributes of the Crown to hinder any Member of the National Representation from proposing or not any subject that he may judge worthy of deliberation; that the repeal of the law of November 7, 1831, was not discussed in a secret session but publicly, being debated in various sessions with powerful arguments in either sense, by speakers of opposite opinions, (for it must be here remarked that the said project of law was not, as Mr. Ouseley supposes, calculated to encourage the Slave Trade, inasmuch as one of its principal dispositions is strictly conformable to the stipulations proposed by the Government of Her Britannic Majesty;) that even now it is not the order of the day in the Chamber of Deputies; that amendments may be made in it, if it be not altogether rejected, which may modify it in such a way that it may become free from all just objection; and, finally, that the actual Government, doubly a representative one on account of the Sovereign's minority, does not possess the means, which in ordinary times constitute the equilibrium of the political powers.

In consideration of the circumstances now submitted, and of the spirit of a constitutional Government, assuredly none less than the enlightened advisers of the British Crown, so experienced in the conduct of public business under the representative system, and who have evinced so much consideration for the Legislative Assembly of a mere colony, will feel surprised that the Undersigned does not comply with the wishes of Mr. Ouseley in making the anticipatory declaration which he asks for; which, if made simply by the Undersigned as minister, would possess no further guarantee than his opinion and personal responsibility, and if made in the name of the Imperial Government would be an exceeding of its powers or a want of sincerity; whereas on the contrary, the Undersigned piques himself on nothing more than on always characterizing his correspondence with the worthy representative of the Government of Her Britannic Majesty, by the sincerity and good faith of his language.

In consequence of this invariable rule of conduct, the Undersigned does not hesitate to assure Mr. Ouseley, that his Note of the 3d instant was laid before the Regent in the name of the Emperor, that the Imperial Government will make all convenient use of it, and that it will not fail, besides this, to employ all its care, in an object which merits such high consideration.

The Undersigned, &c.,

(Signed)

CAETANO MARIA LOPES GAMA.

W. G. Ouseley, Esq.
&c. &c.

No. 152.

Mr. Ouseley to Viscount Palmerston.

Rio de Janeiro, July 4, 1840.

(Received August 27.)

MY LORD,

WITH reference to the instructions contained in your Lordship's Despatch, of the 30th April last, directing me to protest, in the name of Her Majesty's Government, against the embargo or mortgage allowed by the Brazilian authorities to be laid upon the proceeds of the "*Maria Carlota*," condemned slaver, I have the honour to refer your Lordship to the enclosed correspondence, by which it will appear that, in some measure, I anticipated your Lordship's intentions in respect to the case of that vessel.

The Enclosure No. 1 is a copy of a Letter, dated December 14th, 1839, from

CLASS B.

Mr. Hesketh, acting for the captor, mentioning that a citation had been left with him by direction of the Municipal Judge, to allow a claim of mortgage on the "*Maria Carlota*."

Subsequently finding that no steps had been taken for carrying into effect the sentence of the Mixed Commissioners, I made some inquiries, through Mr. Grigg, Her Majesty's Commissioner of Arbitration, on the subject, and on the 21st December received an official notification from Her Majesty's Commissioners of the embargo or mortgage that had been allowed to put a stop to the sale of the "*Maria Carlota*," and mentioning the very objectionable nature of that claim. In consequence I wrote the Note dated December 23d, a copy of which I have the honour to enclose, principally relating to the proceedings in the case of the vessel in question, in which, after showing to the Brazilian Minister an unwillingness to believe that the Imperial Government could sanction such an attempt to impede the execution of the sentence of the Court, attributing it to the unauthorized conduct of the Municipal Judge, I mentioned that I should be under the necessity of protesting, on the part of Her Majesty's Government, (unless his proceedings were immediately stopped by the Imperial Government,) against such an unwarrantable course.

In reply to that Note I was assured that information would be asked through the department of justice, and that I should receive an early reply. Thus the matter rested for some time. I made, however, personally, from time to time, inquiries, through Her Majesty's Consul, Mr. Hesketh and Mr. Grigg, as to the state of the business. The press of other matter, and the divided and uncertain state of the ministry, rendered it useless to hope for a decision in this or any similar case during a space of some months. Early in May, however, finding, from communication with Mr. Grigg, that the case of the "*Maria Carlota*" appeared to make no progress, I asked the Brazilian Minister to interfere at once, now that his position in the Ministry appeared to be strong; and afterwards wrote the Note dated May 9th, a copy of which forms Enclosure No. 3, repeating the request for the interference of the Imperial Government, and expressing surprise that the case had been suffered to remain so long without a satisfactory settlement, in conformity with the sentence of the Mixed Court, and intimating that interest, as well as compensation for damages and delay, would be demanded for the proceeds of the "*Maria Carlota*."

On the 13th of May I received an official answer from the Minister of Foreign Affairs, stating that he had referred the matter to the new Minister of Justice, and would lose no time in answering my Note, the moment he received a reply to his inquiries.

Being now furnished with your Lordship's instructions, I shall again address Senhor Lopes Gama, protesting against the whole proceedings.

I have, &c.

(Signed) W. G. OUSELEY.

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

&c. &c. &c.

First Enclosure in No. 152.

Mr. Hesketh to Mr. Ouseley.

SIR,

Consul's Office, Rio de Janeiro, December 14, 1839.

I HAVE the honour to enclose, for your information, the original and translation of a citation, lately left at this office by direction of the Municipal Judge.

The object of this summons is to allow a claim on behalf of João Perreira de Andrade upon the proceeds of the sale of the "*Maria Carlota*," a claim which I understand was also put forward when that vessel was first libelled before the Mixed Commission Court, on the plea that the vessel was hypothecated by the owner to the claimant for debt, but which claim the Commissary Judges refused to admit.

As the Power of Attorney I hold from the captor of the "*Maria Carlota*," is for the sole purpose of attending to the case before the Mixed Commission Court, I do not conceive myself authorized to attend to the summons; but as the Municipal Judge is charged with the execution of the sentence of the "*Maria Carlota*," I have made known to the Commissary Judges the fact of this citation, under the presumption that they will take care that their sentence is executed in the customary manner,

and in conformity to the stipulation of the Treaty, confiscating the condemned vessels for the benefit of both Crowns.

However, under all circumstances I have considered it my duty to acquaint you with the proceedings of the Municipal Judge.

I have, &c.
 (Signed) **ROBERT HESKETH,**
Her Britannic Majesty's Consul.

W. G. Ouseley, Esq.
 &c. &c. &c.

Second Enclosure in No. 152.

Mr. Ouseley to M. Lopes Gama.

SIR,

British Legation, Rio de Janeiro, December 23, 1839.

I HAVE the honour to transmit to your Excellency copies of some communications that have passed between Her Majesty's Consul and the Municipal Judge, as well as between the British Judge Conservator *ad interim* and Mr. Hesketh, on the subject of the sale and claim for damages of the brig "*Pompeo*."

Mr. Hesketh has also received a communication from the Juiz Municipal, stating that an embargo had been laid upon the sale of the "*Maria Carlota*," and that that Officer has taken upon himself to admit such a proceeding. Subsequently to these communications, I have also received an official notification from Her Majesty's Commissioners, to the effect that the Juiz Municipal has announced to the Mixed British and Brazilian Court that the sale of the "*Maria Carlota*" could not be completed, on account of the embargo, granted by the Minister of Justice, preventing that sale, at the private suit of an individual, José Pereira de Andrade, who pretends to have a claim on the said vessel.

The pretension thus put forward of staying proceedings in execution of the sentence of the Mixed Commission is so utterly untenable and extraordinary, that it could scarcely be supposed that it was seriously made, had not the ultimate sale of the vessel and appurtenances been most improperly delayed by the Municipal Officer, in consequence of this absurd claim.

It becomes necessary, however, to trouble your Excellency on this subject, in order to request your immediate instructions to prevent either in this, or any other future instance, that so highly unbecoming a proceeding as this, by which an attempt is made to impede the action of a Court, holding authority under a Treaty between the two Governments, and wholly independent of the jurisdiction which an individual has presumed to interpose between a sentence of the Mixed Court and its execution, be persisted in.

With respect to the citation from the same Juiz Municipal to Mr. Hesketh, as Agent for the captor of the "*Pompeo*," it will be sufficient to remark, that Mr. Hesketh can only act as Agent before the Mixed Court, and that it does not belong to the Municipal Judge to assess or estimate any damages that may be awarded by the Mixed Commission, but to that Court alone, as will appear by reference to the 3rd and 8th Articles of the Regulations for the guidance of the Mixed Commission.

All proceedings, therefore, of the Juiz Municipal, or of any other Officers or Court excepting the Mixed Commission, for estimating, or assessing, or awarding damages, must be considered as invalid; and I take this opportunity of mentioning that a protest is prepared on the part of the captors against such a course, should it be persisted in, and that I only abstain from protesting, on the part of Her Majesty's Government, against such an unwarrantable course as that now assumed by the slave dealers, and those who assist them, as I feel convinced that your Excellency will speedily and effectually take such measures, as will put a stop to the present proceedings, and prevent a recurrence of them on any similar occasion.

I avail, &c.,
 (Signed) **W. G. OUSELEY.**

His Excellency Senhor Caetano Maria Lopes Gama,
 &c. &c. &c.

Third Enclosure in No. 152.

Mr. Ouseley to M. Lopes Gama.

British Legation, Rio de Janeiro, May 9, 1840.

THE Undersigned, &c., with reference to a Note which he had the honour to address to Senhor Lopes Gama, &c., on the 23d of December of last year, relative to the extraordinary and inadmissible pretension of the Juiz Municipal in the case of the condemned slave vessel "*Maria Carlota*," is under the necessity of again appealing to his Excellency on that subject, inasmuch as he learns that the sum for which that vessel, the cargo and appurtenances, were sold, has not yet been paid into the hands of the Commissioners under the Mixed British and Brazilian Commission.

The Undersigned attributed to a misunderstanding, or the delay of official forms, the obstacles that had occurred in the payment of the purchase-money of the "*Maria Carlota*," into the hands of the proper authorities, and concluded that the Note he had the honour to transmit to the Minister of Foreign Affairs on this subject had induced his Excellency's effectual interference in the matter. It was not, therefore, without surprise that, having made inquiries, in consequence of an application from the parties interested, the Undersigned lately ascertained that this affair remains still unsettled. It becomes, therefore, necessary again to trouble his Excellency Senhor Lopes Gama with a request, that measures may be taken without delay to cause the sum in question to be paid into the hands of the respective Commissioners, a very long period having already elapsed since the final sentence was published, and the interest, as well as loss or damage, that may result from its non fulfilment having, of course, to be made good to the legal claimants.

The Undersigned, &c.,

(Signed) W. G. OUSELEY.

His Excellency Senhor Caetano Maria Lopes Gama,
&c. &c. &c.

No. 153.

Mr. Ouseley to Viscount Palmerston.

Rio de Janeiro, July 4, 1840.

(Received August 27.)

MY LORD,

I SHALL not fail gladly to abide by the instructions contained in your Lordship's Despatch of April 27th last, by which I am directed to return to M. de Figanière, the Portuguese Minister at this Court, any future Note that he may address to me, for the reasons stated in your Lordship's Despatch.

It is not, however, likely that M. de Figanière will again address me on public matters. Even before I had the honour of receiving your Lordship's previous Despatch, respecting the results of that Minister's propensity to enter into lengthened correspondence and arguments with Her Majesty Legation, the tenor of my latter replies to his Notes was not such as to encourage him to renew similar correspondence.

Having already to apologize for having troubled your Lordship frequently with the mention of M. de Figanière, and his Notes, I do not forward copies of numerous communications that I have received from that Minister, and which have remained unanswered.

But much regretting, as I do, to have incurred your disapproval, by not at once returning those Notes, I venture to quote some passages of my replies to some communications of the Portuguese Minister, which were chiefly written as private or confidential Notes, and prove that little inclination was shown on my part to prolong the correspondence which he so readily volunteered.

My answer, on one occasion, was "That I had no explanation nor official communication to make to the Portuguese Legation," (in the case of one of the prizes taken by the "*Fawn*")—"that I could not see the propriety or advantage of any official correspondence between the Minister of Her Most Faithful Majesty and the Queen's Legation, on this or similar subjects."

At other times I merely acknowledged the receipt of M. de Figanière's communication, without remark.

Second Enclosure in No. 153.

M. Figanière to M. Lopes Gama.

(Translation.)

Rio de Janeiro, March 6, 1840.

By the urgency of circumstances the Undersigned, &c., is compelled to dictate from his bed, where he has been for some days confined by indisposition, this communication to his Excellency Senhor Caetano Maria Lopes Gama, in order to call the attention of his Excellency to the case of the Portuguese bark "*Roxa*," captured in the waters of the empire, to the northward of and near Cape Frio, by the brigantine of war "*Fawn*," which brought her into this port.

The Undersigned will confine himself, on this occasion, to transmitting to his Excellency Senhor Lopes Gama the enclosed representation from the Attorney for the Owner of the said bark, and to claiming the intervention of the Imperial Government, in order to avert the contemplated violence, which it appears is about to be committed shortly, perhaps to-morrow, in removing from the jurisdiction of this empire, wherein she now is, the said bark, and sending her to Sierra Leone, or other foreign parts, which, if carried into effect, would involve a contradiction of the formal declaration made to the Portuguese Legation by the Imperial Government.

The Undersigned renews, &c.

(Signed) J. C. FIGANIERE E MOIRAO.

His Excellency Senhor C. M. Lopes Gama,
&c. &c. &c.

A true Copy,

(Signed) BENTO DA SILVA LISBOA.

Third Enclosure in No. 153.

M. da Rocha to M. da F. e Moirao.

(Translation.)

Rio de Janeiro, March 6, 1840.

Most Illustrious and Excellent Minister Resident of Her Most Faithful Majesty:—

The Brazilian Advocate, Luiz Carlos da Rocha, comes before your Excellency, in the character of Attorney for Domingos Jozé d'Almeida, Portuguese subject, and owner of the Portuguese bark "*Roxa*," to make the following representation.

The said bark having on the 3d February ult. left this Port of Rio de Janeiro, bound to the Azores, with clearances for the Cape Verd Islands, re-entered Rio de Janeiro on the 27th of the same month, brought in by Her Britannic Majesty's brigantine of war "*Fawn*," which on the 24th, in the latitude of Cape Frio, captured her, as was announced in the public journals of this capital.

By the same journals it appears, that the reason for the capture of this bark was the want of a Passport with which she should have been navigated; it seems also that the cause of detention sprung from the suspicion, that she was employed in the illegal traffic in Africans. Such motives are, however, unfounded and necessarily fall to the ground; the first, because the bark having the necessary register ordained by the Portuguese commercial code, which constitutes her sole and primary title to nationality, as is clear and distinct in the legislation of the country, of which your Excellency is the representative at this Court, her nationality was apparent, and consequently the brigantine "*Fawn*" was not authorized to capture her; the Portuguese Government not having conceded to the British Government this right, nor the latter any such power to its cruisers.

Also the suspicion of this vessel's employment in the prohibited and criminal traffic in slaves disappears, inasmuch as neither on board her were found the smallest indications of such being her destination, or was the bark cleared out for the Coast of Africa, which might perhaps have caused suspicion, going first to the Azores and Cape Verd, where the Slave Trade does not exist, as also from the papers which must have been found on board, with the proper letters containing orders and other documents, her just, lawful, and true destination is clearly proved.

There appearing, then, no other motive, and those indirectly alleged being entirely suppositious and idle, immediately on the arrival here of the bark, the petitioner, for the better elucidation of the question, determined to apply to the Consulate-General of Portugal, as, in effect, he did apply, in order that the latter should request the British Consul to allow one of his delegates or agents to proceed on board the bark, or the British vessel of war, where the Captain of the captured vessel was detained, in order to receive his protest against this act, so hostile to the law of nations and to the dignity of the Crown of the August Sovereign of Portugal, thus atrociously treated with contempt by the Commander of the brigantine "Fawn;" however, as the English Consul has not as yet condescended to return any answer to this application, the petitioner himself protested, through the Portuguese Consulate, in the absence, however, of any instructions on the part of the Captain of the "Roza," against the act of capture, he being, together with his companions, forbidden all communication, and in the hands of the British Authorities.

Not satisfied with treating with little or no attention the authority and request of the Vice Consul, ad interim, of Her Most Faithful Majesty,—not satisfied with the scandalous act of capturing a vessel bearing the Portuguese flag, without being authorized by any Treaty between the Portuguese and English nations, without finding the slightest vestige of proof of the bark's being destined for any other commerce, than that for which she was ostensibly employed,—your Petitioner is now informed that the British Authorities intend to send his client's bark direct to the Cape of Good Hope from this port, in order to be there adjudicated, which is an arbitrary and unbecoming innovation.

As, however, this intention, besides being highly derogatory to the Sovereign of Portugal, represented at this Court by your Excellency, besides being very disrespectful to the Brazilian Government, which neither can nor ought now to allow the captured bark to leave this port without taking cognizance of the case, inasmuch as it is within its jurisdiction; it is more and more hurtful to the interests of Domingo Jozé d'Almeida, whom your Petitioner represents as his attorney; Petitioner trusts that your Excellency, immediately on the receipt of this his representation, will determine at once to employ every means in your power, and resort to all the measures you can command, conjointly with the Brazilian Government, to prevent that, at the same time that the honour and fame of the Portuguese and Brazilian nations are treated with contempt, the interests of a subject of Her Most Faithful Majesty, one who respects the laws and is devoted to the throne of his August Sovereign, be prejudiced.

Thus far, then, is the Petitioner warranted to hope from your Excellency, inasmuch as your Excellency is accredited to the Brazilian Government as representative of the August Sovereign the Queen of Portugal Donna Maria II., for whose interests and dignity your Petitioner expects from your Excellency the exertion of all his credit, efforts, assistance, and influence.

(Signed) CARLOS DA ROCHA.
(Countersigned) BENTO DA SILVA LISBOA.

His Excellency Senhor F. e Moirao,
&c. &c. &c.

No. 154.

Viscount Palmerston to Mr. Ouseley.

SIR,

Foreign Office, September 1, 1840.

I HAVE received your Despatch of the 28th May last, enclosing copies of a correspondence, which had taken place between Senhor C. M. Lopes Gama and yourself, respecting the capture of the slave-vessel "*Treze de Junho*;" and I have the satisfaction to acquaint you, that Her Majesty's Government approve the conduct you pursued on that occasion.

I am, &c.

W. G. Ouseley, Esq.
&c. &c.

(Signed) PALMERSTON.

No. 155.

Viscount Palmerston to Mr. Ouseley..

SIR,

Foreign Office, September 2, 1840.

I HAVE received your Despatch of the 28th May last, stating the steps you had taken, on the occasion of a motion made in the Legislative Chambers of Brazil, to repeal the law of the 7th November, 1831, for the effectual suppression of the Slave Trade, and to give a retrospective effect to that repeal, by declaring that all negroes now held in slavery in Brazil, shall legally be considered as the property of the persons at present claiming them as slaves.

I have to inform you, that Her Majesty's Government approve the course you have pursued in regard to this matter; and I have to desire that you will continue to use every proper exertion to prevent the motion for that repeal from being carried, which would have the effect of making slaves of a great number of negroes, who now are by law and treaty free; and Great Britain has, therefore, a right to protest formally against such a law, because it would be a violation of the Treaty between Great Britain and Brazil.

W. G. Ouseley, Esq.
 &c. &c. &c.

I am, &c.
 (Signed)

PALMERSTON.

No. 156.

Viscount Palmerston to Mr. Ouseley.

SIR,

Foreign Office, September 2, 1840.

I HAVE received your Despatch of the 29th May last, enclosing a Note which the Brazilian Chargé d'Affaires at Lima has addressed to the Governments of Peru and of Bolivia, urging them to conclude the Treaty recently proposed to them by Great Britain, for the suppression of the traffic in slaves; and I have to desire that you will express to M. Lopes Gama the thanks of Her Majesty's Government, for this fresh proof of the desire of the Brazilian Government to co-operate with Her Majesty's Government, in putting an end to the trade in slaves.

W. G. Ouseley, Esq.
 &c. &c. &c.

I am, &c.
 (Signed)

PALMERSTON.

No. 157.

Viscount Palmerston to Mr. Ouseley.

SIR,

Foreign Office, September 25, 1840.

I HAVE received your Despatch of the 4th July last, enclosing your correspondence with the Brazilian Minister for Foreign Affairs, respecting the attempted repeal of the law of November 7, 1831, which declares all illegally-imported Africans to be unconditionally free.

I have now to desire that you will state in writing to the Brazilian Minister, that all negroes who have been duly found to have been so imported into Brazil are, by the Treaty between Great Britain and Brazil, entitled to be considered free; and that Her Majesty's Government could not admit, that any law which the Brazilian Legislature may choose to pass, would afford to the Brazilian Government the slightest justification whatever for violating a Treaty between the two countries.

W. G. Ouseley, Esq.,
 &c. &c. &c.

I am, &c.
 (Signed)

PALMERSTON.

No. 158.

Mr. Ouseley to Viscount Palmerston.

Rio de Janeiro, July 18, 1840.

(Received September 23.)

(Extract.)

THE Chevalier Bayard, lately appointed Minister Plenipotentiary from Her Most Faithful Majesty to this Court, arrived on board the Portuguese corvette "*8 de Julho*," a few days ago.

M. Bayard has not yet presented his credentials, and consequently has not visited any of the Corps Diplomatique. He was formerly employed in one of the departments of State in this country, and is a man of ability and good conduct.

M. Figanière is appointed Minister Resident to the United States, and only awaits the arrival of the corvette "*Urania*" to proceed to his post.

It is confidently reported to me that the Senhor J. Baptista Moreira, late Portuguese Consul-General and Chargé d'Affaires, *ad interim*, at Rio de Janeiro, is about to be sent hither again; and that the Portuguese Government insists upon his recognition, by this Government, as Consul-General. Your Lordship is aware of the former misconduct of this person, notoriously deriving a very large income from the payments which he received from the slave traders, for conniving at their proceedings, and furnishing ships' papers and documents, and giving them all the protection, which the abuse of the Portuguese flag, and the influence of his temporary position, enabled him to afford.

Should M. Moreira not immediately arrive, time will be allowed for receiving your Lordship's instructions, as to how far it may be expedient to oppose his recognition as Portuguese Consul-General, by official representations; and I take the liberty of suggesting that such instructions as Her Majesty's Government may think fit to give on this subject be forwarded as early as convenient.

It is well known that M. Moreira received from 600 to 800 milreis on every slave vessel leaving this country, without counting the continual presents from those interested in the Slave Trade, and the gains from vessels coming from the Coast of Africa. As, from Rio alone, the departure of slave vessels used to average between 80 and 100 annually, the large sums received by the late Portuguese Consul-General, every year, are easily accounted for.

No. 159.

Mr. Ouseley to Viscount Palmerston.

Rio de Janeiro, July 18, 1840.

(Received September 28.)

(Extract.)

I HAVE the honour to enclose to your Lordship six copies of a reprint of a pamphlet by the late Senhor Jozé Bonifacio de Andrade, former Tutor of the Emperor, and Deputy from St. Paul's, on the subject of Slavery and the Slave Trade in Brazil.

This essay, remarkable alike for vigour and good feeling, was originally published in Paris, in 1825, and mainly contributed to the success of its author's subsequent efforts, and those of his party, in passing the law of November, 1831, declaring the freedom of illegally imported Africans, &c.

The immediate departure of the packet does not allow of my offering any analysis, or translation, of this pamphlet. A translation was published in English in 1826, by Wm. Watton, under the title of "*Memoir addressed to the General Constituent and Legislative Assembly of Brazil on Slavery*;" and doubtless some copies of this translation are still to be found in London, probably at the original publisher's, Butterworth's, Fleet-street; Ridgway's, Piccadilly; Booth's, Duke-street, Portland-place; and Wilson's, near the Royal Exchange.

I am happy to be enabled to state, that a gradual, but sensible, improvement is perceptible in the tone of the better part of the press, and of society, here on the subject of slavery and the Slave Trade; and generally, that the opinions expressed in society and among Brazilians are decidedly more consonant with sound judgment and good feeling than they were some time ago, notwithstanding the efforts of the Portuguese, a result that is, I conceive, to be attributed to the late acts and to the influence of Her Majesty's Government.

I have, &c.,

(Signed)

W. G. OUSELEY.

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

&c.

&c.

&c.

CLASS B.

Enclosure in No. 159.

Pamphlet entitled "Representação a Assembleia Gerál Constituinte e Legislativa do Imperio do Bresil, sobre a Escravatura, por Jozé Bonifacio de Andrade e Silva, Deputado a dita Assembleia pela Provincia de S. Paulo.

Rio de Janeiro,—reimpresso na Typographia de J. E. S. Cabral. Rua do Hospicio, N. 66. 1840.

No. 160.

Viscount Palmerston to M. Lisboa.

Foreign Office, October 5, 1840.

Circular sending Papers presented to Parliament.

No. 161.

Mr. Ouseley to Viscount Palmerston.

Rio de Janeiro, August 12, 1840.

MY LORD,

(Received October 17.)

It is with much satisfaction that I have the honour of announcing to your Lordship a great diminution in the number of Africans, imported into this capital and its neighbourhood. Instead of an average of 3000 or 4000 per month, or more, at this season, it appears that not more than a fifth or sixth of that number has been introduced. Making allowance for the increased caution and secrecy of the slave dealers, and the consequent difficulty of detection, I am of opinion that not more than four slave vessels have succeeded in landing Africans, (principally in the neighbourhood of Campos and Santos,) during the last six months.

Very great discouragement is felt by the speculators in the Slave Trade, and, notwithstanding the high price at which some of the few "cargoes," as they are called, of negroes, that have been introduced have been sold, (varying now, I am told, from 400 to 500 milreis or upwards per head, instead of from 200 to 300 milreis,) many have been induced to give up, for a term at least, all slave-dealing transactions. The increased price of negroes is alone a sufficient proof of the efficacy of the late measures adopted by Her Majesty's Government for the suppression of the traffic in Africans.

I regret to say that the flag of the United States is now employed in carrying on, or facilitating, the Slave Trade both here and at Bahia. The Sardinian Flag, also, and that of Brazil, are used in taking small numbers, from 10 to 30 young negroes, from this port, and from along the coast, together with a legal cargo and these negroes, all of the class denominated "boçal," or new negroes, are afterwards sold at Monte Video.

Having been asked whether, in my opinion, vessels thus employed were subject to detention and capture, I stated my decided opinion that they were seizable.

A boçal negro cannot be legally held in slavery in Brazil, or sold, inasmuch as the law of November 7, 1831, declares him free. It is not difficult to distinguish the new negroes from the creole, or old negroes, at any age. Those of eight or nine years old must evidently have been imported since the law of 1831 was passed. I do not transmit, on this occasion, the monthly lists that I have been in the habit of forwarding to your Lordship, as the difficulty of procuring correct returns is much greater than formerly, and the actual number of Africans introduced comparatively trifling. I purpose to send an account of the numbers for six months together, and I am in hopes, through a new channel, of shortly being enabled to procure returns, of tolerable accuracy, of the number of negroes fraudulently introduced during that period.

I have, &c,

(Signed)

W. G. OUSELEY.

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

&c.

&c.

&c.

No. 162.

*Mr. Ouseley to Viscount Palmerston.**Rio de Janeiro, August 12, 1840.**(Received October 17.)*

MY LORD,

It is asserted here that two large steamers have lately left the port of London, where they were armed and fitted out for the Slave Trade, and that they have proceeded to the coast of Africa, for the purpose of taking on board a large number of negroes, and making a rapid voyage, either to the West Indies, or to northern parts of this empire. They are described as large vessels, well found, and are said to have been seen by persons on board the "Chili" steamer, which lately arrived here, after a very short passage, from Falmouth.

I shall endeavour to ascertain any further particulars relating to this report, which I think it right, however vague, to mention to your Lordship, as inquiries in England would possibly at once show whether steam-vessels are, in fact, fitted out there for employment in the Slave Trade, and the necessary measures might be taken to counteract a plan, that would render nearly useless the exertions of Her Majesty's sailing vessels in the suppression of that traffic.

I have, &c.,

(Signed)

W. G. OUSELEY.

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

&c.

&c.

&c.

No. 163.

*Mr. Ouseley to Viscount Palmerston.**Rio de Janeiro, August 21, 1840.**(Received October 2.)*

(Extract.)

MY LORD,

THE present conjuncture appearing favourable for urging the ratification of the Additional Articles to the Slave Trade Convention between Great Britain and Brazil, signed in 1835, I took an opportunity of sounding Senhor Aureliano de Souza e Oliviera Continho on the subject, soon after His Excellency entered upon the regular discharge of the duties of his office, and the day before yesterday, during an interview with him at the Foreign Department, I also mentioned the proposal, which I am instructed to make in your Lordship's Despatch of the 31st December, 1839.

I stated to Senhor Aureliano that, as the majority of the Emperor does away with the necessity for applying to the Chambers for a ratification of the Additional Articles, or for that of a new Treaty, it would depend upon the Government alone to act in this matter; and that, knowing the opinions and principles of those who now form the administration of this empire, I looked forward with confidence for a sincere and prompt co-operation with Her Majesty's Government, in adopting every measure best calculated for effectually suppressing the Slave Trade.

