



Center *for* Research Libraries
GLOBAL RESOURCES NETWORK

The Center for Research Libraries scans to provide digital delivery of its holdings. In some cases problems with the quality of the original document or microfilm reproduction may result in a lower quality scan, but it will be legible. In some cases pages may be damaged or missing. Files include OCR (machine searchable text) when the quality of the scan and the language or format of the text allows.

If preferred, you may request a loan by contacting Center for Research Libraries through your Interlibrary Loan Office.

Rights and usage

Materials digitized by the Center for Research Libraries are intended for the personal educational and research use of students, scholars, and other researchers of the CRL member community. Copyrighted images and texts may not be reproduced, displayed, distributed, broadcast, or downloaded for other purposes without the expressed, written permission of the copyright owner.

Center for Research Libraries

Identifier: f190a8df-29d3-432b-bf61-7d2a3e3e1177

Range: Scans 001 - 082

Downloaded on: 2022-05-20 17:25:12



Class C.

CORRESPONDENCE

WITH

FOREIGN POWERS,

PARTIES TO THE CONVENTIONS

BETWEEN

GREAT BRITAIN AND FRANCE.

UPON

THE SLAVE TRADE.

1840.



THE NEW YORK PUBLIC LIBRARY

ASTOR LENOX AND TILDEN FOUNDATIONS

125 WEST 47TH STREET, NEW YORK 18

1918

Class C.

CORRESPONDENCE

WITH

FOREIGN POWERS,

PARTIES TO THE CONVENTIONS

BETWEEN

GREAT BRITAIN AND FRANCE,

UPON

THE SLAVE TRADE.

From May 11 to December 31, 1840, inclusive.

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

LONDON:

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

1841.

CONFIDENTIAL

CONFIDENTIAL

CONFIDENTIAL

CONFIDENTIAL

CONFIDENTIAL

CONFIDENTIAL

CONFIDENTIAL

Class C.—1840.

LIST OF PAPERS.

FRANCE.

No.	Date. 1840.	Receipt. 1840.	SUBJECT.	Page
1. Viscount Palmerston to Earl Granville - - Twenty-four Enclosures	May 22		" Senegambie:" Negroes purchased at Bissao, for the French Government-	1
2. Viscount Palmerston to M. Guizot - - One Enclosure	June 2		French Subjects engaged in Slave-Trade in the Cazamanca - - -	20
3. Viscount Palmerston to Earl Granville - -	June 4		Negroes purchased for the French Government -	20
4. Earl Granville to Viscount Palmerston - - One Enclosure	June 8	June 10	Negroes purchased for the French Government -	21
5. Viscount Palmerston to Earl Granville - - Ten Enclosures	June 11		Negroes purchased for the French Government -	21
6. M. Guizot to Viscount Palmerston - -	June 3	June 17	French Subjects engaged in Slave Trade in the Cazamanca - - -	40
7. Earl Granville to Viscount Palmerston - - One Enclosure	June 19	June 21	Negroes purchased by the French Government -	40
8. Viscount Palmerston to M. Guizot - -	July 25		Treaty between the Five Powers - - -	42
9. Viscount Palmerston to Earl Granville - - One Enclosure	July 31		" Casualidade:" French Subjects engaged in Slave Trade - - -	42
10. Viscount Palmerston to M. Guizot - - One Enclosure	Aug. 5		" Casualidade:" French Subjects engaged in Slave Trade - - -	42
11. Viscount Palmerston to M. Guizot - - One Enclosure	Aug. 5		Negroes purchased by the French Government -	43
12. Viscount Palmerston to M. Guizot - -	Aug. 5		Negroes purchased by the French Government -	43
13. Viscount Palmerston to Earl Granville - -	Aug. 13		Papers presented to Parliament - - -	44
14. M. Guizot to Viscount Palmerston - -	Sept. 2	Sept. 3	Treaty between the Five Powers - - -	44
15. Viscount Palmerston to M. Guizot - -	Sept. 3		Treaty between the Five Powers - - -	44
16. M. Guizot to Viscount Palmerston - - Four Enclosures	Aug. 17	Sept. 9	" Noemi Marie" and " Aigle:" complaint against British Officers. " Intrepido:" complaint of Claude Raffin - -	45
17. Viscount Palmerston to M. Guizot - -	Sept. 17		" Noemi Marie" and " Aigle:" complaint against British Officers. " Intrepido:" complaint of Claude Raffin - -	55
18. Viscount Palmerston to M. Guizot - -	Oct. 5		Papers presented to Parliament - - -	56
19. M. Guizot to Viscount Palmerston - -	Oct. 8	Oct. 10	Papers presented to Parliament - - -	56
20. Viscount Palmerston to M. Guizot - - Two Enclosures	Oct. 22		" Intrepido:" Reply to complaint made by Claude Raffin - -	56
21. Viscount Palmerston to Earl Granville - - One Enclosure	Nov. 30		Conduct of French Minister at Rio - - -	58
22. Earl Granville to Viscount Palmerston - -	Dec. 7	Dec. 9	Conduct of French Minister at Rio - - -	58

SARDINIA.

23. Count Pollon to Viscount Palmerston - -	Sept. 29	Sept. 29	" Furia:" complaint against Captain Quin, of Her Majesty's Ship "Persian" - -	60
24. Viscount Palmerston to Count Pollon - -	Nov. 2		" Furia:" complaint against Captain Quin, of Her Majesty's Ship "Persian" - -	61

TUSCANY.

No.	Date. 1840.	Receipt. 1840.	SUBJECT.	Page
25. Hon. H. E. Fox to Viscount Palmerston One Enclosure	- May 18	June 7	Circular to Tuscan Agents in the Mediterranean	62
26. Viscount Palmerston to Hon. H. E. Fox One Enclosure	- Aug. 6		"Victoria da Libertade." Misconduct of Tuscan Consul at Havana -	63
27. Viscount Palmerston to Hon. H. E. Fox	- Aug. 13		Papers presented to Parlia- ment - - -	64
28. Viscount Palmerston to Hon. S. Cowper	- Aug. 22		Slaves exported from Tunis in Tuscan vessels -	64
29. Hon. S. Cowper to Viscount Palmerston One Enclosure	- Aug. 22	Aug. 31	Tuscan Consul at Havana -	64
30. Hon. S. Cowper to Viscount Palmerston One Enclosure	- Aug. 29	Sept. 7	Tuscan Consul at Havana -	65
31. Viscount Palmerston to Hon. S. Cowper	- Sept. 10		Tuscan Consul at Havana -	66
32. Viscount Palmerston to Hon. S. Cowper	- Sept. 17		Tuscan Consul at Havana -	67
33. Viscount Palmerston to Hon. S. Cowper One Enclosure.	- Sept. 25		Tuscan Consul at Havana -	67

HAITI.

34. Captain Courtenay to Viscount Palmerston One Enclosure	- April 1	June 4	Law - - -	68
35. Viscount Palmerston to Captain Courtenay	- July 9		Treaty - - -	69
36. Viscount Palmerston to Captain Courtenay	- July 9		Treaty - - -	69
37. Viscount Palmerston to Captain Courtenay	- Aug. 13		Papers presented to Parlia- ment - - -	70
38. Captain Courtenay to Viscount Palmerston	- July 15	Aug. 24	Treaty between France and Haiti - - -	70
39. Captain Courtenay to Viscount Palmerston	- July 20	Aug. 24	Treaty - - -	70
40. Viscount Palmerston to Captain Courtenay	- Sept. 10		Treaty - - -	70
41. Captain Courtenay to Viscount Palmerston	- Sept. 1	Oct. 26	Treaty - - -	71
42. Captain Courtenay to Viscount Palmerston	- Sept. 1	Oct. 26	Treaty between France and Haiti - - -	71
43. Captain Courtenay to Viscount Palmerston	- Oct. 22	Dec. 19	Treaty - - -	71
44. Viscount Palmerston to Captain Courtenay	- Dec. 31		Treaty - - -	72

VENEZUELA.

45. Sir R. K. Porter to Viscount Palmerston One Enclosure	- May 22	July 17	Pope's Brief - - -	73
46. Viscount Palmerston to Sir R. K. Porter	- Aug. 13		Papers presented to Parlia- ment - - -	74
47. Viscount Palmerston to M. Fortique	- Oct. 5		Papers presented to Parlia- ment - - -	74
48. M. Fortique to Viscount Palmerston	- Oct. 7	Oct. 10	Papers presented to Parlia- ment - - -	75

Class C.—1840.

CORRESPONDENCE

WITH

FOREIGN POWERS.

FRANCE.

No. 1.

Viscount Palmerston to Earl Granville.

MY LORD,

Foreign Office, May 22, 1840.

WITH reference to my Despatch to your Excellency of the 2nd April, 1840, respecting the proposed purchase of negroes in Africa by the French Government, I herewith transmit to your Excellency copies of two papers which have been received, showing that the "*Sénégalie*," a vessel which had been employed for this purpose, has been seized in the British Harbour of Bathurst, in the River Gambia, on the ground of her being found in British waters equipped for Slave Trade, contrary to the statute of the 5th Geo. IV. cap. 113. The vessel, it appears, has been sent to Sierra Leone, for trial in the Vice-Admiralty Court in that colony.

I shall not fail to acquaint your Excellency with the result of the trial as soon as I shall have learnt it. But I think it best to transmit to you at once all the information possessed by Her Majesty's Government on the subject, in order that you may be prepared to meet any representation, which the French Government may make to you upon it.

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

I have, &c.
(Signed) PALMERSTON.

First Enclosure in No. 1.

Messrs. Forster and Smith to Viscount Palmerston.

MY LORD,

New City Chambers, May 9, 1840.

ON the 28th we published an account of the French Slave Trade, now carried on in the vicinity of our possessions at the Gambia, under the immediate authority of the Governor of Senegal. We therein stated that a French vessel, called the "*Sénégalie*," escorted by two French men of war, had arrived at Goree with 120 slaves on board, purchased at Bissoa, a part of a larger number which the French had contracted for with Senhor Caetana, of that place, an extensive dealer in slaves.

We made our statement first on the authority of a respectable correspondent on the spot, and subsequently on the authority of the French papers, which confirmed our correspondent's statement to the very letter. We have now further to acquaint your Lordship, that by advices received on Thursday last from the Gambia, we are furnished with the following additional facts in relation to the matter:—

CLASS C.

It appears that the "*Sénégalie*," after landing or transshipping her cargo of slaves at Goree, proceeded on her voyage back to Bissao for a fresh supply; but happening to call at the Gambia for some purpose or other on her way, she was there met by Her Majesty's brig "*Saracen*," Commander Hill, who, finding her fitted up for the Slave Trade (for it appears she had been regularly equipped for the purpose by the Governor of Senegal), very properly seized her, and proceeded with her as his prize to Sierra Leone, on the ground of being found in British waters, fitted for the Slave Trade.

Thus, for the present, the operations of the French have been interrupted, and the completion of their contract with Senhor Caetana suspended; but we doubt not the Governor of Senegal will soon find the means of completing it.

We imagine that both the Colonial Office and the Admiralty must be in full possession of these facts, and more than these.

We have, &c.

(Signed) FORSTER and SMITH.

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

Second Enclosure in No. 1.

Mr. Stephen to Mr. Backhouse.

SIR,

Downing-street, May 11, 1840.

I AM directed by Lord John Russell to transmit to you, for the information of Viscount Palmerston, the accompanying copy of a Despatch, which has been received from the Acting Lieutenant-Governor of Her Majesty's settlements in the Gambia, with its Enclosures, reporting the seizure made by Lieutenant Hill, commanding Her Majesty's brig "*Saracen*," of the French vessel, the "*Sénégalie*," in the harbour of Bathurst; and the commitment of the owners and supercargo of that vessel, to be tried for a violation of the provisions of the statute 5th Geo. IV. cap. 113.

I am, &c.

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

(Signed) JAMES STEPHEN.

Third Enclosure in No. 1.

(No. 45.)

Mr. Ingram to Lord John Russell.

MY LORD,

Bathurst, Gambia, February 20, 1840.

I HAVE the honour to report, for your Lordship's information, that a schooner under French colours, named the "*Sénégalie*," of the Port of St. Louis, Senegal, was seized in this harbour, on the 7th instant, by the Commander of Her Majesty's brig "*Saracen*," for having on board fitments for the Slave Trade.

Lieutenant Hill received intelligence in the Cazamança of the "*Sénégalie's*" intended course of trade, and that the vessel would, probably, enter this port before the return of Her Majesty's brig "*Saracen*," from that river. Lieutenant Hill, therefore, acquainted me on his arrival from Sejeu of his intention to search the former vessel, and, if the information he had received proved correct, to make the seizure.

As Lieutenant Hill subsequently considered himself bound to make a seizure of the schooner, I felt it my duty to afford him all the assistance I could to enable him to have the case brought on for trial before the Court of Vice-Admiralty, at Sierra Leone. I beg to enclose copies of all documents connected with this matter.

The harbour master who boarded the "*Sénégalie*" on her arrival at this port, did not report to me, or to the collector of customs, that any suspicion attached to the vessel; which is the reason that neither that officer, or myself, was able to make the seizure. He has since declared to me that he perceived nothing on board the "*Sénégalie*," when he first visited that vessel, to warrant a suspicion that she had equipments for the Slave Trade, she having also been regularly cleared at the Custom-house of Senegal and Goree.

Monsieur Marbeau, the owner and supercargo, being in the settlement at the time the "*Sénégalie*" was detained, I acquainted the magistrates with that circumstance, and he was apprehended. After a very lengthened inquiry into his case, Monsieur Marbeau was remanded for trial at the next general Sessions.

I beg to enclose copy of the depositions in that individual's case, and

I have, &c.

(Signed) T. L. INGRAM,

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

Acting Lieutenant Governor.

Fourth Enclosure in No. 1.

Lieutenant Hill to Acting Lieutenant-Governor Ingram.

Her Majesty's brig "Saracen," St. Mary's,

February 8, 1840.

SIR,

I HAVE the honour to inform you of my having seized the schooner "*Sénégalie*," now at anchor off this colony, for being partly fitted for the Slave Trade, and having at the present moment caulkers and carpenters at work on her, belonging to St. Mary's, besides the person on board the vessel, who calls himself the supercargo, having informed me this morning it was their intention to procure from Bathurst provisions for the intended voyage to Bissao, by which she is absolutely equipping in a British port, and her owner, M. Jacques Marbeau, being ashore in St. Mary's, I acquaint your Excellency, that such steps may be taken against him as the law directs.

I have, &c.

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

His Excellency Acting Lieutenant-Governor Ingram,
&c. &c. &c.

Fifth Enclosure in No. 1.

Acting Lieutenant-Governor Ingram to Lieutenant Hill.

SIR,

Bathurst, Gambia, February 8, 1840.

I HAVE the honour to acknowledge the receipt of your Letter, of this day's date, informing me of your having seized the French schooner "*Sénégalie*," now at anchor off this colony, for being partly fitted for the Slave Trade, and acquainting me that Monsieur Jacques Marbeau, the owner of that vessel, was in this settlement.

I beg, in reply, to inform you that I have given directions for judicial proceedings to be immediately instituted against that individual.

I have, &c.

(Signed) T. L. INGRAM,
Acting Lieutenant-Governor.

Lieutenant-Commander Hill,
&c. &c. &c.

Sixth Enclosure in No. 1.

Lieutenant Hill to Acting Lieutenant-Governor Ingram.

Her Majesty's Brig "Saracen," Bathurst,
River Gambia, February 7, 1840.

SIR,

THE schooner "*Sénégalie*," under French colours, now at anchorage off this settlement, being equipped for Slave Trade, and the Owner, Mr. J. Marbeau, having in the Custom-house of St. Mary's this day, before Mr. Ingram, the Acting Collector of Customs, Mr. Martin, the Harbour Master, and another gentleman, whom I believe to be a writer either in your Excellency's office or the Custom-house, declared he was about to proceed in the schooner "*Sénégalie*" to Bissao for a cargo of negroes; I have to request your Excellency will cause the Collector of Customs, and the other two Officers to declare by affidavit before you as chief

Magistrate of the colony, the tenor of Mr. Marbeau's explanation respecting the "*Sénégalie's*" course of trade, to enable to use it as an authentic document in the Vice Admiralty Court of Sierra Leone, where I purpose trying this vessel for a breach of the Act of Parliament of the 5th Geo. IV. c. 113.

I have, &c.,

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

His Excellency Acting Lieutenant-Governor Ingram,
 &c. &c. &c.

Seventh Enclosure in No. 1.

Acting Lieutenant-Governor Ingram to Lieutenant Hill.

SIR,

Bathurst, Gambia, February 8, 1840.

I BEG to acknowledge the receipt of your letter of yesterday's date, acquainting me that the schooner "*Sénégalie*," under French colours, now lying in this harbour, is equipped for the Slave Trade, and that you intend trying that vessel for a breach of the Act of Parliament of the 5th Geo. IV. c. 113, and requesting I would desire the Acting Collector of Customs, and two other officers of this Government, to declare on oath the tenor of the explanation made by the Supercargo in their presence, respecting the "*Sénégalie's*" course of trade, to enable you to prosecute the case in the Vice Admiralty Court of Sierra Leone.

In reply, I beg to acquaint you, that I desired the gentlemen in question to furnish me with their affidavits of Monsieur Marbeau's explanation, and now enclose them agreeably to your request.

I have, &c.

(Signed) T. L. INGRAM, *Acting Lieutenant-Governor.*

Lieutenant-Commander Hill,
 &c. &c. &c.

Eighth Enclosure in No. 1.

AFFIDAVIT.

SETTLEMENT of BATHURST, River Gambia, to Wit.

PERSONALLY appeared before me, Benjamin Stour, Esq., one of Her Majesty's Justices of the Peace in and for the said Settlement, Alexander Ingram, Esq., Acting Collector of Customs, and Thomas Francis Quin, Acting First Writer in the Colonial Secretary's Office at Bathurst, aforesaid, who being each and severally duly sworn on the Holy Evangelists of Almighty God, make oath and say, that they, to the best of their skill and ability, believe that they heard one Jacques Marbeau, Owner or Supercargo of the French Schooner "*Sénégalie*," state and admit that he was bound from this port to the Cazamança, there to join a French vessel of war, and thence to proceed to Bissao, for the purpose of conveying a cargo of negroes for the French Government.

Sworn before me at Bathurst,

St. Mary's, River Gambia, this

8th day of February, 1840.

(Signed) B. STOUR, J. P.

(Signed)

A. INGRAM, *Acting Collector.*

T. F. QUIN, *Acting First Writer.*

Ninth Enclosure in No. 1.

AFFIDAVIT.

SETTLEMENT of BATHURST, River Gambia, to Wit.

PERSONALLY appeared before Daniel Robertson, Esq., one of Her Majesty's Justices of the Peace in and for the said Settlement, George Edward Martin, Acting Clerk of Customs at Bathurst aforesaid, who being duly sworn on the Holy Evangelists of Almighty God, maketh oath and saith, that he, to the best of his skill and ability, believes that he heard one Jacques Marbeau, Owner and Supercargo of the French schooner "*Sénégalie*" state and admit, that he was

bound from this port to the Cazamança, there to join a French vessel of war, and thence to proceed to Bissao, for the purpose of conveying a cargo of negroes for the French Government.

Sworn before me at Bathurst,
St. Mary's, River Gambia, the
8th day of February, 1840.

(Signed) D. ROBERTSON, J. P.

(Signed) G. E. MARTIN, *Acting Clerk.*

Tenth Enclosure in No. 1.

Lieutenant Hill to Acting Lieutenant-Governor Ingram.

*Her Majesty's Brig "Saacen," Bathurst,
River Gambia, February 9, 1840.*

SIR,

I HAVE the honour to inform your Excellency of there being on board the schooner "*Séné-gambie*," under French colours, seized by me for having equipments for the Slave Trade, and fitting in a British port, two caulkers and one carpenter, who state they belong to St. Mary's, and have been employed to work on the schooner since her arrival at this port.

I think these people in some measure fall under the law, but at all events their evidence cannot but prove the act of the vessel's fitting in a British port; and under these circumstances feel it absolutely necessary they should be detained, for the decision of the Vice Admiralty Court at Sierra Leone.

There are also on board the "*Séné-gambie*" three black children, apparently between the ages of six years and nine years, who, I am also informed, belong to St. Mary's. From their youth they cannot be in any way implicated as parties concerned in the equipping of this vessel; but, on the other hand, by being on board a vessel of this description, it causes some suspicion of these children being persons intended to be dealt with as slaves; one of them, who pronounces his name "*Bie*," says his father and mother are at Sierra Leone, but that he has been living at Bathurst with a person of the name of Mary La Gros.

I beg leave to request your Excellency will receive the three children under your care, and cause such inquiries to be made respecting them as you may judge necessary.

I have, &c.

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

His Excellency Acting Lieutenant-Governor Ingram,
&c. &c. &c.

Eleventh Enclosure in No. 1.

Lieutenant-Governor Ingram to Lieutenant Hill.

SIR,

Bathurst, Gambia, February 10, 1840.

I HAVE the honour to acknowledge the receipt of your letter, dated 9th instant, acquainting me of there being on board the French schooner "*Séné-gambie*," seized by you for having equipments for the Slave Trade, two caulkers and one carpenter, who state they belong to this settlement, and have been employed to work at the "*Séné-gambie*" since her arrival at this port.

As you think those people in some measure fall under the law, and as your opinion is strengthened by that of the Queen's Advocate at this settlement, I conceive that they should be conveyed in the "*Séné-gambie*" to Sierra Leone, to stand their trial before the Vice Admiralty Court of that colony.

With regard to the black children, found on board, I am informed that two of them have parents, and the other has relatives in this place. So soon as you shall have placed them under the protection of the Officer in charge of the Liberated African Department here, full inquiry will be made into their case.

I have, &c.

(Signed) T. L. INGRAM, *Acting Lieutenant-Governor.*

Lieutenant-Commander Hill,
&c. &c. &c.

Twelfth Enclosure in No. 1.

Mr. Ingram to Lieutenant-Governor Ingram.

SIR,

Customs, February 8, 1840.

I DO myself the honour to forward to your Excellency the enclosed copy of a letter which I have this morning received from Lieutenant Hill, Commander of Her Majesty's brig "Saracen," wherein an application is made to me to transfer to him the papers of the schooner "Sénégalie," under French colours, which has been seized in the harbour of Bathurst by that Officer, for having fitments which authorize him in supposing the said vessel to be engaged in the Slave Trade, in order to a prosecution in the Vice Admiralty Court.

Under these circumstances I beg leave to request your Excellency will inform me whether I am authorized or not in complying with the request contained in Lieutenant Hill's letter, to make a transfer to him of the papers of the said vessel.

I have, &c.

(Signed) A. INGRAM, *Acting Collector.*

His Excellency Acting Lieutenant-Governor Ingram,
&c. &c. &c.

Thirteenth Enclosure in No. 1.

*Lieutenant Hill to Mr. Ingram.**Her Majesty's brig "Saracen," Bathurst,**River Gambia, February 8, 1840.*

SIR,

I BEG to acquaint you, that I have seized the schooner "Sénégalie," under French colours, now lying at anchor at this port, on account of her having fitments which authorize me in supposing her to be engaged in the Slave Trade; and I, therefore, request you will transfer to me her papers, as I intend prosecuting her in the Vice Admiralty Court.

I have, &c.

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

To Alexander Ingram, Esq.,
&c. &c. &c.

Fourteenth Enclosure in No. 1.

Acting Lieutenant-Governor Ingram to Mr. Ingram.

SIR,

Bathurst, Gambia, February 8, 1840.

I HAVE the honour to acknowledge the receipt of your Letter, of this day's date, acquainting me that Lieutenant-Commander Hill has applied to you to transfer to him the papers of the French schooner "Sénégalie," detained by that Officer, in this port, for having fitments for the Slave Trade, with a view to prosecute the case in the Court of Vice Admiralty.

In reply, I beg to state that I see no objection to your complying with Commander Hill's application, so soon as he shall certify to you the period at which he purposes to send this vessel to Sierra Leone for trial.

I have, &c.

(Signed) T. L. INGRAM, *Acting Lieutenant-Governor.*

Alexander Ingram, Esq.,
&c. &c. &c.

Fifteenth Enclosure in No. 1.

Acting Lieutenant-Governor Ingram to Lieutenant Hill.

SIR,

Bathurst, Gambia, February 11, 1840.

MONSIEUR MARBEAU waited on me yesterday, with various documents relative to the intended voyage of the schooner "Sénégalie" to Bissao, and requested I would make known to you their tenour.

I have had copies taken of the documents referred to, and beg to enclose them for your information.

Lieutenant-Commander Hill,
&c. &c. &c.

I have, &c.
(Signed) T. L. INGRAM.

Sixteenth Enclosure in No. 1.

CONTRACT.

Marché pour le rachat de Cent Noirs, destinés pour Cayenne.

ENTRE Monsieur Motas sous Commissaire Ordonnateur, d'une part :
Et Messieurs Pellen et Marbeau Négocians à St. Louis, d'autre part.

Il a été convenu ce qui suit en présence de Monsieur Thomas, Inspecteur Colonial, et aux termes de la dépêche ministérielle, du 31er Mai, 1839, numérotée 108.

Messieurs Pellen et Marbeau s'engagent à livrer à l'Administration le nombre de cent noirs, engagés à temps, destinés à former à Cayenne une compagnie de pionniers militaires.

Ces noirs seront livrés à Gorée, où avant d'être admis définitivement, ils seront visités par une Commission de Recrûtement.

Pour être admis chaque noir devra réunir les conditions suivantes :—

1°. Etre âgé de 18 ans au moins, et de 24 ans au plus.

2°. Avoir la taille de 1^m 70^c_m au moins.

3°. Etre robuste et bien constitué, n'avoir aucune infirmité, et paraître sous tous les rapports dans un bon état de santé.

Ceux qui seront rejetés par la Commission de Recrûtement comme impropres au service auquel ils sont destinés, resteront au compte de Messieurs Pellen et Marbeau en qualité d'engagés à temps.

Messieurs Pellen et Marbeau s'engagent à vêtir les dits cent noirs et à les nourrir jusqu' au jour de leur embarquement pour Cayenne, en admettant toutefois que leur séjour à Gorée ne se prolongera pas au-delà de trois mois, qui courront de la date de leur admission.

Si, passé ce délai, tout ou partie des noirs admis se trouvait encore à Gorée, Messieurs Pellen et Marbeau s'engagent à leur continuer leur nourriture jusqu' au jour de départ, à charge par l'Administration des payer les rations, délivrées dans ce dernier cas au prix del adjudication passée à St. Louis pour les rationnaires du Gouvernement.

La ration à fournir sera celle du soldat indigène.

L'habillement se composera d'une blouze en Guinée blanc, avec ceinture de même étoffe, de deux chemises, (tissu matte,) d'une pantalon, (toile de coton, même couleur,) d'une paire de souliers, et d'un bonnet de laine ou d'un chapeau de paille.

Le navire destiné à l'expédition devra être en route du 5 au 10 Novembre au plus tard, et les livraisons des cent noirs auront lieu, savoir ;

Cinquante au moins au quinze Janvier pour tout délai, et à défaut de la totalité, les cinquante autres de fin Janvier au quinze Fevrier prochain.

De son côté le Gouvernement s'engage à faire escorter par un bâtiment de guerre, du point où ils auront été rachetés jusqu'à leur débarquement à Gorée, les dits cent noirs qui, préalablement, auront été affranchis par acte authentique passe par un fonctionnaire délégué à cet effet.

Le prix de chaque noir admis à Gorée par la Commission de Recrûtement est fixé, y compris la nourriture pendant trois mois, et l'habillement ce dessus spécifiés, à la somme de quatre cent soixante trois francs, quatre vingt douze centimes passible de la retenue de 3 per cent. dévolue aux invalides de la marine.

Enfin, en cas de non exécution du présent marché Messieurs Pellen et Marbeau s'engagent à verser à la Caisse Colonial, la somme de cinquante francs pour chaque noir non livré aux époques indiquées, sauf les cas de force majeure duement constatés.

Fait double à Saint Louis le 21, 8^{bre} 1839.

(Signé) ANT. PELLEN ET J. MARBEAU.
(Signé) D. MONTAS.
(Signé) M. THOMAS.

Vu. Le Gouverneur, CHARMASSON.

(L.S.)

(Translation.)

Contract for the purchase of One hundred Blacks destined for Cayenne.

Between M. Motas, sous Commissaire Ordonnateur, on the one part :
And Messrs. Pellen and Marbeau, Merchants of St. Louis, on the other part.

It has been agreed upon as follows in presence of M. Thomas, Inspecteur Colonial, and according to the terms of the Ministerial Despatch of 31st May, 1839, number 108.

Messieurs Pellen and Marbeau engage to deliver to the Government the number of 100 blacks hired, destined to form a company of military pioneers at Cayenne.

These blacks shall be delivered at Goree, where, before being definitively admitted, they shall be inspected by a recruiting commission.

To be admitted, each black must unite the following conditions :—

1. He must be at least 18 years, and at most 24 years of age.
2. He must be at least 7m. 70dm. in height.
3. He must be stout and well built, have no infirmities, and appear in all respects in a good state of health.

Those blacks who may be rejected by the recruiting commission as unfit for the service to which they are destined, will remain on account of Messrs. Pellen and Marbeau in the quality of hired.

Messrs. Pellen and Marbeau bind themselves to clothe the said 100 blacks, and to feed them up to the day of their embarkation for Cayenne, admitting always that their stay at Goree will not be prolonged beyond three months, counting from the date of their admission.

If after this time all or any of the blacks admitted shall remain at Goree, Messrs. Pellen and Marbeau bind themselves to continue to feed them up to the day of their departure, the Government undertaking to pay for the rations issued in this latter case, at the price fixed at St. Louis for the persons receiving Government rations.

The ration to be furnished shall be that of a native soldier.

The clothing shall consist of a blouse of white Guinea stuff, with a belt of the same, two shirts (tissu matte), one pair trowsers (cotton, of the same colour), one pair shoes, and a woollen cap or straw hat.

The vessel intended for the expedition ought to be on her way between the 5th and 10th November at the latest ; and the several deliverings of the blacks shall take place, 50 at least on the 15th January at the latest, and if all are not then delivered, the 50 others between the end of January and the 15th February following.

On its part the Government engages that the said negroes, who will have been previously declared free by an authentic document delivered by a functionary appointed for that purpose, shall be escorted by a vessel of war from the place where they shall have been purchased to their disembarkation at Goree.

The price of each black admitted at Goree by the recruiting commission, including their food for three months, and the clothing above specified, is fixed at the sum of 463 francs 92 centimes, less the 3 per cent. deducted for the "Invalides de la Marine."

Finally, in case of the non-execution of the present contract, Messrs. Pellen and Marbeau bind themselves to pay into the colonial chest the sum of 50 francs for each black not delivered at the time stated, unless in case of duly proved.

Done in duplicate at St. Louis the 21st October, 1839.

(Signed)

ANT. PELLEN and J. MARBEAU.
D. MONTAS.
N. THOMAS.

Seen. CHARMASSON, *Governor.*

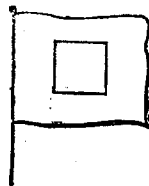
Seventeenth Enclosure in No. 1.

La "Sénégalie" à la Goëlette de l'Etat "La Cigale."

SIGNAUX DE JOUR.

Un Seul Signe au Mat de Misaine.

(1.) Un navire suspect en vue.

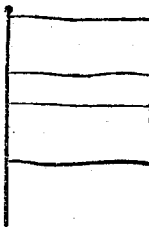
N^a.—Ne faire ce signal qu'autant que le navire signalé ferait route sur nous.Pavillon bleu,
percé de blanc.

(2.) Le navire est échoué.

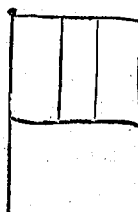
N^a.—Si le bâtiment était échoué sur un fond dangereux ou ajouterait un coup de canon pour demander du secours.

Pavillon jaune.

(3.) Le pilote pense que vous gouvernez trop sous le vent, et que vous courrez sur des dangers.

Pavillon blanc,
bande bleue.

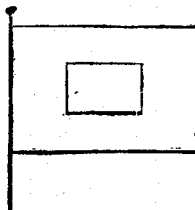
(4.) Un navire en vue.



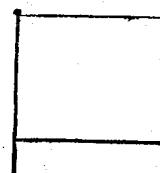
Pavillon national.

Un seul Signe au grand Mat.

(5.) Les passagers sont revoltés ou demande du secours.

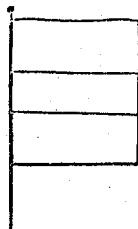
N^a.—Ce signal ne doit être fait que dans des cas extrêmes ; il indique qu'on ne se trouve pas assez fort pour contenir les mutins. On doit alors gouverner pour rallier la goëlette de l'état si on était éloigné.Pavillon bleu,
percé de blanc.

(6.) Il y a de l'agitation parmi les passagers.

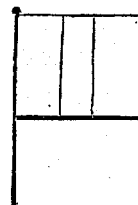
N^a.—Lorsque ce signal est fait, il est nécessaire de manœuvrer pour rallier la goëlette de l'état, si on était éloigné. On appuierait le signal d'un coup de canon, si l'agitation semblait devoir amener des résultats plus graves.

Pavillon jaune.

(7.) Le pilote pense que vous gouvernez trop au vent, et que vous courrez sur de dangers.

N^a.—Si le danger était imminent un coup de canon appuierait ce signal.Pavillon blanc à
bande bleue.

(8.) Le pilote demande à mouiller.

N^a.—Si les deux bâtiments étaient éloignés un coup de canon appuierait ce signal.

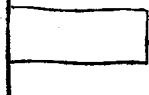
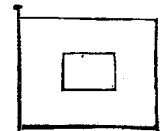
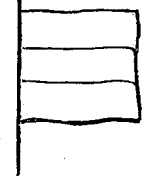
Pavillon national.

*Signaux avec deux Signes.*Bleu,
percé
de
blanc.

(9.) On demande à communiquer.

N^a.—Le bâtiment que fait cette demande se placera sous le vent du commandant, et mettra en panne le plus près de lui possible.

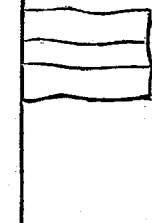
Jaune.

Bleu,
percé
de
blanc.(10.) L'eau et les vivres diminuant, on demande à relâcher.
N^a.—Ce signal ne devra être fait que lorsque l'on ne pourra communiquer de vive voix.Blanc,
à
bande
bleue.

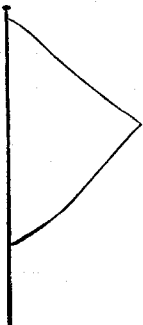
Jaune.



(11.) Le bâtiment à des avaries, on fait de l'eau.

N^a.—Ce signal étant fait, les deux bâtimens devront manœuvrer pour communiquer, si le tems le permet, et déterminer le lieu de leur relâche, s'il n'a été convenu d'avance.Blanc,
à
bande
bleue.*Signaux avec un Signe.***Grand Mat.**

Guidon bleu.



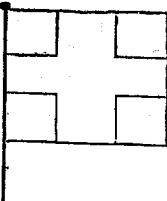
Oui, et attention.

N^a.—Ce signal accorde une demande, ou signifie qu'on a compris le signal.

Guidon bleu.

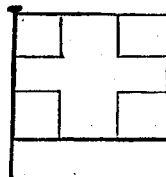
*Mât de Misaine.*

Non.

N^a.—Ce signal refuse une demande, ou signifie qu'on n'a pas compris le signal.Pavillon blanc
à croix rouge.*La Goëlette de l'Etat "Cigale" à la "Sénégalie."*

(1.) Ordre d'appareiller sans autre signal.

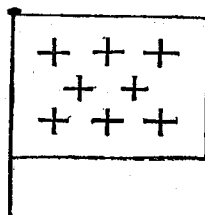
(2.) Ordre de mouiller ou l'on se trouve.



Pavillon rouge
à croix blanche.

(3.) Ordre de rallier.

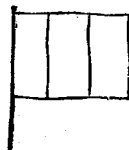
N^a.—Ce signal indique que le ralliement doit s'opérer le plus promptement possible; si toutes les voiles ne se trouvaient pas dehors, et que le signal eut été appuyé d'un coup de canon, il faudrait les appareiller immédiatement.



Blanc à huit croix bleues.

(4.) Appeller le capitaine à bord.

N^a.—Si l'on était à la mer le bâtiment manœuvrait pour se mettre en panne sous le vent à nous et enverrait son canot à bord.



Pavillon national
à tête de mât.

Fait en Rade de Bissao, 15X^{bre}, 1839.

Le Capitaine de la Frégate.

(Signed)

A. COURNET.

Eighteenth Enclosure in No. 1.

M. J. Quenet to M. Marbeau.

MONSIEUR.

A Bord de "La Fine" le 6 Janvier, 1840.

LES soins de la surveillance de votre bâtiment exigent le plus stricte attention dans la navigation, et d'après la lettre que je vous ai écrite à votre départ de Rio Nunéz, votre pilote s'étant chargé sur votre aveu de la conduite du pilotage des bâtimens dans les Bisayos, vous voudrez bien lui donner l'ordre de calculer sa route de manière à se maintenir à deux encablures au plus sur l'avant de "*La Fine*," et à votre patron de faire de la toile selon les circonstances. Si vous l'aimez mieux envoyez votre pilote à bord, et alors votre bâtiment suivra, en se tenant à la même distance derrière. S'il était nécessaire de payer au pilote quelques frais en sus je suis prêt à le faire. Prévenez votre patron, que d'après la loi, il est responsable de l'exécution des ordres que je donne, et qu'il est passible de toutes les peines encourues pour leur non-exécution.

Recevez, &c.,

(Signé)

J. QUENET.

Monsieur Marbeau, Négociant, sur la Sénégambie,
&c. &c. &c.

(Translation.)

SIR,

On board "La Fine," January 6, 1840.

THE care of watching over your vessel demands the most strict attention in its navigation, and according to the letter which I wrote to you on your departure from the river Nunez, your pilot having with your consent taken charge of the piloting of the vessels in the Bisagos, you will desire him to calculate his route so as to keep at two cable-lengths at most in advance of "*La Fine*," and your master to make sail according to circumstances. If you like it better send your pilot on board, and then your vessel will follow, keeping at the same distance astern. If it is necessary to pay the pilot anything extra I am ready to do so. Warn your master that by law he is responsible for the execution of the orders I give, and that he is liable to all the penalties incurred by their non-execution.

Accept, &c.

(Signed)

J. QUENET.

Nineteenth Enclosure in No. 1.

M. Quenet to M. Marbeau.

MONSIEUR,

A Bord de "La Fine," le 3 Janvier, 1840.

JE viens de remettre le Commandement de l'escorte à Mr. Courner, ce sera donc à lui que vous aurez à vous adresser pour toutes les demandes que vous aurez à faire dans le cours de la navigation, et à obtempérer à tous les ordres qu'il vous donnera pour le bien du service.

Je désire comme précédemment que votre goëlette marche en tête, mais ayant soin de se tenir toujours à une distance, qui ne sera pas plus de deux encablures des autres bâtimens.

Recevez, &c.,

(Signé)

J. QUENET.

Monsieur Marbeau, Négociant, sur la Sénégambie,
&c. &c. &c.

(Translation.)

SIR,

On board "La Fine," January 3, 1840.

I HAVE given the command of the escort to M. Courner, and you will therefore have to address to him all the demands you may have to make in the course of the navigation, and to obey all the orders which he will give you for the good of the service.

I desire, as before, that your vessel should go ahead, but taking care to keep always at no more than two cable-lengths from the other vessels.

Accept, &c.

(Signed)

J. QUENET.

Twentieth Enclosure in No. 1.

PROTEST.

Port of Bathurst, River Gambia.

By this public Instrument of Protest and Declaration, be it known and made manifest unto all whom it may concern, that on the tenth day of February, in the year of our Lord One Thousand Eight Hundred and Forty, before me, Alexander Ingram, Notary Public, by lawful authority duly admitted and sworn, and residing at Bathurst, St. Mary's, river Gambia, and of practice in the said settlement, personally came and appeared James Marbeau, of Saint Louis, in the River Senegal, and Owner of the French schooner or vessel called the "*Séné-gambie*," of the port of St. Louis, in the river Senegal, who said, declared, and affirmed upon the Holy Evangelists to be true, as follows, that is to say; that he arrived in the said schooner or vessel called the "*Séné-gambie*," in the port of Bathurst, river Gambia, and came to anchor on the third day of the month of February, in the year aforesaid; that on Friday, the seventh day of the month aforesaid, one Lieutenant Hill, commanding Her Britannic Majesty's brig of war called the "*Saracen*," did go on board the said French schooner or vessel the "*Séné-gambie*," while the said vessel was lying at anchor in the port of Bathurst aforesaid, and did then and there open the hatches of the said vessel, go down into her hold, and visited and inspected the packages therein, which composed the cargo of the said vessel. That the said Lieutenant Hill did, on the same said seventh day of the month aforesaid, in the year aforesaid, hoist on the deck of the said schooner or vessel, the "*Séné-gambie*," the boat belonging to the said vessel, and did then and there put on board the said schooner or vessel a number of English sailors to prevent, and at the same time forbid, all and every intercourse and communication with the said vessel to and from the shore.

That the said Lieutenant Hill has, and still does, forcibly detain, and has made prisoners three French persons, named Gabrielle Pellen, John Jacques, and Sereing, who were passengers on board the said schooner or vessel the "*Séné-gambie*," on her voyage from Goree to the port of Bathurst, and who were on board the said schooner or vessel on the said seventh day of the month aforesaid in the year aforesaid.

And this appearer further declares, affirms, and says, that the Register, Clearance, and other Papers of the said schooner or vessel the "*Sénégalie*," were duly deposited in the Custom-house of the Port of Bathurst aforesaid, on the fourth day of the month aforesaid, in the year aforesaid, as directed by law: and the said appearer doth, on his own behalf, and on the behalf of all others concerned, or in any way interested in the said schooner or vessel the "*Sénégalie*," and her cargo on board, or either of them, solemnly protest against the said Lieutenant Hill, commanding Her Britannic Majesty's brig of war called the "Saracen," his officers and mariners, and all others whom it doth, shall, or may concern, for the seizure and forcible detention of the said schooner or vessel the "*Sénégalie*," her cargo, and the passengers on board, and holds him and all and every other person or persons, concerned in the said seizure and forcible detention, responsible for all damages, losses, and expenses, of whatever nature or kind soever, which may arise to the said schooner or vessel the "*Sénégalie*," or her cargo, as well as for the injury and delay that may be caused to his affairs, commercial or otherwise, in consequence of the said seizure and forcible detention; and for all losses, costs, damages, and expenses already suffered, or which he, the appearer, and all concerned, may or shall hereafter suffer by reason of the foregoing presents, all which matters and things were declared, alleged, and affirmed, as before is set forth, in the presence of me, the said Notary Public, and therefore I have hereunto subscribed my name, and affixed my notarial seal, being requested to testify and certify the premises.

Thus done and protested at Bathurst aforesaid the day and year first above written.

L. S. (Signed) A. INGRAM, *Notary Public*.
J. MARBEAU.

Witness, JOHN HUGHES.

Jacques Marbeau maketh oath, and saith, that the foregoing protest by him signed, is in all respects just and true, and that he hath heard the said protest clearly and distinctly read.

Sworn before me at Bathurst, River Gambia, this 10th day of February, 1840.

(Signed) J. MARBEAU.
A. INGRAM, *Notary Public*.

I hereby certify the foregoing to be a true copy of the original protest.

(Signed) A. INGRAM, *Notary Public*.

Twenty-first Enclosure in No. 1.

M. Dagorme to Lieutenant-Governor Ingram.

MONSIEUR,

Goree, le 15 Fevrier, 1840.

J'APPRENDS à l'instant par une lettre du Sieur Marbeau, négociant à St. Louis, armateur et propriétaire de la goëlette Française la "*Sénégalie*," que son dit bâtiment a été saisi dans le port même de St. Marie, sous la protection des Autorités Coloniales, lorsque depuis plusieurs jours il était régulièrement introduit en Douane, où ses papiers avaient été déposés conformément aux règles locales.

Cette saisie, si j'en crois Monsieur Marbeau, aurait été faite par le Capitaine Hill du brick de Sa Majesté Britannique "Saracen," sans l'intervention aucune des Autorités Coloniales, qui seules, je pense, avaient un droit légal dans un port de votre Colonie.

Monsieur Marbeau se plaint en outre d'être mis en état d'arrestation, lui, son équipage, et même les "passagers" qu'il avait conduits à Ste. Marie.

Ces faits me semblent très extraordinaires, et d'autant plus qu'il semblerait d'après la plainte et la protestation juridique qui m'est parvenu, qu'aucun motif n'aurait été allégué au Sieur Marbeau au moment de l'arrestation de son bâtiment, et que ce ne serait que plus tard, à la Douane qu'il aurait appris indirectement qu'il était soupçonné d'avoir à bord des objets pouvant servir à la Traite des Nègres.

Cette accusation contre un navire régulièrement expédié au Sénégal, et que va de bonne foi et en toute confiance relâcher dans un port Anglais voisin, est bien extraordinaire. Quoiqu'il en soit, la goëlette "*La Fine*" de Sa Majesté qui vous remettra ce pli, n'est envoyé dans votre port que pour obtenir des renseignemens exacts sur

cette circonstance, que je ne connais encore que par la rapport du plaignant, et dans laquelle je ne puis rien faire sans avoir pris les ordres de Monsieur le Gouverneur du Sénégal.