His Excellency replied that, as he had before assured me, he now repeated his conviction of the advantage and necessity of putting an end to the introduction of Africans, and that, as I was aware, a favourite project of his had long been the colonization by Europeans of this country, which never could succeed so long as the importation of negroes continued; that the major part of the Cabinet, indeed the Government as a body, was firm in its desire to put a complete stop to the Slave Trade, and to encourage the introduction of European colonists: his Excellency recalled to my mind late publications, proposing a general plan of colonization for Brazil, in which the suppression of the Slave Trade formed a prominent part, and that he now expressed the same opinions, in and out of the House, as he had published when he did not form part of the Administration, and that he could answer for the firmness and good faith of his colleagues on this point; but that, nevertheless, he must proceed with caution in a matter, unhappily but ill understood by the mass of his countrymen, and on which much prejudice existed, and important interests were involved.

I proceeded to communicate to his Excellency the outline of the proposed Treaty, and ultimately stated, as my private opinion, that the immediate ratification of the Additional Articles (although these Articles might be rendered unnecessary by the

new Treaty) need not prevent the negotiation of the new Convention from proceeding, which, as it would necessarily require more time to accomplish, would not afford that opportunity to the Imperial Government to prove its desire cordially to co-operate with that of the Queen on this subject, that might be furnished at once by the prompt ratification of the Additional Articles, depending alone upon the Administration, since the Emperor's majority had been declared; and that, finally, his Excellency must recollect that the proposed Treaty was the result of an overture made by the Imperial Government during the ministry of Senhor Candido B. d'Oliviera, and that Her Majesty's Government had promptly responded to that overture, by making the proposal which I now communicated to him: that his Excellency must be well aware of the difficulties that had hitherto beset this question, but that a new epoch had now commenced, a greater degree of power was vested in the Executive, and consequently, I could not but expect every assistance from the Government, of which his Excellency formed a part, assured that their desire would be to signalize the auspicious commencement of a new reign, by taking measures that would, like this, do honour to the new Government.

Senhor Aureliano seemed to acquiesce generally in my opinions, but reminded me that he was only a part of the present Ministry, who had to consult many conflicting interests, to conciliate hostile parties, and to overcome interested opposition, on all questions relating to Slave Trade; that I was rather too early pressing upon the new Administration the adoption of measures of such importance; and that, although generally he had nothing on a first view to object, yet he must be allowed time, and that he must refer to the archives of the department, and consider the matter well, after I had laid it before him in writing; and that, moreover, his time was so taken up by his duties in the Chambers, and the attendance upon the Emperor, consequent upon his Majesty having so recently assumed the reins of Government, that I must not be surprised if delay should take place in acting upon this and other matters.

Finally, it was agreed, that I should write to his Excellency, forwarding a sort of memorandum, or *note verbale*, with a project of the new Treaty, as also a proposal for the immediate ratification of the Additional Articles, which was not to prejudice the negotiation of the Treaty.

I touched incidentally upon the proposed revocation of the law of November, 1831, which has lately been agitated in the Chambers. Although Senhor Aureliano would not make any positive assurance on this subject, and said that I must be aware that this and similar questions were brought forward for party purposes, and the cry of the Slave Trade party was instantly raised against Government in such cases, still I have reason to think, from what his Excellency said, that the Government will in fact prevent the proposed measure from passing.

No care nor trouble will be spared on my part in availing myself of any favourable circumstances, and making use of every means of obtaining the fulfilment of the instructions, with which your Lordship has honoured me, or in carrying on such negotiations as you have been pleased to intrust me with to the best of my power; and I venture to assure your Lordship that, if little progress has been made in some of the points to be carried with this Government, it ought not to be attributed to a want of zeal on the part of Her Majesty's Legation, but to the uncertain and conflicting state of political parties, which, until the present moment, has paralyzed all effective action on the part of the Brazilian Executive.

I have, &c.

(Signed) W. G. OUSELEY.

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

&c.

&c.

&c.

No. 164.

Viscount Palmerston to Mr. Ouseley.

SIR,

Foreign Office, November 3, 1840.

YOUR several Despatches, marked "Slave Trade," to that of the 21st August, 1840, inclusive, have been received and laid before the Queen.

With reference to your Despatch of the 18th July, wherein you state that "it is confidently reported at Rio de Janeiro that Senhor J. B. Moreira, the late Portuguese Consul-General and Chargé d'Affaires in that country, is about to be sent

thither again, and that the Portuguese Government insists upon his recognition by the Government of Brazil, as Consul-General from Portugal;" I transmit to you copies of a correspondence, which I have had with Her Majesty's Minister at Lisbon upon this subject.

You will perceive, by the enclosed Despatch, that the Portuguese Minister for Foreign Affairs has repeatedly assured Lord Howard de Walden, that M. Moreira was proceeding to the Brazils for his private affairs only; and that he should not resume the functions of Portuguese Consul-General, even if the Brazilian Government should restore his Exequatur.

If, therefore, M. Moreira on his arrival at Rio de Janeiro should attempt to assume the character of Portuguese Consul-General, I have to instruct you to remonstrate officially against the re-appointment and recognition of that individual as Portuguese Consul-General in Brazil.

I am, &c.
(Signed) PALMERSTON.

W. G. Ouseley, Esq.
&c. &c. &c.

First Enclosure in No. 164.

Lord Howard de Walden to Viscount Palmerston.

Lisbon, August 16, 1840,

(See No. 87.)

Second Enclosure in No. 164.

Viscount Palmerston to Lord Howard de Walden.

Foreign Office, September 2, 1840.

(See No. 92.)

No. 165.

(Extract.)

Mr. Ouseley to Viscount Palmerston.

Rio de Janeiro, September 17, 1840.

(Received November 22.)

MY LORD,

IN obedience to the instructions, with which your Lordship honoured me in your Despatch of 31st December, 1839, I have been ever since the receipt of that Despatch in March last, anxiously awaiting a favourable conjuncture for bringing forward the proposals contained in it, for remodelling the Treaty with this Government now in existence, for the suppression of the Slave Trade, and doing away with the present Mixed Commission Court.

For some time past the position of the Regency, and of the successive Administrations since the defeat of the party of Senhor Vasconcellos, had been such as to hold out no hope of successfully commencing the negotiations, with which your Lordship had been pleased to charge me; and I conceived that a premature proposal would have given its opponents a great advantage, in enabling them to prepare means for effectually thwarting a measure, so well calculated to put a stop to the Slave Trade in this country.

Senhor Lopes Gama, whom I sounded, as I did also the Regent, on more than one occasion, although expressing (the former I think very sincerely) their readiness to assist, as far as possible, the views of Her Majesty's Government on this subject, let me plainly perceive that they had no chance of being then enabled to carry a measure such as that proposed; and subsequent events have proved the very precarious nature of the position of the Regent's Government, and the little real power it possessed.

Immediately after the declaration of the Emperor's majority, and when the inevitable consequent public excitement and interruption to public business had ceased in some measure, and the present Ministry had been named, it appeared to me that a favourable opportunity had arrived for putting forward the proposed new

Treaty, upon the basis laid down in your Lordship's Despatch, founded on the former communication of Senhor Candido B. de Oliveira. I therefore entered personally into communication with the new Minister, Senhor Aureliano de Souza de Oliveira Continho, taking advantage of the opening afforded by some late cases of rescue of prisoners, while being conveyed to be examined by the Mixed Commission, and of interference and violence of the mob on similar occasions in this capital, to introduce the subject, and take the sense of the Imperial Government on the proposed Treaty. His Excellency's answer was cautious, but generally satisfactory.

Bearing in mind, however, that although Senhor Aureliano is not a partizan of the Slave Trade, he is by no means so completely committed to adopt measures for its suppression, as his Excellency's colleagues, I thought it advisable at once to address a Note to the Imperial Government, making officially the proposal for entering upon the negotiation, which your Lordship did me the honour to entrust to me. By the enclosed copy of my Note your Lordship will perceive that I thought it advantageous to dwell particularly upon the circumstance of the overture coming first from their own Minister; and by rendering conspicuous the fact of Her Majesty's Government having responded to a desire expressed by that of Brazil, for the proposed alteration in the existing suppressive Treaty, prevent any possible delay or tergiversation on the part of the present Administration, but at the risk of justly incurring a charge of inconsistency, or insincerity in their declarations of hostility to the Slave Trade.

I have not received as yet a written answer to my Note. Senhor Aureliano has, however, verbally assured me of the positive intentions and determination of the present Administration to do all in their power to co-operate with Her Majesty's Government in extinguishing the traffic in Africans, and that I shall find his colleagues and himself ready to enter upon this negotiation in the most cordial manner. His Excellency would, I believe, have preferred a little delay in bringing forward the negotiation of the proposed Treaty, but it appeared to me expedient to make use of the opportunity of appealing to the expectations and hopes, naturally excited by the declaration of the majority of the Emperor, that the auspicious commencement of a new reign would be signalized by carrying into effect a measure, so eminently calculated to further the philanthropic views of Her Majesty's Government, and those professed by Brazil. I trust your Lordship will acquit me of having unnecessarily delayed the proposal of the negotiation of the new Treaty, although those who are unacquainted with this country, and with the difficulties that surround any question relating to the suppression of Slave Trade, may think that it might have been advantageously brought forward long ago. It is from having a full sense of the real weight and utility of the proposed Treaty, and an anxious desire to merit the confidence which your Lordship has been pleased to repose in me, that I have been unwilling to take any step, that might have enabled the slave-trading and Portuguese party in this country to have organized a successful opposition to the wishes of Her Majesty's Government.

As some time must necessarily elapse before the completion of the negotiation of the new Convention can be looked for, I have thought it my duty to bring forward the proposal for the immediate ratification of the Additional Articles (as mentioned in your Lordship's Despatch of the 31st December last), to which I more particularly refer in another Despatch of this date.

I have, &c.

(Signed)

W. G. OUSELEY.

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

&c.

&c.

&c.

Enclosure in No. 165.

Mr. Ouseley to M. Aureliano.

British Legation, August 23, 1840.

THE Undersigned, &c., had the honour to forward a formal proposal from the Imperial Government to that of the Queen, in September, 1839, which proposal had been previously transmitted, in the shape of a Memorandum, by Senhor Candido Baptista de Oliveira, then Minister of Foreign Affairs, which his Excellency declared that the Imperial Government considered as containing a statement of those measures, which appear best adapted to put an end to the traffic in slaves;

and further stating that the Brazilian Government would be ready and desirous to enter upon the negotiation of an agreement with Great Britain thereupon.

The Undersigned is, therefore, now instructed by his Government to communicate to that of His Imperial Majesty, the great satisfaction, with which Her Majesty's Government have received this proposal; and the Undersigned, in conformity with further instructions from his Court, has the honour to inform his Excellency Senhor Aureliano de S. e O. Continho, &c., that he is empowered to enter upon a negotiation, with such Minister as may be appointed on the part of Brazil, to conclude a Convention between Great Britain and Brazil, on the basis laid down in the Memorandum before mentioned.

The Undersigned has the honour to transmit to Senhor Aureliano the draft of a Convention, on the basis proposed by the Imperial Government, and it is with feelings of self congratulation that he requests his Excellency to take into early consideration the different articles that it contains; inasmuch as he is aware how sincerely Senhor Aureliano (as well as the other distinguished members of the Administration of which his Excellency forms a part) is disposed to adopt every measure, tending effectually to suppress the Slave Trade, and to co-operate with Her Majesty's Government for that purpose.

The Undersigned trusts that the Imperial Government will appreciate the readiness, with which Great Britain has responded on this occasion to the proposal made by Brazil; while the mutual confidence felt and evinced by the two Governments on the subject to which it relates, authorizes him to anticipate an easy and willing adoption of the proposed measures, which appear so well calculated to effect the extinction of an inhuman, impolitic, and illegal traffic,—thus shedding an additional lustre on the commencement of what may be considered a new epoch for Brazil, worthy of a youthful Sovereign, whose reign, so auspiciously began, the Undersigned trusts may be long and prosperous.

The Undersigned requests, &c.

(Signed)

W. G. OUSELEY.

His Excellency M. Aureliano,
 &c. &c. &c.

No. 166.

Mr. Ouseley to Viscount Palmerston.

(Extract.)

Rio de Janeiro, September 17, 1840.

MY LORD,

(Received November 22.)

WITH reference to the subject of my preceding Despatch, I have the honour to state to your Lordship, that finding that considerable delay might be expected in the negotiation of the Treaty for the suppression of the Slave Trade, with which I am instructed by your Lordship in your Despatch of the 31st December last, I deemed it my duty to urge upon the Imperial Government the immediate ratification of the Additional Articles to the Slave Trade Convention, in a Note (written shortly after that in which the new Treaty was proposed), a copy of which I have the honour to enclose.

I was the more readily induced to request, at the hands of the present Administration, the ratification of these Articles, as the majority of the Emperor has done away with the necessity of having recourse to the Chambers for their sanction of the ratification, for which it would have been in vain to look; and moreover the ratification of these Articles would in no way interfere with, or prevent, the negotiation of the new Treaty, while it will make that, under which we at present have to act, much more practically effective.

I consider it my duty thus to act, in accordance with the general tenour of your Lordship's instructions, *i. e.* as I understood them, to endeavour, until advantageous modifications of the existing system can be introduced, to make the materials with which we have to work, as conducive as possible to the objects of Her Majesty's Government.

I have had several conferences with the Brazilian Minister of Foreign Affairs, on the subject of these Articles and the suppression of the Slave Trade generally. I urged upon his Excellency that the ratification of the Additional Articles depending now solely on the executive Government, any delay in executing it would be liable to misinterpretation, and that this opportunity should be seized of showing an *animus*, that Her Majesty's Government would appreciate as a mark of sincerity in

co-operation ; although his Excellency must be aware that in the present state of the Slave Trade question, on the eve, as I hoped, of concluding an effective Slave Trade Treaty, this ratification would only be regarded as an earnest of a desire to go hand in hand with the Government of the Queen on this subject, rather than as a result in itself of any great importance.

I thought it also advisable on this occasion to communicate to Senhor Aureliano the proposed modification of one of the Additional Articles, as authorized by your Lordship's Despatch of 31st December last, by which the necessity for destroying all vessels condemned for Slave Trade is obviated under certain circumstances ; pointing out to his Excellency that Her Majesty's Government made this concession to meet the expressed wishes of the Imperial Government, and to do away with objections which had been started on a former occasion.

Senhor Aureliano said, that this modification of the Article in question was, in fact, in his opinion, a great improvement. I accordingly wrote the Note of which Enclosure No. 2 is a copy, and I have reason to hope that the ratification of the Articles in question will immediately take place.

I have, &c.,
(Signed) W. G. OUSELEY.

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

First Enclosure in No. 166.

Mr. Ouseley to M. Aureliano.

British Legation, September 2, 1840.

IN fulfilment of the repeated instructions of Her Majesty's Government, the Undersigned, &c. has the honour now again to urge on the attention of the Imperial Government the expediency of the immediate ratification of the two Additional Articles, concluded between Great Britain and Brazil, on 27th July, 1835, for the better suppression of the Slave Trade.

The Undersigned, therefore, has the honour of proposing, on the part of his Government, to Senhor Aureliano de Souza e Oliveira Continho, Minister and Secretary of State for Foreign Affairs, that his Excellency should, at an early opportunity, take the Emperor's pleasure as to the ratification, by his Imperial Majesty's Government, of the Articles in question.

The present auspicious conjuncture places the Imperial Government in a position at once to fulfil its pledges and assurances, by the ratification of these Articles ; and the Undersigned is now persuaded, that the delays which have so long disappointed the just expectations of Her Majesty's Government in this matter, will no longer be allowed to prevent these Articles from being promptly carried into effect.

The Undersigned, &c.
(Signed) W. G. OUSELEY.

His Excellency M. Aureliano,
&c. &c. &c.

Second Enclosure in No. 166.

Mr. Ouseley to M. Aureliano.

British Legation, September 2, 1840.

WITH reference to the subject of the Note of this date, and of preceding communications which the Undersigned, &c. has had the honour to transmit to Senhor Aureliano de Souza e Oliveira Continho, &c., he has now the honour to submit to his Excellency the inclosed Article, which Her Majesty's Government, desirous of meeting, whenever possible, the wishes of the Imperial Government, has authorised the Undersigned to propose, in accordance with suggestions made in 1836 on the part of the Imperial Government, as a modification of one of those Articles, which stipulates that all vessels condemned in the Mixed Commission Court shall be broken up before they are sold.

The proposed Article is intended to be an annex to the instructions to the Mixed

Commission, acting under the existing Convention between Great Britain and Brazil, on the Slave Trade.

The Undersigned, requesting Senhor Aureliano's early attention to the enclosed Article, renews, &c.

(Signed) W. G. OUSELEY.

His Excellency M. Aureliano,
&c. &c. &c.

No. 167.

Mr. Ouseley to Viscount Palmerston.

(Extract.)

Rio de Janeiro, September 17, 1840.

MY LORD,

(Received November 22.)

IMMEDIATELY after the formation of the new Ministry, on the late change in the form of Government in this Empire, the slave-trading interests, united with some members of the party hostile to the present Administration, made a strong effort to endeavour to carry the repeal of the law of 7th November, 1831, a measure in favour of which every exertion had for some time previously been made, both in the Chambers, as well as in every Provincial Assembly, and throughout this country.

In my Despatch, of the 4th July last, I had the honour to transmit to your Lordship a copy of a Note that I addressed to Senhor Lopes Gama, then Minister of Foreign Affairs, urging the Imperial Government to oppose the revocation of the law in question. The result of my written and personal representation, on that occasion, was for the time successful.

The revived agitation of this question subsequently was not only for the express purpose of carrying the repeal of a law, that much impedes the practices of the slave dealers, but also in order to embarrass the Government, and produce an effect at the approaching elections, as also to extort a declaration of the principles of the Government on the Slave Trade question; I therefore addressed the Note dated the 28th ult., a copy of which I have the honour to enclose, protesting against the proposed revocation of the law.

In the reply of Senhor Aureliano de Souza, dated the 1st September, a copy and translation of which are enclosed, his Excellency declares the entire assent of the present Administration to the sentiments of the preceding Government on the point in question, and alludes to the difficulties under which the Government labours in respect to it,

In proof of the good faith, and as a practical demonstration of the intentions of the Government, respecting the suppression of the Slave Trade, the Brazilian Minister encloses an extract from the instructions given by the Minister of Marine to the Commanders of certain Brazilian cruizers, of which I have the honour to transmit a copy, to proceed to act against the slave traders, and the smugglers of Brazil wood and foreign goods.

With every wish to do justice to the good intentions of the Brazilian Government, I cannot but be of opinion, that the exertions of the Brazilian cruizers will be of little real utility against the slave traders, however they may succeed in preventing other contraband trade. In some few instances, however, if certain officers in the Brazilian service were employed, and if a British cruizer happened to be in company with the Brazilian man-of-war, the assistance of the latter might be very useful.

In the mean time I am happy to be enabled to inform your Lordship that, although every exertion was made by the slave-trading party to bring forward successfully the repeal of the law of 1831, their attempts have been completely frustrated for this year, without placing the Brazilian Government in a position to lose either popularity or their influence in the Chambers. It is true that I perceive by late virulent articles in the journals, that I am accused by parties interested in the Slave Trade (and whose plans it has been *but too often my duty* to oppose), of exercising a fatal and undue influence with the successive Brazilian Administrations, and acting as the organ of a Government "unjust, dictatorial, and oppressive in its proceedings with less powerful nations, &c. &c." But these articles afford satisfaction, inasmuch as they prove that the attempts of the slave-trading party have been for the present effectually defeated.

CLASS B.

It is but doing justice to Senhor Lopes Gama, and to some others belonging to the party of the Administration of which his Excellency formed a part, to state that I received every assistance from him in the Senate, and from his Excellency's brother in the Chamber of Deputies, on this, as well as generally on questions relating to the Slave Trade.

I have, &c.

(Signed) W. G. OUSELEY.

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

First Enclosure in No. 167.

Mr. Ouseley to M. Aureliano.

British Legation, August 28, 1840.

THE Undersigned, &c., hastens to address Senhor Aureliano de Souza e Oliveira Continho, &c. &c., on a subject of importance that has already given rise to much correspondence between Her Majesty's Legation and the Imperial Government; and has the honour to inform his Excellency, that Her Majesty's Legation has received positive instructions to protest, in the strongest manner, against the revocation of the law of 7th November, 1831, by which, in fulfilment of philanthropic and just engagements with Great Britain, the unconditional freedom of illegally imported Africans into this empire, was, in the most solemn manner, guaranteed, and rendered their legal and absolute right.

The Undersigned, having already had the honour to represent upon this matter to Senhor Aureliano's predecessor in office, has only now to refer to former correspondence, and more especially calls his Excellency's attention to his Note of the 3rd June last, addressed to Senhor Lopes Gama.

Although the Undersigned feels persuaded, that the present enlightened Administration of this empire will not allow the auspicious commencement of a new era in the Government of Brazil, to be sullied by the revocation of a law that does so much honour to the national character, and at the same time is so absolutely essential to carry into effect the reiterated engagements and declarations of the Imperial Government, respecting their determination to put an end to the disgraceful and injurious importation of Africans; it is still his duty, in conformity with express instructions, to renew to his Excellency Senhor Aureliano, the announcement of his being under the necessity of protesting, in the most solemn manner, on the part of the Queen's Government; and the Undersigned, does now in consequence, formally protest against the passing into a law of the project, lately sent to the Chamber of Deputies from the Senate, in as far as relates to those clauses, which go to deprive the Africans, forcibly or illegally conveyed to Brazil, of the rights conferred upon them by the law of the 7th November, 1831, and which directly or indirectly favour the dealers in human beings, or hold out a prospect of impunity to those criminals engaged in the Slave Trade.

The Undersigned, &c.

(Signed) W. G. OUSELEY.

His Excellency M. Aureliano,
&c. &c. &c.

Second Enclosure in No. 167.

(Translation.)

M. Aureliano to Mr. Ouseley.

Rio de Janeiro, September 1, 1840.

THE Undersigned, &c., acknowledges receipt of the Note which Mr. Ouseley addressed to him on the 28th of last month, in which he repeats, in addition to what he had previously written on the same subject, that he had received positive instructions from his Government to protest, in the most efficacious manner, against the repeal of the law of November 7, 1831, as the consequence of a project of law sent by the Senate to, and now on the order of the day of the Elective Chamber.

The Undersigned has read attentively the correspondence to which Mr. Ouseley refers, and, having received the commands of the Emperor on the subject, has to signify to him, that the Imperial Government entirely concurs in

the reply which his predecessor gave to Mr. Ouseley on this important matter, in his Note of June 19th.

It is the duty, however, of the Undersigned now to add, that the political circumstances of the empire are different from those of that epoch; His Majesty the Emperor being in full possession of his majestic rights; and that the Imperial Government possesses the means which in ordinary times constitute the equilibrium of the political powers, and that the Administration of which the Undersigned has the honour to form a part, sympathizes with the *philanthropic sentiments of the age*; that it is no way in favour of the traffic in slaves; and that it will not belie these sentiments by the manner in which it considers the said project of law.

The Undersigned is confident that the Government of Her Britannic Majesty will do due justice to the explicit declaration, which the Imperial Government thus makes. He was scarcely at liberty to express it apart from the weighty considerations, which will be obvious to Mr. Ouseley, relative to a subject that so intimately interests humanity, and that has been a constant object of the solicitude and representations of his Government.

The Undersigned further hastens to transmit to Mr. Ouseley, confidentially, copy of an extract of the instructions given by the Marine Department to the Brazilian cruisers, that it is intended to maintain on the coasts of the empire, in as far as shall be compatible with actual circumstances; and notwithstanding the Undersigned is persuaded that Mr. Ouseley's urbanity would give full credit to the good faith of the Imperial Government, thus expressed through the Undersigned, still it will be manifest from this document that such measures have already been set on foot, as it is intended to adopt, and which shall continue to appear fitted to contribute, as far as shall be practicable in the peculiar circumstances of Brazil, to the complete execution of the philanthropic plans of Great Britain, which have for their object the total extirpation of the traffic in human flesh.

The Undersigned considers that he has given a full reply to Mr. Ouseley's above-mentioned Note, and he renews, &c.

(Signed) AURELIANO DE SOUZA E OLIVEIRA CONTINHO.

W. G. Ouseley, Esq.

&c. &c. &c.

Third Enclosure in No. 167.

(Translation.)

Extract from the Instructions, given by the Minister Secretary of State for the Marine Department, on August 27th of this year, to the Commanders of Brazilian vessels of war.

As soon as may be determined by head quarters, you will set sail and proceed to the destination which is prescribed to you in the following instructions:—

1. You will proceed to cruize on and coast the shores of this province and of St. Paulo, from Campos to Santos; you will visit once or oftener their ports, principally those of Cape Frio, Macahé, the Isle of St. Anna, Ilha Grande, Ubatuba, and S. Sebastião, in order to prevent the contraband trade in Africans, Brazil wood, produce and merchandize, objects of national or foreign commerce.

2. You will be regulated, as to visiting and apprehending vessels suspected of importing Africans, as well on the high seas as in the ports, by the printed instructions annexed to these, which relate to the execution of the Treaty with Great Britain for the suppression of the African Slave Trade. You will ascertain whether, in the Isles of Santa Anna or others, deserted or inhabited, there exist any depôts of Africans clandestinely imported; and, should you find any, will take them on board, and bring them to this port, proceeding at the same time to draw up the proper act of the discovery and capture, through the regular Attorney, with all the necessary declarations and specifications, which must be signed by the naval, custom-house, and coast guard (*apito*) officers, the whole for establishing the facts with greater certainty, both in law and equity.

(A true copy.)

(Signed)

BENTO DA SILVA LISBOA.

No. 168.

*Mr. Ouseley to Viscount Palmerston.**Rio de Janeiro, September 24, 1840.**(Received November 22.)*

MY LORD,

WITH reference to that part of the justification of the sentence of the Mixed Commission, acquitting the "*Recuperador*" slave-vessel, which asserts that the boilers and other slave-trading equipments were old, and bought with the vessel, I have the honour to inform your Lordship, that I regret to find that the assertion, which, if correct, would not have rendered the vessel less liable to condemnation, does not appear to be borne out by facts.

The Master of the "*Stag*," as also Captain Preston, and, I believe, Commodore Sullivan, and other officers, as well as artificers, examined the vessel and fittings, and were decidedly convinced that the articles in question were perfectly new, and put on board for the slave voyage on which she sailed, for which fact they are ready, I am told, to give a written voucher.

Were any confirmation required of the criminal nature of her voyage, it would be afforded by the information that I have this morning received, and which I have reason to fear is correct, viz., that the "*Recuperador*," of whose expected return I had warned the officers of Her Majesty's squadron, has succeeded in landing in the neighbourhood of this capital a "cargo" of Africans, notwithstanding two of the most active and successful cruisers, the "*Grecian*" and "*Wizard*," being employed off the harbour, watching for this very vessel.

I have, &c.

(Signed)

W. G. OUSELEY.

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

&c.

&c.

&c.

No. 169.

*Mr. Ouseley to Viscount Palmerston.**Rio de Janeiro, September 24, 1840.**(Received November 22.)*

MY LORD,

IT is with much satisfaction that I am enabled to inform your Lordship, that the utility and advantage of Her Majesty's receiving-ship "*Crescent*" have not only been completely proved, as far as relates to the particular objects for which Her Majesty's Government were pleased to appoint that vessel, but it has also been found of great use to Her Majesty's service, in many points not expressly foreseen or specified. In the case of the "*Paquete de Benguela*," (otherwise the "*Idalia*,") now before the Mixed Commission Court, out of about 300 persons, including officers and crew, from on board that slaver, not more than three have died, and those very young children, chiefly in consequence of their mothers being unable to nurse them, and their being too young for the food given to the older negroes while at sea.

The maladies peculiar to negroes, while on the voyage from the coast, disappeared, or nearly so, soon after the removal of the Africans on board the "*Crescent*." Some cases of small-pox, or varioloid, have occurred, but of a mild nature; and the sick-list is neither numerous nor of a dangerous character.

In former cases, the loss of life and extreme sickness that occurred on board the prizes were lamentable. In many instances even the officers in charge suffered severely; thus, Lieut. Heseltine, then of the "*Electra*," now of Her Majesty's ship "*Stag*," caught the infection of a dangerous species of small-pox, and was for some months ill; and other officers also suffered.

The means of accommodating and securing prisoners are also good; and although nothing is said in the instructions from the Admiralty specifically respecting prisoners, I shall continue, until a positive disapproval of such an arrangement should be sent from Her Majesty's Government, to direct that the prisoners shall be kept on board the receiving-ship, and there receive the medical attendance, &c., such as we have heretofore given when the "*Nova Piedade*" hulk was in use.

In the case of the Master of the "*Paquete de Benguela*" slaver, it was found that this man, unlike most of his class, had, according to the declaration of the negroes themselves, as well as of others, treated them kindly, (as far as the term can be applicable to any treatment on board a slave-ship,) and with an unusual degree of humanity, not using shackles or irons.

The Master asserted that he never had used chains or irons on board his ships; and he has, I believe, been in the Slave Trade 20 or 30 years, but found kind treatment more advantageous.

Under these circumstances several little indulgences were allowed this person, such as a small separate cabin, and every convenience consistent with his safe custody, in order to encourage, as far as possible, humane treatment of the negroes. The horrors and cruelties practised by some of the slave-trading Captains being really atrocious, the probability of a marked difference being experienced in their treatment, if captured, in consequence of inhumanity to their victims, may tend to moderate, in some measure, the abominable conduct of these men.