Je ferai seulement remarquer à votre Excellence que je ne crois pas au droit que s'est arrogé Monsieur le Capitaine du "Saracen" d'arrêter un bâtiment d'une nation amie dans un port même où il est paisiblement mouillé; mais si Monsieur le Lieutenant Hill croit pouvoir étendre jusque là l'effet des Conventions conclues entre les deux Gouvernemens pour la répression de la Traite des Noirs, il est de son devoir de s'y conformer en entier, et par conséquent il ne peut ignorer que l'Article 7 de la Convention du 30 Octobre, 1831, renvoie aux tribunaux de leur pays respectifs les bâtimens et les personnes accusées du crime de Traite des Noirs; et que l'Art. 5 de l'Annexe à la Convention supplémentaire du 22 Mars, 1833, prescrit de conduire à Gorée les navires Français saisis comme suspects de se livrer à ce trafic. Si donc, c'est vraiment pour ce motif que la "*Sénégalie*" a été arrêtée et saisie, je me bornerai pour le moment à invoquer les dites Conventions et à demander que, conformément à leur teneur, la dite goëlette "*La Sénégalie*" soit conduite à Gorée, sans que rien, ni personnes ni marchandises aient été retirés du dit navire; et je dois déclarer qu'en vertu des dites Conventions je dois regarder comme illégal et nul radicalement tout jugement quelconque, rendu par un autre tribunal que celui que les deux Hautes Parties Contractantes dans les dites Conventions suscitées ont elles-mêmes désignée comme seul competent.

Je n'entrerai pas dans de plus longs détails en cet instant, espérant que Votre Excellence sentira la force de ma réclamation, et qu'elle mettra ses soins à y faire droit. Je la prie aussi d'agréer l'expression de la haute considération avec laquelle j'ai l'honneur d'être, &c.

(Signé) H. DAGORME

*A son Excellence M. le Gouverneur des
Etablissemens Anglais en Gambié,
&c. &c. &c.*

(Translation.)

SIR,

Goree, February 15, 1840.

I HAVE at this moment learned by a letter from M. Marbeau, a merchant of Senegal, lader and owner of the French schooner "*Sénégalie*," that the said vessel has been seized in the very port of St. Mary's, under the protection of the Colonial Authorities, after she had for some days been regularly entered at the Custom-house, where her papers had been deposited in conformity with the local regulations.

This seizure, if I may believe M. Marbeau, has been made by Captain Hill, of Her Britannic Majesty's brig "*Saracen*," without any interference on the part of the colonial authorities, whom *alone*, I consider, had a legal right in a port of your colony. M. Marbeau complains, moreover, that he himself, his crew, and even the "passengers," whom he brought to St. Mary's, have been placed under arrest.

These facts appear to me to be very extraordinary, and the more so, as, according to the complaint and judicial protest sent to me, no motive whatever appears to have been alleged to M. Marbeau, at the time of the seizure of his vessel; and that it was only afterwards, at the Custom-house, that he learned indirectly that he was *suspected* to have on board articles which *might* serve for Slave Trade.

This accusation against a vessel regularly cleared out at Senegal, and touching in good faith, and with all confidence at a neighbouring English port, is very extraordinary. However this may be, His Majesty's schooner "*La Fine*," which will deliver this letter to you, is sent to your port for the sole purpose of obtaining exact information as to this circumstance, of which I yet knew nothing, except from the statement made by the complainant, and in which I can do nothing till I have taken the orders of the Governor of Senegal.

I will only remark to your Excellency that I do not believe that the Commander of the "*Saracen*" has the right which he has arrogated to himself, to arrest a vessel of a friendly nation, in the very port in which it is peaceably anchored; but that if Lieutenant Hill thinks he can so far extend the effect of the Conven-

tions concluded between the two Governments for the suppression of the Slave Trade, he ought to conform himself thereto entirely, and consequently he cannot be ignorant, that Article 7 of the Convention of October 30, 1831, sends to the tribunals of their respective countries the vessels and the persons accused of the crime of Slave Trade; and that Article 5 of the Annex to the Supplementary Convention of March 22, 1833, prescribes that the French vessels, seized as suspected of being employed in that traffic, shall be conducted to Goree.

If, therefore, it is really on this account that the "*Sénégalie*" has been arrested, I confine myself for the present to invoking the said Conventions, and to demanding that, according to the tenor thereof, the "*Sénégalie*" be brought to Goree, without anything, either individuals or merchandize, being removed from the said vessel; and I must declare, that in virtue of the said Conventions I must consider as illegal and absolutely null, any judgment whatever given by any other tribunal than that which the High Contracting Parties, in the Conventions above cited, have themselves designated as alone competent.

I will not at present enter into longer details, hoping that your Excellency will feel the force of my claim, and that you will take pains to do it justice.

I beg you also to accept, &c.

(Signed) H. DAGORME.

Twenty-second Enclosure in No. 1.

Acting Lieutenant-Governor Ingram to Governor Dagorme.

SIR,

Bathurst, Gambia, February 17, 1840.

I HAVE just had the honour of receiving your Excellency's Despatch by the schooner of war "*La Fine*," on the subject of the seizure of the "*Sénégalie*," in this port.

The "*Sénégalie*" was detained by Commander Hill, of Her Majesty's brig "*Saracen*," for an infraction of the Act of the British Legislature of the 5th George IV. c. 113 for having equipments prohibited by that Act; and any vessel under any other flag would have been subject to the same pains and penalties as the "*Sénégalie*," if found in British waters under similar circumstances.

The fact of Commander Hill being the seizor is accounted for by his being the first officer to discover the illegal fitments, and the seizure having once been effected, I considered it my duty to allow the law to take its course. I beg, however, to acquaint your Excellency, that, according to our laws, any officer, civil, naval, or military, is fully authorized to detain vessels so fitted, while laying within our possessions.

By the Act referred to Monsieur Marbeau, the owner of the "*Sénégalie*," his crew, and all persons found on board, are liable to be tried for a serious offence.

Monsieur Marbeau being on shore in Bathurst was accordingly brought before the magistrates for examination, and after a lengthened investigation of his case, was ordered for trial at the next general sessions; but afterwards allowed to proceed at large on giving bail for his appearance.

The "*Sénégalie*," proceeded to Sierra Leone on Thursday last, with her crew and the other persons found on board at the time of her seizure, and the case will in a short time be tried before the Court of Vice Admiralty in that colony.

I regret this unpleasant occurrence, but trust your Excellency will not suffer it to lessen the good feelings which exist between the colony under your Government and the Gambia. Monsieur Marbeau will receive from our courts every indulgence consistent with justice; of that your Excellency may rest perfectly assured.

I have, &c.

(Signed) T. L. INGRAM, *Acting Lieutenant Governor.*

Governor Dagorme,
 &c. &c. &c.

Twenty-third Enclosure in No. 1.

Police Office, Gambia, February 8, 1840.

Settlement of Bathurst, River Gambia, to wit.

Personally appeared George Edwin Martin, Harbour Master at the port of Bathurst aforesaid, who being, duly sworn on the Holy Evangelists of Almighty God, maketh oath, and saith that about half-past three o'clock he was ordered by the Acting Lieutenant-Governor to go on board the French vessel, the "*Séné-gambie*," the vessel seized by the Commander of Her Majesty's brig "*Saracen*." In compliance with the order he proceeded on board the said vessel, taking with him an Act intituled "An Act for carrying into effect a treaty made between His Majesty and the Queen Regent of Spain for the abolition of the Slave Trade." Took the above Act for his own guidance, as it contained a schedule of certain fittings not allowed to be carried.

And on surveying her, found that she had two hatches with open iron-gratings; did not find any divisions or bulkheads more than what he conceived necessary.

Found spare plank fitted for laying a spare deck, which deck was partly laid. That he found eleven water-casks containing about 1500 gallons, being a larger quantity than necessary.

In answer to a question by the Court.—They were all fitted with the exception of one on deck.

Found also two large tubs which were empty, the people on board called them mess tubs. He conceives them to be such, and also on the deck of the said vessel found the iron frames for the reception of boilers; found about 10 bushels of rice or corn in bags; does not consider this an unusual quantity.

Questions by the Court.

Do you know who is the owner of the schooner "*Séné-gambie*?" Answer—From the papers and accounts handed into the Custom-house, I conceive Mr. Jacques Marbeau to be the owner; I am not certain if he is the sole owner.

(Signed) J. J. S. FINDEN, J. P.
G. E. MARTIN.
R. SPALDING, J. P., *Harbour Master.*

Mr. Thomas Church, Acting Tidewaiter, on being duly sworn, states that he went on board the schooner "*Séné-gambie*," that Marbeau reported himself as supercargo. Is not sure that he is owner: that he saw on board the "*Séné-gambie*" certain fittings, which he conceives adapted for a vessel about to carry on the Slave Trade. Saw two open iron-gratings on the hatches, one fore and one aft; saw about 11 water-casks; thinks they would contain about 1500 gallons, some were full; saw a frame for the reception of boilers; did not see any boilers; saw the fittings for a slave deck, which deck was partly laid forward and aft.

(Signed) THOMAS CHURCH, *Acting Tidewaiter.*
J. J. S. FINDEN, J. P.
R. SPALDING, J. P.

The magistrates adjourned the hearing of this case until Monday the 10th instant, and admitted M. Mabreau to bail until then.

Police Office, Bathurst, February 10, 1840.

Present:—

Robert Spalding, Esq.

J. J. S. Finden, Esq.

The Queen v. Marbeau.

The defendant, who was admitted to bail on Saturday last, was now produced in Court according to the tenour of his bond.

Mr. John Hughes, on being duly sworn to act as interpreter, was requested to translate to the defendant the depositions of the Harbour-master and Acting Tidewaiter, sworn to on Saturday last, the 8th instant.

The defendant, Marbeau, states in defence, through Mr. Hughes as sworn interpreter, that on Saturday last, the 8th instant, he was informed by the Acting Collector of this port, that the Commander of Her Majesty's brig, "*Saracen*," told

him that his (M. Marbeau's) vessel, the "*Sénégal*," had been seized, from a supposition of having certain fittings on board adapted for the Slave Trade.

That on Friday last, the 7th instant, Commander Hill told defendant, when asked by him, why he had hoisted in his boat, and if he had seized his vessel or not? that he had hoisted in his boat to prevent all communications, but that he had not then seized her, and as soon as he had decided one way or another what he should do, he would signify to defendant his decision. Notwithstanding this statement, defendant has received no notification from Commander Hill of the seizure of his vessel, but that he heard in Town that his vessel had been seized.

Defendant then went to the Collector of Customs, who confirmed the report. Defendant had no intimation for what his vessel was seized, or of what he was accused, and was at a loss before whom to justify himself; but, now being cited to appear before the authorities, he is ready to prove that the schooner, "*Sénégal*," since he had been the owner of her, has never been engaged in the Slave Trade, and this assertion he is ready to prove by documentary as well as by *vivâ voce* evidence.

Defendant further states, that the iron gratings of the hatchway, alluded to in the depositions of Mr. George Martin, were in her when he purchased her at this port from a British merchant, and that he has made no alteration in the same; also, that the frame or iron-work, alluded to in the above-mentioned depositions, or anything appertaining to cooking, was on board the vessel when he purchased her at this port.

Senegal, being duly sworn, states that he is Captain of the vessel called the "*Sénégal*," and, in answer to a question from the defendant, states that the last cargo they shipped on board at Bissao were men, and when these men came on board, the Commander of the French schooner of war, "*Cigale*," who was on board the said vessel, on each man's arrival, gave to him a paper, at the same time telling him, in the name of the King of the French, that he was free.

Question 1st, by the Court,

After receiving these people on board, where did you take them to?—Witness: To Goree.

Question 2nd, by the Court,

To whom did you deliver them on your arrival at Goree?—Witness: The Commissary of Goree sent on board one Blaze, the Harbour Master, to receive them.

Question by defendant,

After they arrived at Goree, to whom were the men delivered, and where were they taken to?—Witness: They were delivered, by order of the Commissary, to the Harbour Master, and taken to the fort on the hill, where there are barracks, afterwards to be made soldiers of.

Jean Jacques, alias John Turnel, being duly sworn, states that he went in the schooner "*Sénégal*" on her last voyage to leeward; that she went on account of the French Government; that they took in a number of black men at Bissao, about 63; and from Bissao proceeded to Goree, where they were delivered up to the French Government. That the Captain of the French schooner of war, "*Cigale*," was on board the "*Sénégal*," and as each man arrived he delivered to him a paper, telling him that, in the name of the King of the French, he was free from that period. Further states, that the said vessel was accompanied from Bissao to Goree by two French vessels of war, viz., the "*Cigale*" and "*Fine*." That after the people had landed at Goree, they were taken to the barracks to be made soldiers of, and were clothed.

Question 1st, by the Court,

When these people came on board at Bissao were they ironed or handcuffed, or in any way treated as slaves, either there or on their passage up?—Answer: No; they were not ironed or handcuffed when they came on board, or in any way treated as slaves: they had as much liberty on board as he. Witness further states, that he heard Marbeau, the defendant, tell the blacks, through an interpreter, that they were all free and should have anything they required: further, that this deponent told the same thing to such of them as spoke Mandingo.

Senegal, Captain of the "*Sénégal*," being recalled by the request of the defendant, states that it will soon be a year since he first took charge of the "*Sénégal*," and that the gratings on the hatchway of that vessel are now the same as when he first joined her.

John Turnel, recalled, states that he is now employed, and has been for the last

CLASS C.

five months, on board the schooner "*Sénégalie*;" that the gratings on the hatches are in the same state now as when he first joined her.

George Martin, Harbour Master, being duly sworn and examined by the Queen's Advocate, states that he never observed any gratings on the hatches of the "*Sénégalie*" before this voyage. The gratings were rusty: cannot say whether they were new or not. The deck was partly laid in the hold, the plank did not look old. The frame for the boiler he never noticed before: did not see any irons or shackles.

Cross-examined by the defendant, through Mr. Hughes as interpreter.

Never noticed any iron gratings on any other vessels which had formerly been prizes. Did not perceive anything particular about this vessel when he first boarded her on coming in; discovered the equipments alluded to when sent on board to examine her.

(Signed) G. E. MARTIN, *Harbour Master*.

The defendant handed into the Court a document, signed by the Governor of Senegal, and purporting to be a Contract between the French Government and Messrs. Pennel and Marbeau, for the purchase and conveyance of 100 negroes, who, on being embarked, were to be manumitted, &c. &c.

Also a Code of Signals for his guidance, by which he was to communicate with the French vessels of war that were to escort him, &c. &c.

There being a difference of opinion between the sitting Magistrates, they mutually agree to refer the case to a bench of Justices, who should be requested to assemble as early as practicable.

The Court order M. Marbeau to find bail, himself in the sum of 250*l.* and two sureties in 125*l.* each, for his personal appearance when required.

Police Office, Gambia, February 11, 1840.

Present:—

Robert Spalding, Esq.	D. Robertson, Esq.
Thomas Choun, Esq.	Benjamin Stow, Esq.
J. J. S. Finden, Esq.	

Regina v. Marbeau.

A bench of magistrates having been this day convened, at the request of Messrs. Finden and Spalding, for the purpose of assisting them in the further investigation and decision of this case, and they having duly attended,

Mr. A. Ingram, Acting Collector of Customs, being called and duly sworn, stated that he believes that the French schooner, "*Sénégalie*," was entered as a trading vessel, and that she was reported in the same form as on her former voyages to this port.

(Signed) A. INGRAM, *Acting Collector*.

The Court adjourn again the hearing of this case, and direct that M. Marbeau be cited to appear before them at nine o'clock to-morrow morning, for the purpose of enabling him to adduce any further evidence he may possess.

Police Office, Gambia, February 12, 1840.

Present:—

Robert Spalding, Esq.	J. J. S. Finden, Esq.
Thomas Choun, Esq.	Benjamin Stow, Esq.
Daniel Robertson, Esq.	

Regina v. Marbeau.

The defendant, Marbeau, being unable to leave his lodgings through illness, and having sent to Court a medical certificate to that effect, the Court adjourn to the house of Mr. John Hughes, where the defendant is living.

The Court having again re-assembled at Mr. Hughes's house—

The depositions of the Harbour Master and Acting Tidewaiter being re-read, and, through the sworn interpretation of Mr. Hughes, re-translated to the defendant, he was called on to produce any further evidence he might possess, to rebut or explain the charges of his vessel having certain illegal fittings.

Defendant, Marbeau, calls Mr. R. Lloyd, to prove that the gratings were on the hatches before he purchased her.

Mr. Richard Lloyd, being duly sworn, states that he came from Sierra Leone passenger in the "*Sénégal*" soon after she was purchased by Mr. Heddle; saw the frame of the boiler; did not see any gratings on the hatches; they might have been there, the hatches were not opened to his knowledge during the passage up.

The defendant not having any further evidence to produce, the Court defer giving their decision until to-morrow.

Police Office, Bathurst, February 13, 1840.

Present:—

Robert Spalding, Esq.	Daniel Robertson, Esq.
Thomas Choun, Esq.	Benjamin Stow, Esq.
J. J. S. Finden, Esq.	

Regina v. Marbeau.

The Court this day read the Convention entered into between His Late Majesty and the King of the French for the more effectual suppression of the traffic in slaves, signed at Paris on the 22d day of March, 1833, recited in Act 5 and 6 Wm. IV, c. 61, and having the evidence produced in support of a charge against Jacques Marbeau, are of opinion (with the exception of J. J. S. Finden, J. P.) that the schooner "*Sénégal*" had on board certain equipments enumerated in the sixth clause of the said Convention, and that Jaques Marbeau, as Owner or Supercargo, becomes liable to the provisions of the Act of Parliament passed in the fifth year of the reign of His Majesty King George IV., cap. 113, and therefore commit him for trial at the next General Sessions; but in the meantime admit him to bail, himself in 500*l.*, and two sureties in 250*l.* each.

(Signed) ROBERT SPALDING, J. P.
D. ROBERTSON, J. P.
B. STOW, J. P.
THOMAS CHOUN, J. P.

Twenty-fourth Enclosure in No. 1.

The Opinion of the Undersigned on the Documentary Evidence produced by the Defendant in this Case.

Regina v. Marbeau.

THE agreement produced between the Defendant and the Governor of Senegal, in evidence of his not being engaged in the traffic in slaves, is not satisfactory to us, because it is clear that the people proposed to be purchased, or, as it is termed in the agreement, "rachètes," [redeemed] are to be removed on compulsion, the proof of which consists in the precautions taken against their revolt in the code of signals agreed on with the French vessel of war for his safe convoy.

Because on his arrival at Goree it is proposed to transport a portion of them to "Cayenne," no mention being made of their consent being previously obtained.

Because others who may, under the said agreement, be imported at Goree, and rejected by the French Government as unfit for their purpose, are to be apprenticed [*engagés à tems*], also without their own consent, and, as far as it appears, for an indefinite period.

Such compulsory employment of persons bought at a price for the purposes of labour constituting, to the best of our judgment, an act of slavery.

In addition to the above, we find that the schooner "*Sénégal*" was entered at this port as a trader, while no mention was made of her intended shipment of men. And there is nothing before the Court to show in what place the intended shipment was to be made, or that the agreement between Jacques Marbeau and the Governor of Senegal has not been already completed.

(Signed) ROBERT SPALDING, J. P.
THOMAS CHOUN, J. P.
D. ROBERTSON, J. P.
B. STOW, J. P.

Police Office, Bathurst, November 13, 1840.

No. 2.

Viscount Palmerston to M. Guizot.

SIR,

Foreign Office, June 2, 1840.

I HEREWITH transmit to your Excellency an extract of a Despatch from the Acting Lieutenant-Governor at Fort Bathurst in the River Gambia.

This communication, as your Excellency will perceive, contains a report, that Slave Trade is carried on to a considerable extent in the River Casamança, by subjects of France, under colour of the French flag.

Her Majesty's Government have not at present any more precise information on the subject, and the reports which have reached the Lieutenant-Governor of the Gambia may very possibly be wholly unfounded; but as such accounts have been received by Her Majesty's Government, it seems right, whether they are well founded or not, that Her Majesty's Government should make them known to the Government of France.

I am, &c.

His Excellency M. Guizot,
&c. &c. &c.

(Signed) PALMERSTON.

Enclosure in No. 2.

*Extract of a Despatch from Lieutenant-Governor Ingram to Lord John Russell.**Bathurst, Gambia, March 16, 1840.*

I THINK it my duty to acquaint your Lordship that information frequently reaches this settlement that the Slave Trade is carried on by subjects of France to a considerable extent in the Cazamanca under colour of the French flag, and that it is done with the knowledge of the Authorities, and even under their protection, appears to be a well known fact.

No. 3.

Viscount Palmerston to Earl Granville.

MY LORD,

Foreign Office, June 4, 1840.

WITH reference to my Despatches to your Excellency of the 2d April and the 22d May last, containing accounts, that the French Government had taken measures for procuring by purchase on the Coast of Africa 500 slaves for military service in the colonies of France; I have to request, that your Excellency will state to me the result of any communication which you have had with the French Government upon the accounts contained in those Despatches; and I have further to instruct your Excellency to inquire of the French Government what steps they have taken upon the subject of which those Despatches treat.

You will say, that the suppression of the Slave Trade is a matter which excites the most intense and universal interest in this country, and that it would be very useful, with respect to public impression, if Her Majesty's Government were able, in case they be asked upon the subject, to say that the French Government has not sanctioned any proceedings on the part of its Colonial Authorities in Africa, which could have the effect of reviving the Slave Trade in any shape.

I am, &c.

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

(Signed) PALMERSTON.

No. 4.

*Earl Granville to Viscount Palmerston.**Paris, June 8, 1840.*

MY LORD,

(Received June 10.)

I RECEIVED, by the post on Saturday, your Lordship's Despatch of June 4; and in conformity to the instructions contained in it, I have addressed to M. Thiers a Note, of which I enclose a copy.

I have, &c.

(Signed) GRANVILLE.

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

Enclosure in No. 4.

Earl Granville to M. Thiers.

MONSIEUR LE PRESIDENT,

Paris, June 8, 1840.

YOUR Excellency is aware of the intense and universal interest which the suppression of the Slave Trade excites in Great Britain, and Her Majesty's Ministry, with a view to public impression, is anxious to be able to say, in reply to any question that may be addressed to them relative to the measures which have been taken by the French Colonial Authorities on the Western Coast of Africa to procure, by purchase on that coast, 500 slaves for military service in the Colonies of France, that the French Government has not sanctioned any proceedings on the part of those authorities, which could have the effect of reviving the Slave Trade in any shape.

Lord Palmerston, in a Despatch which I received from him yesterday, has directed me to state to him what has been the result of the communication I made to the French Government on the subject. Permit me, under these circumstances, to remind your Excellency of the expectation held out to me, in your Note of the 6th of May, that you would communicate to me the explanations which you had asked for from the Minister of Marine, in regard to the facts stated in the Letter, which I enclosed in my Note to your Excellency of the 22nd of April.

I avail myself, &c.

His Excellency Monsieur Thiers,
 &c. &c. &c.

(Signed) GRANVILLE.

No. 5.

Viscount Palmerston to Earl Granville.

MY LORD,

Foreign Office, June 11, 1840.

SINCE I addressed to your Excellency my Despatch of the 4th instant, upon the subject of the purchase of negroes in Africa by order of the French Government, a communication has been received at this Office from the Colonial Department, stating that the "*Sénégalie*," one of the vessels employed in transporting from Africa the negroes in question, has been condemned in the Vice-Admiralty Court at Sierra Leone, on the ground that she was found in British waters equipped for Slave Trade, contrary to the provisions of British laws.

I transmit herewith to your Lordship a copy of that communication, and of its Enclosures, together with a memorandum, containing an abstract of the contents of those papers.

I have to instruct your Excellency to transmit to the French Government a copy of that abstract, together with a Note, in which you will state that Her Majesty's Government, being well convinced that the Government of France is animated by a sincere desire to put down the Slave Trade, is anxious to draw the attention of that Government to the direct and inevitable tendency, which this purchase of negroes by the French Government must have, not merely to encourage the Slave Trade, but to give to that Trade the apparent sanction of the example of the French Government.

The objections which have been urged against the Slave Trade are two-fold:—

First, that it is an unjustifiable cruelty to seize the natives of Africa, and to carry them away by force from their own country to other parts of the world, in order

there to make them perform labour and to engage in occupations not of their own choice.

And secondly, that the demand for human beings as articles of traffic on the Coast of Africa keeps up among the Africans the practice of war for man-stealing, and occasions an infinite variety of crimes and atrocities, which are committed in the course of this traffic. Now, although the French Authorities at Senegal contend, that the negroes which they are employed in purchasing, in order to send them to Cayenne to be made pioneers, that is to say, military labourers, are bought out of slavery, and are to be immediately made free, yet it is obvious that this is only a nominal and not a real distinction, and the purchase is, in truth, Slave Trade, and is open to all the objections to which that traffic is liable.

For these negroes do not enlist of their own accord into the French service, but are handed over to the French Authorities by force; are carried away from their own to a foreign country by force; are to be kept down by force during the voyage, and, instead of being free agents when they arrive at the end of their voyage, are then to be compelled by force to labour.

Their condition, therefore, notwithstanding the pretended certificate of emancipation, is in all respects that of slavery.

But even if this were not so, and if these negroes were really made free by the French Government, still a contract made by the French Authorities with notorious slave dealers, to procure and sell to the French Government a given number of negroes, is, in the strictest sense of the term, an act of Slave Trade, and must produce in Africa just the same effect as would a similar contract, made by any sugar-planter in the West Indies or in the Brazils.

The slave-dealer who contracts to furnish these negroes, must capture them or employ other persons to do so; and all those crimes which slave-dealing occasions in Africa, are thereby directly occasioned by an act of the French Authorities.

If the object of the French Government had really been to emancipate a given number of slaves, it would seem that this object might better have been accomplished by purchasing so many slaves in one of the French colonies, and by freeing those slaves, on condition of their enlisting a limited time as soldiers in the French service.

I am, &c.

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

(Signed) PALMERSTON.

First Enclosure in No. 5.

Mr. Stephen to Mr. Backhouse.

Downing-street, June 2, 1840.

(Received June 3.)

SIR,

REFERRING to my Letter of the 11th ultimo, in which I transmitted to you, for the information of Viscount Palmerston, a report of the seizure of the French schooner, "*Sénégalie*," in the Port of Bathurst, in the Gambia, I am now directed by Lord John Russell to send to you herewith, for Lord Palmerston's further information, copies of a Despatch and of its Enclosures, which have been received from the Governor of Sierra Leone, announcing that the "*Sénégalie*" has been condemned by the Vice-Admiralty Court of that colony, on the ground of her having been illegally equipped for the Slave Trade in British waters, contrary to the provisions of the Act 5 Geo. IV. cap. 113.

I am, &c.

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

(Signed) JAS. STEPHEN.

Second Enclosure in No. 5.

Governor Doherty to Lord John Russell.

MY LORD,

Government House, Sierra Leone, March 28, 1840.

I HAVE the honour to acquaint your Lordship with the recent condemnation as prize, in the Court of Vice-Admiralty of this colony, for being equipped for the Slave Trade in the waters of Bathurst, on the Gambia, of a French schooner, called the "*Sénégalie*," Senegal, master, detained while

sailing under the colours of France, by Her Majesty's brig "Saracen," Lieutenant H. W. Hill commanding.

The circumstances under which this vessel had engaged in the illicit object of her voyage, and which have accompanied and followed her condemnation, are so unusual, that I deem it necessary to report them to your Lordship, for the information of Her Majesty's Government.

During the month of October last, an agreement was concluded at St. Louis, in the French settlement of Senegal, between the administration of that colony and Messrs. Pellen and Marbeau, a mercantile house belonging to it, for the supply to the Senegal Government of 100 young negroes, to be delivered within a prescribed period at the Island of Goree. The negroes presented at Goree, in pursuance of this agreement, were to be received or rejected, on the decision of what was termed a recruiting commission, and to be embarked within the space of three months for the settlement of Cayenne, there to serve with the troops of that colony as a company of pioneers.

Those slaves were to be purchased in the usual manner on the coast of Africa, and it was provided that an escort of a schooner of war should accompany the vessel employed to transport them from the place of their purchase to Goree.

This contract has been partly executed by means of one successful voyage undertaken by the "*Sénégambe*" to the Rio Nunez, and the islands of Bissao and Cacheo; from which places that schooner returned to Goree with a cargo of 60 negroes, chiefly purchased from the notorious Kyetan, and of these 30 were rejected. Seventy, therefore, remained to be procured in order to complete the engagements of the contract, and the vessel was proceeding a second time to the Nunez and Bissao for another cargo, when, calling at St. Mary's to land there the brother of one of her owners, she was there detained.

On these voyages the escort consisted, and was to consist, of two schooners of war, and not of one only, as promised in the agreement. Under their convoy and command, the "*Sénégambe*" was formally placed; receiving written orders to sail at a distance of not more than two cable-lengths a-head or astern of them; and being furnished with a scheme of signals for communicating with the officer in command of the principal vessel. But being, as I have stated, on the outward voyage when her detention by the "Saracen" took place, this escort was not then in attendance upon her.

Having effected the detention in British waters, Lieutenant Hill despatched his capture for adjudication to this colony. She arrived here on the 19th of February, and her condemnation in the Court of Vice-Admiralty took place on the 4th instant.

The several persons found on board at the time of seizure and brought hither with the vessel, and who, on their arrival, had been arrested on the charge of slave dealing, and on that charge detained in custody, were then fully examined, and committed for trial at the Quarter Sessions; two passengers among the number, the brother namely of the owner Pellen, and a seaman belonging to the escort, declining to avail themselves of an offer made to release them on bail. Those two persons, with three carpenters who had been employed at the Gambia to caulk the vessel, were finally discharged at the Sessions on the finding of the grand jury. But a true bill being returned against the master, supercargo, and crew, they were tried by the Court of the Royal Commission on the 20th instant, and were sentenced to one month's imprisonment.

In the mean time the schooner of His Majesty the King of the French, "*La Rachel*," Lieutenant A. Courmes commanding, had arrived in the harbour on the 14th, having on board Monsieur Marbeau, the principal contractor, who was already bound over to take his trial at the Gambia, and bearing a letter from the Governor of Senegal, in which that functionary avowed the enterprise of the "*Sénégambe*" as the act of his Government, and affected to treat the detention by Lieutenant Hill as an act of aggression upon a friendly flag; declaring at the same time the innocence of the vessel in respect of the illicit traffic, and expressing his reliance on the Courts and on my support for her release. To such a letter it was of course impossible for me to give any reply that could be satisfactory to the French Governor.

Of this communication and my reply, such as it was, and of the other documents to which I have referred above—the contract itself, the instructions, and code of signals furnished to the "*Sénégambe*" by her escort, I do myself the honour to transmit herewith certified copies for your Lordship's information.

I enclose at the same time copies of some of the vessel's papers, and of others found on board of her; of papers filed in the case in Vice-Admiralty; depositions taken at the police office; and a short correspondence with the French commander.

On examining these enclosures, your Lordship will not fail to observe, that the defence or excuse provided for the whole of this transaction, is to be found in that clause of the contract, which declares that the negroes furnished by the contractors are to be brought *out* of slavery, and shall previously to their transport to Goree receive their freedom by a formal deed of emancipation, to be executed by a Government agent appointed for the purpose, who, as he informed me, was the same Lieutenant Courneis at that time in command of the French schooner of war "*La Cigale*," who has now been the bearer of the Governor of Senegal's remonstrance. Those freemen, however, were not thereafter to exercise the ordinary privilege of liberty, in disposing at will of their own persons; but were, in terms of the agreement, to be delivered over at a stipulated price to the authorities at Goree, unless by them refused, when they were to be left in the possession or for the account, as it is expressed, of the contractors; and I would crave your Lordship's particular attention to this circumstance.

It is, indeed, stated that the entire numbers—both the rejected and the received—were to be placed with their respective masters in the character, not of absolute property, but of persons engaged or hired for a certain period of time. But allowing this to have been the real design, I believe it will scarcely be alleged that the buying of negroes on the coast of Africa, for the purpose of using their labour for any term, is anything other than the offence of dealing in slaves, whether this labour is to be employed in military service, or in that of a private master; and if we suppose the French Colonial Government to have been so far sincere in their use of an expression, which implies a temporary engagement, as to have intended to grant their discharge at some remote period, to such of those people as they accepted for soldiers, I would request your Lordship to judge how far it is probable that Messrs. Pellen and Marbeau, the purchasers of these men, having equally given their money and time, and the labour and risk of their own voyage, for the individuals rejected as for those received, would, in a slave colony, release them from their servitude, incurred with the approbation of the Government, upon any conditions save that of having their value in the slave market paid or otherwise satisfied to them from some new quarter, or would treat and regard otherwise than as slaves.

It will be seen at the same time, by the affidavit of seizure, that after being presented with their freedom, those persons were to be confined on board of ship under hatches, secured with iron bars, according to the invariable practice of slave vessels. And, in fine, that both parties to the transaction did themselves feel how gross was the pretext of emancipation and hire, and were themselves fully conscious of the indefensible nature of the act they were committing, and the liability to which it exposed them, is sufficiently evinced by the circumstance of the escort provided to attend the vessel, and by such a precaution as that of preparing a signal for a suspicious sail in sight.

Nor will the argument against the adjudication, which is used, not indeed by the Governor of Senegal himself, but in the letter of his officer, and which was much insisted on by that gentleman in a personal interview,—the argument, namely, that the Slave Trade Treaty with France removed French vessels accused of being engaged in the Slave Trade in British waters from the jurisdiction of English Courts, provided those waters lie within the latitudes which it specifies, appear to your Lordship more tenable. The Treaty with France could in no respect abrogate or affect the national laws of either power on the subject, even if it were not stated, as it is in the preamble of that Treaty, that the object of it was to render more effectual the means of suppression which were previously in force. Upon the contrary supposition, it would obviously be in the power, both of French vessels and of vessels of other nations, with which Great Britain has Treaties on the model of that of France, to ship slaves with impunity from the colony itself, and even during the presence in the harbour of Her Majesty's cruizers, provided those cruizers should happen to be unfurnished with instructions under the Treaty or Treaties with the particular nation of the slave; while supposing them to be so furnished, a French vessel would still be able to attempt the same outrage, under no other penalty, in case of failure, than that of being sent to Goree for trial.

To what extent undertakings similar to the one which has now come to light

have been meditated by the Senegal Government, or how far they may have already been attempted with success, does not appear with any certainty. But the present transaction is believed to form only a part of a greater scheme. Intelligence to this effect, both written and verbal, has been received from the Rio Nunez, the former by the Mixed Commissions and the latter by myself. Her Majesty's Commissions have recently reported their information to Viscount Palmerston; and it appears from it, not only that the "*Sénégalie*" and her escort in their search for slaves had penetrated into the Nunez, as I have stated, but that it was in contemplation to establish a French factory on that river for the purchase, in the first instance, of 600.

It is another important question to what degree those proceedings may affect the honour and good faith of the Government of France itself. It will be noticed that the contract is declared to be passed, agreeably to an instruction contained in a Despatch of the French Minister, dated the 31st May, 1839, No. 108. But the terms of that instruction are not given.

The "*Sénégalie*," which is incorrectly stated in the deed admitting her to the privileges of a French vessel to have been built in Sierra Leone, was a condemned Portuguese slaver, named the "*Prova*," which was sold here at a Mixed Commission sale, in the month of November, 1838. As on this new condemnation she has been again disposed of to her former purchaser, some time a merchant at the Gambia, and intimately connected in trade with Senegal and Goree, she may and probably will return into the possession of her late Owners, and may by them be once more employed in the same guilty enterprise, in which she has now failed of success.

I have, &c.

(Signed)

A. DOHERTY, Governor.

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

Third Enclosure in No. 5.

In the Vice-Admiralty Court of Sierra Leone.

THESE are to certify that the Paper Writings hereunto annexed (lettered and described as per schedule on the other side hereof) are true and correct copies of the Paper Writings and Documents referred to in the affidavit of seizure, in the case of the schooner "*Sénégalie*," Senegal, Master, and filed in the Vice-Admiralty Court of this Colony.

Given under my hand and the seal of the said Court, this 27th day of March, 1840.

(Signed)

H. N. MACDONALD,
Deputy-Registrar, V. A. Ct.

SCHEDULE of Papers hereunto annexed.

- A. Acte de Francisation.
- B. Congé.
- C. Attested Copy of the Manifest.
- D. Four Documents transmitted by Acting Lieutenant-Governor Ingram, at the request of M. Marbeau.—Contract. Two Letters of Instruction, and Code of Signals.
- E. Deposition of Mr. Martin.
- F. Deposition of Mr. Ingram and Mr. Quin.
- G. M. Marbeau's Protest.
- H. List of "*Sénégalie's*" Stores and Cargo.
- I. Receipt from the Liberated African Department at Bathurst, for three children found on board the "*Sénégalie*."
- K. Lieutenant Hill's Declaration respecting the detention of the schooner "*Sénégalie*."
- L. Duplicate Certificate of Papers belonging to the schooner "*Sénégalie*," found at the Custom-house.

(Signed)

H. N. MACDONALD
Deputy Registrar V. A. Ct.

CLASS C.

(A.)

Colonie du Sénégal.

Port de Saint Louis. No. 15. Acte de Francisation.

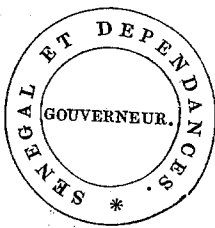
Au Nom du Roi.

LE Gouverneur du Sénégal et de ses dépendances déclare que le Sr. Jacques Marbeau domicilié à Saint Louis est propriétaire du navire la "*Sénégalie*," appartenant au port de Saint Louis, et ayant été construit à Sierra Leone, ainsi qu'il a été certifié par pièces authentiques; que ce navire a deux mâts; un pont; que sa largeur de l'éperon à l'étambot est de vingt-un mètres quarante-trois c. m., que sa plus grande largeur est de cinq mètres soixante-huit c. m., que sa hauteur entre les ponts est d'un mètre soixante quatorze c. m.; qu'il mesure cinquante cinq tonneaux 73-100, ayant été jaugé suivant la manière présente par la loi du 12 Nivose, an 2; qu'il est goëlette; qu'il n'a pas une galine en tête; que le propriétaire du dit navire a rempli les formalités présentes pour constater qu'il est propriété Française; que les déclarations, sermens, soumissions et cantonnements prescrits par la loi du 27 Vendémiaire, an 2, et l'arrêté locale du 22 Janvier, 1829, ont été faits le 15 Mai, 1839; et que le navire est enregistré No. 15, sur le registre du bureau de St. Louis, où réside le dit propriétaire. Pourquoi il a droit de naviguer sous le pavillon de France, sans cependant jouir des mêmes droits que les navires construits en France.

Prions et requérons en conséquence les Commandants des bâtimens du royaume, tous fonctionnaires publics, et tous ceux à qui il appartiendra de le reconnoître pour François et de le faire jouir de tous les privilèges des vaisseaux du royaume à la charge pour le propriétaire de se conformer aux lois, et de prendre les congés et expéditions prescrites.

Délivrés à Saint Louis, le 15 Mai, 1839, le Gouverneur du Sénégal et Dépendances.

(Signé) CHARMASSON.



Enregistré et délivré au Bureau de la Douane de Saint Louis, le 15 Mai, 1839.

(Signé) LOMBARD.

(B.)

Colonie du Sénégal.

Année 1839, No. 172. Congé des bâtimens faisant la Navigation Intérieure du Fleuve, et le petit Cabotage.

Au nom du Roi.

LA goëlette nommée la "*Sénégalie*," du port de 55 ⁷⁰/₁₀₀ tonneaux, enregistré sous le No. 172, au port de Saint Louis, appartenant au Sieur Marbeau, qui en est seul propriétaire.

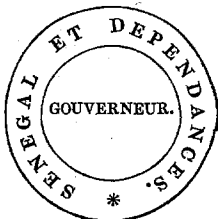
Nous déclarons que ce bâtiment a le droit de naviguer sous pavillon Français, et avons donné ce congé au patron pour partir du port de Saint Louis et naviguer sur le Fleuve du Sénégal, ainsi que dans les limites du petit cabotage, telles qu'elles sont établies par l'ordonnance royale du 31 Août, 1828, pendant un an avec le dit congé, à la charge de se conformer aux lois et réglemens de la navigation.

Prions et requérons tous souverains états amis et alliés de la France et leurs subordonnés; invitons tous fonctionnaires publics, Commandants des bâtimens du royaume, et tous ceux à qui il appartiendra, de laisser sûrement et librement passer le dit bâtiment, et de lui donner toute faveur, secours et assistance partout, où besoin sera.

Saint Louis, le 16 Avril, 1839.

Le Gouverneur du Sénégal et de ses Dépendances,

(Signé) CHARMASSON.



Enregistré au bureau des classes de Saint Louis le 16 Avril, 1839, sous le No. 172.

(Signé) W. GUILLEBAND.

Reçu pour droit d'expédition la somme de six francs.

Le Trésorier de la Colonie,

(Signé) CHEVAULT.

Reçu pour droit de tonnage de 1839, dû par le bâtiment ci-dessus désigné, la somme de cent trente-neuf francs vingt-cinq centimes.

St. Louis, le 16 Avril, 1839.

(XLIV. Sénégal, No. 5, 1834.)

Le Trésorier de la Colonie,

(Signé) CHEVAULT.

(C.)

Manifeste de la Goelette "Sénégalie."

1 Baril huile de l'ain.	9 Ç Barils veroterie.
10 Potuches huile.	239 Paniers anisette.
3 Ç confiture.	3 Ç Baguettes de cuivre.
3 Sacs veroterie.	1 Ç Calicot bleu.
2 Demi-jeans dragées.	10 Barils anisette.
1 Ç sonnettes.	1 Ç corail.
5 Ç pâte.	1 Ç chocolat.
6 Ps. damier.	1 Ç pâte d'anchois.
60 Cartouches grelots.	6½ Boucaux tabac.
24 Barils veroterie.	1 Ç fusil.

Gorée, 27 Janvier, 1840.

(Signé) J. MARBEAU.

Expédié en Douanes de Gorée, le 27 Janvier, 1840, allant à St. Louis chargé des Marchandises designées d'autre part.

Le ffons de Verif. des Douanes,

(Signé) B. BOUCHER.

Vu. Le Commis. ppal. ché. du Sce. Admt. et ffns de directeur des Douanes.

(Signé) N. GUIBERT.

Chargé sous Voile à St. Louis.

1 Malle contenant (illegible.)
1 Boite ditto.
1 Ç blanc filé.
1 Malle Souliers.

St. Louis, 30 Janvier, 1840.

(Signé) J. MARBEAU.

Vu le Charge du Sce. Admmt. et ffons. de direction des Douanes.

Gorée, le 2 Fevrier, 1840.

(Signé) N. GUIBERT.

I certify the foregoing document to be a true copy of the original Manifest now filed in my office.

(Signed) A. INGRAM,

Customs, Gambia, 8th February, 1840.

Acting Collector

(D. 1.)—Contract.

(See page 7.)

(D 2 and 3.)—Letters from Captain Quenet to M. Marbeau.

(See pages 11, 12.)

(D 4.)—Code of Signals.

(See page 9.)

(E.)—Martin's Affidavit.

(See page 16.)

(F.)—Ingram's and Quin's Affidavit.

(See page 4.)

(G.)—M. Marbeau's Protest.

(See page 12.)

(H.)

A LIST of Cargo, Stores, and Provisions found on board the "*Sénégalie*."

<i>Sails.</i>		
1 Mainsail,		1 Pump hook,
1 Fore try sail,		2 Compasses and lamps,
1 Square sail,		3 Iron pots,
1 Topsail,		2 Flags,
1 Top gallant sail,		2 Leads and lines,
1 Fore staysail,		2 Half-hour glasses,
1 Gib,		1 Can paint, oil,
1 Gaff topsail,		1 Slave deck complete,
3 Awnings,		Casks said to contain beads,
1 Flying gib,		6 Hides,
2 Tarpaulins,		6 Half-hogsheads tobacco,
2 Boat sails.		1 Case muskets,
		3 Casks beads,
		Boxes said to contain beads,
		Cases said to contain beads,
		8 Jars oil,
		1 Case said to contain cotton yarn,
		1 Box containing soap,
		Case said to contain cloth,
		4 Bundles rice bags,
		1 Trunk shoes,
		1 Cask said to contain oil,
		2 Rice tubs,
		2 Cases said to contain brass rods,
		1 Trunk said to contain coral and cloth,
		11 Mats,
		2 Boxes macaroni,
		4 ——— preserves,
		5 ——— wine,
		1 Cask containing wine,
		1 Bag calavances,
		1 Bag rice,
		1 ———peas,
		1 ———grain,
		1 Cask bottled beer,
		2 Cases said to contain coral,
		1 Can containing powder,
		1 Box containing musket balls,
		2 Bottles said to contain lozenges,
		1 Elephant's tusk.

Given under our hands this 9th day of February, 1840, on board the schooner "*Sénégalie*," off St. Mary's, River Gambia.

(Signed) THOMAS HART,

Second Master of Her Britannic Majesty's Brig "*Saracen*."

(Signed) SENEGAL, + his Mark,

Master of Schooner "*Sénégalie*."

(I.)

THESE are to certify, unto all whom it may concern, that I have this day received from Lieutenant Hill, Commander of Her Majesty's brig "Saracen," three children, of the names of Henry N'Door, Bonney Sar, and M. Boze Sallah, found on board the schooner "Sénégal," under French colours, lying in this harbour, seized for having fitments for the Slave Trade, and which children have been delivered into my charge, for the purpose of being placed under the care of the liberated African department, pending an investigation to be made by his Excellency the Acting Lieutenant-Governor into their case.