I was glad to find on this occasion, as, indeed, on all others, a prompt and cordial co-operation, together with prudent and judicious conduct and arrangement, on the part of the officer in command of the "*Crescent*," Mr. Donellan.

On a future occasion I shall have the honour of making a few suggestions, on the subject of some details connected with the "*Crescent*;" in the mean time a want is experienced of beds, or rather bedsteads, of which none have been supplied. These are required only for the sick, and some of the prisoners or officers of the slave-vessels.

I am informed that, among the stores of the dock-yards at Portsmouth or Plymouth, and other ports, a large number of light iron bedsteads are laid up, formerly used on foreign hospital service, and not now, for many years past, required.

These might be very serviceable, and a saving of expense, as well as peculiarly adapted for a hot climate, and for being easily kept clean.

If 100 or 150 of these could be spared, consistent with the rules of the service, they would be extremely useful. I have been obliged to provide a few common wooden bed-frames or stretchers, which, although of the cheapest description, are dearer and infinitely less durable than those for which I now apply.

I have, &c.

(Signed)

W. G. OUSELEY.

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

No. 170.

Mr. Ouseley to Viscount Palmerston.

(Extract.)

Rio de Janeiro, September 24, 1840.

(Received November 22.)

THE Chevalier Bayard, lately appointed Portuguese Minister at this Court, informed me the other day, in answer to my inquiries as to the truth of an assertion in the papers, that Senhor João Baptista Moreira was about to be sent back to this country, as Consul-General from Portugal, that the arrival of that person might be soon expected.

No. 171.

Mr. Ouseley to Viscount Palmerston.

Rio de Janeiro, September 26, 1840.)

(Received November 22.)

MY LORD,

WITH reference to the ratification of the Additional Articles to the Slave Trade Convention, mentioned in my Despatch of the 17th instant, I have the honour further to transmit to your Lordship a copy of a Note which I addressed to the Minister of Foreign Affairs, stating my anxiety to forward by this packet the answer, which his Excellency might give to my first Note upon this affair, and my willingness to delay the sailing of the packet "*Alert*," in order to facilitate this object. I was already aware that the Brazilian Government was about to ask for a detention of the packet.

I have also the honour to enclose a copy and translation of the answer, which I have received from the Imperial Government to that Note, which I regret to say is merely dilatory.

I took an opportunity, in conversation, to point out the expediency of signifying a decided assent to the articles by the present packet, in order to diminish any painful impression arising from the non-adjustment of British claims. The reply of Senhor Aureliano, however, leaves the matter in suspense.

I have, &c.

(Signed) W. G. OUSELEY.

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

First Enclosure in No. 171.

Mr. Ouseley to M. Aureliano.

British Legation, Rio de Janeiro, September 19, 1840.

THE sailing of the packet "Alert" having been delayed at the desire of the Imperial Government, the Undersigned, &c., deems it his duty to remind Senhor Aureliano de Souza e Oliveira Continho, &c., that no answer has yet been received to the Note addressed to his Excellency, from Her Majesty's Legation, on the 2nd instant, respecting the immediate ratification of the Additional Articles to the Slave Trade Convention, signed in 1835, by the Plenipotentiaries respectively of Great Britain and Brazil. The Undersigned is extremely desirous of forwarding, by this packet, the answer that it may please the Imperial Government to make to the abovementioned Note; the more so, as he is well convinced that it cannot but be satisfactory to Her Majesty's Government.

In case Senhor Aureliano wishes for a further delay of the packet, in order to reply to the Note addressed to his Excellency, by Her Majesty's Legation, on the 2nd, or for the purpose of completing the necessary formalities for giving effect to the Additional Articles in question, the Undersigned would not hesitate to cause the packet to remain some days longer, at his Excellency's requisition, thus to secure the favourable termination of this affair, hitherto, notwithstanding the repeated representations of Her Majesty's Government, and the continued assurances of that of Brazil, delayed for so extraordinary a length of time.

The Undersigned, &c.

(Signed) W. G. OUSELEY.

His Excellency M. Aureliano,
&c. &c. &c.

Second Enclosure in No. 171.

(Translation.)

M. Aureliano to Mr. Ouseley.

Palace, Rio de Janeiro, September 24, 1840.

THE Undersigned, &c. &c., acknowledges receipt of the Note which Mr. Ouseley, &c. &c., addressed to him on the 19th instant, in which he requests an answer to his other Note of the 2nd, respecting the ratification of the Additional Articles to the Convention of the 22nd November, 1826, signed on the 27th July, 1835, by the Plenipotentiaries of Brazil and Great Britain.

The Undersigned has to state, in reply to Mr. Ouseley, that although the Imperial Government is animated with the best intentions, in order, in conjunction with Great Britain, to extinguish the infamous traffic in slaves, yet, the Imperial Government, having had many and very important affairs wherewith to occupy its attention, since the declaration of the majority of His Imperial Majesty, has not been able, owing to the brief duration of the Ministry, to confer and come to a definitive decision upon this matter.

The Undersigned has already verbally communicated to Mr. Ouseley his having forwarded to his colleagues the Memorandum which he has received from Mr. Ouseley, and the said Additional Articles, to be maturely considered and discussed

afterwards in Council, whenever this can take place; and he hastens to declare to Mr. Ouseley, that he will not delay informing him of the decision ultimately taken by the Imperial Government on this subject.

The Undersigned, &c.

(Signed) AURELIANO DE SOUZA E OLIVEIRA CONTINHO.

W. G. Ouseley, Esq.,
&c. &c. &c.

No. 172.

Viscount Palmerston to Mr. Ouseley.

SIR,

Foreign Office, November 30, 1840.

I HAVE received your Despatches, "Slave Trade," of the 17th and 26th September last, on the subject of the continued postponement of the ratification of the Articles additional to the Convention of the 23rd November, 1826, which were concluded by Mr. Fox at Rio in the year 1835; and as it appears that the Crown of Brazil has now the power to ratify, I have to desire that you will, upon the receipt of this Despatch, present a Note to the Brazilian Government, demanding from the Government of His Imperial Majesty the immediate ratification of the Articles in question.

W. G. Ouseley, Esq.,
&c. &c. &c.

I am, &c.
(Signed) PALMERSTON.

No. 173.

Viscount Palmerston to Mr. Ouseley.

SIR,

Foreign Office, November 30, 1840.

YOUR Despatch, of the 12th August last, was referred to Her Majesty's Treasury for inquiry into the truth of the report therein mentioned, that two steam-vessels had left the port of London armed and equipped for Slave Trade; and I herewith transmit to you, for your information, a copy of the answer, which has been received from that department, stating that it appears upon inquiry, that no vessels of the description mentioned have left the port of London.

W. G. Ouseley, Esq.,
&c. &c. &c.

I am, &c.
(Signed) PALMERSTON.

Enclosure in No. 173.

Mr. Trevelyan to Mr. Backhouse.

SIR,

Treasury Chambers, November 17, 1840.

HAVING laid before the Lords Commissioners of Her Majesty's Treasury your Letter dated 28th ultimo, transmitting a Despatch from Her Majesty's Chargé d'Affaires at Rio de Janeiro, upon the subject of a report that two steamers have left London armed and fitted out for the Slave Trade; I am commanded to acquaint you, for the information of Viscount Palmerston, that my Lords are informed, on communication with the Board of Customs, that no vessels of this description have left this port.

John Backhouse, Esq.,
&c. &c.

I am, &c.,
(Signed) C. E. TREVELYAN

No. 174.

Viscount Palmerston to Mr. Ouseley.

SIR,

Foreign Office, December 9, 1840.

I HEREWITH transmit to you a copy of a Despatch and of its Enclosures from Her Majesty's Commissioners at Rio de Janeiro, reporting the decision of the

Brazilian Government upon the case of Abreo Guimaraes, a person who, having been proved before the Court of Mixed Commission to have been engaged in Slave Trade, had been declared by sentence of that Court to be guilty of piracy.

It appears that the Brazilian Government has decided that such criminals may be admitted to bail, in contravention of the law of Brazil, which affixes to the crime of piracy punishments, which remove that crime from the class ofailable offences. I have, therefore, to instruct you to remonstrate in the strongest terms against this decision. You will remind the Brazilian Government that, if they persevere in the decision in question, the sentence of the Court, and even the Treaty of 1826, will become nugatory, so far as regards the penalty affixed to persons convicted of Slave Trade; because the effect of that decision must be, that persons who can afford to give security for the amount of money demanded for bail, will, without any further difficulty, attain the means of escaping the punishment due to the crimes, of which they have been found guilty by a sentence of the Court of Mixed Commission.

I am, &c.,

PALMERSTON.

W. G. Ouseley, Esq.,
&c. &c. &c.

Enclosure in No. 174.

Her Majesty's Commissioners to Viscount Palmerston.

Rio de Janeiro, July 11, 1840.

(See Class A., No. 190, page 349.)

No. 175.

Viscount Palmerston to Mr. Ouseley.

SIR,

Foreign Office, December 23, 1840.

HER Majesty's Government having had under consideration the case of the Brazilian slave vessel the "*Dom Joao de Castro*," and it appearing that 13 weeks elapsed between the commencement of the adjudication of that vessel in the Mixed Court of Commission at Rio de Janeiro, and the final sentence given by the Court thereupon, I called upon Her Majesty's Commissioners to account for that delay; and they stated, among other causes thereof, that 33 days of the above-mentioned period had been either Sundays or holidays, and that no proceedings took place in the Court on those days.

I enclose to you a copy of the Despatch which I received from the Commissioners upon this subject, and of my reply thereto; and I have to refer you to my Despatch, of the 13th September, 1839, in which I instructed you to endeavour to persuade the Brazilian Government to exempt the Mixed Commission from the obligation of observing the holidays, which are kept by the Brazilian Courts of Law; and I have to repeat my desire that, in co-operation with Her Majesty's Commissioners at Rio de Janeiro, you will make an earnest remonstrance to the Government of Brazil on this subject.

In that remonstrance you will remind the Brazilian Government, that the regulations for the Mixed Commissions, annexed to the Convention of 1817, by which the Court is bound to regulate its proceedings, require the Commissioners, in ordinary cases, to pronounce sentence upon each vessel, within 20 days from the day on which she enters the port of adjudication; but that by the practice of observing holidays, insisted on by the Brazilian Government, the time available for the proceedings of the Court is so curtailed, as to make it sometimes difficult for the Commissioners to adhere to the direct stipulations of the Convention upon this point.

You will observe to the Brazilian Government, that the Mixed Court of Commission is not a Brazilian Court of Law, but an International Court, composed of Judges both of Great Britain and of Brazil, and is bound to regulate its proceedings by the Convention under which the Commission is established, and not by the laws and forms of proceeding of Courts of Law of either of the two countries.

You will remark, that it was evidently intended by the Convention, that the forms to be maintained by the Court should be such as to render the most speedy sentence to the suitors, consistent with a due examination into the case, and with justice; and you will state that the frequent recurrence of holidays defeats this purpose.

You will say, that the delay created thereby, tends to produce serious injury to the interests of the suitors, and entails upon the unfortunate slaves, who form the cargoes of the vessels, a prolongation of suffering; and you will urge the Brazilian Government, upon these grounds, to permit the Brazilian Commissioners to keep open the Court, and to continue their proceedings on those days, Sundays excepted, on which the ordinary Courts of Law are closed.

I am, &c.

W. G. Ouseley, Esq.,
&c. &c. &c.

(Signed) PALMERSTON.

First Enclosure in No. 175.

Her Majesty's Commissioners to Viscount Palmerston.

Rio de Janeiro, July 7, 1840.

(See Class A., No. 185, page 330.)

Second Enclosure in No. 175.

Viscount Palmerston to Her Majesty's Commissioners.

Foreign Office, December 17, 1840.

(See Class A., No. 200, page 357.)

No. 176.

Viscount Palmerston to Mr. Ouseley.

SIR,

Foreign Office, December 24, 1840.

WITH reference to your Despatch marked "Slave Trade," of the 24th September last, respecting a supply of iron bedsteads or cradles, for the "Crescent," receiving ship, stationed at Rio de Janeiro, I herewith transmit to you for your information, the accompanying copies of a correspondence, which has passed upon that subject, between this office and the Admiralty.

I am, &c.

W. G. Ouseley, Esq.,
&c. &c. &c.

(Signed) PALMERSTON.

First Enclosure in No. 176.

Lord Leveson to Sir John Barrow.

SIR,

Foreign Office, November 27, 1840.

WITH reference to previous correspondence on the subject of Her Majesty's ship "Crescent," lately sent to Rio de Janeiro for the reception of captured slaves, I am directed by Viscount Palmerston to transmit to you, to be laid before the Lords Commissioners of the Admiralty, the accompanying copy of a Despatch* from Her Majesty's Chargé d'Affaires at Rio de Janeiro respecting that vessel; and I am to request that you will call their Lordship's attention to the application made by Her Majesty's Chargé d'Affaires for a supply of iron bedsteads, of which it is stated that a quantity, not now in use, exists in Her Majesty's dock-yards.

I am, &c.

Sir John Barrow, Bart.,
&c. &c. &c.

(Signed) LEVESON.

* Mr. Ouseley to Viscount Palmerston. Rio de Janeiro, September 24, 1840. (No. 169.)

Second Enclosure in No. 176.

Sir J. Barrow to Lord Leveson.

MY LORD,

Admiralty, December 15, 1840.

HAVING laid before my Lords Commissioners of the Admiralty your Lordship's letter of 27th ultimo, relative to the supply of iron bedsteads for Her Majesty's ship "Crescent," lately sent for the reception of captured slaves at Rio de Janeiro, I am commanded to acquaint your Lordship, for the information of Viscount Palmerston, that 150 iron cradles can be supplied from the stores at Deptford.

*The Viscount Leveson,
&c. &c. &c.*

I have, &c.,
(Signed) JOHN BARROW.

Third Enclosure in No. 176.

Mr. Backhouse to Sir John Barrow.

SIR,

Foreign Office, December 21, 1840.

WITH reference to your letter of the 15th instant, stating that 150 iron cradles can be supplied from the stores at Deptford to the "Crescent," receiving ship at Rio de Janeiro, I am directed by Viscount Palmerston to request you will state to the Lords Commissioners of the Admiralty, that Lord Palmerston is of opinion, that the cradles in question should be supplied, and sent to the "Crescent" accordingly.

*Sir John Barrow, Bart.,
&c. &c. &c.*

I am, &c.
J. BACKHOUSE.

BRAZIL. (*Consular*)—*Rio de Janeiro.*

No. 177.

Mr. Hesketh to Viscount Palmerston.

Consul's Office, Rio de Janeiro, April 2, 1840.

MY LORD,

(*Received June 3.*)

I HAVE the honour to enclose a return of the vessels which have arrived from the Coast of Africa, during the quarter ending March 31, 1840, being four Portuguese vessels, three of which have no doubt landed cargoes of slaves, and the "*Feliz Animoso*" a smaller number.

I also enclose a Return of departures for the coast during the same period, being eight Portuguese, and two Brazilian vessels.

The slave dealers appear now to resort to the plan of retaining on board two sets of papers, clearing from hence under the Brazilian flag, hoping thereby to escape detention on their equipment, and taking afterwards their chance to escape with, and ultimately land on the Brazil Coast, under the Portuguese flag, a cargo of slaves.

Advantageous charters have been offered for British vessels to take cargoes from this port to the Coast of Africa, a proceeding which I have discountenanced, and the offers have been refused; but it appears probable that vessels under other flags may be employed, and that slave equipments will be thereby sent from hence to Africa.

I have, &c.,

(Signed) ROBERT HESKETH, *Consul.*

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

&c.

&c.

&c.

First Enclosure in No. 177.

ARRIVALS at Rio de Janeiro from the Coast of Africa during the Quarter ending March 31, 1840.

Date.	Description.	Name.	Master.	Nation.	Tonnage	Number of Crew.	Where from.	Passage.	Reported Nature of Cargo.	Remarks.
Feb. 1	Brig	Duas Irmaãs	F. F. de Abreu	Portuguese	210	23	Quilimane	Days.	Ballast	In quarantine.
23	Brigantine	Esperança	F. J. de Mendonça	"	175	18	Angola	35	"	"
March 17	Brig	Feliz Animoso	F. S. Lima	"	180	20	"	33	Wax, ivory, and oil	Detained by police.
18	"	Duque de Victoria	A. J. dos Santos	"	153	20	"	25	Ballast	"

(Signed) ROBERT HESKETH, Her Britannic Majesty's Consul.

Second Enclosure in No. 177.

DEPARTURES from Rio de Janeiro for the Coast of Africa during the Quarter ending March 31, 1840.

Date.	Description.	Name.	Master.	Nation.	Tonnage	Number of Crew.	Where bound.	Reported Nature of Cargo.	Remarks.
Jan. 5	Brigantine	Brilhante	V. J. de Almeida	Portuguese	134	20	Mosambique	General	Detained by Her Majesty's sloop "Wizard."
13	"	Congresso	J. P. Ferreira	"	101	13	Cape Verds and Benguela	Brandy and goods	
29	"	Umbelina	F. P. de Santa Anna	"	163	16	Lisbon viâ Benguela and Angola.	General	
Feb. 2	Schooner	Marianna	José M. Alvez	"	80	16	Benguela	Brandy and goods	This vessel put back on 24th last month.
4	Brigantine	Esperança	F. C. da Silva	"	94	11	Cape Verds and Angola	General	
5	Schooner	Esperança	A. J. Rego	"	258	15	Lisbon viâ Benguela and Angola.	"	
16	"	Bellona	F. J. da Souza	"	117	14	Cape Verds and Africa	Brandy and goods	
March 11	Ship	Flor de Rio Grande	José Ferreira	Brazilian	244	15	Cape Verds, Benguela, and Angola.	General	
14	Brig	Flor de Loanda	M. F. de Assis	"	183	14	Lisbon and African Ports	"	"
28	Brigantine	Treze de Junho	José da Lomba	Portuguese	108	14	Benguela	"	

(Signed) ROBERT HESKETH, Her Britannic Majesty's Consul.

No. 178.

Mr. Hesketh to Viscount Palmerston.

MY LORD,

*Consul's Office, Rio de Janeiro, May 20, 1840.**(Received July 20.)*

I HAVE the honour to acknowledge the receipt of the Despatch dated February 20 last, enclosing a copy and translation of an apostolical letter on the subject of the Slave Trade, promulgated by his Holiness the Pope, on the third of December, 1839, and I am also honoured with your Lordship's orders to have this letter inserted in the public journals of this place, and to make its contents known in any other suitable manner. As this letter appeared some time since in two of the principal newspapers of this place, I have not considered it needful to have it republished, but I shall take every opportunity of making its contents known.

I have, &c.

(Signed) ROBERT HESKETH, *Consul*.*The Right Hon. Viscount Palmerston, G.C.B.,*

&c.

&c.

&c.

No. 179.

*Viscount Palmerston to Mr. Hesketh.**Foreign Office, August 13, 1840.**Circular sending Papers presented to Parliament,*

No. 180.

Mr. Hesketh to Viscount Palmerston.

MY LORD,

*Consul's Office, Rio de Janeiro, May 30, 1840.**(Received August 20.)*

IN obedience to your Lordship's Despatch of this series, dated October 12, 1839, of which I had the honour to acknowledge the receipt, under date of December 28, 1839, I had printed in the Portuguese language 1000 copies of the two Notes, dated the 20th and 27th April, 1839, addressed by Lord Howard de Walden to the Portuguese Government.

I distributed amongst the persons with whom I was acquainted about 500 copies, and the remainder are in the act of being distributed by one of the principal booksellers in this place, who will charge for his trouble to the public generally about a halfpenny each, to prevent their abstraction for the purpose of suppression, and to afford to the bookseller some remuneration; but any copies required by persons known to be really interested in the contents of the Notes are supplied gratis; and in this manner their distribution will be soon completed.

I have, &c.

(Signed) ROBERT HESKETH, *Consul*.*The Right Hon. Viscount Palmerston, G.C.B.,*

&c.

&c.

&c.

No. 181.

Viscount Palmerston to Mr. Hesketh.

SIR,

Foreign Office, August 24, 1840.

I HEREWITH transmit to you a copy of a Memorial from the General Anti-Slavery Convention. I have to acquaint you, that Her Majesty's Government concurs in the sentiments expressed in that Memorial, and especially in the opinion

that it would be unfitting that any officer, holding an appointment under the British Crown, should either directly hold or be interested in slave property.

I am, &c.

Robert Hesketh, Esq.
&c. &c. &c.

(Signed) PALMERSTON.

Enclosure in No. 181.

Memorial.

(See No. 39.)

No. 182.

Mr. Hesketh to Viscount Palmerston.

Consul's Office, Rio de Janeiro, July 6, 1840.

(Received September 28.)

MY LORD,

I HAVE the honour to transmit a return of the vessels which arrived at this port from the Coast of Africa, during the quarter ending 30th ultimo, and also a return of vessels which sailed from hence to Africa during the same period.

In the enclosed list of arrivals, one of them, the "*Constante*," was boarded, and, after a strict search, given up by Her Majesty's ship "*Grecian*," Captain Smyth, as nothing was found to justify her detention for slave trading. However, there is every reason to believe that this vessel, as well as the "*Paquete*," having both on board wax and oil, had, previously to entering this port, landed slaves on the Brazil coast; and the removal of every thing which can prove the act from the vessels thus landing slaves at different points on this coast, is now so completely and cautiously effected, that no conviction is possible, whether the vessels be empty or in part loaded when met with off this harbour.

Of the eight departures for the Coast of Africa, two sailed under the Portuguese flag, the remainder under the Brazilian; and either flag is assumed by vessels employed in the African trade, with equal facility and frequency.

I have, &c.

(Signed) ROBERT HESKETH,

Her Britannic Majesty's Consul.

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

&c.

&c.

&c.

First Enclosure in No. 182.

ARRIVALS at Rio de Janeiro from the Coast of Africa during the Quarter ending June 30, 1840.

Date.	Description.	Name.	Master.	Nation.	Tonnage	Number of Crew.	Where from.	Passage.	Reported Nature of Cargo.	Remarks.
April 10	Brig . . .	Paquete de Loanda . . .	B. F. Salgueiro . . .	Portuguese	199	19	Loanda	Days. 27	Ballast	Detained by police. " " Detained by Her Majesty's ship "Grecian," and brought to this harbour, when her papers were restored, and the prize crew withdrawn. Detained by police.
" 20	Brigantine . . .	Paquete	J. C. Ferreira . . .	" "	Not stated.	Not stated.	Angola	37	Wax and oil	
" 26	Barque . . .	Constante	F. M. Guimaraes . . .	" "	153	21	" "	34	" "	
" 28	" "	Leopoldina	A. R. Chaves . . .	" "	250	83	Quilimane	50	Ballast	

The above vessels, although detained by the police on arrival, were, as usual, restored to their Owners.

(Signed) ROBERT HESKETH, Her Britannic Majesty's Consul.

Second Enclosure in No. 182.

DEPARTURES from Rio de Janeiro for the Coast of Africa during the Quarter ending June 30, 1840.

Date.	Description.	Name.	Master.	Nation.	Tonnage	Number of Crew.	Where bound.	Reported Nature of Cargo.	Remarks.
April 4	Brigantine . . .	Idalia	J. S. de M. Faialeme . . .	Portuguese	70	14	Lisbon <i>via</i> Benguela . . .	Goods and brandy
" 21	Smack . . .	Flor de America . . .	Antonio R. da Silva . . .	" "	60	9	Angola	General	
May 16	" "	Vencedora Feliz . . .	J. P. de Aranjó . . .	Brazilian	85	14	Cape Verds and Benguela	Brandy and goods . . .	
" 18	Brig . . .	Confiança	V. Marquez	" "	199	14	Cape Verds <i>via</i> Angola . . .	Brandy and tobacco . . .	
June 2	Barque . . .	Andorinha	M. G. da Silva	" "	271	18	" "	General	
" 7	Brigantine . . .	Josephina	F. J. Ribeiro	" "	120	14	Angola and Benguela . . .	" "	
" 14	Brig . . .	Estrella do Cabo . . .	J. M. Perreira	" "	217	24	Benguela	" "	
" 20	Smack . . .	D. Eliza	J. P. da Silva	" "	55	11	Cape Verds <i>via</i> Benguela . . .	" "	

(Signed) ROBERT HESKETH, Her Britannic Majesty's Consul.

No. 183.

*Mr. Hesketh to Viscount Palmerston.**Consul's Office, Rio de Janeiro, September 25, 1840.*

MY LORD,

(Received November 23.)

I HAVE the honour to enclose a copy of the Despatch which I addressed to Her Majesty's Chargé d'Affaires, relating to the documents under which a Portuguese vessel, the "*Paquete de Benguela*," lately captured under the Slave Treaties, was navigated.

The investigation of those documents having led to the discovery of the Portuguese authority at Benguela that assisted the slave dealers in this instance of illicit traffic between Africa and Brazil, I think it useful to forward to your Lordship, as soon as possible, the information obtained respecting this transaction.

I have only sent the translations of the three Enclosures of the Despatch above referred to, as the original documents, forming those Enclosures, have accompanied the Despatch to Mr. Ouseley.

I have, &c.

(Signed)

ROBERT HESKETH,

*Her Britannic Majesty's Consul.**The Right Hon. Viscount Palmerston, G.C.B.,*

&c.

&c.

&c.

First Enclosure in No. 183.

*Mr. Hesketh to Mr. Ouseley.**Consul's Office, Rio de Janeiro, September 21, 1840.*

IN reference to the Portuguese brigantine "*Paquete de Benguela*," I have to state, that during the course of my proceedings as proctor for the captor, I applied to the Portuguese Consulate at this place for the particulars connected with the outward clearance of that vessel, on her departure from Rio de Janeiro last April, finding that at Benguela a register had been granted as a Portuguese vessel to the "*Paquete de Benguela*," in consequence of a certificate from the Portuguese Consulate, at Rio de Janeiro, declared to have been granted last April, respecting the same vessel when she left this port as the "*Idalia*." The Enclosure No. 1 is a copy of the register, and No. 2 that of the passport.

The Portuguese Vice-Consul readily gave me the enclosed Certificate, another copy of which I have put into the Mixed Commission Court, as it clearly proves that when the "*Idalia*" left Rio de Janeiro, her title to the Portuguese flag was so irregular, that the Vice-Consul endorsed the passport in such a manner as to render it useless for another voyage to Brazil, and that the declaration respecting the Certificate, referred to in the register granted at Benguela, is entirely a deception, practised by the authorities at that place, for the purpose of granting a document to enable the vessel to cross once more the Atlantic with a cargo of slaves.

It appears expedient to record the proceedings of Mr. F. T. Moniz in regard to the "*Idalia*," last April, inasmuch as by the course he adopted the parties concerned in the criminal object of the voyage were subjected to much more inconvenience and difficulty at Benguela, than has hitherto embarrassed parties trading from Rio de Janeiro to Africa in vessels navigated under such documents; and now that the "*Idalia*," or "*Paquete de Benguela*," is captured, the authorities guilty of such lawless and flagrant acts become known, and the means are at length obtained of clearly showing the guilty and the trustworthy, amongst the various Portuguese authorities, granting documents to vessels engaged in the African trade with Brazil.

But it also appears proper to observe, that if the "*Idalia*," being foreign-built, could not be registered except in Lisbon, the vessel ought not to have been permitted to proceed to an African port, but to have proceeded direct to the only place where a register was obtainable.

The abuse, to which this indulgence of allowing a deviation in the voyage to such Portuguese vessels as are bound to Lisbon, as the only port at which a register is

obtainable, is left open in the regulations published by the Portuguese Consulate, dated the 12th instant; and it is very desirable this should be guarded against, and that all Portuguese vessels, which require Lisbon registers, should proceed direct to that port.

I have, &c.

(Signed)

ROBERT HESKETH,

W. G. Ouseley, Esq.,
&c. &c. &c.

Her Britannic Majesty's Consul.

Second Enclosure in No. 183.

(Translation.)

Register or Title of Property of the Brigantine "Paquete de Benguela."

(Signed)

ROBERT HESKETH.

IN the books which are used in this office as a Register of Portuguese Merchant Vessels, in conformity with what is ordered in the decree, dated December 17, 1836, the observance of which is enforced in this Province by a Despatch from his Excellency the Governor-General of the Province of Angola and its dependencies, dated November 3, 1838, and at page 60 is found an entry to the following effect:—In the year of our Lord 1840, on the 28th day of July of said year, in this office of the Military and Civil Governor of the Province of Benguela, appeared Francisco Perreira Nunes, Master of the Portuguese brigantine called the "*Paquete de Benguela*," now at anchor in this port, and about departing on a voyage to Monte Video, who declared that in conformity with the Article 1319 of the Portuguese Commercial Code, he required that the said brigantine should be registered, for which purpose he gave the following information.

That the said brigantine is Portuguese built, and of the burthen of 70 tons, according to the certificate of her measurement granted by the Portuguese Consulate at Rio de Janeiro on the 1st of April of the present year, in which city this vessel, under the name of "*Tentador*," had been sold by Manoel Joaquim Bernardes, a Portuguese subject, to Jozé Santelino Loureiro, also a Portuguese subject, according to a Bill of Sale executed at the Consulate-General of her Most Faithful Majesty at Monte Video, dated December 3, 1836, this vessel being then called "*Triumpho*," the owner of which, Loureiro, sold her at Rio de Janeiro to another Portuguese subject, Albino Pinto de Carvalho, who called her "*Idalia*," according to a Bill of Sale dated June 18, 1839; and by the Bill of Sale produced by the said Master, executed by the competent magistrate in this city, on the 27th of June, 1840, this vessel became the property of the merchants of this place, Manoel Joaquim Teixeira and Jozé Joaquim Teixeira, Portuguese subjects, who called her "*Paquete de Benguela*;" all which is proved by the respective documents which remain in the archives of this office, and which satisfy all that is required by law, this entry being signed by the Master, together with myself, the secretary, who wrote it. (Signed) JOZE FERREIRA NUNES DOS SANTOS. FRANCISCO PERREIRA NUNES. And nothing more was expressed in said entry of Register to which I refer; in testimony whereof I have passed these presents.

At the Secretary's Office of the Military and Civil Governor of Benguela, 1st of August, 1840.

(Signed)

JOZE FERREIRA NUNES DOS SANTOS.

Third Enclosure in No. 183.

Translation of the Passport of the Brigantine "Paquete de Benguela."

(Signed)

ROBERT HESKETH.

No. 18. I, Henrique Duarte Chateaneuf, Major of Artillery in the Portuguese Army, Military and Civil Governor of the Province of Benguela, by authority of Her Most Faithful Majesty Queen Maria the Second, whom God preserve, &c. &c. &c., make known to all to whom this passport may appear, that the Portuguese brigantine "*Paquete de Benguela*" proceeds from this harbour to Monte Video, touching at Hanha, Francisco Perreira Nunes being Master thereof, and Owners Manoel Joaquim Teixeira and Jozé Joaquim Teixeira, subjects of

CLASS B.

Her Most Faithful Majesty Queen Maria the Second, no foreigner being interested in said brigantine, as shown by the documents presented at the Governor's Office in this place. And as this vessel may be met at-sea or in port by the Commanders or Officers of Government vessels, Her Majesty ordains that she may not be impeded; and requests those officers in the service of Kings, Princes, Republics, and Potentates, Friends and Allies of the Crown of the said August Lady, may act likewise, rendering to the said Master all the assistance and favour he may stand in need of, in the certainty that to similar requests from their Princes similar treatment will follow. And bond was given not to take besides the crew any other person without a Passport from this Secretary's office, under the penalty of being arrested, and the Master punished with all the rigour of the law. As also if met by any Portuguese vessel-of-war in any of the seas in contravention of the Decree dated December 10, 1836, to be seized and made prize of. In testimony whereof I have granted this Passport, signed by myself, and sealed with the Royal seal.

Given in this City of Benguela this 31st day of July, in the year of our Lord 1840.

(Signed) HENRIQUE DUARTO CHATEAUNEUF,
Governor.
By order,
(Signed) JOZE FERREIRA NUNES DOS SANTOS.

Registered in the proper Book in the Secretary's Office of the Military and Civil Governor of Benguela. July 31, 1840.

(Signed) JOZE FERREIRA NUNES DOS SANTOS.

No. 897. Paid 480 stamp duty.

(Signed) J. M., *Scrivener*.
Benguela, August 1, 1840.

Fourth Enclosure in No. 183.

Translation of Document from Portuguese Consulate.

(Signed) ROBERT HESKETH.

THE British Consul at this Capital requires a Certificate of the Memorandum respecting the outward clearance of the Portuguese brigantine "*Idalia*," given in this Consulate on the 1st April, 1840,

Praying the Vice Consul charged with the Consulate-General of Portugal may be pleased to order it to be granted, and will ever pray.

Let it be drawn up according to the facts.

Rio de Janeiro, September 15, 1840.

(Signed) MONIZ, *Vice-Consul*.

I, Francis John Moniz, Vice-Consul, charged with the Consulate-General of Portugal at Rio de Janeiro, certify that on examining the Register of outward clearances of vessels through this Consulate, there is at page 60 a Memorandum to the following effect:—Brigantine "*Idalia*," bound to Lisbon by way of Benguela. This vessel departs with the same Passport she brought from Angola, being granted at Loanda, 29th August, 1839, signed by the Governor of that Province, Antonio Manoel de Naronha, and proceeds with the same Passport, because petitioning for another document which the law requires, that Governor refused to grant any but the Passport with which the vessel now proceeds, bearing the following endorsement.

"Seen and approved for the voyage to Lisbon by way of Benguela, with the cargo specified in the Manifest, and with the crew declared in the Muster Roll, this Passport to be given up for the purpose of being destroyed, it being only valid as far as Benguela, and the vessel to be provided with the legal and requisite ships papers as enacted by law."

Consulate-General of Portugal, April 1, 1840.

(Signed) FRANCISCO JOAO MONIZ,
Vice-Consul.

In testimony whereof I have granted this certificate, extracted from the said Register, and sealed with the seal of this Consulate-General. Rio de Janeiro, Consulate-General of Portugal, 15th September, 1840.

L. S.

(Signed)

FRANCISCO JOAO MONIZ,

Vice-Consul.

No. 184.

*Mr. Hesketh to Viscount Palmerston.**Consul's Office, Rio de Janeiro, September 25, 1840.*

MY LORD,

(Received November 23.)

I HAVE the honour to enclose a copy of a Despatch, with its Enclosure, which I addressed to the British Commissary Judge of the Mixed Commission for the abolition of Slave Trade at this place.

I explained in that Despatch the circumstances which induced me to think that such a proceeding was in this instance justifiable, stating also the objects I had in view by such a course; and I hope that I have formed a correct idea of what is proper in my conduct towards the Commissary Judge, and in the performance of my duty to the public service.

I have, &c.

(Signed)

ROBERT HESKETH.

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

&c.

&c.

&c.

First Enclosure in No. 184.

Mr. Hesketh to Sir George Jackson.

SIR,

Consul's Office, Rio de Janeiro, September 23, 1840.

I HAVE the honour to enclose a statement, showing the result of inquiries I have made in consequence of the verbal request of the Registrar of the Mixed Commission Court, on certain points of the evidence which grew out of the case of the "*Paquete de Benguela*."

That request was made on the 18th instant, and I regret that, in consequence of holydays on the 19th, 20th, and 21st, independent of the difficulties embarrassing private inquiries into such matters, I could not sooner transmit this statement.

After all, the information I have obtained would have proved more satisfactory if furnished by the police at the request of the Court. I have, however, exerted myself to the utmost to meet your wishes by obtaining the most correct information. The case of the "*Paquete de Benguela*" being closed, so far as the Proctor for the Captor is concerned, I have resorted to this method of placing before you the enclosed statement, as it answers the double object of supplying you with all the information I can obtain on such important points, and of furnishing to Her Majesty's Secretary of State for Foreign Affairs this proof of my previous assertion, that the Mixed Commission Court, as now organized, appears destitute of efficient means to search out officially satisfactory evidence respecting points on which its judgment is required.

I have, &c.

(Signed)

ROBERT HESKETH, *Consul*.*To Sir George Jackson,*

&c. &c. &c.

Second Enclosure in No. 184.

RESULTS of INQUIRIES respecting the following five persons referred to in the Correspondence found on board the "*Paquete de Benguela*."

Name.	Residence.	Nation.	Observations.
Joaquim Alvez Correira	Rio de Janeiro	Brazilian	Ascertained by inquiries at the municipal registers.
Jozé Joaquim Sard.	..	..	No information obtainable, and name presumed to be fictitious.
Manoel Perreira, alias Manoel Perreira Gomes	..	..	Manoel Perreira Gomes is found to be a Brazilian, and a dealer in slaves, and there is every probability that the last name of Gomes is purposely omitted to prevent detection.
Jozé Joaquim Marques d'Alrea.	Rio de S. João	..	This person is extensively engaged in Slave Trade, and in partnership with a brother, resident in Rio de Janeiro.
João de Arango Cunha.	..	..	Nothing can be ascertained respecting this person, supposed to be a fictitious name.

The following is the only entry at the Portuguese Consulate, respecting the Portuguese schooner or brigantine "*Eliza*." Patacho "*Eliza*" despachon em 18 de Marco, 1837, para Cabo Verde por Benguella e Angola. Mestre Francisco de Paula Sodre, e Proprietario Manoel Jozé Martins. There was also a private memorandum to the following effect:—Passaporte extraordinaria assignado pelo Encarregado dos negocios de Sua Magestade. Fidellesmo João Bapista Morreira. There is no further trace of this vessel in that Consulate, and the inference is, that she returned to Rio de Janeiro under some other name, with an African passport, and still alluded to in the correspondence under her old name, as a nickname, a system which appears adopted not only with regard to vessels, but also to persons, by the slave-dealers. The documents showing the particulars of Brazilian vessels purchased up to 30th of June, are now in the Treasury Archives, from whence it requires much time to extract certificates, and I could not get any information from that date forward at the "Consulado." The owner of the *Idalia*, Albino Pinto de Carvalho, is a Portuguese, living in Rua d'Alfandega, between Rua dos Ourines and Rua da Valla (I believe No. 93,) and also at Larangeires.

(Signed) ROBERT HESKETH.

Rio de Janeiro, September 23, 1840.

No. 185.

Mr. Hesketh to Viscount Palmerston.

Consul's Office, Rio de Janeiro, September 26, 1840.

MY LORD,

(Received November 23.)

I HAVE the honour to acknowledge the receipt of the Despatch, dated April 23d last, transmitting a copy of a Treaty concluded on the 15th March, 1839, between Her Majesty and the Republic of Venezuela, for the Abolition of Slave Trade.

I have, &c.

(Signed) ROBERT HESKETH.

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

BRAZIL. (*Consular*)—*Bahia.*

No. 186.

Mr. Porter to Viscount Palmerston.

British Consulate, Bahia, April 1, 1840.

MY LORD,

(*Received June 3.*)

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of November 2, 1839.

I have now the honour to lay before your Lordship the enclosed lists of the vessels which have entered this port of Bahia, from the Coast of Africa, for the three months ending on the 31st of March, 1840; and likewise of the vessels which have sailed from this port, for the Coast of Africa, during the above-mentioned period.

I have, &c.

(Signed) EDWARD PORTER, *Consul.*

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

First Enclosure in No. 186.

LIST OF VESSELS which have entered the Port of Bahia from the Coast of Africa from the 1st of January to the 31st of March, 1840.

No.	Date	Nation.	Class of Vessel.	Name of Vessel.	Tonnage	No. of Crew.	Name of Master.	Name of Owner.	Reported Cargo.	From whence.	No. of Days Out.	Remarks.
1	March 28	Brazilian	Schooner	Coquette	168	22	Picao	Antonio Pedrozo de Albuquerque.	Ballast	Coast of Africa.	30	Strongly suspected of having landed slaves on the Coast.
2	29	„	„	Juliana	133	18	Coelho	Maria Henriques.	General cargo	„	16	

British Consulate, Bahia, March 31, 1840.

EDWARD PORTER, Consul.

Second Enclosure in No. 186.

LIST OF VESSELS which have cleared out from the Port of Bahia for the Coast of Africa, from 1st of January to the 31st of March, 1840.

No.	Date of Entry.	Nation.	Class of Vessel.	Name of Vessel.	Tonnage	No. of Crew.	Name of Master.	Name of Owner.	Reported Cargo.	Where bound.	No. of Days Out.	Remarks.
1	Jan. 15	Brazilian	Schooner	Juliana	133	18	Coelho	Jozé J. Riz Pinto	Tobacco, Rum	Princes Island		. . .
2	20	Portuguese	„	Maria	89	13	Gonzalo Affonço	Jozé Antonio de Magalhaes.	„	Coast of Africa		. . .
3	22	Brazilian	„	Ticon	172	30	Jozé Antonio	Antonio Pedrozo de Albuquerque.	Ballast	„		Suspicious.
4	Feb. 1	English	Brig	Guiana	297	12	Nickels	James Logan	General cargo	„		. . .
5	10	Brazilian	Polaque	St.-Antonio Victoriozo	173	20	Joaquim Pereira	João du Costa, jun.	Rum	„		. . .
6	March 8	Portuguese	Brig	Melvira	392	8	João Joze	Antonio Pereira da Cunha.	Salt	Havana		. . .

No. 187.

Viscount Palmerston to Mr. Porter.

Foreign Office, August 13, 1840.

Circular, sending Papers presented to Parliament.

No. 188.

Viscount Palmerston to Mr. Whately.

Foreign Office, August 24, 1840.

Circular, sending General Anti-Slavery Convention Memorial.

(No. 39.)

No. 189.

Mr. Porter to Viscount Palmerston.

British Consulate, Bahia, July 1, 1840.

MY LORD,

(Received September 28.)

I HAVE the honour to lay before your Lordship the accompanying lists of the vessels which have entered this port from the Coast of Africa, and of those which have cleared for that coast, during the three months ending the 30th June, 1840.

It is reported here that Her Majesty's cruizers have captured the English brig "Guiana," and the Brazilian schooner "Donna Clara," which cleared from this port for the Coast of Africa.

I have, &c.

(Signed) EDWARD PORTER, *Consul.*

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

&c. &c. &c.

First Enclosure in No. 189.

LIST OF VESSELS which have entered the Port of Bahia from the Coast of Africa, from 1st April to the 30th June, 1840.

No.	Date of Entry.	Nation.	Class of Vessel.	Name of Vessel.	Tonnage	No. of Crew.	Name of Master.	Name of Owner.	Reported Cargo.	From whence.	No. of Days Out.	Remarks.
1	April 1	Danish.	Brig . . .	Margarith . . .	140	10	C. A. Boudel . . .	David Veete . . .	Salt . . .	Coast of Africa	28	. . .
2	, ,	Brazilian .	, ,	Nova Aurora . .	190	23	Manoel Feliciano .	Joaquim Malhado .	General cargo	Onim . . .	26	. . .
3	, ,	, ,	, ,	Sociedade Feliz.	135	14	Joze Francisco. . .	Joze Francisco . .	Ballast . . .	Princes Island	29	Said to have landed on this Coast 230 slaves.
4	, ,	Sardinian .	, ,	Vigilant . . .	140	13	Joao Baptista . . .	Joao Baptista . . .	General cargo	Havana . . .	66	. . .
5	June 7	Brazilian .	Yacht. . .	Gratidão . . .	77	14	Marcolina Martins.	Bernard Barboza .	Ballast . . .	Onim . . .	23	Ditto 380 slaves.
6	, ,	, ,	Pilot boat .	Juliana . . .	70	10	Joao Antonio . . .	Joze Maria Henrique	, ,	Princes Island	25	Ditto 256 slaves.

British Consulate, Bahia, June 30, 1840.

(Signed) EDWARD PORTER, Consul.

Second Enclosure in No. 189.

LIST OF VESSELS which have cleared out from this Port for the Coast of Africa from 1st April to 30th June, 1840.

No.	Date of Clearance.	Nation.	Class of Vessel.	Name of Vessel.	Tonnage	No. of Crew.	Name of Master.	Name of Owner.	Reported Cargo.	Destination.	Remarks.
1	April 14	American .	Brig . . .	Dido . . .	204	13	Carlos Straud . . .	J. S. Murphey. . .	Tobacco and Rum	Coast of Africa .	. . .
2	May 19	Brazilian .	Schooner brig.	Novo Intrepido .	150	15	Manoel Toze . . .	J. da Costa, Junior	, ,	, ,	. . .
3	, ,	Sardinian .	Lugger . . .	Furia . . .	112	14	Torre . . .	Noly . . .	, ,	, ,	. . .

British Consulate, Bahia, June 30, 1840.

(Signed) EDWARD PORTER, Consul.

No. 190

*Mr. Porter to Viscount Palmerston.**British Consulate, Bahia, July 27, 1840.*

MY LORD,

(Received September 28.)

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of February 20 last, transmitting to me a copy and translation of an Apostolical Letter by His Holiness the Pope, and desiring that I would have the same inserted in the public journal of this place. I have complied with your Lordship's orders, and I have the honour to lay before your Lordship the public journal, in which is inserted the translation of the letter of His Holiness the Pope.

I have, &c.

(Signed) EDWARD PORTER, *Consul.*

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

Enclosure in No. 190.

Correio Mercantil of July 27, 1840.

No. 191.

*Mr. Porter to Viscount Palmerston.**British Consulate, Bahia, October 5, 1840.*

MY LORD,

(Received November 23.)

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of April 23, 1840, with accompanying Treaty between Her Majesty and the Republic of Venezuela, for the Abolition of the Slave Trade.

I have likewise the honour to lay before your Lordship the enclosed Documents: No. 1, a Return of the vessels which have entered this port, from the Coast of Africa, during the three months ending the 30th September; and No. 2, a similar Return of the vessels which have sailed for that coast.

It affords me much pleasure to be enabled to state to your Lordship, that the Slave Trade has diminished greatly in this province, which is not only shown by the few arrivals and departures of vessels for the Coast of Africa, but also by the enhanced value of the slave.

Formerly the common price of a slave in this place was from 350 to 400 milreis, whereas they are selling at the present moment for 500 to 600 milreis, and can only be obtained with difficulty.

The diminution in the importation of slaves is attributed to the severe losses sustained by the parties interested in this traffic, occasioned by the vigilance of Her Majesty's cruisers in intercepting their vessels.

I have, &c.

(Signed) EDWARD PORTER, *Consul.*

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

First Enclosure in No. 191.

List of VESSELS which have entered the Port of Bahia from the Coast of Africa from the 1st July to 30th September, 1840.

No.	Date of Entry.	Nation.	Class of Vessel.	Name of Vessel.	Tonnage	No. of Crew.	Name of Master.	Name of Owner.	Reported Cargo.	Whence.	No. of Days Out.	Remarks.
1	August 3	Portuguese	Schooner . .	Graciosa Vingativa	65	10	Joaquim Pereira .	Graciano Joaquim Roiz.	Ballast . .	St. Thomas .	27	Supposed to have landed Slaves on this Coast.
2	Sept. 19	Sardinian .	, ,	Furia	112	12	Jozé Torres . .	Celestino Noly. .	Oil	Coast of Africa	23	. . . .

British Consulate, Bahia, September 30, 1840.

(Signed) EDWARD PORTER, Consul.

Second Enclosure in No. 191.

List of VESSELS which have cleared out from Bahia for the Coast of Africa, from 1st July to 30th September, 1840.

No.	Date of Clearance.	Nation.	Class of Vessel.	Name of Vessel	Tonnage	No. of Crew.	Name of Master.	Name of Owner.	Reported Cargo.	Destination.	No. of Days Out.	Remarks.
1	July 7	French .	Brig . .	Marabout . . .	272	11	De Joie	Le Perteire . .	Tobacco & rum	Coast of Africa		. . . .
2	, , 28	American .	, ,	John R. Gardner .	223	10	Frederick Will. .	Frederick Will. .	, ,	, ,		. . . .
3	August 6	Portuguese	Yacht . .	Dores	50	9	Manoel Antonio Vieira.	Joao Antonio Magalhaes.	, ,	, ,		. . . .
4	, , 13	Brazilian .	Schooner .	Juliana	107	22	Quirino Antonio .	Joaquim Roiz Pinto	Ballast . .	Fayal		Suspicious.
5	, , 22	, ,	, ,	Vertude União .	41	12	Simão Pereira . .	Luis Pacheco da Sa	Tobacco & rum	Coast of Africa		. . . .

British Consulate, Bahia, September 30, 1840.

(Signed) EDWARD PORTER, Consul.

No. 192.

*Mr. Porter to Viscount Palmerston.**British Consulate, Bahia, October 21, 1840.**(Received December 7.)*

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, August 24th, transmitting to me a copy of a Memorial from the Anti-Slavery Convention, and expressing your Lordship's opinion, that it would be unfitting that any Officers, holding an appointment under the British Crown, should either directly hold or be interested in slave property.

I have, &c.

(Signed) EDWARD PORTER, *Consul.**The Right Hon. Viscount Palmerston, G.C.B.*

&c.

&c.

&c.

BRAZIL. (*Consular.*)—*Pernambuco.*

No. 193.

Mr. Edward Watts to Viscount Palmerston.

British Consulate, Pernambuco, April 29, 1840.

MY LORD,

(*Received May 11.*)

IN obedience to the instructions conveyed to me in your Lordship's Despatch, dated the 22nd March, 1839, I have the honour to transmit herewith to your Lordship the slave returns at this port during the first quarter of the present year, ending on the 31st of March last, under the following documents:—

No. 1.—List of vessels under the Portuguese flag, sailed from the Port of Pernambuco for the Coast of Africa, or other quarters, hitherto engaged in the Slave Trade, from the 1st of January to the 31st of March, of the year 1840.

No. 2.—List of vessels arrived at this port under the Portuguese flag from the Coast of Africa, with the description of their cargoes, reported at this Custom House during the same period.

No. 3.—List of vessels under the flag of Portugal, now in this harbour, who have been engaged in the Slave Trade to the Coast of Africa, now unemployed or waiting for cargoes during the same period.

The intelligence received from the Coast of Africa and from Portugal has excited serious apprehensions amongst the slave dealers at this port, who are evidently becoming more cautious in their dealings, and many of them intent upon either the speedy restriction or abandoning altogether their future undertakings.

I have, &c.

(Signed) EDWARD WATTS,

Her Britannic Majesty's Consul.

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

&c. &c. &c.

First Enclosure in No. 193.

List of those Vessels, under the Portuguese Flag, which have sailed from the Port of Pernambuco for the Coast of Africa, or other Quarters, hitherto engaged in the Slave Trade, during the Quarter between the 1st of January and the 30th of March, 1840.

Date of Clearance.	Class of Vessel.	Name of Vessel.	Tonnage.	Number of Crew.	Master's Name.	Owner's Name.	For what Port cleared outwards.	Sugar.		Ruin.				Sundries.	
								Arrobas.	lbs.	Pipes.	Half Pipes.	Barrels.	Demi-johns.		Canadas.
1840. Jan. 22	Brig . .	Esperiencia .	159	20	L. Antonio de Abreu.	Jozé de Sa Regadas.	Benguella . .	329	23	93	..	..	20	15,410	507,815 reis.
Feb. 5	Brig . .	Conc. de Maria	181½	20	..	..	Monte Video .	659	3	126	1	12	41	21,751	Silver 13,400 reis.
March 9	Pataxo .	Restauração .	175½	10	..	..	Lisbon and St. Michael's.	9,661	18	..	..	..	..	..	..
„ 14	Brigantine	Amelia .	152	13	..	..	„	8,294	13	..	1,508	Canadas of molasses.	..	..	..
<p>N.B.—Two Brazilian vessels have sailed in this quarter, one for the Cape Verds and Angola, the other for Mozambique; their trade is declared by the Owners to be legitimate, viz,—</p>															
March 30	Brig . .	S. Maria Boa-sorte.	2,213	15	J. J. dos Praoz	Jos. Gonc. Caoção	Cape Verds .	750	27	205	..	..	127	35,722	1,120 Canadas molasses.
„ 31	„	União . . .	244	13	Manoel Pereira de Sa.	Elias Babbis de Silva.	Mozambique .	1,319	17	217	1	21	183	35,687	1,320 ditto; 100 lbs. snuff, &c.

British Consulate, Pernambuco, 31st March, 1840.

(Signed) EDWARD WATTS.

Second Enclosure in No. 19.

List of those Vessels which have arrived in the Port of Pernambuco, under the Portuguese Flag, from the Coast of Africa, with Particulars of their Cargoes, as reported at the Custom-house in this City, with Remarks, &c., for the Quarter between the 1st January and the 31st March, 1840.

Date of Arrival.	Class of Vessel.	Name of Vessel.	Tonnage of Crew.	Name of Master.	Name of Owner.	Reported Nature of Cargo.	Remarks.
1840. Feb. 16	.	Maria Rita	.	.	Senhor Rabello.	.	Landed on this date at Catuama, a small creek or bay 11 leagues to the northward of Pernambuco, from the Coast of Africa, 350 slaves, which were all sold and conveyed into the interior. The vessel not yet entered into this port. Derived from our informant.
March 9 ,, 22	Schooner ,,	Formiga. San Jozé.	83 77	Goncabro T. P. S. Oliveira.	J. P. Fonseca Aze. Lisboa . . }	Angola wax, mats, and palm oil.	The Masters' report that their cargoes of slaves were taken out or stolen at Angola by the Governor previous to leaving. This is likewise reported to the Consulate by the person employed to communicate intelligence. He likewise mentions that on or about the 18th April, the "Twenty-fourth of July," a Portuguese brig of 162 tons and 20 men, arrived from Mozambique with a fine and healthy cargo of 468 slaves, which were all safely landed at Catuama, and instantly sent to Itaparima and Engenho in the interior; and it is stated this supply is not sufficient for the demand. The entire of these unfortunate individuals were sold at high prices amidst much competition.

British Consulate, Pernambuco, March 31, 1840.

(Signed) EDWARD WATTS.

Third Enclosure in No. 193.

List of those Vessels under the Portuguese Flag now in this Port, and which have been engaged in the Slave Trade to the Coast of Africa, now unemployed or waiting for Cargo, for the Quarter ending 31st March, 1840.

Date of Arrival.	Class of Vessel.	Name of Vessel.	Tonnage.	Number of Crew.	Name of Master.	Name of Owner.	From what Port last arrived.	Remarks.
1839. Oct. 5	Schooner	Queendal	80	.	A. G. de Silva	T. de Sa Regados	Angola	.
" "	Brig	Triumphante	.	.	Mar J. Nunes	M. B. de Oliveira Bartos	"	.
Nov. 14	"	Josepha	220	.		The Master	"	Advertised for Mozambique.
1840. March 9	Schooner	Formiga	83	10	Poli St. Joncabres	Jozé Pin. de Fonseca	"	.
" 22	"	San Jozé	77	16	Jozé de St. Oliveira	J. F. de Aze. Lisboa	"	.

British Consulate, Pernambuco, March 31, 1840.

(Signed) EDWARD WATTS.

No. 194.

*Viscount Palmerston to Mr. Watts.**Foreign Office, August 13, 1840.**Circular sending Papers presented to Parliament.*

No. 195.

*Mr. Watts to Viscount Palmerston.**British Consulate, Pernambuco, June 18, 1840.*

MY LORD,

(Received August 20.)

HER Majesty's packet "Pigeon" has this day brought to me your Lordship's Despatch, dated the 20th last February, transmitting a copy and translation of an Apostolical Letter, promulgated on the 3rd December, 1839, by His Holiness the Pope, on the subject of the Slave Trade, which, in obedience to your Lordship's desire, I shall forthwith cause to be inserted in the public journal, daily published in this city, and have reprints of the same circulated widely through the northern Provinces of Ceará, Allagoas, and Parahibo.

I have, &c.

(Signed)

EDWARD WATTS,

*Her Britannic Majesty's Consul.**The Right Hon. Viscount Palmerston, G.C.B.,*

&c.

&c.

&c.

No. 196.

*Viscount Palmerston to Mr. Watts.**Foreign Office, August 24, 1840.**Circular sending Memorial from the General Anti-Slavery Convention.*

(No. 39.)

No. 197.

*Mr. Watts to Viscount Palmerston.**British Consulate, Pernambuco, July 31, 1840.*

MY LORD,

IN obedience to your Lordship's directions, I have the honour to transmit the enclosed returns of the Slave Trade at this port, during the quarter of the present year, from the 1st of April to the 30th of June last, exhibited in the following documents:—

No. 1.—List of vessels under the Portuguese flag, which have sailed from Pernambuco for the Coast of Africa, employed in the Slave Trade, during the quarter ending the 30th of June last.

No. 2.—List of vessels under the flag of Portugal, which have arrived at this port from the African Coast, in the various small ports and creeks within this province, during the same period.

No. 3.—List of vessels under the Portuguese flag in the harbour of Pernambuco, engaged in the African trade, at present unemployed or waiting for cargo, during the same time.

The number of slaves actually landed within this province, during that period, it is lamentable to observe, has been at least 1199; although the circumstance of only one vessel having left this port for the African coast, during the time in question, and only two vessels preparing to receive cargo, furnish undeniable evidence, that the determined measures of Her Majesty's Government to put down this detestable traffic begins to be felt in this Province of Brazil.

I have, &c.

(Signed)

EDWARD WATTS,

*Her Britannic Majesty's Consul.**The Right Hon. Viscount Palmerston, G.C.B.,*

&c.

&c.

&c.

First Enclosure in No. 197.

List of Vessels under the Portuguese Flag which have sailed from Pernambuco for the Coast of Africa, employed in the Slave Trade, during the Quarter ending 30th June, 1840.

Date of Clearance.	Class of Vessel.	Name of Vessel.	Tonnage.	No. of Crew.	Name of the Master.	Owner.	To what part of the Coast Cleared.	Cargo.							
								Sugar.	Runn.	Molasses.	Sundries.				
1840. April 15.	Pataxo	San José	87½	15	J. da S. Oliveira	J. Fele Azevedo Lisboa	Loanda	Arrobas. 326	lbs. 9	Pipes. 49	Half Pipes. 2	Barrels. 50	Demijohns. 8,204	Canadas. 2,812	Canadas. 187,383 reis.

British Consulate, Pernambuco, July 31, 1840.

(Signed) EDWARD WATTS, Her Britannic Majesty's Consul.

Second Enclosure in No. 197.

List of Vessels under the Portuguese Flag which have arrived from the Coast of Africa, at the various small Ports or Creeks within the Province of Pernambuco, during the Quarter ending the 30th June, 1840.