Given under my hand and seal of office at Bathurst, Gambia, this 10th day of February, 1840.

(L.S.) (Signed)

A. INGRAM, *Acting Director, L. A. D.*

(K.)

I, HENRY W. HILL, Lieutenant, commanding Her Britannic Majesty's brig "Saracen," hereby declare, that on this seventh day of February, 1840, being at anchor in the port of Bathurst, River Gambia, I detained the schooner named the "Sénégal," sailing under French colours, armed with two brass guns, two-pounders, commanded by Senegal, who declared her to be bound from Goree to St. Mary's, with a crew consisting of four men, three boys, one clerk to the supercargo, two passengers, whose names, as declared by them respectively, are inserted in a list at foot hereof; having also on board three artificers, said to belong to St. Mary's, and three small children, likewise said to belong to St. Mary's, which children were received (as per receipt) by the liberated African department at St. Mary's, that the circumstance of their being on board this vessel might undergo such inquiry as his Excellency the Acting Lieutenant-Governor might think necessary.

I do further declare, that the said schooner appeared to be sea-worthy, and was not supplied with a sufficient stock of water and provisions for the support of her crew beyond a very short voyage.

I do further declare, I seized this vessel lying in the port of Bathurst, River Gambia, for having equipment on board for the Slave Trade, contrary to the British laws for the abolition of the Slave Trade. The vessel's papers at the time of seizure were in the Custom-house of the port of Bathurst, and the reputed owner of the vessel, M. Jacques Marbeau, on shore at St. Mary's, of which I informed his Excellency Lieutenant-Governor Ingram, in order that such steps might be taken against him as the law directs.

I do also declare, I received a protest to my seizing this vessel on the 10th day of February, 1840, from M. J. Marbeau, and on the 11th day of February, 1840, I received from his Excellency Acting Lieutenant-Governor Ingram copies of four documents, sent by M. Marbeau's request, relative to an agreement to furnish negroes to the French Government.

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

Witness.

SID. BERNARD, <i>Assistant Surgeon.</i>	}	Her Majesty's Brig "Saracen."
J. WILLOW, <i>Clerk in Charge.</i>		

LIST of PERSONS found on board the schooner, "Sénégal," when detained by Her Majesty's brig, "Saracen."

Senegal	.	.	Captain.
Jozé Fall	}	.	Seamen.
Lemaire Crouballi			
Jura Mani			
Sumba-Ka	.	.	Cook.
Jerim-Sam	}	.	Boys.
Sam Fry			
Satta Jento Maha			
John Jaques Townal	.	.	Clerk to Supercargo.
Gabriel Juan Baptista Pellen	}	.	Passengers.
Pierre Sourren			
Funa Camera			
Nicola Goub	}	.	Caulkers and carpenters, said to belong to St. Mary's.
John Bathurst			

(L.)

Duplicate.

I, HENRY W. HILL, Lieutenant, commanding Her Britannic Majesty's brig "Saracen," hereby certify, that on the 7th day of February, 1840, being at anchor in the port of Bathurst, River Gambia, I detained the schooner named the "Sénégal," sailing under French colours, armed with two brass guns, two-pounders, commanded by Senegal, who declared her to be bound from Goree to St. Mary's, with a crew consisting of four men, three boys, one clerk to the supercargo, two passengers; and having also on board three certificates, said to belong to St. Mary's, and three small children, likewise said to belong to St. Mary's. And that the papers and documents received by me from the Custom-house at the port of Bathurst, belonging to the said schooner, being marked from No. 1 to No. 4, are communicated in the following list:—

- No. 1. "Role de l'Equipage," and Extrait de Riva.
2. Acte de Francisation.
3. Congé.
4. Attested Copy of the Manifest.

I also received a protest, on the 10th instant, from M. Marbeau, and four documents from the Acting Lieutenant-Governor of St. Mary's, at M. Marbeau's request, relating to an agreement between M. Marbeau and the French authorities.

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

Fourth Enclosure in No. 5.

In the Vice-Admiralty Court of Sierra Leone.

THESE are to certify, that the paper writings herewith annexed, and paged from 1 to 15 inclusive, are true and correct copies of the affidavit of seizure, affidavit as to the capacity of the water-casks, and the interlocutory Decree or Sentence, in the case of the schooner "Sénégal," Senegal, Master.

Given under my hand, &c.

(Signed) M. W. MACDONALD.
Deputy Registrar, Vice Admiralty Court.

In the Vice Admiralty Court of Sierra Leone.

Our Sovereign Lady the Queen against the schooner "Sénégal," Senegal, master, her tackle, apparel, and furniture, and the goods, wines, and merchandise on board the same, seized by Henry W. Hill, Esq., Commander of Her Majesty's brig "Saracen."

Appeared personally, Thomas Hart, second master of Her Majesty's brig "Saracen," Henry W. Hill, Esq., commander, and made oath that on the 7th day of this instant month of February, the said Henry W. Hill detained the schooner "Sénégal," Senegal, master, navigating under French colours, but then lying at anchor in the port of Bathurst, in the River Gambia, and that the said Henry W. Hill seized the said schooner for having equipments on board for the Slave Trade, and for repairing and fitting for the Slave Trade in a British port. That the hatches of the said schooner at the time of her seizure had iron bars nailed across, that she had a slave deck partly laid, and material on board fitted for completing it, 11 leaguers and casks capable of containing a far greater quantity of water than was necessary for her as a merchant vessel engaged in lawful commerce, and a frame ready to receive boilers for the feeding of a far greater number of persons than was necessary for the said schooner as a vessel employed in legal trade. That the said prize was brought to this port of Sierra Leone by this deponent. That the said schooner's papers at the time of her seizure were at the Custom-house of the port of Bathurst, from whence the said Henry W. Hill obtained them, and that the paper writings, and documents, hereto annexed, marked Nos. 1 to 4, inclusive, are the whole of the paper writings and documents which were obtained from the said custom-house, or delivered up relative to the said schooner; and that this deponent received the same from the said Henry W. Hill, together with the paper writings and documents, also here-

unto annexed, marked Nos. 5 to 12, inclusive, and that the whole of the said paper writings and documents are now delivered up in the same plight and condition as when they were received by this deponent, without any fraud, addition, or subduction whatsoever.

(Signed) THOMAS HART.

On the 20th day of February, 1840, the said Thomas Hart was duly sworn to the truth of this affidavit before me.

(Signed) L. HOOK,
Officiating Judge Vice Admiralty Court.

Schedule of Papers.

1. Role de l'Equipage.
2. Acte de Francisation.
3. Congé.
4. Attested copy of the Manifest.
5. Four Documents transmitted by Acting Lieutenant-Governor Ingram, at the request of M. Marbeau.
6. Deposition of Mr. Martin.
7. Deposition of Mr. Ingram and Mr. Quin.
8. M. Marbeau's protest.
9. List of "Sénégal's" stores and cargo.
10. Receipt from the Liberated African Department at Bathurst for three children found on board the "Sénégal."
11. Lieutenant Hill's Declaration respecting the detention of the schooner "Sénégal."
12. Duplicate Certificate of Papers belonging to the schooner "Sénégal," found at the Custom-house.

(Signed) THOMAS HART.
JAS. MAGNUS, *Proctor.*

In the Vice Admiralty Court of Sierra Leone.

Our Sovereign Lady the Queen against the schooner, "Sénégal," Senegal, master, her tackle, apparel, and furniture, and the goods, wares, and merchandise, laden therein, and on board the same, seized by Henry W. Hill, Esq., Commander of Her Majesty's brig "Saracen."

Appeared personally, Thomas Hart, Second Master of Her Majesty's brig "Saracen," Henry W. Hill, Esq., Commander, and made oath that he this morning went on board the said schooner "Sénégal," for the purpose of ascertaining what quantity of water the water-casks found on board that vessel at the time of her seizure would contain. That the said casks were 12 in number (including one 25 gallon cask, not reckoned on taking the account of the casks when the vessel was seized), and that the said casks having been gauged as correctly as their respective positions in the hold of the vessel would conveniently permit, were found capable of containing about 915 imperial gallons of water.

(Signed) THOMAS HART.

On the 3d day of March, 1840, the said Thomas Hart was duly sworn to the truth of this Affidavit before me.

(Signed) L. HOOK,
Officiating Judge Vice Admiralty Court.

In the Vice Admiralty Court of Sierra Leone.

Our Sovereign Lady the Queen against the schooner or vessel "Sénégal," whereof Senegal was master, her tackle, apparel, and furniture, and the goods, wares, and merchandise, laden therein, seized by Henry W. Hill, Esq., Lieutenant in Her Majesty's Royal Navy, and commanding Her Majesty's brig of war "Saracen," as liable to forfeiture; and against all persons in general having, or pretending to have, any right, title, or interest therein.

Wednesday, the 4th day of March, 1840.

In pain of parties cited not appearing, James Magnus, Proctor, returned the Monition, duly executed, and referred to the Affidavit of Mr. Thomas Hart, Second Master of the said brig of war "Saracen," heretofore exhibited, and remaining in the registry of this Court.

The Judge, at his petition, having heard the said Affidavit read, on motion of counsel on behalf of Her Majesty, by interlocutory Decree, pronounced the said schooner "*Sénégambe*" to have been illegally equipped for the Slave Trade in British waters:—to wit, in the Port of St. Mary's, Bathurst, in the River Gambia, contrary to the provisions of the Act, 5th Geo. IV, cap. 113. And as such or otherwise, subject and liable to forfeiture and condemnation, and condemned the said schooner "*Sénégambe*," her tackle, apparel, and furniture, and the goods, wares, and merchandise laden therein, as forfeited to our Sovereign Lady the Queen, her heirs and successors for ever.

(Signed) L. HOOK,
Officiating Judge Vice Admiralty Court.

Fifth Enclosure in No. 5.

Police Office, Freetown, March 5, 1840.

Before H. N. Macdonald, Esq., J. P., and C. Macrae, Esq., P. M.

SENEGAL, Jose Fall, Lemaire Crouballi, Jura Mani, Sumbaka, Jerim-Sam, Sam Fry, Setta Jento Maha, John Jacques Tournal, Gabriel Pellen, and Pierre Sourren, brought up by warrants and charged by Mr. Thomas Hart, of Her Majesty's brig "Saracen," with having been found on board the schooner "*Sénégambe*" at the time of her capture, for being illegally equipped for the Slave Trade in British waters.

Thomas Hart sworn, states, "He is second master of Her Majesty's brig "Saracen." The commander detained the schooner "*Sénégambe*," on the 7th instant, in the river Gambia, in British waters, equipped for the Slave Trade; found all the above-named prisoners on board at the time of seizure, brought her here as Prize-master, and was directed by the Commander of the "Saracen" to lay the case before the authorities of the colony.

Defence.—Gabriel Pellen states, "He is a native of Marseilles, and brother to one of the owners of the schooner; arrived at St. Louis from France on the 18th January last, and took a passage in the '*Sénégambe*' for St. Mary's, river Gambia, eight days after (26th January), for the purpose of collecting some debts due to his brother for cargoes sold at that place, after which he was to return to St. Louis, the 'Saracen' being about to sail for St. Louis, it was his intention to take his passage in her; was not to proceed to Bissao in the schooner, but was to have returned to Senegal by the first opportunity. Is not connected in any way with the said schooner. His brother and M. Marbeau entered into a contract with the French Government for the supply of negroes; the '*Sénégambe*' was three days in the harbour at the Gambia before she captured the '*Sénégambe*;' during his stay at the Gambia he slept on board the schooner every night, although he lived on shore during the day."

Senegal states, "He is a Jolliffe; was master of the schooner '*Sénégambe*;' has been so about eight months; entered on board at St. Louis; from there went to Goree, and from thence to the Gambia, was afterwards to proceed to Bissao to take in blacks; had been there before and carried away sixty, which were conveyed to Goree, and placed in the barracks there; Mr. Pellen, now in Court, did not go with them the first voyage to Bissao, nor was he to accompany them on this occasion. Went to the Gambia for the purpose of landing him there; finding on arrival that the vessel was leaky and required caulking, stayed for the purpose of repairing her. Knew they were going on a slave-dealing expedition; was also told by one of his companions at the Gambia, that if a British man-of-war found them in the harbour they would be taken. M. Marbeau, one of the owners of the '*Sénégambe*,' was on board the first trip the vessel went to Bissao, and took away sixty blacks, and was also to have proceeded in her this her second trip for the same purpose. Does not know what was given for the blacks in question."

John Jacques Tournal states, "He was clerk to the supercargo of the '*Sénégambe*;' is a native of Goree; had been on board four or five months, and was on

board of her when she went her first trip to Bissao to purchase negroes; did not know then that they were going to buy slaves. M. Marbeau, one of the owners, told him on that occasion that he was going to St. Mary's, and thence to Bissao, to buy produce. They took away at that time sixty slaves, but no produce the second voyage, that is, the present one. M. Marbeau told him he would send him home from St. Mary's in a vessel belonging to Mr. Isaacs, which he intended to purchase; he did not, however, see her at the Gambia, and M. Marbeau then said he must go with them to Bissao; went also to the Rio Nunez. On the first trip, when M. Marbeau sold his goods for coffee to M. Bicaise, and also tried to do business with M. Bocaline and Pierre Turpin. M. Pellen, now in Court, is brother to M. Marbeau's partner, and was a passenger on board the "*Séné-gambie*;" he did not accompany M. Marbeau on his first voyage to Bissao in the '*Séné-gambie*,' nor was he to have gone this trip; did not see, nor is he aware what was given for the sixty blacks, taken away from Bissao in the schooner on her first voyage."

Pierre Sourren states, "He was born within ten miles of Bordeaux, and is a French man-of-war seaman; was sent by order of the commanding officer from the hospital at Goree on the 2nd February, on board the '*Séné-gambie*,' for a passage to join the vessel of war '*La Cigale*,' to which he belongs, and which he expected to find at Bissao; was aware the schooner '*Séné-gambie*' had been one trip in the Slave Trade; was on that occasion on board the '*La Cigale*,' which escorted the '*Séné-gambie*' from Bissao to Goree. She took away at that time sixty slaves, which he heard were to be sent to Cayenne for a service of fourteen years as pioneers in the French service, at the expiration of which time they were to be free. Did not know what the '*Séné-gambie*' was going to Bissao for this time; has presumed it was for negroes; during his passage from Goree to the Gambia did not assist in any way in working the vessel."

Jozé Fall states, "He is a native of Goree; was one of the sailors of the schooner '*Séné-gambie*;' has been on board ten months; was in her when they went to Bissao the first trip and brought away slaves; does not know how many there were; they were landed at Goree."

Lemaire Crouballi states, "He is a native of Goree; was one of the sailors of the schooner '*Séné-gambie*;' and had been on board two months; was with her when she went her first trip to Bissao, and took in negroes; they were not in chains on their passage from Bissao to Goree, and could go on deck when they pleased; saw neither money nor goods given for them, and did not know whether they were slaves or not; on landing at Goree they were taken in charge by the Port Captain."

Jura Mani states, "He is a native of Goree; was a seaman on board the '*Séné-gambie*;' has been so about three months, and was with her when she went her first trip to Bissao to take in blacks."

Jerim-Sam states, "He is a native of Goree; his sister bound him an apprentice to Senegal, the master of the '*Séné-gambie*;' went in her to Bissao; saw them put slaves on board, but cannot tell how many; there were, however, plenty; none of them in irons."

Sambaka states, "He was a seaman on board the '*Séné-gambie*,' and had been so a long time; went with her to Bissao, when she took in slaves; M. Marbeau, the owner, was on board at the time; when the "*Séné-gambie*" was taken at the Gambia, she was going from thence to Bissao, but does not know what for."

Sam Fry states, "He is a native of Goree; was in the schooner when she went to Bissao."

Setta Jento states, "He was born at Senegal; was on board the schooner as servant to M. Marbeau; his father and mother also reside in M. Marbeau's house at Senegal."

Ordered, That the prisoners be committed for trial, with the exception of M. Pellen and Pierre Sourin, who were informed that bail would be taken for their appearance; this offer they declined, and they were therefore committed with the other prisoners.

(Signed) H. N. MACDONALD, *Acting Colonial Secretary, &c.* J. P.
C. MACRAE, P. M.

Sixth Enclosure in No. 5.

Governor Charmasson to Governor Doherty.

Gouvernement du Sénégal et dépendance, No. 5. Direction des Colonies. Bureau du régime politique.

MONSIEUR LE GOUVERNEUR,

Saint Louis, le 6 Mars, 1840.

LE Capitaine Hill, commandant le brig le "Saracen," arrêta le 8 Février dernier, dans le port de Ste. Marie, la goëlette la "Sénégalie," appartenant à MM. Pellen et Marbeau de St. Louis, comme soupçonnée de se livrer à la Traite des Noirs. Le Capitaine Hill était dans son droit, si est vrai qu'il ait trouvé à bord de ce navire des utensiles employés ordinairement à ce trafic criminel. Mais lorsque M. Marbeau présenta à cet officier son Marché passé de l'Administration du Sénégal pour la fourniture de cent noirs destinés à former une compagnie pour le service de la France, lorsqu'il lui montra l'une des conditions du Marché, qui lui imposait l'obligation de ne recevoir les noirs à son bord qu'après qu'ils avaient été affranchis par l'Officier de la Marine Royale en mission à cet effet, le Capitaine Hill n'accusait plus la maison Pellen et Marbeau, mais bien l'Administration du Sénégal, et le Gouvernement qui avait approuvé le Marché. Si le Capitaine Hill n'avait pas été dominé par ces intérêts, il aurait aperçu toute la portée de l'acte d'agression qu'il commettait contre un pavillon ami.

L'affaire Pellen et Marbeau est simple. La "Sénégalie" allait chercher des esclaves pour en faire des hommes libres, ce qui est constaté par les conditions du Marché, et par les actes d'affranchissement des noirs qu'elle a transportés à Gorée dans un premier voyage. Monsieur le Gouverneur, je réclame votre appui dans une affaire toute de bonne foi. Ma confiance dans le Tribunal est entière, car il n'est pas possible qu'il applique, des lois faites pour mettre un terme à l'esclavage, à un armateur dont la mission était de rendre des esclaves à la liberté. Je suis avec une haute considération, Monsieur le Gouverneur, &c. &c.

(Signé)

CHARMASSON, *Governor.*

(A true Copy.)

(Signed)

H. N. MACDONALD,

Acting Colonial Secretary.

To His Excellency R. Doherty,
 &c. &c. &c.

(Translation.)

M. LE GOUVERNEUR,

CAPTAIN HILL, commanding the brig "Saracen," arrested on the 8th February last, in the port of St. Mary's, the schooner "Sénégalie," belonging to Messrs. Pellen and Marbeau, as suspected of having been engaged in Slave Trade. Captain Hill was right, if it is true that he had found on board of this vessel articles ordinarily employed in this criminal traffic; but when M. Marbeau presented to that officer his contract with the authorities of Senegal, for furnishing 100 negroes destined to form a company in the French service, when he pointed out to him that condition of the contract binding him not to receive the negroes on board until after they had been freed by the officer of the Royal navy, sent for that purpose, Captain Hill accused no longer the house of Pellen and Marbeau, but the authorities of Senegal, and the Government which had approved the contract. If Captain Hill had not been mastered by his interests, he would have perceived all the extent of the act of aggression which he committed against a friendly flag.

The case of Messrs. Pellen and Marbeau is a plain one. The "Sénégalie" went to get slaves in order to make them free men, as is proved by the conditions of the contract, and by the certificates of freedom of the negroes whom she brought to Goree in a former voyage. I claim your support, M. Le Gouverneur, in an entirely *bonâ fide* affair. I have perfect confidence in the tribunal, for it is impossible that it should apply laws passed for putting an end.

Seventh Enclosure in No. 5.

Governor Doherty to Governor Charmasson.

SIR,

Government House, Sierra Leone, March 21, 1840.

I HAVE had the honour to receive, delivered to me by Lieutenant Cournes, commanding the schooner of His Majesty the King of the French, "*La Rachel*," your Excellency's letter of the 6th instant, on the subject of the merchant-vessel "*Sénégal*," of the port of St. Louis, in the colony under your Excellency's Government, recently detained by Her Britannic Majesty's brig "*Saracen*" at Saint Mary's, river Gambia, on the charge of being equipped for the Slave Trade, and brought to this colony for adjudication.

Your Excellency's letter does not state any specific object of attainment which you may have had in view in thus addressing me. You observe that, supposing Lieutenant Hill, the Commander of the "*Saracen*," to have found articles of Slave equipment on board the detained vessel, he was in that case justified in seizing that vessel; but you deny the illicit traffic to have been the object of her voyage, and you cause it to be inferred as your opinion, that the fact of that voyage having been undertaken under a contract with the Senegal Government for supplying with negroes, for a specific purpose, altered the position of the vessel with respect to the cruisers of Her Britannic Majesty, and rendered it incompetent for Lieutenant Hill to do that which he would have been justified in doing in other circumstance. You conclude, in general terms, with invoking my assistance in the matter.

In reply, I have the honour to inform you that the case of the "*Senegambie*" having been duly prosecuted before the Court of Vice-Admiralty in this colony, that schooner and her cargo have been there already condemned as lawful prize to the Crown of Great Britain, for having been equipped for the Slave Trade in British waters, from which it appears that this Court has not considered that the laws of England permit the traffic in slaves under any circumstances whatever; nor has regarded the purchase of Africans with the purpose of placing them for a term of years, and without their consent, in the military service of a French colony, as being anything other than that traffic under a new form.

From the same fact it is to be inferred, that the Court has not held the opinion that the circumstances of the Government of Senegal being a party to this transaction could change the light in which it was placed by its own merits, or relax in any degree the strict obligation laid upon an English officer and an English tribunal to act and decide upon a simple consideration of evidence without reference to parties implicated. The Judge in Vice-Admiralty probably did not allow this accidental circumstance to enter into his view of the case when regarding it in deliberation, not deeming that that which is in itself illegal can be legalized or excused by the countenance or accession to it of any Government.

I regret, therefore, that I am unable to return any answer in this matter that can be satisfactory to your Excellency.

At the time I received your Despatch, I was already occupied in reporting, as one of a very interesting and unprecedented description to the Government of the Queen my Sovereign. This report will place Her Majesty's Minister in possession of the facts attending it, and of the view taken of them by this Government; and if it should appear to the Court of France, upon your representation, that there exist any sound and legal objections to the course that has been pursued, those objections will form the subject of correspondence between the two Governments, and be by them disposed of.

I have, &c.

(Signed) R. DOHERTY.

Governor Charmasson,
&c. &c. &c.

Eighth Enclosure in No. 5.

*Monsieur Cournes to Governor Doherty.**Rade de Sierra Leone, Mars 15, 1840.*

MONSIEUR LE GOUVERNEUR GENERAL,

ENVOYÉ vers votre Excellence, par Monsieur le Gouverneur du Sénégal pour réclamer la goëlette de commerce la "*Sénégal*," sa cargaison et son

équipage, arrêtée à Bathurst de Gambia comme soupçonnée de se livrer au Commerce des Esclaves, envoyé pour repousser cette inculpation, j'ai eu le regret d'apprendre en arrivant en ce port que ce bâtiment était déjà condamné et vendu.

Il devient alors superflu, Monsieur le Gouverneur-Général, de vous prouver l'innocence du bâtiment et de l'équipage. Cependant je ne puis n'empêcher de vous faire connaître que, expédié régulièrement par l'administration de Gorée, ce bâtiment n'avait été équipé que pour transporter des engagés noirs, soldats libres, que le Gouvernement Français destine à la formation d'une compagnie d'infanterie. Je puis mieux que personne assurer la vérité de ces faits, ayant moi-même été chargé par le Gouvernement d'affranchir et d'engager à son service (pour 14 ans) les soldats noirs, avant leur embarquement à bord de la "*Sénégalie*." Nous pouvons donc affirmer que ce bâtiment n'a jamais été équipé ni armé pour la Traite des Esclaves, mais pour une opération commerciale fort licite, et qu'il faisait sous la protection d'un bâtiment de guerre.

Vous le savez, Monsieur le Gouverneur-Général, les Traités existants entre la Grande Bretagne et la France voulaient que ce bâtiment fût conduit à Gorée, pour y être livré à la juridiction du pays auquel il appartient; cette obligation était imperieuse, et il ne vous aura pas échappé, Monsieur le Gouverneur, avec quel soin les deux Hautes Puissances Contractantes ont réservé à leurs sujets respectifs le droit d'être jugés par les lois de leur pays. Le Traité du 30 Novembre, 1831, par son Article 7, consacre ce droit précieux. La Convention supplémentaire du 22 Mars, 1833, le stipule de nouveau en son Article 1; et comme si elle n'était point assez, l'annexe à la dite Convention, en ses Articles 1, 2, 3, 4, 5, l'exige de nouveau et d'une manière absolue. La volonté des Hauts Contractans a donc voulu que, sans aucune restriction, les bâtiments et les équipages fussent remis à la justice de leur pays, en tout ce qui touche à la répression du crime de la Traite des Noirs.

En vain on prétendrait que la "*Sénégalie*," arrêtée en vertu d'une loi Anglaise, a dû être jugée par les Tribunaux Anglais. Je répondrais que le Traité, étant bien postérieure à la loi, ne peut être abrogé par elle; que le Traité du 30 Novembre, 1831, en son Article 1, stipule le droit de visite réciproque entre le dixième degré de latitude méridionale et le quinzième septentrionale, depuis le méridien de Paris jusqu'au trentième degré de longitude ouest, qu'il n'y est fait nulle mention des eaux Anglaises, et que les Traités seuls régulent les relations internationales.

J'y opposerais, si je ne le regardais comme entaché de nullité, le jugement rendu par la Cour de Bathurst, qui déclare que le propriétaire de ce bâtiment est traduit devant les assizes en vertu de la Convention de 22 Mars, 1833, et ce jugement étant la base de l'accusation portée devant la Cour de Vice Amirauté de Sierra Leone, tous les actes de cette Cour se trouvent naturellement nulles.

Je viens donc, Monsieur le Gouverneur-Général, réclamer au nom de mon Gouvernement la remise immédiate de la goëlette du commerce la "*Sénégalie*," de sa cargaison et de son équipage et passagers, regardant comme illégal et nul de plein droit les sentences rendues par la Cour de Vice Amirauté de Sierra Leone contre la goëlette la "*Sénégalie*," ainsi que celles qui pourront être rendues contre l'équipage et les passagers de ce bâtiment, protestant de toutes mes forces contre l'imprisonnement illégal de sujets Français.

J'ai, &c.

(Signé) A. COURNES,

*L'Enseigne de Vaisseau, Commandant la goëlette
de Sa Majesté "La Rachel."*

*Governor Doherty,
&c. &c. &c.*

Translation.

M. LE GOUVERNEUR-GENERAL, *Rade de Sierra Leone, March 15, 1840.*

SENT to your Excellency by the Governor of Senegal to claim the merchant schooner "*Sénégalie*," her cargo, and crew, detained at Bathurst as suspected of being engaged in the Slave Trade; sent to deny this accusation, I have learned with sorrow, on arriving in this port, that this vessel has already been condemned and sold. It is now, therefore, superfluous, M. le Gouverneur-General, for me to prove the innocence of the vessel and her crew. Nevertheless, I cannot refrain from letting you know that, having been regularly cleared out by the authorities at

Goree, this vessel was only equipped for transporting hired negroes, free soldiers whom the French Government destined to form a company of infantry. I can better than any one else assure you of the truth of these facts, having been myself charged by Government to free the negroes, and to engage them in its service (for fourteen years) before they embarked on board the "*Sénégalie*;" we can, therefore, affirm that this vessel has never been either equipped or fitted for the Slave Trade, but for a chance commercial operation, which it carried on under the protection of a ship-of-war.

You are aware, M. le Gouverneur-General, that by the Treaties existing between Great Britain and France this vessel should have been taken to Goree, to be there given up to the jurisdiction of the country to which she belongs: this obligation was imperious; and the care with which the high contracting parties have reserved to their respective subjects the right to be judged by the laws of their country cannot have escaped you, M. le Gouverneur. The Treaty of the 30th November, 1830, secures this precious right by its seventh article. The supplementary Convention of 22nd March, 1833, stipulates it again in its first article; and, as if this was not enough, the Annex to the said Convention again exacts it absolutely in its first, second, third, fourth, and fifth articles. The will of the high contracting parties has then decided that, without any restriction, the vessels and crews should be referred to the justice of their country in all that concerns the suppression of the Slave Trade. It would be in vain to maintain that the "*Sénégalie*," seized in virtue of an English law, ought to be judged by English tribunals. I should answer, that the Treaty, being posterior to the law, could not be abrogated by it; that the Treaty of November 30, 1831, in its first article stipulates for the reciprocal right of search between the tenth degree of south and the fifteenth north latitude, and to the thirtieth degree of west longitude, from the meridian of Paris; that no mention is made of English waters, and that Treaties alone can regulate international relations. I would oppose thereto, if I did not consider it as tainted with nullity the judgment delivered by the Court at Bathurst, which declares that the proprietor of this vessel is brought before the assizes in virtue of the Convention of 22nd March, 1833, and this judgment being the basis of the accusation brought before the Court of Vice Admiralty at Sierra Leone, all the acts of the latter are naturally null.

I claim, therefore, M. le Gouverneur-General, in the name of my Government, the immediate restoration of the merchant schooner "*Sénégalie*," her cargo, crew, and passengers, regarding as illegal and rightfully null the sentence passed by the Court of Vice Admiralty at Sierra Leone, against the schooner "*Sénégalie*," as well as those which may possibly be passed upon the crew and passengers of this vessel, protesting with all my power against the illegal imprisonment of French subjects.

I have, &c.

(Signed)

A. COURNES.

Ninth Enclosure in No. 5.

Governor Doherty to Monsieur A. Cournes.

SIR,

Government House, Sierra Leone, March 16, 1840.

I HAVE received with attention your letter of yesterday's date, on the subject of the French schooner "*Sénégalie*," recently condemned in the Court of Vice Admiralty in this Colony, for being engaged in the Slave Trade in British waters, by which you inform me that you are commissioned by his Excellency the Governor of Senegal to claim the delivery to you of that vessel and her cargo, as having been illegally brought before an English tribunal; and of her crew and passengers as illegally detained by English authorities, contrary to the Treaty and Convention existing between France and Great Britain on the subject of the Slave Trade.

Without entering at present into the question of jurisdiction argued by you in your letter, I have the honour, with reference to our conversation of the 14th, to repeat to you in reply, what I stated then, that the questions which affect this vessel and the persons detained on board of her, whether they relate to their liability to be tried by English laws, or to the object of their voyage, having been brought before the Tribunals of the Colony by Lieutenant Hill,

an officer who commands one of the vessels of Her Britannic Majesty's cruising squadron, and who in that capacity, being duly authorized and required to detain and prosecute vessels suspected of being engaged in the illicit traffic, strictly performed and did by no means exceed his duty in doing so in the present instance, it would not be advisable for me to interfere with the execution of any sentence or decree, which those Tribunals may have pronounced or may still pronounce in taking cognizance in those matters, even if I were disposed to do so, which, under the circumstances, I undoubtedly am not.

At the same time, as I also had occasion to state to you during the interview to which I refer, the case being one which is attended with circumstances of a very novel and extraordinary nature, I had already previous to your arrival commenced the preparation of a report upon it, which will be transmitted by the first opportunity to the Government of the Queen my Sovereign, between which and the Government of France any questions that may arise out of it will finally be determined.

And I shall have the honour officially to acquaint the Governor of Senegal with the course which I have thus adopted, in reply to his Excellency's letter, which on Saturday I received from you.

I have, &c.

Monsieur A. Cournes,
&c. &c. &c.

(Signed) R. DOHERTY.

Tenth Enclosure in No. 5.

Memorandum containing an Abstract of the Communication from the Colonial Department on the Case of the French Schooner "Sénégalie."

Foreign Office, June 10, 1840.

ON the 7th February, 1840, Lieutenant H. W. Hill, of Her Britannic Majesty's brig "Saracen," finding in the harbour of Bathurst, on the River Gambia, the French schooner "Sénégalie," fitted up for the Slave Trade, detained her and sent her to Sierra Leone for trial in the Vice Admiralty Court there. She arrived at Sierra Leone on the 19th February, 1840, and was brought to trial accordingly.

On examination of the Papers on board the "Sénégalie," it appeared that in October, 1839, an agreement had been concluded at St. Louis, in Senegal, between the Government of Senegal and Messrs. Pellen and Marbeau, a mercantile house at St. Louis, for the supply of 100 young negroes to the Senegal Government, to be delivered within a stated period at Goree. The negroes, when brought to Goree in pursuance of this agreement, were to be accepted or rejected on the decision of what was termed a recruiting commission, and those who were accepted were to be embarked within three months for the Settlement of Cayenne, there to serve for 14 years with the troops of that Colony, as a company of pioneers.

These slaves were to be purchased in the usual manner on the Coast of Africa; and it was provided that a French schooner of war should escort the vessel, which was to be employed to transport them to Goree, from the place where they were purchased.

The "Sénégalie" was employed to transport the slaves, and the contract had been partly executed, as the "Sénégalie" had made one successful voyage to Rio Nunez, and to the islands of Bissao and Cacheo, from which places she returned to Goree with a cargo of 60 slaves, chiefly purchased from the notorious slave-dealer, Kyetan, of Bissao. Of this number 30 were rejected; 70 therefore remained to be procured, in order to complete the engagements of the contractors, and the "Sénégalie" was on her way to the Nunez and to Bissao for another cargo, when calling at St. Mary's, in the Gambia, to land the brother of one of the Owners, she was detained under the British Municipal Law as above stated.

It was settled that the "Sénégalie" should be escorted on these voyages by two French schooners of war, and not by one only, as had been promised in the agreement, and the "Sénégalie" was formally placed under their convoy, receiving written orders to sail at a distance of not more than two cables length ahead or astern of them, and she was furnished with a system of signals for com-

municating with the officer in command of the principal ship of war; one of which signals was intended to give notice of the appearance of a suspicious vessel. But the escorting ships of war were not in attendance upon the "*Sénégal*" when she was detained by the "*Saracen*," as she was then on her outward voyage. It having been proved to the Court of Vice Admiralty at Sierra Leone, that the "*Sénégal*" was found in British waters illegally equipped for the Slave Trade, she was on that ground judged by the Court to be liable to forfeiture under the Act 5 Geo. IV., cap. 113, and she was condemned by the Court accordingly on the 4th March, 1840.

The persons who were found on board the "*Sénégal*" at the time of her seizure, and who were brought to Sierra Leone, were, on their arrival, arrested on the charge of slave dealing, and were, on that charge, detained in custody. After the trial they were examined and fully committed for trial at the Quarter Sessions. Two passengers among the number, namely, the brother of the owner Pellen, and a seaman belonging to the escort, and three carpenters, who were employed in the Gambia to caulk the vessel, were finally discharged at the sessions, on the finding of the Grand Jury. But a true bill was returned against the Master, Supercargo, and the crew; they were tried on the 20th March, were found guilty, and were sentenced to one month's imprisonment.

On the 14th March, the French schooner of war, "*La Rachel*," Lieut. A. Courne, arrived at Sierra Leone, having on board M. Marbeau, the principal contractor for the negroes, who was already bound over to take his trial at the Gambia.

Lieutenant Courne brought a letter from the Governor of Senegal to the Governor of Sierra Leone in which the Governor of Senegal avowed the enterprise of the "*Sénégal*" to be an act of his Government, and treated the detention of that vessel by Lieutenant Hill as an act of aggression upon a friendly flag, declaring at the same time that the vessel was not guilty of any illicit traffic, and expressing his reliance on the justice of the Court, and on the support of the Governor of Sierra Leone for releasing the "*Sénégal*."

To this application the Governor of Sierra Leone returned for answer, that the case had already been decided by a Court of Law; that he was then making a Report of the transaction to his Government; and that if the Government of France thought there were sound objections to the course which had been pursued by the captor or by the Court, these objections must form matter of correspondence between the Governments of England and of France.

The Governor of Sierra Leone, in sending to Her Majesty's Government a Report of these circumstances, observed, that the defence or excuse set up for the whole of this transaction is founded on that clause of the Contract, which declares that the negroes furnished by the contractors are to be brought *out* of slavery, and shall, before they are sent to Goree, receive their freedom by a formal deed of emancipation, to be executed by a government agent appointed for that purpose. These nominal freemen, however, were not to be allowed to exercise the privilege of liberty by disposing at will of their own persons, but they were to be delivered over, at a stipulated price, to the French authorities at Goree, unless they were rejected by those authorities, in which case they were to be left in the possession of, or, as it is expressed, for the account of the contractors.

It is, indeed, stated that the whole number, both of the rejected and of the accepted negroes, were to remain with their respective masters in the character, not of absolute property, but of persons engaged or hired for a certain period of time. But the act of purchasing negroes on the coast of Africa for the purpose of using their labour by compulsion for any period of time whatever, is the offence of slave trading, and it can make no difference in this respect, whether the labour, which the negro is thus to be compelled against his will to give, be labour performed for a government for military purposes, or labour performed for a private master for the profit of such private individual; and taking it for granted the French Colonial Government intended to grant, at some remote period, a discharge to such of those people as they accepted for soldiers, it is to be recollected that Messrs. Pellen and Marbeau, the purchasers of all the negroes, had equally given their money and time, and the labour and risk, for the individuals rejected as for those received, and it is not likely that these gentlemen would under such circumstances, and in a slave colony, release gratuitously the rejected negroes from slavery.

The affidavit of seizure shows, that *these negroes, after being presented with*

their freedom, were to be confined on board ship, under hatches secured with iron bars, according to the invariable practice on board of slave vessels. The circumstance that an escort was provided to attend the "*Sénégalie*," and that a signal was prepared to announce the appearance of a suspicious sail, are well deserving of attention, and it would be interesting to know against whom the two escorting ships of war were to defend the "*Sénégalie*," and what sort of vessels were meant by the term *suspicious sails*. These arrangements look very much like evidences of a consciousness that the transaction was a guilty one, and that detection might lead to danger.

These papers do not show, with any certainty, the extent to which other undertakings similar to the one which has now come to light have been carried on by the Senegal Government, and with what success. But the present transaction is believed to form only a part of a greater scheme. Intelligence to this effect, both written and verbal, has been received from the Rio Nunez; the former by Her Majesty's Commissioners under the Slave Trade Treaties, the latter by the Governor of Sierra Leone. The Commissioners have reported their information to Viscount Palmerston; and it appears from it, that not only had the "*Sénégalie*" and her escort purchased slaves in the river Nunez, but that a French factory is to be established in that river, for the purchase and reception of at least 600 slaves more.

No. 6.

M. Guizot to Viscount Palmerston.

Londres, le 3 Juin, 1840.

(Received Juin 17.)

MY LORD,

J'AI reçu la Lettre que votre Excellence m'a fait l'honneur de m'adresser le 2^{de} de ce Mois et l'extrait qui s'y trouvait annexé d'une dépêche de M. le Lieutenant-Gouverneur de Bathurst, dans laquelle il est annoncé au Gouvernement Britannique que des sujets Français continuent à se livrer dans la Casamança à la Traite des, Noirs sous la protection du pavillon Français.

Je me suis empressé d'appeler sur cette communication l'attention du Gouvernement du Roi.

J'ai l'honneur, etc.

(Signed) GUIZOT.

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

(Translation.)

MY LORD,

London, June 3, 1840.

I HAVE received the Letter which your Excellency did me the honour to address to me on the 2d instant, and the extract therein enclosed of a Despatch from the Lieutenant-Governor of Bathurst, in which it is stated to the British Government that French subjects in the Cazamança continue to employ themselves in the Slave Trade, under the protection of the French flag.

I have hastened to call the attention of His Majesty's Government to this communication.

I have, &c.

(Signed) GUIZOT.

No. 7.

Lord Granville to Viscount Palmerston.

Paris, June 19, 1840.

(Received June 21.)

MY LORD,

I HAVE the honour to transmit to your Lordship a copy of the Note which, in compliance with the instructions conveyed in your Despatch of the 11th in-

stant, I addressed to the President of the Council, relative to the seizure and condemnation of the French schooner "*Sénégal*."

I have, &c.

(Signed)

GRANVILLE.

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

Enclosure in No. 7.

Lord Granville to M. Thiers.

MONSIEUR LE PRESIDENT,

Paris, June 16, 1840.

I HAVE the honour to transmit to your Excellency, by order of my Government, the enclosed abstract of a communication which has been received by Her Britannic Majesty's Secretary of State for the Colonies, from the Government of the British Colony of Sierra Leone, relative to the seizure in the month of February last, and the subsequent condemnation of the French schooner "*Sénégal*," on the ground of that vessel having been found illegally equipped for the Slave Trade in British waters.

In requesting your Excellency's consideration of the circumstances of this case, which you will find fully reported in the enclosed paper, I have the honour to state to your Excellency that the Government of the Queen my Sovereign, being well convinced, that the Government of France is animated by a sincere desire to put down the Slave Trade, is anxious to draw its attention to the direct and inevitable tendency which the purchase of negroes by French agents must have, not merely to encourage the Slave Trade, but to give to that trade the apparent sanction of the French Government.

The objections which have been urged against the Slave Trade are two-fold:—First, that it is an unjustifiable cruelty to seize the natives of Africa, and to carry them away by force from their own country to other parts of the world, in order there to make them perform labour and engage in occupations not of their own choice; and secondly, that the demand for human beings as articles of traffic on the Coast of Africa, keeps up among the Africans the practice of war and man-stealing, and occasions an infinite variety of crimes and atrocities which are committed in the course of this traffic.

Now, although the authorities of the French Government at Sénégal contend, that the negroes which they are employed in purchasing in order to send them to Cayenne to be made pioneers (that is to say, military labourers), are brought out of slavery and are to be immediately made free; yet it is obvious that this is only a nominal and not a real distinction, and the purchase is, in truth, Slave Trade, and is open to all the objections to which that traffic is liable. For these negroes do not enlist, of their own accord, into the French service, but are handed over to the French Authorities by force; they are carried away from their own to a foreign country by force; they are to be kept down by force during the voyage, and instead of being free agents, when they arrive at the end of their voyage, they are then to be compelled by force to labour. The condition, therefore, of these negroes, notwithstanding the pretended certificate of emancipation, is in all respects that of slavery.

But even if this were not so, and if these negroes were really made free by the French Government, still a contract made by the French Authorities with notorious slave dealers, to procure and sell to the French Government a given number of negroes, is, in the strictest sense of the term, an act of Slave Trade, and must produce in Africa just the same effect as would a similar contract, made by any sugar-planter in the West Indies or in the Brazils.

The slave-dealer who contracts to furnish these negroes, must capture them, or employ others to do so; and your Excellency will perceive that all those crimes which slave-dealing occasions in Africa are thereby directly occasioned by an act of the French Authorities.

If, on the contrary, the object of the Government of His Majesty the King of the French had been to emancipate a given number of slaves, it would appear that this object might better have been accomplished, by purchasing so many slaves in one of the French colonies, and by granting their freedom to those slaves, on condition of their enlisting for a limited time in the French service.

I have, &c.

(Signed)

GRANVILLE.

His Excellency M. Thiers,
&c. &c. &c.

CLASS C.

No. 8.

*Viscount Palmerston to M. Guizot.**Foreign Office, July 25, 1840.*

VISCOUNT PALMERSTON has the honour to invite his Excellency M. Guizot to meet him at No. 5, Carlton Terrace, to-morrow, Sunday, at three o'clock, in order to continue, in concert with the Plenipotentiaries of Austria, Prussia, and Russia, the negotiation for a Treaty between the Five Great Powers of Europe upon Slave Trade.

Viscount Palmerston avails himself, &c.

His Excellency M. Guizot,
&c. &c. &c.

No. 9.

Viscount Palmerston to Lord Granville.

SIR,

Foreign Office, July 31, 1840.

I HEREWITH transmit to you a copy of a Paper received from Her Majesty's Commissioners at Sierra Leone, containing their report of the case of the Portuguese schooner, "*Casualidade*," captured near Sierra Leone, with a cargo of 88 slaves on board, by Her Majesty's brigantine "*Dolphin*."

Although the flag under which the "*Casualidade*" sailed and a portion of her papers were Portuguese, it clearly appeared, upon an examination of the whole of them, that French interests were mainly concerned in the lawless enterprise in which she was engaged.

A French person, named Combelle, appears to have been the acting owner of her; Thomé, a French slave-dealer, resident on the Coast of Africa, supplied a large portion of the slaves; and the letters and the accounts forming part of the papers of the "*Casualidade*," were principally in the French language.

You will embody, in a Note to the French Minister, the facts contained in the accompanying statement, so far as they relate to the employment of French subjects in the slave-trading enterprise in which the "*Casualidade*" was engaged; and you will state that accounts from various quarters represent the French Slave Trade as rapidly increasing, on the Coast and in the Rivers of Africa.

I am, &c.

(Signed) PALMERSTON.

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

Enclosure in No. 9.

Report enclosed in Despatch from Sierra Leone Commissioners of July 20, 1839.

(See Class A, No. 94, page 173.)

No. 10.

Viscount Palmerston to Mr. Guizot.

SIR,

Foreign Office, August 5, 1840.

I HAVE the honour to transmit herewith to your Excellency an extract from a paper, which I have received from Her Majesty's Commissioners at Sierra Leone, containing their Report of the case of the Portuguese schooner "*Casualidade*," captured near Sierra Leone, with a cargo of 88 slaves, by Her Majesty's brigantine "*Dolphin*."