Date of Arrival.	Class of Vessel.	Name of Vessel.	Tonnage.	No. of Crew.	Name of Master.	Name of Owner.	From what part of the Coast she Sailed.	Remarks.
April 24	Brig	24th July	178	18	Antonio P. Vianna	Master	Mozambique	Landed on or about the 18th instant at Catuama, 468 slaves, said to be the finest and most healthy slaves hitherto imported. The vessel reported at this Custom-house, in ballast.
May 16	Schooner	Paquete de Madeira.	75	10	João de Silva Bastos	„	„	Landed on the night of the 8th instant near the Island of Hamaraca, either 268 or 274 slaves. Reported here in ballast.
May 23	„	Coype Fogo	65	12	A. G. de Silva	G. Antonio	Angola	Reported to have received on board 145 slaves, but from the smallness of the vessel a great mortality prevailed, and a majority of the unfortunate slaves died. The exact number landed to the northward of this port cannot be ascertained, the vessel not having yet arrived here, but it is presumed not more than 70 to 75, and very many of those sickly.
June 14	Brig	Experiencia	187	10	Manoel Antonio	Manoel Antonio	Benguela	Received on board 413 slaves, and landed at Maria Farinha, a few leagues to the northward, 387 slaves; 26 having died during the passage. Reported here in ballast.

British Consulate, Pernambuco, July 31, 1840.

(Signed) EDWARD WATTS, Her Britannic Majesty's Consul.

Third Enclosure in No. 197.

List of those Vessels under the Portuguese Flag now in this Port, and engaged in the African Slave Trade at present unemployed or waiting for Cargo—the Quarter ending the 30th June, 1840.

Date of Arrival.	Class of Vessel.	Name of Vessel.	Tonnage.	No. of Crew.	Name of Master.	Name of Owner.	From what Port arrived.	Remarks.
1839. October	Brig	Triumphante	..	..	G. J. dos Reis	M. B. O. Bastos	Angola	Loading for Mozambique.
1840. April 24	„	24th July	178	18	Antonio Pears Vianna	Master	Mozambique	„
May 16	Pataxo.	Paquete de Madeira.	175	10	João de Souza Brito	„	Benguela	„
June 13.	Brig	Experiencia	187	10	Manoel Antonio	„	Benguela	Loading for Mozambique, to sail early in August.

British Consulate, Pernambuco, July 31, 1840.

(Signed)

EDWARD WATTS, Her Britannic Majesty's Consul.

BRAZIL. (*Consular*)—*Maranhã*.

No. 198.

Mr. Wilson to Viscount Palmerston.

Consul's Office, Maranhã, February 28, 1840.

MY LORD,

(*Received May 22.*)

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch dated 12th October, 1839, transmitting a copy of the "Correio de Lisboa," No. 387, wherein were published in the Portuguese language two Notes, which Lord Howard de Walden was instructed by Her Majesty's Government to present to the Portuguese Government, on the subject of the African Slave Trade, carried on under the flag of Portugal.

In obedience to your Lordship's commands, I beg to state that I ordered 400 copies of said two Notes to be immediately reprinted, and caused the same to be distributed not only in this city, but through the interior of the province.

I have, &c.

(Signed) WILLIAM WILSON, *Vice-Consul.*

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

&c. &c. &c.

No. 199.

Mr. Wilson to Viscount Palmerston.

Consul's Office, Maranhã, March 4, 1840.

MY LORD,

(*Received May 22.*)

I HAVE the honour to acknowledge receipt, by way of Pernambuco, of your Lordship's Despatches, dated 12th October and 2nd November, of the past year, the former transmitting, for my information, printed copies of sundry Papers, together with your Lordship's Note of the 30th September, 1839, addressed to the Ministers accredited at the Court of St. James's, by the Powers who were parties to the Treaties of the Congress of Vienna in 1815, relative to the negotiations between Great Britain and Portugal on the subject of the Slave Trade; and the latter acquainting me with the several orders, which the Queen had been pleased to command should be given to the commanders of Her Majesty's cruisers for the suppression of the illicit traffic in slaves, carried on by vessels under the flag of Portugal; to all which I have paid the most strict attention.

I have, &c.

(Signed) WILLIAM WILSON, *Vice-Consul.*

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

&c. &c. &c.

CLASS B.

No. 200.

*Mr. Wilson to Viscount Palmerston.**Consul's Office, Maranhã, March 14, 1840.*

MY LORD,

(Received May 22.)

I HAVE the honour to transmit herewith, for the information of your Lordship, copies of a correspondence (Enclosures I to 16) which has lately taken place with the authorities here, relative to the boarding by boats from Her Majesty's sloop "Racehorse" of the Brazilian schooner "*Amalia*," soon after she came to an anchor in this port, in ballast from Angola; but from the obliging manner in which his Excellency Senhor Luiz Alves de Lima, the President, has behaved in the affair, I trust that no further notice will be taken of it.

In my Despatch to your Lordship, dated 15th October last, I mentioned that this vessel had proceeded from hence on a coasting voyage to Pará, and that the intention of her taking Portuguese emigrants from that place had previously been abandoned; on the arrival again at Pará, however, it appears that negotiations with the Portuguese Consul had been renewed, and that she finally sailed from thence for Angola with the emigrants in question.

The "*Amalia*" is a notorious slaver, but from the best information I have been able to obtain regarding her, it is pretty certain that she brought no slaves on this occasion, owing to insuperable difficulties which the parties interested found they had to contend with, in embarking and getting them away from the coast of Africa.

I have, &c.

(Signed) WILLIAM WILSON, *Vice-Consul.**The Right Hon. Viscount Palmerston, G.C.B.*

&c. &c. &c.

First Enclosure in No. 200.

*Lieutenant Harris to Mr. Wilson.*SIR, *Her Majesty's Sloop "Racehorse," February 18, 1840.*

I HAVE the honour to inform you that a vessel has arrived here, calling herself the "*Amalia*," from Angola.

From the report of the boarding officer, I believe her to be a slaver, and I give you the information accordingly, that you may represent it to the Government.

I have, &c.

W. Wilson, Esq.,

(Signed)

E. A. J. HARRIS, Commander.

&c. &c. &c.

Second Enclosure in No. 200.

*Mr. Wilson to Lieutenant Harris.*SIR, *Consul's Office, Maranhã, February 19, 1840.*

I HAVE the honour to acknowledge the receipt of your Despatch of yesterday's date, and beg to acquaint you that I have conveyed to his Excellency Senhor Luiz Alves de Lima, President of this Province, the information you have therein given me on the subject of the schooner "*Amalia*," which came into this port yesterday, and reported in ballast from Angola.

I have solicited his Excellency's attention to this matter, in causing it to be properly investigated, so that, should the above vessel prove to have been engaged in the miserable and inhuman traffic in slaves, the parties concerned therein may be dealt with as the violated laws of this country, and the Treaty now existing between His Imperial Majesty and Her Majesty the Queen of Great Britain, may direct.

I have, &c.

(Signed)

WILLIAM WILSON, *Vice-Consul.**The Hon. E. A. J. Harris, Commander of
Her Majesty's Sloop "Racehorse."*

Third Enclosure in No. 200.

Mr. Wilson to the President.

Consul's Office, Maranhã, February 19, 1840.

MOST ILLUSTRIOUS AND MOST EXCELLENT SIR,

I FEEL it my duty to acquaint your Excellency that through an official communication made to me by the Hon. E. A. J. Harris, Commander of Her Britannic Majesty's sloop "Racehorse," I have reason to believe that the schooner "*Amalia*," which came into this port yesterday, and reported in ballast from Angola, has been recently engaged in the illicit Slave Trade.

I would therefore beg to solicit your Excellency's attention to this matter, and respectfully suggest the necessity of its being properly investigated, in order that, should such prove to be the case, the parties concerned in that miserable and inhuman traffic may be dealt with as the violated laws of this country, and the Treaty now existing between His Imperial Majesty and Her Majesty the Queen of Great Britain, may direct.

I avail myself, &c.

(Signed) WILLIAM WILSON, *Vice-Consul.*

His Excellency Senhor Luiz Alves de Lima,
President of the Province of Maranhã.

Fourth Enclosure in No. 200.

The President to Mr. Wilson.

(Translation.)

Government House, Maranhã,

MOST ILLUSTRIOUS SIR,

February 20, 1840.

I ACKNOWLEDGE the receipt of the Note which, under date of yesterday, the 19th instant, was addressed to me from the British Consulate, wherein you communicate the suspicion of the Commander of the English corvette "Racehorse," regarding the Brazilian schooner "*Amalia*," which vessel having arrived from Angola, makes it probable she is engaged in the illicit Slave Trade.

Immediately on the receipt of the above Note, I gave the necessary directions to have the said schooner examined, placing her under the guard and vigilancy of the Commander of this port.

I regret, however, having to acquaint you that the regulation of the port was violated by the Commander of Her Britannic Majesty's corvette, in ordering part of his crew to board the Brazilian schooner before she was cleared from the Custom-house, notwithstanding the warnings given by the Custom-house guard, who declared the impossibility of his doing so without leave from the Inspector. Such a proceeding cannot in any manner be authorized by the suspicion above-mentioned, as it is in opposition to Article 2 of the Instructions of the Treaty of 1817, confirmed in 1826, between the Emperor of Brazil and His Majesty the King of Great Britain and Ireland.

Therefore, the Commander of the "Racehorse," having thus infringed the Treaty, and at the same time the Custom-house laws of the empire, has for the latter reason become liable to Article 135 of the Regulation of 1836, and ought in consequence to pay the fine imposed by this article on those who transgress it; which I communicate to you that, as an authority of a friendly power, respecter of the rights of nations, you may notify the same to the said Commander; whilst, as regards the infraction of the Treaty, I have to make a representation to the Government of His Imperial Majesty, to whom it is competent, as one of the high contracting parties, to demand satisfaction for an insult offered to the Brazilian nation.

W. Wilson, Esq.,
&c. &c. &c.

God preserve you, &c.
(Signed) LUIZ ALVES DE LIMA.

Fifth Enclosure in No. 200.

Mr. Wilson to Lieutenant Harris.

SIR,

Consul's Office, Maranhã, February 21, 1840.

I HAVE the honour to inform you that I yesterday received a Despatch from Senhor Luiz Alves de Lima, President of this Province, dated same day, the 20th instant, wherein he acquaints me that he has taken the necessary measures for the due and proper examination of the schooner "*Amalia*," lately arrived in this port from Angola, having placed her under the guard and surveillance of the Commander of the Naval Forces on the station. His Excellency further regrets having to communicate to me the circumstance of your having violated the Custom-house regulations of the port, by boarding the above schooner without leave first obtained from the Inspector of the Custom-house, notwithstanding the boarding officers having been warned off at the time by the Custom-house officer then on duty, which act would in no manner be authorized by the suspicion you might entertain regarding the above schooner, and being in opposition to Article 2 of the Instructions in the Treaty of 1817, confirmed in 1826, between His Imperial Majesty the Emperor of Brazil and His Majesty the King of Great Britain and Ireland. Having thus infringed the Treaty, and at the same time the Custom-house laws of the empire, he says that, in reference to the latter, you have incurred, and ought to pay, the fine particularized by Article 135 of the Regulations of 1836, which he communicates to me, in order that I may notify the same to you accordingly; whilst, in reference to the infringement of the Treaty, he has to make a representation to the Government of His Imperial Majesty, to whom it is competent, as *one of the high contracting parties*, to demand satisfaction for the insult offered to the Brazilian nation.

I have not yet been officially acquainted what may be the amount of the fine claimed for the infraction of the Custom-house regulations, but I at present understand it to be one thousand milreis, that is one hundred milreis for each individual in two of your boats that boarded the "*Amalia*."

I have, &c.

(Signed)

WILLIAM WILSON, *Vice-Consul*.

The Hon. E. A. J. Harris,
&c. &c. &c.

Sixth Enclosure in No. 200.

*Mr. Wilson to the President.**Consul's Office, Maranhã, February 21, 1840.*

MOST ILLUSTRIOUS AND MOST EXCELLENT SIR,

I HAVE the honour to acknowledge the receipt of your Excellency's Despatch, dated yesterday, the 20th instant, and have communicated the contents thereof to the Hon. E. A. J. Harris, Commander of Her Majesty's sloop "*Racehorse*."

I have also attentively observed the measures which your Excellency has taken regarding the schooner "*Amalia*."

I have, &c.

(Signed)

WILLIAM WILSON, *Vice-Consul*.

His Excellency Senhor Luiz Alves de Lima,
&c. &c. &c.

Seventh Enclosure in No. 200.

Lieutenant Harris to Mr. Wilson.

SIR,

Her Majesty's Sloop, "Racehorse," February 24, 1840.

I HAVE the honour to acknowledge the receipt of your Letter of the 21st instant, and much regret that anything should have occurred with respect to our boarding the schooner "*Amalia*," which I find is contrary to the port regulation, as well as to the Treaty now existing between Her Majesty and His Imperial Majesty the Emperor of Brazil.

From the personal interview which I had with His Excellency Senhor Luiz Alves de Lima this morning, he must be aware that I had not the least intention to break through the Custom-house regulations, or to offer any national insult, and that the error occurred through mistake.

W. Wilson, Esq.,
&c. &c. &c.

I have, &c.
(Signed) E. A. J. HARRIS.

Eighth Enclosure in No. 200.

Mr. Wilson to the President.

Consul's Office, Maranham, February 24, 1840.

MOST ILLUSTRIOUS AND MOST EXCELLENT SIR,

IN reference to my Despatch dated 21st instant, I have now the honour to enclose to your Excellency copy of a Note, addressed to me under this date by the Hon. E. A. J. Harris, on the subject of a boat having unfortunately, by mistake, been sent from Her Majesty's sloop "Racehorse," on board the Brazilian schooner "Amalia," in this port.

I have, &c.
(Signed) WILLIAM WILSON, *Vice-Consul.*
His Excellency Senhor Luiz Alves de Lima,
&c. &c. &c.

Ninth Enclosure in No. 200.

(Translation.)

The President to Mr. Wilson.

Government House, Maranham,
February 24, 1840.

MOST ILLUSTRIOUS SIR,

IN reference to what you communicated to me in your Note of the 21st instant, I have to acquaint you that having carried into effect, through the competent authority, every necessary investigation and examination on board of the Brazilian schooner "Amalia," the suspicion of her being engaged in the African Slave Trade is not verified.

God preserve you, &c.
(Signed) LUIZ ALVES DE LIMA.
W. Wilson, Esq.,
&c. &c. &c.

Tenth Enclosure in No. 200.

Mr. Wilson to Lieutenant Harris.

Consul's Office, Maranham, February 25, 1840.

SIR,

I HAVE the honour to acquaint you that I yesterday received from his Excellency Senhor Luiz Alves de Lima, President of this Province, an official Note, wherein he says, "that having carried into effect, through the competent authority, every necessary investigation and examination on board of the Brazilian schooner 'Amalia,' the suspicion of her being engaged in the African Slave Trade is not verified."

I have, &c.
(Signed) WILLIAM WILSON, *Vice-Consul.*
The Hon. E. A. J. Harris, Commander of
Her Majesty's Sloop "Racehorse."

Eleventh Enclosure in No. 200.

Lieutenant Harris to Mr. Wilson.

Her Majesty's Sloop "Racehorse."
Maranham, February 26, 1840.

SIR,

I HAVE the honour to acknowledge the receipt of your Letter of the 25th

instant, relative to one from the President, stating that the suspicion of the schooner "*Amalia*" being engaged in the African Slave Trade is not verified.

I have, &c.

(Signed) E. A. J. HARRIS, *Commander*.

W. Wilson, Esq.
&c. &c. &c.

Twelfth Enclosure in No. 200.

The Inspector of the Custom House to Mr. Wilson.

(Translation)

MOST ILLUSTRIOUS SIR,

Custom House, Maranham,
February 19, 1840.

YESTERDAY, about half-past three o'clock in the afternoon, an officer and four seamen belonging to the British corvette, boarded the Brazilian schooner "*Amalia*," which had come into port the same day, and having returned on board of their vessel, another officer, accompanied by a seaman, again boarded said schooner, without either of them having obtained leave to go on board; I have therefore to request your assistance, in order that the national coffer may be indemnified for the fine specified in Article 135 of the Custom-house regulation of 22d June 1836, expressly ordained to be put in force by Article 136 of same regulation.

I have the satisfaction to flatter myself, that a nation so zealous of her rights will always respect those of another nation, in amity with her through treaties and commercial relations.

God preserve you.

(Signed)

LICINIO JANSEN MULLER,

Acting Inspector.

W. Wilson, Esq.
&c. &c. &c.

(Translation)

Thirteenth Enclosure in No. 200.

Mr. Wilson to the Inspector of the Custom-House.

Consul's Office, Maranham,
February 20, 1840.

MOST ILLUSTRIOUS SIR,

I HAVE to acknowledge receipt of the Despatch you addressed to me under yesterday's date, informing me that two officers and some seamen belonging to Her Britannic Majesty's sloop "*Racehorse*," had on the afternoon of the previous day boarded the Brazilian schooner "*Amalia*" without having obtained the necessary leave from your department, which subjected them to the fine imposed by Article 135 of the Custom-house regulations, and also requesting my assistance, in order that the national coffer may be indemnified for the amount of the fine in question. In reply thereto, I beg to state that upon this subject I shall address myself to his Excellency the President of the province.

God preserve you.

(Signed)

WILLIAM WILSON, *Vice Consul.*

The Inspector of the Custom-House.

(Translation)

Fourteenth Enclosure in No. 200.

The Inspector of the Custom House to Mr. Wilson.

Custom House of Maranham,
February 20, 1840.

MOST ILLUSTRIOUS SIR,

IN addition to my Despatch of yesterday's date, I have to state to you, that the fine imposed by Article 135 of the regulation of 22nd June, 1836, is 100 milreis for each person who may without leave go alongside or board vessels whilst discharging; thus two boats having gone alongside of the schooner "*Amalia*," each containing five men, and notwithstanding that the whole of the first boat's crew, with only two of that of the second went on board of said schooner as I then stated, the fine nevertheless is applicable to all of those that went alongside.

God preserve you,

(Signed)

LICINIO JANSEN MULLER.

Acting Inspector.

W. Wilson, Esq.
&c. &c. &c.

(Translation) Fifteenth Enclosure in No. 200.

*The Inspector of the Custom House to Mr. Wilson.**Custom-house of Maranhã, March 3, 1840.*

MOST ILLUSTRIOUS SIR,

IN your Despatch of the 20th February last, in reply to mine of the 19th, having stated that on the subject of the fine imposed on the officers and seamen belonging to Her Britannic Majesty's sloop "Racehorse," you would address yourself to his Excellency, the President of this Province, I have been waiting for the result of your application, and as nothing regarding it has yet been communicated to me, I have, therefore, again to request your concurrence for the prompt payment of the fine in question.

God preserve you.

(Signed)

LICINIO JANSEN MULLER,

Acting Inspector.

W. Wilson, Esq.
&c. &c. &c.

(Translation) Sixteenth Enclosure in No. 200.

*Mr. Wilson to the Inspector of the Custom-house.**Consul's Office, Maranhã, March 4, 1840.*

MOST ILLUSTRIOUS SIR,

I HAVE received the Despatch which you addressed to me under yesterday's date regarding the fine intended to be imposed by your department upon the officers and seamen who, from on board of the British sloop-of-war "Racehorse," boarded the schooner "Amalia," and in reply thereto I have to refer to what I, under date of 20th February last, had the honour to state to you on the subject.

God preserve you.

(Signed)

WILLIAM WILSON, *Vice-Consul.**The Inspector of the Custom-house.*

No. 201.

*Mr. Wilson to Viscount Palmerston.**Consul's Office, Maranhã, May 9, 1840.*

MY LORD,

(Received June 27.)

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch under date of 20th February, 1840, transmitting me a copy and translation of an Apostolical Letter promulgated on the 3rd December, 1839, by His Holiness the Pope, on the subject of the Slave Trade.

A Portuguese translation of this Letter having simultaneously with my receipt of the same, been copied into a Public Journal of this place, most extensively circulated, from the "Jornal do Commercio" of Rio de Janeiro, no further step was necessary to carry into effect your Lordship's wishes relative thereto, except that I have obeyed your Lordship's directions, by availing myself of every other suitable opportunity of making its contents known.

I have, &c.

(Signed)

WILLIAM WILSON, *Vice-Consul.*

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

No. 202.

*Mr. Wilson to Viscount Palmerston.**Consul's Office, Maranhã, May 9, 1840.*

MY LORD,

(Received June 27.)

I HAVE the honour to transmit enclosed, for your Lordship's information, list of vessels that arrived at this port from the Coast of Africa, during the

Quarter ending March 31st, 1840, there not having been any departures to that coast from hence during said period; also copy of my Despatch of the 7th instant to Her Majesty's Chargé d'Affaires at Rio de Janeiro, relative to the Brazilian schooner "*Amalia*," and other particulars regarding Slave Trade connected with this port.

It is likewise my duty to make your Lordship acquainted with the arrival at this port, on the 3d ultimo, of the Portuguese schooner "*Aguia*," that reported in ballast from Ilha do Principe: there is little doubt that she landed a cargo of slaves somewhere on this coast, but I much regret that I have hitherto found it impossible to obtain any correct information on this subject, and that for the present I can only beg your Lordship's reference to what I stated in my aforementioned Despatch to Her Majesty's Chargé d'Affaires at Rio de Janeiro, as to the difficulty of obtaining such information, and of bringing the offenders to justice.

I have, &c.,

(Signed) WILLIAM WILSON, *Vice-Consul*.

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

First Enclosure in No. 202.

LIST of VESSELS arrived at the Port of Maranhã from the Coast of Africa, during the Quarter ending March 31, 1840.

Date of Arrival.	Description of Vessel.	Name of Vessel.	Name of Master.	Tonnage.	No. of Crew.	Whence.	Days' Passage.	Reported Nature of Cargo.	Name of Owner.
1840. February 18	Brazilian Schooner .	<i>Amalia</i> .	Raymundo Nunatto	128	15	Angola .	26	Ballast .	Antonio Pinto Ferreira Vianna, of Maranhã.

Consul's Office,
Maranhã, March 31, 1840.

(Signed) WILLIAM WILSON.
Vice-Consul.

Second Enclosure in No. 202.

Mr. Wilson to Mr. Quseley.

SIR,

Consul's Office, Maranhã, May 7, 1840.

I HAVE the honour to acknowledge the receipt of your Despatch, No. 2, dated 5th April last, and attentively note the circumstance therein mentioned, that the Brazilian schooner "*Amalia*" is said to have brought from the Coast of Africa, on her last voyage, 350 negroes, about 100 of which wretched beings had been thrown overboard during the voyage.

I beg leave to assure you, that on her arrival here it was generally accredited that she had not brought any slaves, for the reason given in my Despatch dated 6th March, although the object of the speculation was well known; it was some time afterwards, that a report began to circulate that she had really brought and landed negroes somewhere on the coast, but without any of the particulars, as above stated, having been mentioned.

This, however, was no more than a mere surmise, to which all such vessels are exposed, and was of so vague and uncertain a character as did not appear to me to afford sufficient ground to enable me to call the attention of the President of the Province to the subject, in a proper or efficient manner, particularly after his communication to me, as to the judicial investigation which he had ordered to be made on board the "*Amalia*," at my request, copy whereof was forwarded to you in my above-mentioned Despatch, No. 1.

The local arrangements made by the persons in this place who are engaged in that detestable traffic, are of such a nature, and so secretly carried into effect, that before any rumour transpires all legal proofs of guilt are removed, and this, combined with the facilities afforded by so many convenient landing places along the coast, both to the eastward and westward, render it exceedingly difficult to obtain any correct information regarding their proceedings; to this may be added, the most ardent efforts, through bribery or otherwise, of almost every one amongst all

classes of persons in authority, to screen the offenders from justice. You may rely, however, upon my continued vigilance in that respect, as well as on receiving from this Consulate the most exact information possible, relative to all vessels suspected of being employed, in this quarter, in the illicit Slave Trade.

That the "*Emulação*" should have taken from this port, on the 11th January last, to Pará, any part of the negroes said to have been brought by the "*Amalia*," on the voyage in question, appears to be extremely improbable, seeing that the latter only sailed from that port for Angola, with Portuguese emigrant passengers, towards the end of September or in October last, and on her return entered this place in ballast on the 18th February. The "*Emulação*" very probably, however, took other negroes that may have been introduced in a clandestine manner, which I understand are sometimes sent coastwise, even from Rio de Janeiro, as domestic servants, without any proper investigation being made by the authorities, as to their origin.

The returns forwarded to Her Majesty's Government since the commencement of 1839, agreeably to the copies enclosed herein, of vessels having any intercourse between this place and the Coast of Africa, show that the trade in Africans carried on by them, cannot have been to a very considerable extent, although no doubt sufficiently so to make it highly lamentable, when the atrocious acts connected therewith are duly considered.

The "*Amalia*" has only made two voyages to Africa since her ownership was changed from American to Brazilian, previous to which she was a regular American trader to this port; she sailed again on the 20th ultimo from hence, with a general cargo of merchandise for Pará.

The "*Lealdade*," mentioned in the enclosed list, was long advertised for sale, and eventually, after undergoing repairs, was chartered by Government to take prisoners from hence to Pernambuco, for which place she sailed under convoy, on the 27th January last.

The "*Tres Amigos*," formerly belonging to this port, mentioned in Mr. Consul Moon's Despatch, under date of 26th May, 1838, sailed from hence with a general cargo for Lisbon, under the name of the "*Neptuno*," on the 3rd of November same year, having laid here during the whole of the intervening time, and is reported to have been destroyed on the Coast of Africa, several months ago, by a British cruizer.

I have now to acquaint you that the Portuguese schooner "*Aguia*," entered this port on the 3d ultimo, and reported in ballast from Ilha do Principe and I have little doubt she must have landed slaves somewhere on the coast, but regret that I have not hitherto been able to obtain any certain intelligence to that effect; this is the first arrival here of the "*Aguia*," since my mention of her to you, in my Despatch, No. 1, dated 15th April last year.

I would further beg to mention, that from my own constant observation, and such information as I have been able to obtain, I am persuaded that no negroes of recent importation, have been brought into this city since the commencement of the present year, but it is very probable that deposits, more or less, may exist on the island.

Agreeably to your directions, I have had a personal and confidential interview with the President, Senhor Luiz Alves de Lima, on the subject of these matters, and in reference to the result of the investigation made by his orders, on board the "*Amalia*," soon after her arrival here, he expressed great regret to learn the nature of the information regarding her, to which I had to call his attention. He also most cordially expressed his anxious desire to co-operate, by every means within his power, in the proper investigation of all cases brought to his notice, where suspicion can be reasonably entertained of the clandestine introduction into this province of negroes from the Coast of Africa, in order that the delinquents may be brought to punishment as the law directs.

I have, &c.

(Signed)

WILLIAM WILSON, *Vice-Consul*.

W. G. Ouseley, Esq.
&c. &c. &c.

No. 203.

*Viscount Palmerston to Mr. Moon.**Foreign Office, August 13, 1840.**Circular sending Papers presented to Parliament.*

No. 204.

*Viscount Palmerston to Mr. Moon.**Foreign Office, August 24, 1840.*

SIR,

I HEREWITH transmit to you a copy of a Memorial from the General Anti-slavery Convention.

I have to acquaint you that Her Majesty's Government concurs in the sentiments expressed in that Memorial, and especially in the opinion that it would be unfitting that any officer holding an appointment under the British Crown should either directly or indirectly hold or be interested in slave property.

I have, &c.

(Signed) PALMERSTON.

John Moon, Esq.

&c. &c.

(For Enclosure, see No. 39.)

No. 205.

*Mr. Wilson to Viscount Palmerston.**Consul's Office, Maranhã, July 18, 1840.*

MY LORD,

(Received September 8.)

I HAVE the honour to transmit enclosed, for your Lordship's information, a list of vessels that arrived at this port from the Coast of Africa during the quarter ending June 30th, 1840.

Regarding the schooner "*Aguia*," I have little to observe, further than what I communicated to your Lordship in my Despatch under date of 9th May last; she is still here, now apparently ready for sea, but her destination is not known.

The brigantine "*Visconde de Sá da Bandeira*" having arrived from the Cape Verds deeply laden with the cargo particularized in the above list, I should think it doubtful whether she brought any slaves; however, the circumstance of the parties interested in her having a plantation on the Coast to leeward, renders it suspicious that she may have brought a small number, although nothing whatever has transpired to that effect since her arrival, nor have I been able to obtain any information regarding the vessel's proceedings previous to her entering this port. She sailed from hence on the 16th instant, cleared out for Gibraltar, to call at the Western Islands; her cargo consisting of timber and planks of hard wood, and a small quantity of rice and sugar.

I have, &c.

(Signed) WILLIAM WILSON, *Vice-Consul.**The Right Hon. Viscount Palmerston, G.C.B.*

&c.

&c.

&c.

Enclosure in No. 205.

LIST of VESSELS arrived at the Port of Maranhã from the Coast of Africa, during the Quarter ending June 30, 1840.

Date of Arrival.	Description of Vessels.	Name of Vessels.	Name of Masters.	Ton-nage.	No. of Crew.	Whence.	Days' Passage.	Reported Nature of Cargo.	Name of Owners.
1840. April 3	Portuguese schooner.	<i>Aguia</i>	Raymundo Antonio Lima.	60	14	Ilha do Principe	23	Ballast	Antonio Goncalves Machado, of Maranhã, deceased.
June 7	Portuguese brigantine.	<i>Visconde de Sá da Bandeira</i> .	Joaquim Severino de Avellar.	84	12	{ St. Michael's and Ilha do Sal . . .	{ .. 15	32 millstones and 84 empty barrels. 1,400 alqueires of salt	Joze Severino de Avellar, of Foyal.