Although the flag under which the "*Casualidade*" sailed and a portion of her papers were Portuguese, it clearly appeared, upon an examination of the whole of those papers, that French interests were mainly concerned in the enterprise in which the "*Casualidade*" was engaged.

For the owners were French merchants carrying on business at Porto Rico and St. Thomas; and the original Master of the vessel was a French subject named Combelle, and on Combelle's death the command devolved upon another French subject, named Gouy, who was the Mate of the "*Casualidade*;" and several of her crew were French subjects. Evidence was given also, that a French slave trader named Thomé, resident on the Coast of Africa, had supplied the vessel with a large portion of the slaves on board; and it appeared on examination of the papers, that the pecuniary accounts of the undertaking had been kept principally in the French language.

I request that your Excellency will have the goodness to communicate these facts to the French Government; and I regret to have at the same time to state, that reports lately received from various quarters represent the Slave Trade under the French flag to be upon the increase on the coast and in the rivers of Africa.

I am, &c.

(Signed) PALMERSTON.

His Excellency M. Guizot,
&c. &c. &c.

Enclosure in No. 10.

(See Class A, No. 94, page 173.)

No. 11.

Viscount Palmerston to M. Guizot.

SIR,

Foreign Office, August 5, 1840.

WITH reference to the correspondence which has taken place between Her Majesty's Government and the Government of the King of the French, respecting a contract entered into by the colonial authorities of Goree for the supply of 600 slaves for service in the French settlements, I have the honour to transmit to your Excellency extracts from some letters, containing information on the subject in question, which have been received from a person of respectability, well known and resident in that part of Africa whence the slaves were to be procured.

In transmitting to your Excellency these papers, I cannot avoid requesting you to draw the attention of your Government to the circumstance, that, if the plan of contracting for the purchase of slaves for the military service of France were to be continued, the inevitable consequence would be the revival of all the evils attendant upon the Slave Trade, the renewal of wars among the native tribes, and the destruction of legitimate commerce between them and the nations of Europe.

For, the example thus set by the French Government would encourage private adventurers, who would be emboldened by the sanction given by France to the practice of purchasing slaves; and thus the French Government would be the means of perpetuating the existence of a traffic, which they denounce as criminal, and which the King of the French has by treaty bound himself to put down.

I am, &c.

(Signed) PALMERSTON.

His Excellency M. Guizot,
&c. &c. &c.

Enclosure in No. 11.

Extracts from Enclosures in Despatch from Sierra Leone Commissioners of December 31, 1839.

(See Class A, No. 2, page 1.)

No. 12.

Viscount Palmerston to M. Guizot.

SIR,

Foreign Office, August 5, 1840.

WITH reference to the conversation which I had with your Excellency some little time ago, respecting the case of the French vessel the "*Sénégalie*,"

I have the honour to acquaint your Excellency, that I have just received a communication from the Colonial department, stating that, in conformity with the wish expressed to me on this subject by your Excellency on the part of the French Government, instructions will forthwith be transmitted to the Governor of Sierra Leone, directing him to take the necessary measures for remitting any punishment which has been awarded to the free subjects of France who were on board the "*Sénégalie*," and which may not yet have been inflicted.

I am, &c.

(Signed) PALMERSTON.

His Excellency M. Guizot,
&c. &c. &c.

No. 13.

Viscount Palmerston to Earl Granville.

Foreign Office, August 13, 1840.

Circular sending papers presented to Parliament.

No. 14.

The French Ambassador to Viscount Palmerston.

Londres, September 2, 1840.

(Received September 3.)

L'AMBASSADEUR de France présente ses complimens les plus empressés a son Excellence le Vicomte Palmerston, et lui serait très obligé de vouloir bien lui transmettre un second exemplaire du dernier projet de Traité entre les cinq grandes Puissances, pour la suppression du commerce des esclaves, projet communiqué dans la conférence du 26 Juillet aux Représentans des Cours de France, d'Autriche, de Prusse, et de Russie.

L'Ambassadeur de France saisit cette occasion, &c.

(Translation.)

THE French Ambassador presents his best compliments to his Excellency Viscount Palmerston, and will be much obliged to him if he will have the kindness to send him a second copy of the last project of Treaty between the Five Great Powers for the suppression of the Slave Trade, which project was communicated to the Representatives of the Courts of France, Austria, Prussia, and Russia, at the Conference of July 26.

The Ambassador, &c.

No. 15.

Viscount Palmerston to the French Ambassador.

Foreign Office, September 3, 1840.

VISCOUNT PALMERSTON has the honour to present his compliments to the French Ambassador, and in compliance with the request contained in his Excellency's Note of the 2nd instant, sends herewith two copies of the draft of a Treaty between the Five Powers on Slave Trade, which was communicated at the conference of the 26th July last, to the Plenipotentiaries of Austria, France, Prussia, and Russia.

No. 16.

M. Guizot to Viscount Palmerston.

Londres, 17 Août, 1840.

MY LORD,

(Received September 9.)

LES ordres de mon Gouvernement me prescrivent d'appeler l'attention sérieuse de votre Excellence sur les faits, que se seraient passés dans le courant des mois de Janvier et de Février sur la rade de Sierra Leone. Deux navires Français de commerce, "*Le Noemi Marie*" et "*L'Aigle*," en relâche dans la rade de Sierra Leone, auraient été l'objet des mesures les plus vexatoires et les plus arbitraires, de la part des Commandants des bâtimens de guerre de Sa Majesté Britannique la "*Bonetta*" et la "*Fair Rosamond*." Le droit de visite illégalement exercé sans l'exhibition de la Commission du Ministre de la Marine, les violences qui auraient accompagné la visite, la saisie et l'occupation pendant douze heures de la "*Noemi Marie*" par des matelots Anglais, les voies de fait que le Commandant de la "*Bonetta*" se serait permises sur la personne du Capitaine de "*L'Aigle*" et enfin, l'arrestation arbitraire et la mise aux fers de ce dernier à bord de la corvette Anglaise, tous ces faits, my Lord, constituent un ensemble de conduite qu'il était du devoir du Gouvernement du Roi de signaler au cabinet Britannique.

Je dois également recommander à l'attention scrupuleuse de votre Excellence la protestation du Sieur Claude Raffin, Français, passager à bord du brick Portugais "*l'Intrepide*," de Bahia, capturé par la goelette de Sa Majesté Britannique le "*Dolphin*." Les traitemens rigoureux, les violences dont il aurait été l'objet, et les pertes qu'il aurait subies par suite de la conduite à son égard du Lieutenant Edward Holland, sont de nature à mériter un examen sérieux.

Permettez moi, my Lord, de rappeler à votre Excellence que dans plusieurs circonstances assez récentes, lorsque des conflits de cette nature se sont élevés lorsque quelques démêlés sont survenus entre les autorités des deux pays, le Gouvernement du Roi s'est toujours montré disposé à satisfaire, autant qu'il était en son pouvoir, aux réclamations du Gouvernement Britannique sinon même à les dévancer. Il est donc en droit d'espérer que le Gouvernement de Sa Majesté Britannique n'hésitera pas de son côté à reconnaître la justice de ses réclamations, et il insiste pour que la conduite des Commandans de la "*Bonetta*," de la "*Fair Rosamond*," et du "*Dolphin*," soit soumise à un sérieux examen, et devienne l'objet d'un blâme sévère, dans le cas où il ne résulterait des informations recueillies à et égard aucune preuve contraire à la vérité des faits, que j'ai eu l'honneur de porter à la connaissance de votre Excellence.

Je prie votre Excellence, &c.,

(Signé) GUIZOT.

P.S. Je prie votre Excellence de vouloir bien me renvoyer les pièces ci-jointes lorsqu'il auront cessé de lui être utiles.

A son Excellence le Viscomte Palmerston, G.C.B.,
 &c. &c. &c.

(Translation.)

MY LORD,

I AM desired by my Government to call your Excellency's serious attention to facts which it appears took place in the course of the months of January and February, in the Roads of Sierra Leone.

Two French merchant vessels, "*La Noemi Marie*" and "*L'Aigle*," lying in the roads of Sierra Leone, were subjected to most vexatious and arbitrary measures by the Commanders of Her Britannic Majesty's ships-of-war "*Bonetta*" and "*Fair Rosamond*." The right of search illegally exercised without the production of a commission from the Minister of Marine; the violences with which the search was accompanied; the seizure and occupation of the "*Noemi Marie*" by English sailors during twelve hours: the assault which the Commander of the "*Bonetta*" allowed himself to commit on the person of the Captain of the "*L'Aigle*;" and finally, the arresting and putting the latter in irons on board the English corvette; all these facts, my Lord, constitute, on the whole, conduct which it is the duty of His Majesty's Government to point out to the British Cabinet.

I must also recommend to your Excellency's scrupulous attention the Protest of Claude Raffin, a Frenchman, passenger on board the Portuguese brig "*Intrepido*," taken by Her Britannic Majesty's ship "*Dolphin*." The rigorous treatment and the violence of which he was the object, and the losses he has suffered in consequence of the conduct of Lieutenant Edward Holland towards him, are of a nature to demand a serious examination.

Permit me, my Lord, to remind your Excellency that on several recent occasions, when conflicts of this sort have happened, when some disagreements have arisen between the authorities of the two countries, His Majesty's Government has always shown itself disposed to satisfy, as far as lay in its power, the claims of the British Government, if not to forestall them. It has, therefore, a right to expect, that the Government of Her Britannic Majesty will not hesitate on its part to recognize the justice of these claims; and it insists that the conduct of the Commanders of the "*Bonetta*," the "*Fair Rosamond*," and the "*Dolphin*" be submitted to a serious examination, and be severely blamed, if from the information collected on this subject there does not result any proof against the truth of the facts which I have had the honour to communicate to your Excellency.

I beg your Excellency, &c.

(Signed)

GUIZOT.

P.S. I beg your Excellency to have the kindness to send me back the accompanying papers when they are of no further use to you.

First Enclosure in No. 16.

Joint à une Lettre de M. le Gouverneur du Sénégal, du 20 Avril, 1840, No. 112.

BY this public instrument of protest be it known and made manifest unto all people, that on the 29th day of February, 1840, personally came and appeared for me James Magnus, Notary Public, duly authorized, admitted, and sworn, residing and practising at Freetown, in the colony of Sierra Leone, Noel Grosos, Master and part owner of the brig "*Noemi Marie*," belonging to the port of Havre de Grâce, in the kingdom of France, who did duly solemnly declare and state as follows (that is to say), that at 11 o'clock on this morning, the said vessel, then lying at anchor before Freetown aforesaid, and being ready for her departure, this appearer went from the shore to her with his Papers, with the intention of carrying her to sea; that on coming alongside the said brig, he found on board of her several men from Her Britannic Majesty's brigantine "*Bonetta*," who forcibly prevented his coming on board; that he forthwith repaired on board the "*Bonetta*" to ascertain the cause of her seizure, but did not find the Commander on board, or any officer who would give him the desired information, and that in consequence he has been prevented going to sea in the said brig as he had intended. Wherefore the said appearer, on behalf of himself and the other owners of the said brig, and for and on behalf of all persons who are or shall or may be interested in the said brig, or in the cargo laden on board thereof, or in any part or parts thereof respectively, doth protest, and I the said Notary, at his request, do protest against Lieutenant Stoll, the Commander of the said brigantine "*Bonetta*," and against all other persons whomsoever, who have acted in the seizure and detention of the said brig and her cargo, for all demurrage, loss of market, and other loss, costs, charges, damages, or expenses which now are, or is or shall, or may be incurred or sustained, by reason of the seizure and detention of the said brig and her cargo.

(Signed)

N. GROSOS.

Thus done, declared, and protested in due form of law at the office of me, the said Notary Public, at Free Town, Sierra Leone, the day and year first before written.

(Signed)

JAMES MAGNUS, *Notary Public.*

Pour copie conforme a l'original, déposé entre les mains du Capitaine Grosos.

Le Capitaine de vaisseau.

Gouverneur,

(Signé)

CHARMASSON.

Second Enclosure in No. 16.

Joint à une Lettre de M. le Gouverneur du Sénégal, du 20 Avril, 1840, No. 112.

By this Public Instrument of Protest be it known and made manifest unto all persons, that on the 3rd day of March, one thousand eight hundred and forty, personally came and appeared before me, James Magnus, Notary Public, duly authorized, admitted, and sworn, residing and practising at Free-town, in the colony of Sierra Leone, Joseph Jean Gustave Gutriche, Mate of the French brig "*Noemi Marie*," now lying at anchor before Free-town, in the colony of Sierra Leone, who did duly solemnly declare and state as follows: that is to say, that on Wednesday, the 26th day of February, at four o'clock in the afternoon, one of the officers of the brigantine of war "*Bonetta*" came on board the "*L'Aigle*" while this appearer was occupied in cutting bags, and asked the appearer imperiously where the Captain was; and the appearer replied that the Master was on shore, and that the appearer represented him. On which the officer ordered his men to go down in the hold; when the appearer told him that it was not in that manner he ought to conduct himself on board; that the appearer would not refuse his visiting the vessel, but that he ought to have asked him to do so, and to be a little more civil. That on Friday, the 28th ultimo, the appearer got the schooner "*L'Aigle*" under weigh, in order to get near the brigantine "*Noemi Marie*," belonging to the same owner as "*L'Aigle*;" that a boat from one of the men-of-war, "*Bonetta*" or "*Fair Rosamond*," then came alongside the "*L'Aigle*," and an officer and six armed sailors came on board and took possession of the vessel, telling the appearer that he was going to take her alongside of the man-of-war; that a few minutes afterwards the officer's people let go the larboard anchor with at most twelve fathoms of chain, when there were sixteen fathoms of water, and the anchor was foul; that having perceived that the schooner was going adrift, the appearer was obliged to tack, in order to give her the necessary chain; that at eight o'clock several boats came alongside, in one of which was the Commander of the schooner "*Fair Rosamond*," the Commissary of Sierra Leone, and other officers belonging to the "*Bonetta*" and "*Fair Rosamond*;" that the Commander of the "*Fair Rosamond*" asked why the appearer had tacked, and the appearer told him the reason; whereupon the Commander told the appearer insolently that he, the appearer, was a *liar*, and he asked the appearer for the "*L'Aigle's*" papers; that the appearer told him they were not yet finished, and that he, the appearer, had left them in his trunk on board of the brig "*Noemi Marie*;" the said Commander then ordered his sailors not to permit any person to go from on board, or to have any communication with any boats; that the appearer told him that his, the appearer's, people had not eaten since twelve o'clock, and he had the impudence to tell the appearer that they would eat later; that the Commander of the "*Fair Rosamond*" afterwards ordered the appearer to embark in his boat to go to the brig "*Noemi Marie*;" that when they got on board, the appearer had the civility to ask him to come aft into the cabin, where he had the baseness to strike the appearer with his fist on the face, and he took his sword out from his scabbard and threatened he would strike the appearer with it; he also began to threaten to strike the two sailors that were on board if they did not open the hatches quickly. He afterwards went into the cabin, striking from side to side with his sword, calling the people for a light, and using them like slaves. That one of the sailors, named Crasse, told him that if there were a French man-of-war in Sierra Leone he would not act as he was doing; whereupon the Commander replied, in plain terms, that if he had the flag of the French nation he would wipe his arse with it. That, after having rummaged the goods that were on board the "*Noemi Marie*," the Commander of the "*Fair Rosamond*" had the assurance to make the appearer get into his boat and be taken on board the "*Fair Rosamond*," where the appearer and the said sailor Crasse had irons put on their legs; and the said Commander made the appearer and the said sailor pass the night on deck. And the appearer further declared, that the matter could not be judicially investigated at Sierra Leone, as the "*Fair Rosamond*" had gone to sea the following morning, probably because the Commander was ashamed to present himself before the tribunal. Wherefore the said appearer, on behalf of himself and the owners of the said schooner, and for and on behalf of all persons who are, or shall, or may be interested in the said schooner, and her cargo, or any part thereof, respectively, doth protest, and I the said Notary, at his request, do protest against William Brown Oliver, the Commander of the

said schooner "Fair Rosamond," and against all other persons whomsoever who have been parties to or acted in the seizure and detention of the said schooner "L'Aigle," for the maltreatment experienced by this appearer and the respective crews of the "Noemi Marie" and "L'Aigle" from the officers of the said schooner "Fair Rosamond," and for all demurrage, loss, costs, charges, damages, and expenses which already have been or hereafter shall or may be incurred or sustained, by reason of the seizure and detention of the said schooner.

(Signed) J. GUTRICHE.

Thus done, declared, and protested in due form of law, at the office of me the said Notary of Free-town, Sierra Leone, the day and year first before written.

(Signed) JAMES MAGNUS, *Notary Public*.

Pour copie conforme à l'original déposé entre les mains du Capitaine Grosos.

Le Capitaine de vaisseau.

Gouverneur,
(Signé) CHARMASSON.

Third Enclosure in No. 16.

Joint à une Lettre de M. le Gouverneur du Sénégal, du 20 Avril, 1840, No. 112.

By this Public Instrument of Protest be it known and made manifest unto all persons, that on the fourth day of March, one thousand eight hundred and forty, personally came and appeared before me James Magnus, Notary Public, duly authorized, admitted, and sworn, residing and practising at Free-town, in the Colony of Sierra Leone, Noel Grosos, Master and part owner of the brig "Noemi Marie," belonging to the Port of Havre de Grace, who did duly solemnly declare and state as follows: that is to say, that after he the said appearer had made his protest on Saturday, the 29th day of February last, he ascertained that the men put on board the said brig by Lieutenant Stoll, the Commander of Her Britannic Majesty's brigantine "Bonetta," had been withdrawn from her; and that this appearer then endeavoured to ascertain by all means in his power the cause of the seizure of the said brig "Noemi Marie" by the said Lieutenant Stoll, but wholly failed in doing so; and that the said Lieutenant Stoll set sail and departed from Sierra Leone on the following morning, being Sunday, the 1st day of March instant; and that in consequence of the departure of the said British vessel of war and her Commander, the appearer had been prevented from ascertaining the cause of the seizure of the said brig, and from instituting proceedings against the said Lieutenant Stoll in the Tribunal of Sierra Leone, for redress for the seizure of the said appearer, said brig, and cargo; wherefore the said appearer, on behalf of himself and the other owners of the said brig "Noemi Marie," and for and on behalf of all other persons who are, or shall or may be interested in the said brig, or in the cargo laden on board thereof, or in any part or parts thereof respectively, doth protest; and I the said Notary, at his request, do protest against the departure of the said Lieutenant Stoll and the brigantine "Bonetta." And the same appearer hereby declared his intention of prosecuting the said Lieutenant Stoll, and all and any other persons liable thereto, for the seizure and detention of his said brig and her cargo, and all loss, damages, and expenses occasioned thereby, whenever and wherever he the said appearer shall have the means of so doing.

(Signed) N. GROSOS.

Thus done and protested in due form of law, at the office of me the said Notary at Free-town, Sierra Leone, the day and year first above written.

(This is a true copy of the original protest.)

(Signed) JAMES MAGNUS, *Notary Public*.

Pour copie conforme à l'original déposé entre les mains du Capitaine Grosos.

Le Capitaine de vaisseau.

Gouverneur,
(Signé) CHARMASSON.

Fourth Enclosure in No. 16.

Enregistrement d'une plainte en réclamation de Claude Raffin, Français, passager à bord de "l'Intrepide," brick Portugais, joint à la teneur d'une protestation contre les pertes que lui a occasionnées le "Dauphin," brick goëlette de Sa Majesté Britannique, commandé par le Lieutenant Edouard Holland, comme il est déclaré ci-dessous.

L'AN de la naissance de notre Seigneur Jésus-Christ, mil huit cent trente-neuf, le vingt-huit Août, en cette ville de St. Antoine de l'Île du Prince, j'ai enregistré au greffe en présence de Claude Raffin, Français, passager sur "l'Intrepide," brick Portugais, expédié de Bahia, une plainte et une protestation, rédigées tant pour lui que pour ses affaires, dans les termes que vous allez entendre. En foi de quoi pour constater que j'ai fait cet enregistrement, moi Antonio Furtado Gonzalves, Greffier du Tribunal, j'atteste que je l'ai écrit et signé.

Attestation que la Plainte et la Protestation de Claude Raffin sont jointes à l'acte précédent.

Le vingt-huit Août, mil huit cent trente-neuf, en cette ville de St. Antoine de l'Île du Prince, j'ai jointe au greffe à ces présents actes la plainte en la protestation de Claude Raffin, Français, passager à bord de "l'Intrepide," brick Portugais, expédié de Bahia. Pour le constater, moi Antonio Furtado Gonzalves, Greffier du Tribunal, ai fait cet acte pour le joindre au précédent, et atteste que j'ai écrit.

Protestation faite par Claude Raffin, Français, contre le Lieutenant Edouard Holland, Commandant du "Dauphin," navire de Sa Majesté Britannique, contre les officiers et l'équipage de ce bâtiment et contre qu'il a le plus de droit

Le Soussigné, Claude Raffin, pharmacien et chirurgien, né à Lyon, en France, âgé de vingt-huit ans, passager à bord de "l'Intrepide," brick Portugais, commandé par le Capitaine Ramos, et expédié de Bahia pour Angola, et devant toucher à Onein, dont le voyage a été interrompu par le Lieutenant Edouard Holland, Commandant du "Dauphin," navire de Sa Majesté Britannique, qui a capturé le brick "l'Intrepide," sous prétexte qu'il était une propriété Brésilienne. Jure sur les St. Evangiles et renouvelera ce serment devant un tribunal, si cela est nécessaire, d'exposer la vérité sur les traitemens qui lui ont été faits.

Le Soussigné, après avoir voyagé dans les provinces du Brésil, résolu de se rendre à Angola sur "l'Intrepide," qui avait à son bord un certain nombre de passagers du Gouvernement Portugais pour la même destination; et en conséquence, il s'embarqua à Bahia le cinq Juillet, mil huit cent trente-neuf, muni de deux passeports, l'un du Président de la Province de Bahia, et l'autre du Consul Français, qui réside en cette ville. Le navire mit à la voile, poursuivit son voyage, et après avoir touché trois fois à différens points de la Côte d'Afrique, jeta l'ancre à Tabouy, nord la Côte d'Or, le dix-huit Août. Le lendemain, à dix heures du matin environ, nous fûmes abordés, à l'endroit même où nous étions encore à l'ancre, par la chaloupe du "Dauphin," brick goëlette de Sa Majesté Britannique, qui était en vue. L'officier qui la commandait, après avoir fait la visite accoutumée, donna un signal avec le pavillon du brick "l'Intrepide," qui fit venir une autre embarcation du brick Anglais. Le Commandant Holland s'y trouvait accompagné de matelots armés de fusils, de pistolets, et de sabres. Après avoir fait quelque recherches à notre bord, fit encore un signal, et il arriva une troisième embarcation remplie de matelots armés comme ceux de la seconde. Le Commandant Edouard Holland s'empara alors de "l'Intrepide," fit embarquer immédiatement et conduire à bord de son navire l'équipage Portugais. Il fit aussi embarquer les passagers, en leur intimant l'ordre de prendre leurs bagages, mais cet ordre ne fut pas exécuté entièrement, parceque on ne nous laissa pas le temps d'apporter tous nos effets sur le pont; ainsi je crois que la plus grande partie des miens et ma pharmacie sont restés à bord de "l'Intrepide," parceque je ne les ai pas vus à bord du "Dauphin." Toutefois ce Commandant Anglais envoya chercher quelques effets des passagers à bord de "l'Intrepide," après que nous fûmes arrivés sur son navire.