*Consul's Office,
Maranhã, June 30, 1840.*

(Signed)

WILLIAM WILSON,
Vice-Consul.

No. 206.

Mr. Wilson to Viscount Palmerston.

British Consulate, Maranhã, September 23, 1840.

MY LORD,

(Received November 13.)

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, dated April 23rd, 1840, transmitting for my information a copy of a Treaty concluded at Caraccas, on the 15th March, 1839, between Her Majesty and the Republic of Venezuela, for the abolition of the Slave Trade.

I have, &c.

(Signed) WILLIAM WILSON, Vice-Consul.

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

&c.

&c..

&c.

No. 207.

Mr. Wilson to Viscount Palmerston.

Consul's Office, Maranhã, October 13, 1840.

MY LORD,

(Received November 27.)

I HAVE the honour to transmit, for your Lordship's information, a list which contains particulars of the only vessel that has sailed from this port for the Coast of Africa, during the quarter ending September 30th, 1840.

No arrival from that Coast has taken place during the same period.

The above vessel was described in the Enclosure No. 2 of my Despatch, dated June 20th, 1839, and I have only further to remark, that the property in her has been transferred by Bill of Sale, to the Master of her, who is at present the ostensible Owner.

I have, &c.

WILLIAM WILSON, Vice-Consul.

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

&c.

&c.

&c.

Enclosure in No. 207.

LIST of VESSELS departed from the Port of Maranhã to the Coast of Africa, during the Quarter ending September 30, 1840.

Date of Departure.	Description of Vessel.	Name of Vessel.	Name of Master.	Tonnage.	No. of Crew.	Where bound.	Nature of Cargo.	Name of Owners.
1840. September 1.	Portuguese schooner.	Aguia .	Raymundo Antonio Lima.	60	14	Islands of St. Thomé and Principe.	16 bags of rice, 18 pipes and 52 barrels of rum, 20 barrels of sugar, 4 bales and 2 cases of dry goods, and a tombstone.	Said Master.

British Consulate,
Maranhã, September 30, 1840.

(Signed)

WILLIAM WILSON,
Vice-Consul.

BRAZIL. (Consular)—Para.

No. 208.

Mr. Cowper to Viscount Palmerston.

British Consulate, Pará, May 5, 1840.

MY LORD,

(Received June 18.)

I HAVE the honour to enclose to your Lordship a paper published at Maranham, in answer to the Notes of Lord Howard de Walden, and extensively circulated here.

The prefix, of which I deemed it unnecessary to send a translation, presuming that Mr. Wilson had done so, is an absurd and insulting production; it was at first my intention to have noticed it, but, upon reconsideration, I feared that possibly your Lordship might not justify such a proceeding, I therefore abstained from so doing.

The Note of Lord Howard de Walden to Visconde de Sá da Bandeira, and marked "*most confidential*," has been hailed with much joy by the slave traders of this port; but how a production endorsed "*most confidential*," and addressed to so high a personage as Visconde de Sá da Bandeira, obtained publication, is to me a mystery.

The slave brigantine "*Amalia*," is again here, loading for the Coast of Africa; the Captain of her reported at Maranham, and subsequently here, that he was boarded at sea by a British man-of-war, and that the boarding officer robbed him of 7,000 dollars; I addressed a Note to him, in which I requested him either to deny the truth of the report, or to come and make oath of the facts before me, that I might obtain justice for him; he has taken no notice of the letter, it is therefore obvious that this is one of the many gross fabrications originated by these lawless men, to obtain them sympathy in their transactions.

The province is perfectly quiet, but commerce nearly at a stand still; on the latter subject I shall have the honour to address your Lordship at full in my next Despatch.

I have, &c.

(Signed) H. AUGUSTUS COWPER, *Consul.*

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

&c. &c. &c.

No. 209.

Mr. Cowper to Viscount Palmerston.

British Consulate, Pará, May 27, 1840.

MY LORD,

(Received July 23.)

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, dated 20th February, 1840, containing the copy of a Bull of His Holiness the Pope, decreeing the abolition of the Slave Trade.

With the view of carrying your Lordship's commands into effect, I deemed it

most advisable, first, to request the bishop to have the Bull read in all the churches, and to have a copy thereof affixed to the church doors; and secondly, to publish a Portuguese translation of it, with the only public journal in *Pará*.

In the first of these objects I have failed, the bishop having informed me that so completely under the control of the Government is the Catholic church in this Empire, that it was two years before he could obtain permission from Rio de Janeiro to publish the first Bull of Pope Gregory XIV., announcing his elevation to the Papal chair.

The Portuguese translation of this apostolical letter is now in the printer's hands, and will appear on Saturday next.

I have, &c.

(Signed) H. AUGUSTUS COWPER, *Consul*.

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

&c.

&c.

&c.

No. 210.

Viscount Palmerston to Mr. Cowper.

Foreign Office, August 13, 1840.

Circular sending Papers presented to Parliament.

No. 211.

Viscount Palmerston to Mr. Cowper.

Foreign Office, August 24, 1840

Circular sending Memorial from the General Anti-Slavery Convention.

(No. 39.)

No. 212.

Mr. Cowper to Viscount Palmerston.

British Consulate, Para, September 26, 1840.

(Received December 17.)

MY LORD,

It is with much regret that I do myself the honour of laying before your Lordship certain papers relating to the following case.

I received instructions from your Lordship, dated 12th October, 1839, and 20th February, 1840, to publish in this city the two notes of Lord Howard de Walden to the Portuguese Government, and the apostolical letter of His Holiness Pope Gregory XVI. relating to the abolition of the Slave Trade. In performing your Lordship's commands, I excited the ill-will of the Portuguese residents in this city strangely enough against me personally, and various papers have been written of an insulting tendency, but as they were not official I of course took no notice of them. But on the 19th instant I received a Note from the Portuguese Consul, enclosing to me a printed copy of a Note, said to have been addressed by the Baron de Sabroza to Lord Howard de Walden, containing a preface by the Portuguese Consul, not only written in the worst possible style, but bringing a direct and serious charge against me.

My Lord, my greatest efforts are directed towards the conciliation of all persons, by courtesy of manner and an unwillingness to take offence, and I trust that your Lordship will not deem that I have departed from this resolve by my reply to the Portuguese Consul, whose charge your Lordship will be pleased to bear in mind was officially made in a public journal.

The Portuguese Consul replied to me; and I regret to say, my Lord, that I must accuse him of stating that which is untrue, when he denied intending offence, and attributed my accusation to my limited knowledge of the Portuguese language. Mistrusting that knowledge in a matter of so much importance, I

requested the opinions of gentlemen of different nations, who put but one construction upon the offensive preface, namely, that which I stated to the Portuguese Consul in my Despatch. I do not bring so serious a charge without due consideration and weighty evidence. Before I received the first note of the Portuguese Consul, the highest functionary in *Pará* asked me if I had read the publication of the Portuguese Consul; upon my answering in the negative, he informed me that it was written in an insulting style, and accused me of having suppressed the Baron de Sabroza's note, &c.; he added, that he had troubled himself to make inquiries as to its author (for no one believes the Portuguese Consul himself to be so), and he had positive assurance that it was forwarded direct from Lisbon. Again, a person attached to the Portuguese Consulate, and who is suspected by some of being the author of the preface; has been heard to say, that he would one day pay the British Consul for his publication (alluding to the papers which I had the honour to publish at your Lordship's command).

Moreover, the Portuguese Consul called upon a British merchant here, and stated that he had published a paper at the order of his Government, but that fearing I might deem it insulting, he hesitated to send me a copy; he has also at various times treated me with disrespect, and his conduct on one occasion was so marked, that the President required an explanation from him; he then evaded apology by saying, as in this instance, that no slight was intended; as he has now refused me a public retractation, I have ordered the publication of our correspondence for my public defence, and I earnestly trust, my Lord, that my zeal in this matter may meet with your Lordship's approbation.

I have, &c.

(Signed) H. A. COWPER.

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

First Enclosure in No. 212.

Pamphlet entitled "Note from the Baron da Ribeira de Sabroza to Lord Howard de Walden, in reply to the two Notes of that Diplomatist of April 28 and May 5, 1839," and published in Pará by Fernando Jozé da Silva, the Consul of Her Most Faithful Majesty in that province.

(Translation.)

Reason for Publication.

HER Britannic Majesty's Consul in this province, in virtue of instructions which he is said to have received, published in your supplement to No. 80 of the *Folha Commercial do Pará*, two despatches directed to the Portuguese Government by the Minister Lord Howard de Walden, without giving their dates, which were, of the first, 28th April, 1839, and of the second, the 5th May of the same year, and he suppressed the copy of a note addressed on the 11th September in the same year to the before-mentioned diplomatist, by Baron de Ribeira de Sabroza, President of the Council of Ministers, and charged with the ministry of foreign affairs, which was absolutely necessary to render it possible for the *Pará* public to judge of this matter, supposing the British Consul honestly looked for the opinions of sensible men.

I proceed then to supply this deficiency, by bringing to light the above-mentioned note, which I have extracted from a collection of official documents relative to the negotiations for a Treaty between Portugal and Great Britain for the suppression of the Slave Trade; the said Note, compared with the two above-mentioned of Lord Howard de Walden, clearly shows how much the Portuguese Government have endeavoured to hasten the ratification of the Treaty, and how much the British Government have impeded its conclusion by its enormous demands.

Portugal never persuaded itself that Great Britain would object to compact with it stipulations, identical to those which she had already concerted with France in 1831 and 1833, and which were in conformity with those which France herself contracted with Sweden in 1836, and to which divers other Powers have conformed; it most unexpectedly saw conditions, more important than those of the original Treaty negotiated for by the said Lord with the Duke of Palmella, notwithstanding all might have been satisfied with the ample concessions of the contracting Treaty, and when this ought to have been concluded by the discussion of the Additional

Article; it was at this moment that the British negociator removed himself to London.

But still more weighty stipulations were presented in a new project of a Treaty by G. S. S. Jerningham, Chargé d'Affaires of England, requiring that they should be signed without alteration or demur.

The rejection of this project was most strictly right; by a contrary proceeding the dignity of the Crown and the independence of the Portuguese would have suffered a considerable blow; but withal it did not abstain to offer to sign the Treaty, on the point of negotiation between Viscount de Sá da Bandeira and Lord Howard de Walden, and to declare that it would admit of some modification of the additional article, the discussion upon which was interrupted in the before-mentioned manner; such was the sincere desire which the Portuguese Government had for effectually abolishing the Slave Trade, already decreed on the 10th December, 1836, by virtue of the report made on that day by the Secretaries of State, the Viscount de Sá da Bandeira, Antonio Manoel Viscount de Castro, and Manoel de Silva Passos; all this is insurmountably demonstrated by the Note, which has been lately forwarded officially to me by my Minister, to be presented to the public by means of the press, which same Note has enabled me to rebut the charge of want of faith, which we encounter in the papers published here by the British Consul.

This same Consul has also caused to be reprinted, and to be widely disseminated, the apostolical letter of His Holiness Pope Gregory XVI. upon the law of abstaining from the traffic in negroes, with a hope that it would produce the desired effect upon those to whom His Holiness more particularly addressed himself. So great has been the Consul's concern in this respect, that he has not hesitated to have recourse to bulls.*

Setting aside the views of the British Consul in arming himself with the referred to apostolical letter, I will merely remark that it was idle to present it as a support to his cause, for this reason that the Portuguese Government never rejected it, nor does it refuse to adopt it with Great Britain, notwithstanding its doctrine has been most rarely sent forth from the Palace of the Vatican, for it is well known that Nicholas V. on the 6th January, 1454, and Calistus III. on the 3rd March, 1454, approved of the commerce in slaves. The most High Pontiff, who actually reigns in the supreme chair, points out in his said letter, that Pius II. in 1462, in his Brief addressed to the Bishop of Rubeira, severely rebuked those Christians who had reduced the new converts of Guinea to slavery; but after this, Pope Sextus IV. on the 21st June, 1481, and Leo X. on the 3rd November, 1514, judged with all the others to be good that which Pius II. only declared to be bad.

The Apostles, in treating of slavery, never said that it was unjust, or contrary to natural rights, they solely desired the masters of slaves to behave with more humanity towards them. Montesquieu, in his *Esprit des Loix*, b. 15, a. 6, says that the Muscovites often sold themselves to those who would support them; and La Harpe, in the 7th vol. chap. 6, page 286, of the General History of Voyages, narrates that the Chinese, without doubt the most ancient and most civilised of people, many of them sold themselves to those who would support them, to prevent dying of hunger and misery.

I have not brought to my recollection these passages, because I desire to express my opinion as allied with their subject, but to commemorate that, in all times, slavery has not been looked upon in the same light, as by the sentimental philosophers of our days.

It remains for me to consider that in the same apostolical letter are found named, as opposed to slavery, the Popes, Paul III. on the 29th May, 1537; Urban VIII. in April, 1639; and Benedict XIV. on the 20th December, 1741; but yet they only reprobate the slavery of the American Indians, and the reason of this their disapprobation was, that amongst these it did not exist when the Spaniards and Portuguese discovered these regions, and, on the contrary, it already flourished with the negroes of the Great African Peninsular when the Portuguese landed there, who did not do more than avail themselves of the errors of these nations.

Las Casas himself, Bishop of Chiapa, after mature consideration, established the wealth of the two worlds upon this lasting basis, finding the different circumstances in which the blacks of the Coast of Africa and the Indians of Brazil were, at the time of the appearance of the Portuguese in one and other part of the world, the disposition of laws was different, because the justice of them was not absolute, but in relation to circumstances, and it is on this account that we now see arise, from

a collision of interests, the extinction of the commerce in slaves from the Coast of Africa.

I will not be more prolix, least I should defeat the end which I proposed to myself, which is exclusively before all others to oppose, by the publication of the Note of my Minister, the papers which the British Consul has just placed before the eyes of the people of Pará.

Here follows the Note of Baron Sabrosa of September 11, 1839.

(See Papers of 1839, Class B, p. 138.)

* In a similar manner an Englishman, R. C. Dallas, being a Royalist and a Protestant, published and dedicated to George Canning, in 1815, his Apology for the Jesuits, demonstrating that there were also Protestant Jesuits. This apology was posterior to another work which he published in 1803, in praise of the bloodhounds trained by his fellow countrymen in Jamaica, in the human and Christian exercise of devouring runaway slaves.

Second Enclosure in No. 212.

M. da Silva to Mr. Augustus Cowper.

(Translation.)
ILLUSTRIOUS SIR,

*Office of the Consul-General of Portugal,
September 19, 1840.*

It is my duty to transmit to you the copy of a Note addressed, on the 11th September, 1839, by Baron da Ribeira de Sabrosa to Lord Howard de Walden, in reply to your two Notes of the 28th April and the 5th May of the said year.

I have extracted this Note from a collection of official documents, printed and published it in this city of Pará, in obedience to the orders of my Government, to whom I had sent the said papers, which you caused to be printed and distributed here, relative to the suppression of the Slave Trade. You, by the publication of those papers, obeyed the orders of your Government; and I, by the above-mentioned Note, obey mine. Both of us, then, have done our duty, without which I desire to offer you the consideration and esteem for which you will give me credit.

God preserve you, &c.

F. JOSE DA SILVA.

*H. Augustus Cowper, Esq.
&c. &c. &c.*

Third Enclosure in No. 212.

Mr. Cowper to M. da Silva.

British Consulate, Pará, September 21, 1840.

ILLUSTRIOUS SIR,

I BEG to acknowledge the receipt of your Despatch, dated the 19th inst., enclosing to me the printed copy of a Note, which you inform me was addressed by Baron da Ribeira de Sabrosa to Lord Howard de Walden, on the 11th September, 1839, in reply to the two Notes which I had the honour to publish in this city, in obedience to the commands of my Government.

In the absence of all official intelligence respecting this Note I can offer no observations upon it; but I regret that I must severely animadvert upon those with which you have thought proper to preface it.

The expression of your opinions upon the relative conduct of the British and Portuguese Governments could not have been deemed of importance by the public at large, even if they had been given with tolerable judgment. I am satisfied, however, to leave them as they appear to their own merits, believing that they will do no more than create surprise, that the accredited Agent of Her Most Faithful Majesty in this province should support the alleged wishes of his Government by multiplying quotations against them!

But under what instructions, or by what authority, you have offered me, and, in my person, Her Majesty's Government, an uncalled for insult, I am at a loss

to conceive ; for although you have stated to me that your whole publication was in accordance with the commands of Her Most Faithful Majesty's Government, it is incredible that your preface could have been included in your instructions.

You officially and publicly accuse me of having "*suppressed*" the publication of this Note, adding that I should not have done this "*if I had honestly looked for the opinions of sensible men ;*" and you afterwards draw a comparison between my conduct in publishing the apostolical Letter of His Holiness the Pope upon the Abolition of Slave Trade, and that of a person named Dallas, who you state "*approved of training bloodhounds to devour fugitive slaves,*" as if this noble production can be placed in comparison with a bloodhound !

Sir, if you consider this to be proper official language, if you deem it right to offer an insult to one of your colleagues, and through him to the most faithful ally of your country, if you can reconcile it to your feelings to abuse the most holy and most Christian address which has emanated from the papal chair, and which will immortalize and glorify the name of Gregory XVI., I cannot ; and I hereby formally request you to retract, in the same public manner in which they were offered, the offensive expressions, which I trust you were led into by an unthinking zeal.

I will add that I never saw or heard of the Note which you have published, until I received it from your hands, and that the omission of the dates of my two Notes was the fault of the publisher, who received them from me. I therefore indignantly deny the charge of "*SUPPRESSION ;*" and beg to state that I am as incapable, as is the Government which I have the honour to serve, of suppressing anything for ulterior purposes, and that I am proud to have been made an humble instrument of disseminating such a production as the Apostolical Letter of His Holiness Pope Gregory XVI.

I have, &c.

(Signed) H. AUGUSTUS COWPER, *Consul*.

Fernando J. da Silva, Esq.
&c. &c. &c.

Fourth Enclosure in No. 212.

M. da Silva to Mr. Cowper.

(Translation.)

Consulate General of Portugal, in Pará,
September 24, 1840.

ILLUSTRIOUS SIR,

I HAVE just finished the reading of the letter written and addressed to me by you, dated 21st instant ; it has created in me no small surprise, since I never expected that you would severely censure me, adopting principles opposed to reason, and wanting in that degree of prudent moderation so necessary to public employés, and perverting the spirit in which I wrote, more especially taking into consideration the Despatch which accompanied your copy of the Note which I caused to be printed in this city.

You, taking for granted that which I never said, and which never entered into my mind, accuse me of being guilty of a serious offence, and to blind the opinions of other men, declare yourself to be offended by anticipation.

You published your Ministerial Papers, and favoured me with a copy ; I made no remarks upon this subject, until I was authorized to reply, when I could only do so by exposing the want of accuracy in this matter, which belongs passively to us and not actively, but which rests entirely with our respective Governments.

In your same Despatch, to which I give this reply, you make use of expressions indicative of the greatest veneration for the present visible head of the church of Jesus Christ ; your insisting on this obliges me to say that I cannot concede to you in point of respect and profound esteem for the orthodox doctrines of the said church, it was in reference to its most venerable principles that I made allusion to the most High Pontiffs, and also to the Apostles.

You appear to unite this affair with your own person, and permit me to say that is an error ; we are mere executors, and our acts should be in consonance to the object, as I have acted, in giving a motive for the publication of the Note, in harmony with itself. If you, little versed in the Portuguese language, understood the contrary of what I have written, it is for me to guide you to its true meaning, asserting that the sense which you give to my paper is not only diametrically opposed to my intentions, but also to the literal sense of the context.

CLASS B.

This explanation has been drawn from me as an urbane and frank man; if, however, you continue to persist in perverting my meaning, it is necessary for me to make you aware, that with this present answer is closed, on my part, all further correspondence on this subject, and I shall leave it for the solution of my Government. In the mean time, I again reiterate to you the assurance of my distinguished consideration and esteem for your person.

God preserve you, &c.

(Signed)

FERNANDO JOSÉ DA SILVA, *Consul.*

H. Augustus Cowper, Esq.
&c. &c. &c.

Fifth Enclosure in No. 212.

(Translation.)

Mr. Cowper to the Editor of the "Treze de Maio."

MR. EDITOR,

British Consulate, Pará, September 26, 1840.

I BEG to forward to you for publication a correspondence, which I have just concluded with Her Most Faithful Majesty's Consul, upon the subject of the remarks prefixed by him to the Note of Baron da Ribeira de Sabrosa to Lord Howard de Walden.

The Consul, instead of giving me the public retraction I requested, asserts that he never intended the construction which I have put upon his preface, which he attributes to my limited knowledge of the Portuguese language; but I have taken the highest opinions in Pará upon the subject, Brazilian, English, and Portuguese, and all agree that the only inference which can be drawn from the Consul's preface is, that I suppressed a Note which I possessed, for the purpose of laying an *ex-parte* statement before the Pará public, that they might thus decide in favour of my Government.

The charge having been publicly made, I am obliged to adopt this mode for my public defence, regretting its necessity, which has been thrust upon me by the Consul, who does not appear to have remembered his own assertion, "that we are mere executors," &c., when he prefixed to the Note of his Government observations purely his own.

I am, Mr. Editor, &c.

(Signed)

H. AUGUSTUS COWPER.

To the Editor of the "Treze de Maio."

No. 213.

Mr. Cowper to Viscount Palmerston.

British Consulate, Pará, September 30, 1840.

MY LORD,

(Received November 17.)

I HAVE the honour to enclose to your Lordship a printed copy of the correspondence which has taken place between Her Most Faithful Majesty's Consul and myself, and which I had the honour to enclose to your Lordship on the 26th instant.

I also forward the copy and translation of my last Note to the Portuguese Consul.

I have, &c.

H. AUGUSTUS COWPER, *Consul.*

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

First Enclosure in No. 213.

Reprint of Correspondence Enclosed in No. 212.

Second Enclosure in No. 213.

*Mr. Cowper to M. da Silva.**British Consulate, Pará,
September 27, 1840.*

ILLUSTRIOUS SIR,

I BEG to enclose to you a printed copy of our correspondence upon the subject of the preface attached to your publication of the Note of Baron da Ribeira de Sabrosa to Lord Howard de Walden.

You will not be surprised that I have adopted this mode of publicly defending myself from a public accusation, after you had declined all further correspondence upon the subject, and had thus virtually denied me the public retractation which I required.

I take this opportunity of offering you the assurance of my high consideration.

I have, &c.

(Signed)

H. AUGUSTUS COWPER.

Senhor F. José da Silva.

&c. &c. &c.

NETHERLANDS.

No. 214.

Sir A. Malet to Viscount Palmerston.

The Hague, May 8, 1840.

(Received May 11.)

My LORD,

WITH reference to your Lordship's Despatch of the 16th December last, to Sir E. Disbrowe, relative to the suspicious nature of the sale of a Dutch colonial vessel as reported by Her Majesty's Commissary Judge at Surinam, I beg to enclose the copy of a Letter from Mr. Samo to Admiral Ryk, transmitted in a Note from Baron Verstolk to Sir Edward Disbrowe, admitting the appearance of good faith in this transaction on the part of the Netherland authorities at Curaçoa.

I have, &c.

(Signed) A. MALET.

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

Enclosure in No. 214.

Mr. Samo to Governor-General Ryk.

Surinam, January 23, 1840.

THE Undersigned, Her Britannic Majesty's Commissary Judge, has had the honour this day to receive the communication of his Excellency Rear-Admiral Ryk, Governor-General of his Netherland Majesty's West Indian possessions, calling the attention of the Undersigned to a request of the Lieutenant-Governor of Curaçoa to be furnished with the name of the person who gave the information relative to the sale at that island of the Dutch schooner "*Baron von Heeckeren*."

The Undersigned does not feel at liberty to state anything further relating to that transaction, than that the result of the investigation, so far as it has proceeded, tends to make it appear that the public authorities at Curaçoa have acted in good faith.

The Undersigned, &c.

(Signed) JOHN SAMO.

Rear-Admiral Governor-General Ryk,
 &c. &c. &c.

No. 215.

Sir A. Malet to Viscount Palmerston.

The Hague, July 14, 1840.

(Received July 16.)

MY LORD,

WITH reference to your Lordship's Despatch of the 16th December last, to Sir Edward Disbrowe, I have the honour to enclose a copy of a Note and translation of its accompanying documents, received on the 30th June from Baron Verstolk, refuting the allegations of Mr. J. Samo, Her Majesty's Commissary Judge at Surinam, respecting suspicions entertained of a Dutch colonial vessel being engaged in slave trading.

I have, &c.

(Signed) A. MALET.

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

First Enclosure in No. 215.

Baron Verstolk to Sir A. Malet.

MONSIEUR LE CHEVALIER,

La Haye, le 29 Juin, 1840.

EN signalant par la Lettre, dont Sir Edward Cromwell Disbrowe a bien voulu m'envoyer copie avec son office du 23 Décembre dernier, le schooner de "*Baron von Heeckeren*," comme destiné au Commerce d'Esclaves, Monsieur le Commissaire Juge Samo, à Surinam, a mentionné en outre, quoique d'une manière assez vague, le fait d'un autre bâtiment des Pays Bas, soupçonné des mêmes pratiques.

Ayant eu l'honneur d'adresser le 2 Mai dernier à Monsieur l'Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté Britannique des pièces dont il résulteroit, que les plaints relatives au premier objet se trouvoient denuées de fondement, je me félicite de pouvoir vous communiquer aujourd'hui celles ci-jointes, qui prouvent également que la seconde allégation ci-dessus était aussi peu exacte que la première. Vous y remarquerez même au contraire, que les autorités de la colonie veillent incessamment au maintien des Traités, et des dispositions établis sur la matière.

Je saisis cette occasion, &c.

(Signé)

VERSTOLK DE SOELEN.

Sir A. Malet, Bart.,
 &c. &c. &c.

(Translation.)

M. LE CHEVALIER,

IN pointing out, by the Letter of which Sir E. C. Disbrowe sent me a copy with his Note of 23d December last, the schooner "*Baron Von Heeckeren*" as destined for the Slave Trade, Mr. Commissary Judge Samo, of Surinam, mentioned besides, though in a manner vague enough, the fact of there being another Netherland vessel suspected of like practices.

Having had the honour to address on the 2d May last to the Envoy Extraordinary and Minister Plenipotentiary of Her Britannic Majesty, documents from which it resulted that the complaints relative to the first matter were discovered to be unfounded, I congratulate myself on being able to communicate to you now the subjoined documents, which equally prove that the second of the above allegations was as little exact as the first. You will remark therein, on the contrary, that the authorities of the colony watch incessantly over the maintenance of the Treaties, and the regulations established on the subject.

I seize, &c.

(Signed)

VERSTOLK DE SOELEN.

Second Enclosure in No. 215.

Extract from the Journal of Deliberations, and Resolutions by the Governor-General of the Netherland West India Possessions.

TUESDAY, JANUARY 7, 1840.

THE Governor-General having read a letter from the Commandant of Curaçoa, dated the 11th October, 1839, No. 106, referring to his decisions of the 3d and 13th September of the same year, Nos. 358 and 366, given with respect to the sale of the Portuguese galliot "*Anita*" to J. C. Weygell, communicating the further issue of that affair, and requesting to have an opinion both as to his proceedings on that occasion, and with respect to the argument set forth in the case by the King's Attorney;

Having further read the elucidations and reports of the Attorney-General on the subject, dated 30th November last, No. 909;

Considering that though the Commandant does not state on what grounds he deemed the sale of that galliot to J. C. Weygel for 1,100 francs, to be a simulated transaction, it nevertheless must be supposed that those grounds were sufficiently cogent in every respect, as he would not have acted on mere presumption in so weighty a matter, whilst the result shows that the sale was annulled by the parties, so soon as difficulties were started in granting the necessary papers for the vessel in the name of J. C. Weygel ;

Considering that the application to the case in question of the directions for ship-meters and assizers in the mother country, as also of the law of the 14th March, 1819, existing in the mother country, was not exactly in due form, since those regulations, not having been promulgated and declared executory on the spot, were not binding there, yet that such application did not take place in a direct manner, as with regard to the first point only the standard was indicated to the ship-meter and assizer, by which they might verify the measurement of the vessel, whilst the citation of the law of the 14th March, 1819, was merely intended to make the King's Attorney acquainted with what is prescribed in the mother country under similar circumstances, leaving it to that functionary to communicate his opinion as to the measures which ought to be adopted with respect to the case in question, in order to prevent any fraud and abuse of the maritime papers demanded ;

Considering that the assertion of the King's Attorney would be susceptible of vindication in a mere juridical point of view, as in general none but infamous persons and minors can be excluded from taking an oath, but by no means on taking into consideration the solicitation of the Commandant to institute an inquiry respecting the presumptions of fraud alleged to have taken place in that affair, in consequence of which an express and complete examination ought to have been made, with a request in case of need, addressed to the Commandant, for a further explanation of the grounds on which he presumed fraud to have been practised ;

Considering, finally, that the Commandant being rendered personally responsible for any abuse that might be made of Sea Passes granted by him, it is incumbent on him to act in those cases with the utmost circumspection, and to take good care that such papers be not given to persons, who may be supposed to make an illicit use of them themselves or to allow others to do so ;

Has thought proper and ordained, that an Extract of the present shall be transmitted to the Commandant, in order to make known to him, that we, in every respect, approve his proceedings in this instance, and concur in the notification intimated by him to the King's Attorney, with liberty to inform that Functionary of it in an official manner.

An extract hereof also to be delivered to the Attorney-General for his information.

Conformable to the aforesaid Journal. The Government Secretary.

(Signed) G. DE VEER.

Third Enclosure in No. 215.

Curacao, February 11, 1840.

FROM the Minutes of transactions noted in my Journal, and dated the 3d of September last, under No. 358, to which I beg to refer, your Excellency will perceive what decision I took, after the act of affirmation on oath had been laid before me, respecting the property of a certain galliot "*Anita*," under Portuguese flag, which had previously put in here, and was reported to have been purchased for the sum of 1,100 francs by the person of John Conrad Weygel, a citizen of and residing in the Island of Bonaire, from Balthasar Pugols, a stranger. The notoriously deceptive proceeding in this business, both with regard to the Colonial Revenues, which had been thereby defrauded of their legal right to 10 per cent., on the sale of foreign vessels to a Netherland subject, and to the taking of the oath itself, there being good reason to suppose that the abovementioned vessel had been sold for not less than 2,100 dollars, equal to 5,250 francs, induced me to give that decision, in order that it might serve as an example for the future relative to transactions against which it is every way important strictly to guard in a well

organized society, for which reasons, therefore, the decision given in the case with respect to the oath was notified to the King's Attorney here, requiring him to institute the necessary inquiry as to its purity or not, and to report to me on the subject, for consideration; the substance of which, together with my decision on the case, your Excellency will find stated in the transactions of my Journal, dated the 13th September last, No. 366; and, in doing so, I have not been able to avoid offering objections to the Functionary just before mentioned, as the admission of his argument would undoubtedly sanction the abuse that might be made of Netherland Passports, and against which the authority entertaining doubt or suspicion concerning what relates thereto, is in duty bound to guard.

Shortly after the taking of my first-mentioned decision, the vessel alluded to in the present was again transferred by the person of J. C. Weygel to another stranger here, by which the reserve made by me, under No. 2, in that decision, is rendered unnecessary; and even before this subsequent transaction, the bail previously put in for the said Weygel, as Owner of the vessel, was withdrawn by him who had given it, all which furnished a convincing proof of the illicit proceeding that has taken place in this respect.

I have consequently the honour to acquaint your Excellency with the foregoing particulars, and shall be happy to learn in how far my proceedings in this case, with reference to the opinion emitted by the King's Attorney, meet with your Excellency's approbation.

The Commandant of Curaçao and dependant Islands.

(Signed)

R. F. VAN RADERS.

No. 216.

Viscount Palmerston to Sir E. C. Disbrowe.

Foreign Office, August 13, 1840.

Circular sending Papers presented to Parliament.

No. 217.

Viscount Palmerston to M. Dedel.

Foreign Office, September 7, 1840.

SIR,

I HAVE the honour to transmit to you the accompanying copy of a letter from Commander Tucker, of Her Majesty's ship "Wolverine," reporting that Netherland transports are in the habit of taking on board at St. George d'Elmina, every three or four months, a number of negroes, said to be intended as recruits for Batavia.

I have to request, that you will have the goodness to draw the attention of the Netherland Government to this practice, which is in fact Slave Trade, carried on by officers of the Dutch Government, and which must necessarily be productive of the evils attendant upon Slave Trade.

Her Majesty's Government had hoped that the earnest appeal which was made on this subject, in the year 1836, to the humane and generous sentiments of the King of the Netherlands, would have induced His Netherland Majesty to direct his colonial authorities to desist from the practice of purchasing negroes in Africa as recruits for the Dutch army; for Her Majesty's Government is well convinced, that the Government of the Netherlands is animated by a sincere desire to put down the Slave Trade. But the measures still pursued by the Netherland authorities on this matter, do not merely encourage the Slave Trade, but give to that trade the sanction of the example of the Netherland Government. I request, therefore, that your Excellency, in communicating the accompanying paper to the Netherland Government, will once more entreat the attention of that Government to this subject, and express a hope that on reconsideration they will no longer persevere in this course of proceeding. For the slave trading example thus set by the Netherland Government will encourage private adventurers to do the same, and the Netherland Government will in this way, by their own practice, perpetuate a traffic, which they have denounced as criminal, and which His Netherland Majesty has by Treaty bound himself to put down.

I am, &c

(Signed)

PALMERSTON.

His Excellency M. Dedel,

&c.

&c.

&c.

First Enclosure in No. 217.

*Mr. More O'Ferrall to Viscount Leveson.**Admiralty, July 29, 1840.**(Received July 30.)*

MY LORD,

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Viscount Palmerston, a copy of a letter from Commander Tucker, of Her Majesty's sloop "Wolverine," dated the 9th of May last, on the subject of Netherland transports embarking negroes said to be recruits; and I am to request you will inform me what instructions Lord Palmerston is of opinion should be given on the subject.

Viscount Leveson,
&c. &c. &c.

I am, &c.,
(Signed) R. MORE O'FERRALL.

(Extract.)

Second Enclosure in No. 217.

*Commander Tucker to Mr. More O'Ferrall.**Her Majesty's ship "Wolverine,"**West Bay, Princes, May 9, 1840.*

SIR,

IN the absence of the Commander in Chief, Rear-Admiral the Honourable George Elliot, appointed to the command in India, and as senior officer of this station, I request you will move the Lords Commissioners of the Admiralty, that they will be pleased to apply to Her Majesty's Principal Secretary of State for Foreign Affairs, for instructions relating to the Netherland transports, which embarked at St. George d'Elmina every three or four months, a number of negroes said to be recruits for Batavia, with respect to which I have to inform you that in February last I received information that the "*Batavia*," Netherland transport, embarked about 75 negroes, many of whom I had received information, and was prepared to prove, were British subjects, and for whom a sum equal to the value of a slave was either paid to the parent, owner, or himself, and had in consequence intended to detain her, and send her to Sierra Leone for adjudication, under the impression that it was contrary to the treaties existing between the Netherlands and Great Britain, for the suppression of the Slave Trade, but was prevented detaining her by the advice of the Commander in Chief, who arrived at Cape Coast Castle, on the morning the transport sailed from St. George d'Elmina, and now another transport is daily expected from the Netherlands, to embark some more negroes under the same circumstances; but in this instance for Surinam instead of Batavia. The embarkation of negroes under the name of recruits may probably be claimed by and permitted to every Government, but if so, it will lead to great abuse and to a great extension of the Slave Trade (now nearly suppressed on this part of the coast.) If the recruiting system be permitted, the old Portuguese, Spanish, and Brazilian slave traders will probably resort to the same method of carrying on their inhuman traffic, under the plea of recruiting, as the French and Dutch have already done to a great extent.

I have, &c.,

(Signed) WILLIAM TUCKER,

R. More O'Ferrall, Esq.,
&c. &c. &c.

Commander, and Senior Officer.

No. 218.

Viscount Palmerston to Sir E. C. Disbrowe.

SIR,

Foreign Office, September 10, 1840.

I HEREWITH transmit to you, for your information, a copy of a Note, and of its Enclosures, which I have addressed to the Netherland Envoy at this Court, entreating the attention of his Government to the fact, that Netherland transports are in the habit of taking on board at St. George d'Elmina, a number of negroes, said to be intended as recruits for Batavia, and urging that this course of proceeding may be discontinued.

Since this Note was written, I have received from Her Majesty's Commissary Judge at Surinam, the Despatch, of which I enclose a copy, in which it is stated that His Netherland Majesty's steam-vessel "*Curaçoa*" has arrived at Surinam, where she has landed 50 young Negroes, who are to be prepared for service in the Dutch regiments.

I have now to instruct you to communicate to the Netherlands Government a copy of Mr. Samo's Despatch, by a Note, stating that Her Majesty's Government cannot but consider these proceedings to be an infraction of the stipulation of the Treaty of May 4, 1818, by which His Netherland Majesty engaged "to prohibit all his subjects, in the most effectual manner, and especially by penal laws the most formal, to take any part whatever in the trade of slaves," for it appears that agents of the Netherland Government have gone into the slave market, and bought slaves, just as any other purchasers of slaves would do.

Her Majesty's Government feel convinced, that the Netherland Government will see, upon reflection, that this transaction is a pure and simple act of slave-trading, committed by the orders of a Government which has by Treaty bound itself to put a stop to Slave Trade.

For, to constitute Slave Trade, it is not necessary that the party who buys the slaves should intend to sell them again, because if the criminality of the transaction depended only upon this subsequent sale, then it is clear that landed proprietors in America and the West Indies might carry on Slave Trade with impunity, if, instead of purchasing slaves from adventurers who bring them from Africa, they were themselves to hire and send vessels to Africa on their own account, and were, by means of their own agents in Africa, to purchase slaves, as the Dutch Government has done for their own use.

But the Dutch Government must see, that in this transaction It stands, in a moral point of view, exactly in the same situation as a West India planter, who, for the cultivation of his estate, buys negroes brought to him by dealers in slaves.

The only difference is, that the slaves bought by the Dutch Government do not pass through so many hands as those bought by the West India planter; but the Dutch Government contracts with a slave dealer for the purchase of slaves; that dealer employs his under agents to procure those slaves; and those slaves are men who are torn by violence from their houses and families, and are carried off by force from their native country, in order to be delivered over against their will, to the agents of the Dutch Government, to be by them sent off across the sea to a distant region, and to be there compelled by force to employ themselves in occupations not of their own choice.

It is no answer to this to say, that when the slaves are thus purchased by the Dutch agents, they receive certificates of emancipation. Such certificates are evidently valueless pieces of paper, unless they confer upon the slaves, which of course they do not, the power of returning to their own country, or of refusing to enter into the Dutch service, and of continuing in a state of freedom.

In conclusion, you will state that Her Majesty's Government cannot but hope, that the Netherland Government, when it comes to reflect upon the true nature of the transaction in question, will give the necessary orders for entirely discontinuing a practice, so inconsistent with the principles which have been solemnly declared by the Dutch Government, and so incompatible with the treaty engagements which have been entered into by His Netherland Majesty.

Sir E. C. Disbrowe, G.C.H.,
&c. &c. &c.

(Signed)

PALMERSTON.

First Enclosure in No. 218.

Viscount Palmerston to M. Dedel.

Foreign Office, September 7, 1840

(See No. 217.)

Second Enclosure in No. 218.

Mr. Samo to Viscount Palmerston.

Surinam, June 29, 1840.

(Class A, No. 206, page 360.)

No. 219.

Sir E. C. Disbrowe to Viscount Palmerston.

The Hague, September 18, 1840.

(Received September 20.)

MY LORD,

IN obedience to the commands contained in your Lordship's Despatch
CLASS B.

of September 10th, 1840, I have presented to Baron Verstolk the Note of which I have the honour to enclose a copy.

Your Lordship will perhaps recollect, that a long correspondence took place during the years 1837 and 1838, between Baron Verstolk and myself, on the subject of this mode of recruiting; and Baron Verstolk, in his Note of the 20th May, with which the correspondence closed, undertook that General Verveer should revise the existing laws for recruiting, so as to render any slave-trading impossible. I thought it right to allude to this promise in the Note which I presented.

General Verveer died on his voyage home, the day after he quitted the African Coast.

When I received this intelligence, I immediately requested to be informed what steps he had taken; but it does not appear that he ever made any report to his Government.

I had a long conversation with him upon this subject the day he embarked, when he promised that every abuse should be rectified.

I found him, however, very unwilling to abandon altogether the idea of recruiting directly on that coast.

Your Lordship is probably aware that a Treaty exists, by which the King of Ashantee furnishes a thousand recruits annually for the Netherland regiments in Java, these recruits only receiving manumission at Elmina.

I have, &c.

(Signed)

E. C. DISBROWE.

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

Enclosure in No. 219.

Sir E. C. Disbrowe to Baron Verstolk.

The Hague, September 16, 1840.

It is not without considerable pain that the Undersigned, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, communicates to his Excellency Baron Verstolk de Soelen, Minister of State and Foreign Affairs of His Majesty the King of the Netherlands, the copy of a Despatch from Mr. Samo, the British Commissary Judge at Surinam, in which it is stated that His Netherland Majesty's steam vessel "*Curacoa*" had arrived at Surinam, and had landed fifty young negroes from the Dutch Settlements on the West Coast of Africa.

By the Treaty of the 4th May, 1818, between the British and Netherland Governments, His Netherland Majesty engaged to prohibit all his subjects, in the most effectual manner, and especially by penal laws the most formal, to take any part whatever in the trade of slaves. It is, therefore, with extreme surprise that the British Government have learned the fact stated, which it cannot but consider as a deviation from the stipulation of the Treaty.

The excitement caused by this proceeding at Surinam has been immense; and it is evident that, if such a practice is continued, the slave traders of all nations, justifying themselves by such an example, will purchase the services of slaves, under the specious pretence of hiring them as labourers; and thus, under another name, all the horrors of the Slave Trade will be revived.

Her Majesty's Government feel, however, convinced that that of the Netherlands will see, on reflection, that this transaction differs in nothing from slave-trading; for, to constitute slave-trading it is not necessary that the party who buys the slaves should intend to sell them again; because, if the criminality of the transaction depended upon the subsequent sale, the landed proprietors in America and in the West Indies might carry on the Slave Trade with impunity, if, instead of purchasing slaves from adventurers who bring them from Africa, they were themselves to hire and send out vessels to Africa on their own account, and were, by means of their own agents, to purchase slaves in Africa for their own use.

For the purpose of placing the matter in a still clearer point of view, the Undersigned will further remark on the position, in which the Netherland agents on the Coast of Africa have by their acts placed their Government.

The Netherland Government stands in need of labourers or soldiers (it is indifferent which) for the cultivation or defence of its possessions in another part of the world, and it procures these negroes in Africa by paying a sum of money to

persons in the habit of procuring slaves for sale. The West India planter, in want of negroes for the cultivation of his estate, does the same thing; only, he applies to an agent in America or elsewhere, who takes the risk of the middle passage on his own account.

The only difference in these two cases is, that the slaves bought by the Netherland Government do not pass through so many hands as those bought by the West India planter. In both instances the principal dealer employs his sub-agents to procure these slaves, and these slaves, in both instances, are men who are torn by violence from their homes and families, and are carried off by force from their native country, to be delivered over, against their will, to agents who send them across the sea to a distant region, where they are compelled to employ themselves in occupations not of their own choice.

It is no answer to say that these slaves, when purchased by the Netherland Government, are styled recruits, and receive certificates of freedom, because these certificates by no means confer upon the slaves the right of refusing to enter into the Dutch service, still less of returning as free men to their own country (for this, from many circumstances attendant on their position at the moment of receiving these certificates, is quite impossible); these certificates, therefore, are perfectly useless to them, and confer no liberty whatever.

The want of real value in such certificates, and the abuse which has taken place under the name of recruiting, has been so fully discussed in the correspondence between his Excellency Baron Verstolk and the Undersigned, in the years 1837 and 1838, as to render any further remarks on recruiting unnecessary on the present occasion.

The Undersigned will content himself with reverting (which he does with much satisfaction) to the Note of Baron Verstolk, dated 20th May, 1838, with which the correspondence closes. In this Note the Undersigned is informed that General Verveer had received instructions to amend the existing regulations, and to substitute new ones capable of preventing every abuse. The sudden death of that officer, before he could make his report, may have prevented as yet the Netherland Government from giving complete effect to the promises contained in the Note of his Excellency Baron Verstolk of the 20th May, 1840; and the Netherland agents have consequently continued the former abuses in Africa; but the Undersigned is so fully convinced of the wish entertained by the Netherland Government to put an effectual stop to slave trading, in every form and under whatever pretence it may be engaged in, that he does not doubt that the Netherland Government will, upon reflection, see, that recruiting in Africa must carry along with it a direct encouragement of that iniquitous commerce; and he confidently trusts that, regardless of every other consideration, it will give the necessary orders to its agents entirely to discontinue a practice so inconsistent with principles of humanity, solemnly declared by the Netherland Government to be the guide of its conduct, and which are in fact incompatible with the Treaty engagements entered into by His Netherland Majesty.

The Undersigned avails himself, &c.

(Signed)

E. C. DISBROWE.

His Excellency the Baron Verstolk de Soelen,
&c. &c. &c.

No. 220.

Viscount Palmerston to Sir E. C. Disbrowe.

SIR,

Foreign Office, September 25, 1840.

WITH reference to the correspondence which passed in the year 1832, between this office and Her Majesty's Mission at the Hague, upon the subject of a report that slave-vessels were supplied at the Dutch Settlement of Elmina with canoes and canoe-men, for the purpose of taking slaves off the coast, I heerewith transmit to you, for communication to the Dutch Government, an extract from a Despatch which I have received from Her Majesty's Commissioners at Sierra Leone, together with an original official list therein enclosed, of 21 canoe-men who were furnished on the 9th April, 1839, at Elmina, for the service of the Brazilian slave vessel "*Simpathia*."

I am, &c.

(Signed)

PALMERSTON.

Sir E. C. Disbrowe,
&c. &c. &c.

Enclosure in No. 220.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, September 11, 1839.**And List of Canoe-men enclosed therein.*

(See Class A, No. 115, page 222.)

No. 221.

*Sir E. C. Disbrowe to Viscount Palmerston.**The Hague, October 2, 1840.**(Received October 4.)*

MY LORD,

I HAVE the honour to inclose the copy of a Note which I have addressed to Baron Verstolk, on the subject of the assistance afforded to the Brazilian slave ship "*Symphathia*," engaged in Slave Trade.

I have preserved an attested copy and translation of the original Muster Bill.

(Signed) E. C. DISBROWE.

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

&c. &c. &c.

Enclosure in No. 221.

Sir E. C. Disbrowe to Baron Verstolk.

MONSIEUR LE BARON,

The Hague, October 2, 1840.

I HEREWITH transmit to your Excellency an extract from a Despatch from Her Majesty's Commissioners at Sierra Leone, dated September 11, 1839, which has been addressed to Lord Palmerston.

The extract asserts, that assistance was given to the Brazilian brig "*Symphathia*," when engaged in the Slave Trade, by the authorities at St. George d'Elmina," and in order to enable your Excellency to appreciate the state of the case, the original Muster Roll, prepared by the authorities of St. George d'Elmina, and signed by the Governor, is submitted for your inspection, not doubting that those steps which the gravity of the circumstance demands will be immediately taken.

I avail myself, &c.

(Signed) E. C. DISBROWE.

His Excellency the Baron Verstolk de Soelen,

&c. &c. &c.

No. 222.

*Viscount Palmerston to Mr. Dedel.**Foreign Office, October 5, 1840.**Circular sending Papers presented to Parliament.*

No. 223.

Viscount Palmerston to Sir E. C. Disbrowe.

SIR,

Foreign Office, October 20, 1840.

WITH reference to my Despatch of the 25th ultimo, on the subject of canoe-men, who were furnished at Elmina for the service of the Brazilian slave vessel "*Symphathia*." I herewith transmit to you, for communication to the Dutch Government, a copy of a Despatch from Her Majesty's Commissioners at Sierra Leone, together with two original lists therein enclosed of canoe-men, who were furnished at Elmina, for the service of the Brazilian slave vessel "*Pampeiro*."

I am, &c.

Sir E. C. Disbrowe,

(Signed) PALMERSTON.

&c. &c. &c.

Enclosure in No. 223.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, November 15, 1839.**And List enclosed therein.*

(See Class A, No. 123, page 249.)

No. 224.

*Sir E. C. Disbrowe to Viscount Palmerston.**The Hague, October 30, 1840.**(Received November 6.)*

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 20th instant; and I beg leave to enclose copy of a Note which I have in consequence addressed to Baron Verstolk.

I likewise enclose a certified copy and translation of the original documents transmitted to Baron Verstolk, and which were enclosed in your Lordship's Despatch.

I have, &c.

(Signed)

E. C. DISBROWE.

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

&c.

&c.

&c.

Enclosure in No. 224.

*Sir E. C. Disbrowe to Baron Verstolk.**The Hague, October 29, 1840.*

MONSIEUR LE BARON,

On the 2d October I had the honour to address to your Excellency a Note, inclosing in original a list of a pilot boat's crew, furnished by the authority of the Governor of St. George d'Elmina to the Brazilian brigantine "*Sympathia*," whilst engaged in the Slave Trade, and I have now the unpleasant duty to fulfil of forwarding to your Excellency, likewise in original, two other lists of crews, amounting altogether to 81 persons, who were furnished by the same authority to the Brazilian vessel "*Pampeiro*," which vessel has also been convicted and condemned for the crime of trading in slaves.

Having furnished your Excellency with further proofs of this practice, I make no doubt that the Netherland Government will at once call upon the Governor to account for proceedings, which so evidently afford facility and encouragement to this iniquitous traffic.

I avail myself, &c.

(Signed)

E. C. DISBROWE.

His Excellency the Baron Verstolk de Soelen,

&c.

&c.

&c.

No. 225.

*Sir E. C. Disbrowe to Viscount Palmerston.**The Hague, November 13, 1840.**(Received November 16.)*

MY LORD,

I HAVE the honour to enclose the copy of a Note which I have received from Baron Verstolk de Soelen, dated November 9th, on the subject of recruiting on the Coast of Africa for the negro regiments in the Netherland service.

His Excellency having mistaken the purport of the Note which I addressed to him by your Lordship's commands of the 19th September, inasmuch as he supposes that an attempt was made to draw an odious comparison between the Netherland soldier and the slaves of the West Indian planter, I thought it my duty, without delay, to explain the mistake into which he had fallen; and I have done so in the Note of which I beg to add a copy.

I am not at all aware that the regulations are those which were established by General Verveer during his last mission to the Coast of Africa; but if they are anyways in accordance with the verbal promises of that officer, they will certainly be a great improvement on former practice.

It is possible they may have been communicated to the Governor of the British settlements on the Coast of Guinea.

I have, &c.

(Signed) E. C. DISBROWE.

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

First Enclosure in No 225.

Sir E. C. Disbrowe to Baron Verstolk.

The Hague, November 12, 1840.

THE Undersigned has the honour to acknowledge the receipt of a Note of the 9th November, which His Excellency Baron Verstolk de Soelen has addressed to him.

The Undersigned will not fail to transmit a copy of it to his Government without delay, and he would have contented himself with performing that duty, if it had not appeared to him that his Note of the 19th of September had been completely misunderstood on one point by Baron Verstolk.

The Undersigned begs to observe that he never drew any comparison between the state of a negro soldier in the Netherland service, after he joined his regiment, and a slave in the employment of a West Indian planter, nor did he ever assert that the Netherland Government was in want of labourers.

His remarks related entirely to the mode in which the services of the negroes were originally obtained, when such negroes were procured from the interior of Africa, and of the encouragement which, in the opinion of the British Government, is thus given indirectly to slave trading.

The Undersigned having, as he hopes, satisfactorily explained this point, will refrain from touching on the other topics of the Note, until he receives further instructions from his Government; and he makes no doubt that, whatever difference of opinion may exist on the effect of the regulations, which the Netherland authorities on the Coast of Africa are directed to observe in recruiting, Lord Palmerston will be at all times ready to do justice to the explanations which are addressed to him by Baron Verstolk de Soelen.

The Undersigned, &c.

(Signed) E. C. DISBROWE.

His Excellency the Baron Verstolk de Soelen,
&c. &c. &c.

Second Enclosure in No. 225.

Baron Verstolk to Sir E. C. Disbrowe.

La Haye, le 9 Novembre, 1840.

LE Soussigné, Ministre des Affaires Etrangères, a eu l'honneur de recevoir, le 19 Septembre dernier, la Note que Sir Edward Cromwell Disbrowe, Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté Britannique, à bien voulu lui adresser, pour lui transmettre la copie d'une lettre de Monsieur John Samo, Juge Commissaire Britannique, membre du Tribunal Mixte pour la répression de la Traite à Surinam, touchant l'importation dans cette colonie de cinquante jeunes nègres des possessions Neerlandaises sur la Côte de Guinée, à bord du bateau à vapeur royal des Pays Bas le "Curaçoa," destinés à remplir le cadre du corps de guides de la colonie.

In réponse aux réclamations du Gouvernement Britannique au sujet de ce transport, le Soussigné est autorisé à présenter à Sir Edward Cromwell Disbrowe les explications et les observations suivantes.

Le préambule de la Note contient d'après la lettre de Monsieur Samo, un exposé correct de l'arrivée à Surinam de cinquante hommes de troupes nègres ; mais la Cour de la Haye ne saurait admettre les conséquences, qui ont été déduites.

“Le Gouvernement Britannique voit ainsi confirmer un fait, dit la Note, qui ne peut se considérer, que comme une déviation du traité sur la répression du commerce d'esclaves, et l'exemple de ce recrutement encouragera les marchands d'esclaves de toutes les nations à faire revivre, sous un autre nom, les horreurs de la Traite des Nègres.” On ne sache rien qui justifie cette supposition, laquelle ne saurait être considérée que comme une exagération de l'opinion de Monsieur Samo. Les éclaircissemens à donner dans la présente réponse suffiront à ce qu'on espère à mettre les faits dans le vrai jour.

“Le délit de commerce d'esclaves,” ainsi que le porte la Note, “ne se commet pas seulement lorsque des esclaves sont achetés d'aventuriers, qui les amènent l'Afrique, mais aussi lorsque les planteurs envoient en droiture des bâtimens dans le même but.”

Cette observation est parfaitement juste, mais l'on ne conçoit pas comment il soit possible de rapporter l'un de ces deux cas au recrutement dont il est question. Il ne s'agit dans le renforcement du corps des guides aux Indes Occidentales, et dans le transport des hommes enrôlés à bord d'un bâtiment royal, ni d'aventuriers, ni de planteurs, ni de leurs agens. Aussi la difficulté de l'explication semble avoir été sentie dans la mention, que fait la Note, “du besoin qu'éprouve le Gouvernement des Pays Bas d'ouvriers ou de soldats (peu importe quoi) pour la culture, ou la défense de ses possessions dans une autre partie du monde.” Le Gouvernement des Pays Bas, il est vrai, a besoin de soldats, mais non d'ouvriers jusqu'à ce jour, circonstance nullement aussi indifférente dans l'examen de la matière qu'on semble le supposer. L'état militaire est surtout à Surinam est très distinguée de la classe ouvrière, cette distinction comprend toute la différence entre l'honneur libre et l'esclave. Les nègres militaires sont libres, et généralement tenues pour tels, non seulement par les blancs, mais encore par les autres nègres, qui les respectent aussi comme tels ; et si parfois il arrive aux autres nègres d'oublier ce respect, les soldats noirs ne manquent pas de leur rappeler d'une manière sensible.

Il en est ainsi à cet égard dans les colonies Neerlandaises, comme dans celles de la Grande Bretagne, au service desquelles il y avait des soldats nègres. Feu le Général Verveer l'a démontré très explicitement dans un mémoire, où, à propos du regiment noir en garnison à Belize dans la Baie de Honduras, il dit en partant des sentimens d'honneur de ces troupes :

“Le soldat noir ne permettrait à aucun esclave nègre de passer près de lui dans la rue, sans que celui-ci fit front, et se découvrit devant lui, honneur que l'Africain recevoit avec une fière indifférence, imitée de ce qu'il avoit vu chez ses anciens voisins Maures, au chez ses vainqueurs.”

Il est donc inexact de mettre de niveau le soldat et l'ouvrier, et de comparer les procédés possibles d'un planteur, avec le recrutement, tel qu'il existe réellement, opéré par le Gouvernement Neerlandais. La question est de savoir si l'on emploie le nègre à un travail qui lui est agréable ou désagréable, et l'on ne craint pas d'assurer, que l'état militaire lui plait. Dans les deux cas (ajouté la Note), “Ces hommes sont esclaves, arrachés à leurs habitations et à leurs familles ; enlevés forcement de leur patrie, et transportés au-delà des mers pour être livrés contre leur gré à des agens et employés ensuite à des occupations, qui ne sont pas de leur choix.”

Les enrôlemens d'Afrique sont encore plus dégagés de violence et de contrainte que ce que sanctionneraient les réglemens d'Europe sur la discipline militaire, non seulement ces hommes viennent se présenter volontairement pour être admis au service Neerlandais, mais on les interroge une seconde fois avant leur embarquement, les laissant libres de persister ou non dans leur désir de servir le Gouvernement des Pays Bas dans ses possessions d'autre mer. Certes ce ne seroit ni la contrainte, ni la violence, qui eussent obtenu les éloges donnés en toutes circonstances par les autorités Anglaises de Cape Coast au feu Général Major Verveer pour la douceur de ses réglemens en matière d'enrôlemens.

La Note révoque en doute la validité des actes de manumission délivrés aux troupes noirs. C'est qu'apparemment l'on ignore, que les nègres enrôlés ne sont pas toujours sujets Neerlandais, et que l'on reçoit aussi des nègres Anglais, lesquelles naturellement doivent être munis, avant leur incorporation, de leurs actes de manumission délivrés par les autorités de Cape Coast Castle. Or informé de cette circonstance l'on ne voudra pas assurément soutenir, que le Président Anglais

et ses employés s'entendent avec les autorités Neerlandaises à l'effet de délivrer, seulement pour la forme, ces lettres de manumission.

Cette observation réfute d'elle même l'allégation, que le soldat nègre après son temps de service, ne pourroit jamais revenir dans sa patrie. Soutefois par surabondance on joint ici un extrait des contrôles des recrues d'Afrique destinées au service militaire Neerlandais dans les Indes Occidentales. Il indique les hommes déjà revenus de l'Île de Java avec pension, et demeurant de nouveau sur la Côte de Guinée, et il ne sera pas inutile d'ajouter, qu'à des Africains enrôlés est aujourd'hui déjà promu à Batavia au grade d'Officier.

Le décès inopiné du Général Major Verveer est cause, que le Gouvernement se voit privé d'un rapport détaillé sur ses opérations pendant sa seconde mission à la côte occidentale d'Afrique, mais les employés Neerlandais par suite de cet événement ne font nullement revivre sur cet côte comme l'avance la Note, les abus que l'on y a pu commettre antérieurement; au contraire, on tient rigoureusement la main aux institutions de cet Officier supérieur, et le Gouvernement Britannique peut compter avec certitude sur la coopération du Gouvernement des Pays Bas en ce qui concerne la répression sévère de la Traite des Nègres, et en tout ce qui s'y rattache. Mais on ne saurait admettre, que le recrutement puisse être comparé à ce commerce illicite. Depuis longtemps la manière ouverte et patente, dont se fait l'enrôlement des recrues en Afrique a convaincu les autorités Anglais sur la côte, que ces opérations non seulement n'ont rien de commun avec le commerce des esclaves, mais servent, au contraire, à faire passer des esclaves, s'ils sont tels avant leur engagement, à l'état d'hommes libres.

Quant au rapport de M. Samo, la précipitation et la prévarication qui signalent sa lettre ne plaident guère en faveur de ses communications. Sans se donner le temps de la réflexion, de l'examen, et des recherches, il écrit au moment même du débarquement des troupes, tout ce qui se présente à sa plume. On ne saurait assurément attendre beaucoup de justesse dans des jugemens si peu mûris. Dans le cas où le Gouvernement Britannique pourroit trouver convenable de demander quelque temps après l'arrivée de ces troupes des informations ultérieures, correctes, et impartiales, sur la manière dont elles sont traitées, et sur la satisfaction qu'elles éprouvent de leur sort, on a la confiance que ces rapports nouveaux feront si bien tomber ceux auxquels il vient d'être répondu, que l'on se félicitera de la présence d'un fonctionnaire Britannique à Surinam, au moyen de laquelle, ainsi que l'état de choses dont il est témoin, les inculpations produites disparaîtront pour toujours.

Le Soussigné saisit, &c., &c.

(Signé) VERSTOLK DE SOELEN.

Sir E. C. Disbrowe,
&c. &c. &c.

(Translation.)

THE Undersigned, &c., had the honour to receive, on the 19th September last, the Note which Sir E. C. Disbrowe, &c., addressed to him for the purpose of transmitting to him a copy of a Letter from Mr. John Samo, British Commissary Judge in the Mixed Court for repression of Slave Trade at Surinham, touching the importation into that colony of 50 young negroes, from the Netherland possessions on the Coast of Guinea, on board the royal Netherland steam-boat, "Curaçoa," destined to make good the complement of the corps des guides of the colony.

In reply to the demands of the British Government on the subject of this transport, the Undersigned is authorized to present to Sir E. C. Disbrowe the following explanation and observations.

The preamble of the Note contains, according to the Letter of Mr. Samo, a correct statement of the arrival at Surinam of 50 men of the black troops; but the Court of the Hague cannot admit the consequences which have been deduced therefrom.

"The British Government," says the Note, "thus sees confirmed a fact, which can only be considered as a deviation from the Treaty for the Suppression of the Slave Trade, and the example of this recruiting will encourage the slave traders of all nations to revive the horrors of the Slave Trade under another name." Nothing is known which justifies this supposition, which can only be considered as an exaggeration of Mr. Samo's opinion. The explanation about to be given in this answer will, it is hoped, suffice to place the facts in their true light.

“The crime of Slave trade,” according to the Note, “is not only committed when the slaves are bought from adventurers who bring them from Africa, but also when planters send vessels direct for that purpose.”

This observation is perfectly just, but it is inconceivable how either of these two cases can be brought to bear upon the system of recruiting now under consideration. The reinforcement of the corps des guides in the West Indies, and the transport of the men enrolled on board a king's ship, has nothing to do with adventurers, or planters, or their agents. Thus the difficulty of the explanation appears to have been felt in the mention made by the Note “of the need felt by the Government of the Netherlands, of workmen or soldiers (it little matters what) for the cultivation or the defence of its possessions in another part of the world.”

The Government of the Netherlands has, it is true, need of soldiers but not of workmen up to the present time, a circumstance by no means so indifferent in the examination of the subject as it appears to be supposed. The military class, particularly at Surinam, is very much distinguished from the labouring class; this distinction comprehends all the difference between the free man and the slave. The military negroes are free, and generally, considered so, not only by the whites but also by the other negroes, who also respect them as such; and if it ever happens that the other blacks forget this respect, the black soldiers do not fail to remind them of it in a sensible manner.

It is in this respect the same in the Netherland colonies as in those of Great Britain, in the service of which there were negro soldiers. The late General Verveer has demonstrated this very plainly in a memoir, in which, apropos of a black regiment in garrison at Belize, in the Bay of Honduras, he says, in speaking of the feelings of honour of these troops,—

“The black soldier will not permit any negro slave to pass near him in the streets, unless the latter fronts, and uncovers himself before him, an honour which the African receives with a proud indifference, copied from what he has seen among his former Moorish neighbours, or among his conquerors.”

It is, therefore, incorrect to place the soldier and the labourer on an equality, and to speak of the possible doings of a planter with the system of recruiting, as it actually exists, carried into effect by the Netherland Government. The question is, whether the negro is employed in an occupation which is agreeable or disagreeable to him; and it can be fearlessly stated that a military life pleases him. “In both cases,” adds the Note, “these men are slaves, torn from their habitations and their families, forcibly taken from their country, and transported across the seas, to be delivered over against their will to agents, and afterwards employed against their will in occupations which are not of their own choosing.”

The enlistments in Africa are even more free from violence and constraint than those which the European regulations as to military discipline would sanction: not only do the men come voluntarily to present themselves for admission into the Netherlands service, but they are interrogated a second time before their embarkation, being left at liberty to persist or not in their desire to serve the Netherlands Government in its possessions over sea. Surely, it was neither constraint nor violence which obtained the eulogiums given in all circumstances by the English authorities at Cape Coast to the late General Verveer for the gentleness of his regulations regarding enlistment.

The Note calls in doubt the validity of the certificates of manumission delivered to the black troops. This is perhaps because it is not known that the negroes enlisted are not always Netherland subjects, and that English negroes are also received, who naturally ought, before their incorporation, to be furnished with their certificates of manumission delivered by the authorities of Cape Coast Castle. Now when this circumstance is known, it will assuredly never be maintained that the English President and his officers come to an understanding with the Netherland authorities, and deliver these letters of manumission only for form's sake,

This observation of itself refutes the allegation that the negro soldier, after his term of service, can never return to his country. However, over and above this, an extract from the Rules for the African Recruits destined for the Netherland military service in the West Indies is added. It indicates the men already returned from the Island of Java with a pension, and again dwelling on the Coast of Guinea; and it will not be useless to add, that one of the Africans enlisted is at the present time already promoted to the rank of officer.

The unexpected death of Major-General Verveer is the reason why the Government is deprived of a detailed account of his operations whilst on his second mission

to the Coast of Africa ; but the Netherland officers will not in consequence of this event revive upon this Coast, as is intimated in the Note, the abuses which were formerly committed there ; on the contrary, the greatest respect will be shown to the regulations of that gallant officer, and the British Government may depend with certainty upon the co-operation of the Netherland Government in all that concerns the strict suppression of the Slave Trade, and everything connected with it : but it cannot be admitted that the recruiting can be compared to this illicit traffic. For a long time the open manner in which the enlistment of recruits in Africa is carried on has convinced the English authorities on the coast that the system not only has nothing in common with the Slave Trade, but serve, on the contrary, to make slaves, if they are so prior to their being engaged, pass into the state of free men.

As to the Report of Mr. Samo, the precipitation and prevarication which mark his Letter do not say much in favour of his communications. Without giving himself time for reflection, examination, or inquiry, he writes at the moment the troops are disembarked all that first comes to his pen. Surely little justice can be expected in opinions so little ripened.

If the British Government should think fit to demand, some time after the arrival of these troops, further correct and impartial information as to the manner in which they are treated, and as to their being satisfied with their lot, these new reports will assuredly so completely overthrow those to which an answer has just been given, that it will be matter for congratulation that there is a British functionary at Surinam owing to whose presence both the state of things of which he is a witness, and the charges brought forward, will disappear for ever.

The Undersigned, &c.

(Signed) VERSTOLK DE SOELEN.

Third Enclosure in No. 225.

Nos.	Noms et Prénoms.	Noms des Parents, (âge, réel ou supposé), Lieux de Naissance.	Epoque de l'arrivée au Dépôt, et terme de l'Engagement.	Situation antérieure à l'entrée au Service.	Dettes au Dépôt et leur origine.	Quand, en quelle qualité, et sur quel Navire ils sont parés pour les Indes Occidentales.	Avancement au Corps jusqu'au grade d'Officier, Campagnes effectuées, Blessures reçues, Actions d'éclat, quand et de quelle manière ils sont sortés.
1	Jan Niezer . . .	Père Jan Niezer; mère Ekoewa Abakkdema; âgé de 29 ans; né à Elmina.	30 Novembre, 1831, pour un terme de six ans.	Soldat de la gar- nison d'Elmine; a servi comme sergent dans les possessions An- glaises.	Avance de 3 Mois, de solde. Jusque y compris le 15 Mars, 1832.	Le 16 Décembre, 1831, comme soldat à bord du "Rotterdam Welvaren," ff. 108; renvoyé le 18 Octobre, 1837, à bord du navire le "Président Schimmelpennink," destiné pour les Pays Bas.	Estropié par un coup de feu au bras gauche; sur la côte occid. de Su- matra; pension de "Rotterdam Welvaren," ff. 108; renvoyé le 18 Octobre, 1837, à bord du navire le "Président Schimmelpennink," destiné pour les Pays Bas.
9	Kudjo Akdetsja . . .	Père Bojrum Kentinkjena; mère Amba Bomma; âgé de 25 ans; né à Elmina.	2 Décembre, 1831, pour six ans.	N'a jamais servi . . .	Idem	Idem	Estropié au bras droit par un coup de feu devant l'ennemi à Lampongs; pensionné par arrêt du 6 Septembre, 1835, avec ff. 108; renvoyé aux Pays Bas avec la corvette royale "Pa- lembang;" arrivé le 9 Avril, 1836, au Dieppe, et revenu à Elmina à bord de la "Princesse Marianne." Pensionné aux Indes avec ff. 108, par arrêt du 8 Mai, 1835, No. 5, et renvoyé aux Pays Bas à bord du "Sumatra;" arrivé le 27 Septem- bre, 1835, à Hellevoetsluis; revenu à Elmina à bord du "Maria" le 7 Mars, 1836.
19	John Gobee	Père George Gobee; mère Ma- rang; âgé de 28 ans; né à Popo.	27 Décembre, 1831, pour six ans.	Inconnu	Idem. Jusqu'au 5 Juin, 1832, in- clus.	6 Mars, 1832, comme soldat sur le navire "Henrietta Fila- zina," Capitaine J. B. Tuchs.	Promu au grade de sergent, et estropié à la jambe droite par un coup de feu devant Bonjoe; pension de ff. 142, le 18 Octobre, 1837; pour les Pays Bas à bord du "Président Schimmelpennink."
23	Jan Pot	Père Willem Pot; mère Effra Doekae; âgé de 30 ans; né à Taccorary.	12 Février, 1832, pour six ans.	Idem	Idem	Idem, comme caporal.	Promu au grade de sergent, et estropié à la jambe droite par un coup de feu devant Bonjoe; pension de ff. 142, le 18 Octobre, 1837; pour les Pays Bas à bord du "Président Schimmelpennink."
3	Manus Ulgen	Père Roelofs Ulgen; mère Ab- benada Atia; âgé de 20 ans; né à Elmina.	14 Mars, 1832, pour six ans.	Idem	Idem, du 5 Mars, au 14 Juin, 1832, inclusivement.	14 Mars, 1832, comme caporal navire "Klara Henrietta," Capitaine W. Blom.	Parti pour les Pays Bas le 27 Août, 1835; a obtenu la médaille de bronze et ff. 12 de gratification; pension de ff. 142, pour avoir été estropié par l'ennemi devant Bonjoe le 4 Janvier, 1837, No. 10.

No. 226.

Viscount Palmerston to Sir E. C. Disbrowe.

SIR,

Foreign Office, November 23, 1840.

I HEREWITH transmit to you, for communication to the Dutch Government, a copy of a Despatch which I have received from Her Majesty's Consul-General at Tunis, stating that a Turkish vessel which had left Tunis for Constantinople with 54 slaves on board, had been furnished with papers for her voyage by the Dutch Consul, acting as Consular Agent at Tunis for the Ottoman Porte.

Sir E. C. Disbrowe,
&c. &c. &c.

I am, &c.
 (Signed) PALMERSTON.

Enclosure in No. 226.

*Sir Thomas Read to Viscount Palmerston.**Tunis, October 15, 1840.*

(See Class D. No. 36.)

No. 227.

Viscount Palmerston to Sir E. C. Disbrowe.

SIR,

Foreign Office, December 8, 1840.

I HAVE received your Despatch Slave Trade of the 13th instant, enclosing a Note from the Baron Verstolk de Soelen, on the subject of the practice of recruiting from among the negroes in Africa for the Dutch military service in the West Indies and elsewhere; and I have to instruct you to state in reply, that Her Majesty's Government does not doubt the desire of the Dutch Government to put down the Slave Trade; but the explanation given by the Dutch Government of the manner, in which the supply of negroes is procured for the Dutch military service, does not remove the objections which were originally urged by Her Majesty's Government against that measure.

The statement of the Dutch Government does not contain any contradiction of the fact, that the men thus procured for the Dutch service were carried off by force from their own homes, and made slaves for the purpose of being sold to the Dutch Government; that the Dutch Government has bought these men as slaves in the market, just as any sugar planter of Brazil or Cuba would do; has carried them by force as prisoners across the Atlantic, and has doomed them to compulsory separation from their own country.

It cannot be denied that the Dutch Government, by pursuing this system, constitutes itself a purchaser of slaves in the slave market of Africa, and encourages, directly, all the crimes which the Slave Trade necessarily creates, and upon which that trade is founded.

It may be perfectly true, that these unfortunate negroes, when they arrive at Surinam, are treated not as agricultural slaves but as soldiers; but Her Majesty's Government would submit, that these slaves have no real and practical option as to continuing or not continuing as soldiers in the Dutch service, and that therefore they are, though under the name of soldiers, just as much slaves, as if they were employed in field labour by private individuals.

The essence of slavery does not consist in the particular kind of employment to which the slave may be put; but in the circumstance, that he is compelled to follow an employment not of his choice; that he is liable to punishment if he disobeys the orders of his employer; that he is not master of his own actions, nor free to go or to stay as he pleases; and, in short, that his existence depends upon the will of others, to whose will he has never of his own accord and free choice consented to submit.

Her Majesty's Government cannot refrain from again most earnestly entreating the serious attention of the Government of the Netherlands to this matter, which bears so directly upon the Treaty engagements of the Crown of the Netherlands; and Her Majesty's Government anxiously hope, that further consideration may suggest to the Netherland Government modes of procuring recruits for the Dutch

colonial corps, either by voluntary enlistment or by the purchase and emancipation of negroes within the Dutch colonies.

I am, &c.
(Signed) PALMERSTON.

Sir E. C. Disbrowe,
&c. &c. &c.

No. 228.

Sir E. C. Disbrowe to Viscount Palmerston.

The Hague, December 8, 1840.

(Received December 10)

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, marked "Slave Trade," of the 23d ultimo, enclosing a letter from Her Majesty's Consul at Tunis, stating that an Ottoman polacca had left that place for Constantinople, with 54 negro slaves on board, furnished as he, the Consul, is informed, with papers from the Dutch Consul, acting as Consular Agent for the Ottoman Porte.

I beg leave humbly to observe to your Lordship, that in the month of June, 1839, your Lordship was pleased to direct a Note to be written to the Dutch Foreign Office on the subject of the embarkation of slaves at Tunis for the market at Constantinople, and that Baron Van Zuylen Van Nyvelt, in a Note which his Excellency addressed me on the 4th of October, 1839, inclosed a memorandum from the Dutch Consul at Tunis, showing that he did not act as Turkish Consul, and adding, that he had been strictly enjoined to take every precaution not to do any act which would encourage the Slave Trade. This correspondence was enclosed in my Despatch of 8th October, 1839.

Before therefore presenting a fresh Note, in obedience to your Lordship's commands, I thought it advisable to ascertain from Baron De Verstolk, if the Netherland Consul at Tunis had received authority to act as Turkish Consular Agent at this port since the 4th of October, 1839.

His Excellency, after consulting the archives, in order that no doubt might occur, told me that he positively had not received authority to act as Ottoman Consular Agent.

Under the circumstances, considering that Her Majesty's Consul General did not make his statement as a positive fact, but only stated that he was "informed" such to be the case, I venture to request your Lordship for further instructions, before I transmit a copy of Colonel Read's Despatch to Baron Verstolk.

I have, however, in the interim, requested that the Netherland Consul, Myssen, should be informed of the report relative to the polacca, and requested to be careful that no vessel having slaves on board should be furnished with papers from his Office.

I have, &c.,
(Signed) E. C. DISBROWE.

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

No. 229.

Sir E. C. Disbrowe to Viscount Palmerston.

The Hague, December 11, 1840.

(Received December 13.)

MY LORD,

I have the honour to acknowledge the receipt of your Lordship's Despatch, "Slave Trade," dated December 8th, and I beg leave to inclose a copy of a Note which I have consequently addressed to Baron Verstolk.

I have, &c.,
(Signed) E. C. DISBROWE.

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

Enclosure in No. 229.

*Sir E. C. Disbrowe to Baron Verstolk de Soelen.**The Hague, December 11, 1840.*

THE Undersigned has the honour to acknowledge the receipt of the Note which his Excellency, the Baron Verstolk de Soelen, Minister of State, and for Foreign Affairs, did him the honour to address to him on the 5th November.

The Undersigned has been instructed to state in reply, that Her Majesty's Government is fully convinced of the desire entertained by the Netherland Government to put down the Slave Trade, but at the same time the British Government cannot agree in considering that the mode in which the supply of Negroes is procured for the Netherland military service, removes the objection originally urged by the British Government against the measure.

The statements contained in his Excellency's Note of the 9th ultimo do not contradict the fact, that the men procured for the Netherland service were originally carried away by force from their own houses, and were made slaves for the purpose of being handed over to the recruiting agents of the Netherland Government, and whatever form of emancipation may be gone through, they are paid for in money to those, who made slaves of them with a view to this traffic, and are carried against their will as prisoners across the Atlantic, and are doomed to compulsory separation from their country.

The Undersigned flatters himself that in the Note, which he had the honour to address to his Excellency on the 12th of November, he has shown that it was not the intention of the British Government to draw any invidious comparison between the state of the negro slaves and the Dutch soldiers, but that the remarks were all addressed to the mode in which the service of these individuals were originally obtained by slave dealers in the interior of Africa. And although it is perfectly true that, on their arrival at their destination, they are treated not as agricultural slaves, but as soldiers, still Her Majesty's Government must submit, that they have not ever had any real or practical option of continuing or not continuing soldiers in the Netherland service, and that although they enjoy the honourable appellation of soldiers, and receive, probably, a more indulgent treatment, they are as much slaves as if they were employed in field labour by private individuals.

The essence of slavery does not consist in the particular kind of employment to which the slave may be put, but in the circumstance that he is compelled to follow an employment not of his choice; that he is liable to punishment if he disobeys the orders of his employer; that he is not master of his own actions, nor free to go or stay as he pleases; and in short, that his existence depends upon the will of others, to whose will he has never of his own accord and free choice consented to submit.

Her Britannic Majesty's Government cannot refrain from again most earnestly entreating the serious attention of the Government of the Netherlands to this matter, which bears so directly upon the Treaty engagements of the Crown of the Netherlands; and Her Majesty's Government anxiously hope that further consideration may suggest to the Netherland Government, modes of procuring recruits for the Dutch colonial corps, either by voluntary enlistment, or by the purchase and emancipation of negroes within the Dutch colonies.

The Undersigned, &c.,

(Signed)

E. C. DISBROWE.

His Excellency the Baron Verstolk de Soelen,
 &c. &c. &c.

No. 230.

Viscount Palmerston to Sir E. C. Disbrowe.

SIR,

Foreign Office, December 28, 1840.

WITH reference to previous correspondence upon the subject of the sale of the Dutch vessel the "*Baron Von Heeckeren*," at Curaçoa, I herewith transmit to you, for your information, the accompanying copy of a Despatch from Her

Majesty's Commissioners at Surinam, containing some remarks upon the cases of that vessel, and of the Portuguese schooner "*Anita*."

I am, &c.

(Signed)

PALMERSTON.

Sir E. C. Disbrowe,
&c. &c. &c.

Enclosure in No. 230.

Her Majesty's Commissioners to Viscount Palmerston.

Surinam, October 10, 1840.

(See Class A., No. 209, page 360.)

BUENOS AYRES.

No. 231.

Mr. Mandeville to Viscount Palmerston.

Buenos Ayres, February 22, 1840.

(Received May 15.)

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 2d November last, containing instructions for the conduct of Commanders of Her Majesty's cruizers, with regard to the examination and detention of vessels engaged in Slave Trade; as also with the establishment of British Courts of Vice-Admiralty, in any place in Her Majesty's dominions and colonies abroad, when such courts may be requisite; and other regulations for the guidance and conduct of officers commanding Her Majesty's cruizers, employed for the suppression of the Slave Trade.

I have, &c.

(Signed)

J. H. MANDEVILLE,

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

&c.

&c.

&c.

No. 232.

Mr. Mandeville to Viscount Palmerston.

Buenos Ayres, February 22, 1840.

(Received May 15.)

MY LORD,

I HAVE the honour to transmit to your Lordship two copies of the Government Official Paper, in which the two Notes that were published in the *Correo* of Lisbon, in the Portuguese language, and which Lord Howard de Walden was instructed some months ago to present to the Portuguese Government on the subject of the Slave Trade, have been reprinted, with a translation of them in the Spanish language, by which mode their circulation in the Argentine provinces will be effected in the most extensive manner.

I have, &c.

(Signed)

J. H. MANDEVILLE.

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

&c.

&c.

&c.

Enclosure in No. 232.

La Gaceta Mercantil, Buenos Ayres, February 8, 1840.

No. 233.

Mr. Mandeville to Viscount Palmerston.

Buenos Ayres, March 20, 1840.

(Received June 3.)

MY LORD,

I HAVE the honour to acknowledge the reception of your Lordship's Despatch of December 31st, 1839, transmitting to me a copy of a Brief which has been issued by His Holiness the Pope, enjoining all Catholics to abstain from Slave Trade. I have communicated this Paper to the Buenos Ayrean Government, and orders have been given for its insertion in the principal papers of Buenos Ayres.

I have, &c.

(Signed)

J. H. MANDEVILLE.

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

&c.

&c.

&c.

No. 234.

*Mr. Mandeville to Viscount Palmerston.**Buenos Ayres, March 31, 1840.*

MY LORD,

(Received July 20.)

I HAVE the honour to transmit to your Lordship two copies of the Official Paper of the Buenos Ayrean Government of this day, in which is published the Bull of His Holiness the Pope of 3rd December last year, condemnatory of the Slave Trade.

I have, &c.

(Signed)

J. H. MANDEVILLE.

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

&c.

&c.

&c.

Enclosure in No. 234.

La Gaceta Mercantil, Buenos Ayres, March 31, 1840.

No. 235.

*Viscount Palmerston to Mr. Mandeville.**Foreign Office, August 13, 1840.**Circular sending Papers presented to Parliament.*

No. 236.

*Mr. Mandeville to Viscount Palmerston.**Buenos Ayres, May 16, 1840.*

MY LORD,

(Received August 23.)

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of 20th February last, transmitting to me a copy and translation of an Apostolical Letter, promulgated on the 3rd of December, 1839, by His Holiness the Pope, on the subject of the Slave Trade.

I will take care that this Letter be inserted in the Official Journal of this town, and also that I will avail myself of any other suitable opportunity which may offer to make its contents known.

I have, &c.

(Signed)

J. H. MANDEVILLE.

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

&c.

&c.

&c.

No. 237.

*Mr. Mandeville to Viscount Palmerston.**Buenos Ayres, May 16, 1840.*

(Extract.)

MY LORD,

(Received August 23.)

IN obedience to the directions contained in your Lordship's Despatch, of the 4th March last, I this day exchanged the Queen's ratification of the Treaty between Her Majesty and the Argentine Confederation for the suppression of the Slave Trade, which was concluded by me and the Buenos Ayrean Minister for Foreign Affairs on the 24th May last, against a similar instrument ratified by the Governor and Captain-General of the Province of Buenos Ayres, charged with the foreign relations of the Confederation, and countersigned by Don Felipe de Arana. The words omitted in the Spanish text of the Treaty, in section 1, article X., of annex B, are not wanting in the ratification, in which I trust no error or omission will be found.

I enclose an official notification of the exchange of the ratifications, which was published this day in the Government Paper.

I have, &c.

(Signed)

J. H. MANDEVILLE.

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

&c.

&c.

&c.

CLASS B.

Enclosure in No. 237.

Extract from the Government Paper la Gaceta, May 18, 1840, announcing the exchange of Ratifications of Slave Trade Treaty.

(Translation.)

WE have the great satisfaction to announce that last Saturday took place the exchange of ratifications of the Treaty between the Government of Buenos Ayres, charged with the Foreign Relations of the Argentine Confederation and Her Majesty the Queen of Great Britain and Ireland, for the abolition of the Slave Trade; which act was performed on the part of Her Britannic Majesty by his Excellency the Minister Plenipotentiary, J. H. Mandeville, Esq., and on the part of the Argentine Confederation by his Excellency the Minister for Foreign Affairs, Counsellor Don Felipe Arana. In one of our following numbers we shall publish this important document.

The Slave Trade being by law abolished in the whole territory of the Argentine Republic since the beginning of its political emancipation, this solemn Treaty is in strict conformity with the laws of the country and the demands of the civilized world, contributing at the same time to strengthen the ties and draw closer the relations of true friendship and benevolence, existing between Great Britain and the Argentine Confederation.

No. 238.

*Mr. Mandeville to Viscount Palmerston.**Buenos Ayres, June 12, 1840.*

MY LORD,

(Received September 29.)

I HAVE the honour to transmit to your Lordship the official papers of this day, in which is published the Treaty for the suppression of the Slave Trade, signed by me on the 24th May, 1839, and the ratification of it; and in which also is republished the law of the Republic of the 15th November, 1824, declaring the traffic in slaves an act of piracy, and that the citizens of Buenos Ayres who traffic in slaves shall be punished as pirates.

I have, &c.

(Signed)

J. H. MANDEVILLE.

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

&c.

&c.

&c.

Enclosure in No. 238.

(Translation.)

Law declaring the Traffic of Negroes on the Coast of Africa an act of Piracy.
Buenos Ayres, November 15, of 1824.

ARTICLE 1. The traffic of negroes on the Coast of Africa is declared an act of piracy.

Article 2. The citizens of Buenos Ayres, who after the publication of this law should occupy themselves in the traffic of negroes, will be punished as pirates.

Which by order of the same Honourable Corporation is communicated to Y. E. for its consequent effects.

Decree—Buenos Ayres, November 16 of 1824. Let the receipt be acknowledged, and let it be published in the Official Register.

No. 239.

Mr. Mandeville to Viscount Palmerston.

MY LORD,

Buenos Ayres, June 20, 1840.

I HAVE the honour to transmit to your Lordship the ratification by the Governor of Buenos Ayres, charged with the foreign relations of the Argentine Republic, of the Treaty between Her Majesty and the Argentine Confederation, for the suppression of the Slave Trade, which was concluded by me and the Minister of that Confederation on the 24th May of last year.

I enclose a certificate which was signed by me and the Buenos Ayrean Plenipotentiary on the exchange of the ratifications.

I have, &c.

(Signed) J. H. MANDEVILLE.

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

No. 240.

Mr. Manderville to Viscount Palmerston.

Buenos Ayres, July 20, 1840.

(Received October 18.)

MY LORD,

I HAVE had the honour to receive your Lordship's Despatch, marked "Slave Trade," of the 18th April last, in which I had the satisfaction to find, that Her Majesty's Government approved of the steps which I had taken for circulating throughout the Argentine Confederation the two Notes, which, under your Lordship's directions, Lord Howard de Walden addressed to the Portuguese Government on the 28th April, and the 5th May, 1839, on Slave Trade.

I have, &c.

(Signed) J. H. MANDEVILLE.

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

No. 241.

Viscount Palmerston to Don Manuel Moreno.

Foreign Office, October 5, 1840.

Circular sending Papers presented to Parliament.

No. 242.

Monsieur Moreno to Viscount Palmerston.

Sablionière Hotel, October 8, 1840.

MONSIEUR Moreno presents his compliments to his Excellency the Right Honourable Viscount Palmerston, and begs to acknowledge the receipt of two copies of two interesting series of Papers relating to the Slave Trade, presented to Parliament during the last Session, which his Lordship had the goodness to transmit to Monsieur Moreno for his information.