Par ordre de Holland on procède à la visite des papiers—visite qui se changea bientôt en un pillage complet. Ils brisèrent mes malles et en arrachèrent mes papiers, sans m'en donner un reçu, et sans les examiner, les mêlant avec ceux des autres passagers et m'enlevant ainsi mes deux passeports, un extrait de naissance, l'extrait mortuaire de mon père, des lettres de recommandation,

des lettres de famille, et quelques unes cachetées et adressées à différentes personnes d'Angola. Ces derniers furent décachetées par le Commandant lui-même— delit qui le met sous le poids des peines portées par la loi. On me prit également mes instruments de chirurgie, et mon petit nécessaire de voyage, où étaient renfermé mon argent, mes rasoirs, mes livres, une montre et une chaîne en or, des boutons et des épingles de chemises, mes anneaux, et d'autre bijoux. On eut soin d'enlever de mes malles tout le linge en état de service, et de ne me laisser que des friperies. Le Commandant ordonna ensuite à ses matelots de nous visiter corporellement ; ce qui fut exécuté avec la dernière indécence. La pudeur ne permet pas de raconter les détails de cette visite, que rien ne peut justifier dans une nation civilisée : il suffit de dire que nous avons été absolument dépouillés de tout vêtement. Néanmoins plusieurs de mes compagnons ont été beaucoup plus maltraités que moi. Le lendemain le "Dauphin," qui nous avait capturés, nous conduisit vers Akra, et y jeta l'ancre le même jour. Ce fût là que le Commandant Holland abandonna, sur le rivage de la mer, tout l'équipage de "*l'Intrepide*" avec quelques passagers du Gouvernement Portugais, soixante et quelques personnes, sans vivres, sans armes, et presque sans habillement. Le Commandant Anglais nous réservait à tous le même traitement, et s'il ne l'exécuta pas, c'est qu'il en fut empêché par les prières que lui adressa en notre faveur l'honorable chirurgien du "Dauphin." Il adoucit la férocité de ces officiers Anglais, et obtint que nous restassions à son bord, jusqu'à ce qu'il nous mit à terre dans quelque endroit de débarquement, s'il ne rencontrait point en route de navire que pût nous conduire à l'Île du Prince. Pour cela et pour la bonté que continua de me montrer ce philanthrope chirurgien, à l'insu de son capitaine, je lui dois toute ma reconnaissance, et le prie de me pardonner de faibles expressions qui ne peuvent rendre l'immense bienfait que j'ai reçu de lui.

Pendant la route on nous maltraita beaucoup. Le vingt-trois étant arrivés à Akra, nous y trouvâmes entre autres navires un brick de commerce Français. Je demandai au Commandant Holland de m'y laisser embarquer ; mais il me répondit positivement non, ajoutant qu'il fallait que j'allasse avec les autres. Là pourtant nous fûmes délivrés de l'indigne traitement que l'on n'avait cessé de nous faire endurer par notre embarquement sur la "Fair Rosamond," goëlette Anglaise, qui le même jour mit à la voile pour l'Île du Prince. Elle nous débarqua, le vingt-six Août, sur le rivage de la mer du côté ouest de cette Ile, à six ou sept lieues de St. Antoine.

Le lendemain je me rendis à la ville de St. Antoine où il n'y a point de Consul, et où je suis entièrement inconnu. Dans cette conjoncture je fus obligé pour vivre de recourir à la charité bienveillante des Portugais. Voilà comme a été traité un Français par une nation amie de la sienne, quand se confiant à ses papiers et à la foi des Traités avec l'Angleterre, il croyait pouvoir sans encontre traverser des mers livrées au commerce de toutes les nations.

Je proteste donc, par tout ce que je viens d'exposer, contre le Lieutenant Edouard Holland, Commandant du "Dauphin," brick goëlette de Sa Majesté Britannique, contre les officiers, l'équipage, et contre qui j'ai plus de droit, non seulement pour cette fois, mais aussi pour toutes les fois qu'il sera nécessaire, tant pour le mauvais traitement que j'ai enduré, que pour le vol de mes effets, le gain que je cesse de faire, le dommage que j'en reçois, et pour tous les actes arbitraires et injustices souffrés et à souffrir.

Je joins ici l'état des effets que j'ai perdus dans l'affaire qui je viens de rapporter, me réservant de porter plainte devant le tribunal qu'il me plaira de choisir.

Je jure sur les Saintes Evangiles que les choses que je viens d'exposer sont la vérité ; serment que je suis prêt à renouveler devant un tribunal. En foi de quoi j'ai fait rédiger la teneur de la présente protestation et l'ai signée. Et si une clause ou quelques clauses nécessaires en droit manquaient à la teneur de la présente protestation, je les maintiens pour expressément écrites, et l'on ne doit pour cela douter en aucune façon qu'elle n'ait son entière valeur.

Fait à la ville de St. Antoine de l'Île du Prince, le 28 Août, mil huit cent trente-neuf.

(Signé)

CLAUDE RAFFIN.

Ont signé comme témoins :—

LUIZ ANTONIO DE FREITAZ,
IGNACIO JOZE' NOGUERA,
FE'LIS MARQUES D'OLIVIER.

Etat des objets perdus par suite de l'affaire rapporté dans une Protestation contre le Lieutenant Holland, contre les officiers, l'équipage, et contre que j'ai plus de droit.

- | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ol style="list-style-type: none"> 1. Une malle. 2. Vingt-six chemises. 3. Treize pantalons blanc. 4. Quatre pantalons de drap. 5. Une douzaine de caleçon. 6. Vingt-six paires de bas. 7. Douze vestes rondes. 8. Six gilets blanc. 9. Deux gilets de velour. 10. Huit serviettes. 11. Quatre draps de lit. 12. Neuf foulards en soie. 13. Deux cravattes de soie. 14. Douze cravattes blanches. 15. Douze mouchoirs de poche. 16. Deux habits. 17. Une redingote. 18. Trois boutons de chemise en or. 19. Dix boutons montés en diamant. 20. Deux épingles montés en diamant. 21. Cinq anneaux montés en diamant. 22. Deux paires de boucles d'oreilles montées en diamant. 23. Six couverts en argent. 24. Une montre en or. 25. Une chaîne en or. 26. Un poignard à fourreau d'argent. 27. Une paire de pistolets. | <ol style="list-style-type: none"> 28. Un etui à rasoirs. 29. Un nécessaire de voyage. 30. Une boîte d'instruments de chirurgie. 31. Huit caisses de cigarres. 32. Deux paires de souliers 33. Trois paires de bottes. 34. Un sac de linge sâle. 35. Un parapluie en soie. 36. Un castor. 37. Une tasse à boire en argent. 38. Une paire d'éperons en argent. 39. Un (<i>illegible</i>) avec des franges en plumes. 40. Une pharmacie. 41. Quatre paires de gants en soie. 42. Deux paires de bretelles en soie. 43. Quarante trois volumes. 44. Une paire de boucles de bretelles en argent. 45. Soixante douze onces d'or, monnaie Espagnole. 46. Trois bonnets de nuit en soie. 47. Deux pièces d'or du Brésil, valeur 4,600 reis chacune. 48. Une pièce Française de 20 francs. 49. Cinquante piastres. |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

(Signé) CLAUDE RAFFIN.

Port St. Antoine à l'Ile du Prince, le 28 Août, 1839.

Claude Raffin, Français, passager du brick Portugais "*l'Intrépide*," qui a fait une protestation contre le Lieutenant Edward Holland, Commandant du "*Dauphin*," navire de Sa Majesté Britannique, contre les officiers et l'équipage de ce navire, pour les injustices qu'il en a eu à souffrir, vous présente cette protestation et vous prie de la ratifier avec les témoignages des personnes assignées. Je prie sa seigneurie le juge ordinaire faisant les fonctions de Procureur-Général, de vouloir bien marquer le jour et l'heure à laquelle il lui plaira de déférer à la demande du suppléant (Claude Raffin).

J'autorise le Greffier Gonzalves à notifier aux passagers plaignants qu'ils peuvent comparaître devant moi pour obtenir la ratification demandée à l'Ile du Prince, le 28 Août, 1839.

(Signé) MONTEIRO.

Certificate de Notification.

Moi Antonio Furtado Gonzalves, né et domicilié dans cette Ile, greffier du tribunal, en présence du juge ordinaire qui remplit les fonctions de Procureur-Général de toute l'île, je qualifie que d'après la respectable Dépêche du très honoré juge ordinaire, faisant (remplissant) les fonctions de Procureur-Général, le citoyen Manuel Monteiro Dacrus, concernant les plaintes en réclamation de Claude Raffin, je me rendis au lieu où étaient les témoins désigné par le réclamant, (Claude Raffin,) et leur ai fait connaître à chacun en particulier par un lecture tout le contenu de la dite dépêche, qu'ils ont entendue et comprise parfaitement, et qu'ils ont attesté comme certaine. C'est pour l'attester que moi greffier ai fait ce certificat de notification, l'ai écrit moi-même, et l'ai signé en cette ville de St. Antoine de l'Ile du Prince, le vingt-huit Août, mil huit cent trente-neuf.

(Signé) ANTONIO FURTADO GONZALVES.

Ratifications de la Protestation ci-dessus rapportée.

LE vingt-huit Août mil huit cent trente-neuf, en cette ville de Sainte Antoine de l'Isle du Prince, dans la maison du Juge Ordinaire, remplissant les fonctions de Procureur-General à citoyen Manoel Monteiro Dacrus, ou j'ai écrit en sa présence a comparu Claude Raffin, passager à bord de "l'*Intrepide*," brick Portugais, apportant une plainte en réclamation et une protestation contre les pertes à lui occasionnées par le "Dauphin" brick goëlette, commandé par le Lieutenant Edward Holland, et réclamant que l'on fasse certifier la due protestation par les personnes qu'il a assignées à cet effet, devant le tribunal, qui sont Luiz Antonio de Freitas, Ignacio Joze Noguera, Feliz Marques de Oliveira, tous passagers du brick "l'*Intrepide*," auquel j'ai demandé, en présence du Juge Ordinaire, à chacun en particulier le serment sur les Saints Evangiles pour qu'ils attestassent la vérité sur le contenu de la susdite protestation qui leur a été lue. Après en avoir pris connaissance ils ont déclaré que c'était la vérité même qui y était renfermée. Ils ont ratifié et signé ci-dessous le même serment qu'ils ont prit chacun en particulier, à la demande du juge et après avoir entendu la lecture de la protestation de Claude Raffin, à qui il a été demandé de la même manière le même serment. Ils déclarent donc tous et ils attestent, une, deux, trois, et autant de fois que le justice le requérera en faveur de qui de droit comme vraie la protestation pour les pertes et injustices qu'a souffertes Claude Raffin, le gain qu'il cessé de faire, et le dommage qu'il en reçoit, protestation dirigée contre qui a le plus de droit, à partir du jour ou ont commencé les préjudices à lui causés jusqu'à ce qu'il en soit entièrement indemnié. Pour constater ceci, le même juge ordonné de diriger le présent acte; en foi de quoi tous ceux qui sont mentionnés ci-dessus ont signé, et moi, Antonio Furtado Gonsalves, Greffier du Tribunal, l'ai écrit et signé.

(Signé)

ANTONIO FURTADO GONSALVES.
 CLAUDE RAFFIN.
 LUIZ ANTONIO DE FREIRA.
 IGNACIO JOSE NOGUERA.
 FELIS MARQUES DE OLIVEIRA.

Teneur de la Déclaration faite au Chargé des Sceaux de la Ville Sainte Antoine.

Le vingt-huit Août, mil huit cent trente-neuf, en cette ville de Saint Antoine de l'Isle du Prince, j'ai fait connaître au Greffe les feuillets des présens actes au citoyen Jose Ribeiro de Assa Gastao, Chargé des Sceaux de cette ville, ces actes sont contenus dans sept feuillets de papier écrit, soumis au Sceau Royal conformément aux ordres de Sa Majesté très-fidèle, que Dieu ait en sa sainte garde. En foi de quoi, moi, Antonio Furtado Gonsalves, Greffier de Tribunal, ai rédigé la teneur de cette déclaration, l'ai écrite et signée.

(Signé)

ANTONIO FURTADO GONSALVES.

Déclaration de Date.

Le vingt-neuf Août, mil huit cent trente-neuf, en cette ville de St. Antoine de l'Isle du Prince, moi Greffier ci-dessous dénommé, à mon bureau, ai reçu de Jose Ribeiro de Assa Gastao, Chargé des Sceaux de cette ville, les actes précédents scellés du Sceau Royal de Sa Majesté, en foi de quoi, moi, Antonio Furtado Gonzalves, Greffier du Tribunal, ai rédigé cette déclaration dedans, l'ai écrite et signée.

Teneur des Conclusions.

Le vingt-neuf Août, mil huit cent trente-neuf, en cette ville de St. Antoine de l'Isle du Prince, moi, Greffier ci-dessous mentionné, Sceau au Greffe, ai présenté au citoyen Manoel Monteiro Dacrus, Juge Ordinaire, remplissant les fonctions de Procureur-Général, les conclusions de ces actes pour oir et déterminer définitivement ce qui lui paraîtra juste. En foi de quoi, moi, Antonio Furtado Gonzalves, Greffier du Tribunal, ai rédigé la teneur de ces conclusions, les ai écrites et signées.

(Signé)

ANTONIO FURTADO GONZALVES.

Sentence au Jugement.

Je décide par cette sentence que, vu le nombre et l'uniformité des témoignages, l'on procède à donner son effet à la protestation conformément aux lois. J'ordonne que l'on délivre cette sentence au réclamant, et qu'il paie les frais auxquels je le condamne.

MANOEL MONTEIRO DA CRUS.

Ile du Prince, Août 29, 1839.

Publication de la Sentence.

Le vingt-neuf Août, mil huit cent trente-neuf, en cette ville de St. Antoine, de l'Ile du Prince, dans la maison du citoyen Manoel Monteiro Dacrus, Juge Ordinaire, remplissant des fonctions du Procureur-Général, où étaient présent le dit Juge et le Greffier ci-dessous mentionnés, a été publiée par le même juge, la sentence ci-dessus portée, avec ordre de donner entier accomplissement au contenu d'elle. En foi de quoi, moi, Antonio Furtado Gonzalves, Greffier du Tribunal, ai rédigé la teneur de cette publication, l'ai écrite et signée.

Citation.

Les jours, mois, et ans sus-dis, en cette ville de St. Antoine, de l'Ile du Prince, conformément à la sentence ci-dessus portée, j'ai cité le réclamant pour lui donner à connaître tout le contenu de sa protestation, lequel s'est tenu pour bien et duement cité. En foi de quoi, moi, Antonio Furtado Gonzalves, Greffier du Tribunal, ai rédigé cette citation, l'ai écrite et signée.

(Signé) ANTONIO FURTADO GONZALVES.

Remise des Actes au Receveur-Général de l'Ile du Prince.

Le 29 Août, 1839, en cette ville de St. Antoine de l'Ile du Prince, moi, Greffier ci-dessous dénommé, séant à mon bureau, ai remis les présents actes au citoyen Manoel Furtado Pereira, receveur général de cette ville, pour porter en compte les frais payables selon le taux de la loi et des réglemens. En foi de quoi, moi, Antoine Furtado Gonzalves, Greffier du tribunal, ai rédigé cet acte de remise et l'ai écrit.

(Signé) FURTADO PEREIRA, Receveur.

Reconnaissance de la Signature ci-dessus écrite.

Je reconnais que la signature ci-dessus apposée est de la propre main de Furtado Pereira.

Ile du Prince, le 6 Sept., 1839.

Signé en témoignage de vérité,

ANTONIO FRUS,

MANOEL MONTEIRO DA CRUS,

Juge Ordinaire remplissant les fonctions de Procureur-Général.

Je certifie que l'écriture ci-dessus apposée est la lettre de signature publique du notaire Antonio Furtado Gonzalves, ce que j'ai fait pour attestation.

A l'Ile, le 6 Sept., 1839.

Moi, MANOEL MINES LANDOLPHE,

Secrétaire privé du Procureur-Général, ai écrit le présent acte.

(Signé) MANOEL MONTEIRO DA CRUS.

Copie de la traduction exacte faite sur les pièces originales.

Le commandant particulier de Gorée,

(Signé) DAGORNE,

Pour copie conforme.

Le Capitaine de vaisseau.

Gouverneur,

(Signé) CHARMASSON.

(Translation.)

Protest made by Claude Raffin, a Frenchman, against Lieutenant Edward Holland, Commander of Her Britannic Majesty's ship "Dolphin," against the officers and crew of that ship, and whoever besides he has the right to protest against.

THE Undersigned Claude Raffin, surgeon and apothecary, born at Lyons in France, 28 years of age, a passenger on board the Portuguese brig "*Intrepido*," commanded by Captain Ramos, which sailed from Bahia to touch at Onim, and whose voyage was interrupted by Lieutenant Edward Holland, commanding Her Britannic Majesty's ship "*Dolphin*," who captured the brig "*Intrepido*" under the pretext that she was Brazilian property, swears on the Holy Evangelists, and will renew this oath before the Court, if necessary, to state the truth as to the treatment he received.

The undersigned after having travelled in the provinces of Brazil resolved to go to Angola in the "*Intrepido*," which had on board a certain number of passengers for the same place, on account of the Portuguese Government; and he consequently embarked at Bahia on the 5th July, 1839, furnished with two passports, one from the President of the Province of Bahia and the other from the French Consul resident in that town.

The vessel set sail, pursued her voyage, and after having touched three times at different points on the Coast of Africa, cast anchor at Tabourg, north of the Gold Coast, on the 18th August. The next day at about 10 in the morning we were boarded at the same place, where we were still at anchor, by the boat of Her Britannic Majesty's brig "*Dolphin*," which was in sight. The officer in command after having made the customary visit made a signal with the flag of the brig "*Intrepido*," which brought another boat from the English brig. Commander Holland came in it, accompanied by sailors armed with guns, pistols, and swords. After having made a search on board another signal was made, and there came a third boat filled with sailors armed like those in the second. Commander Holland then seized the "*Intrepido*," caused the Portuguese crew to be immediately embarked and taken on board his ship. He also made the passengers embark, ordering them to take their baggage; but this order was not completely executed, because sufficient time was not given us to bring all our effects on deck: thus I believe that the greater part of my goods and my medicine chest remained on board the "*Intrepido*," because I never saw them on board the "*Dolphin*." At all events this English commander after we had reached his vessel sent on board the "*Intrepido*" for some of the effects of the passengers.

By order of Holland the papers were examined; an examination which soon changed into a regular pillage. They broke open my trunks, and took my papers out, without giving me a receipt for them, and without examining them, mixing them with those of other passengers, and thus taking away my two passports, my certificate of birth, the certificate of my father's death, letters of recommendation, family letters, and some letters sealed and addressed to different persons at Angola; these last were unsealed by the Commander himself, a crime which subjects him to the penalties imposed by law. There were also taken from me my surgical instruments, my travelling case, containing my money, my razors, my books, a gold watch and chain, shirt buttons and shirt pins, my rings and other jewellery. Care was taken to remove from my trunks all the linen fit for use, and to leave me nothing but rags. The Commander then ordered his sailors to search our persons, which was done with the utmost indecency. Modesty does not permit me to recount the particulars of this search, which nothing could justify in a civilized nation; it suffices to say that we were absolutely stripped of all covering. Nevertheless many of my companions were much more ill-treated than I was. The next day the "*Dolphin*," which had captured us, took us to Akra, and cast anchor there the same day. It was there that Commander Holland abandoned on the shore all the crew of the "*Intrepido*," with some of the Portuguese Government passengers, more than 60 persons, without provisions, unarmed, and almost without clothing. The English Commander intended the same treatment for all of us, and if he did not execute his intention, it was that he was prevented by the entreaties addressed to him in our behalf by the worthy surgeon of the "*Dolphin*." He softened the ferocity of these English officers, and obtained that we should remain on board until we should be landed at some place of disembarkation, if he did not meet on the way with a vessel that could take us to Princes Island. For this, and for the goodness which this

philanthropic surgeon continued to show me unknown to his Captain, I owe him the greatest gratitude, and entreat him to pardon the feeble expressions which cannot repay the immense benefit which I have received from him.

During the voyage I was much ill-treated. On the 23rd having arrived at Akra, there was found there among other vessels a French merchant brig. I asked Captain Holland to allow me to embark in her, but he answered me positively no; adding that I must go with the others. There, however, we were delivered from the unworthy treatment which we had been unceasingly made to endure, by being sent on board the English sloop "Fair Rosamond," which the same day set sail for Princes Island. She landed us on the 26th August on the sea shore of the west coast of that island six or seven leagues from St. Antonio.

The next day I went to the town of St. Antonio where there was no Consul, and where I was entirely unknown. In this conjuncture I was obliged to have recourse to the kind charity of the Portuguese for subsistence. See how a Frenchman has been treated by a nation in amity with his own, when, trusting to his papers, and to the faith of treaties with England, he thought he could without hindrance traverse seas open to the commerce of all nations.

I protest, therefore, by all that I have stated against Lieutenant Edward Holland, Commander of Her Britannic Majesty's brig "Dolphin," against the officers, crew, and whomsoever else I have a right to protest against, not only for this once, but also for all the times it may be necessary, as well for the bad usage which I have endured as for the robbery of my effects, the gain which I no longer make, the damage which I suffer by it, and for all the arbitrary acts and wrongs undergone and to be undergone.

I add hereto a statement of the effects which I have lost in the affair which I have just related, reserving the right to carry my complaint before any tribunal I may choose.

I swear on the Holy Gospels that the things I have stated are the truth; an oath which I am ready to renew before a court. In faith of which I have caused the tenor of this present Protest to be drawn up, and have signed it. And if any clause or clauses legally necessary are wanting in the tenor of this present Protest, I will maintain them as if expressly written, and no doubt should be entertained of the complete value of this Protest on that account.

Done at the town of St. Antonio, Princes Island, the 28th August, 1839.

(Signed) CLAUDE RAFFIN.

Witnesses:—

LUIZ ANTONIO DE FREITAZ,
IGNACIO JOZE' NOGUERA,
FE'LIS MARQUES DE OLIVEIRA.

This Protest is followed by a list of articles alleged to have been lost by Claude Raffin; and by various certificates as to the authenticity of his Protest.

No. 17.

Viscount Palmerston to M. Guizot.

SIR,

Foreign Office, Sept 17, 1840.

I HAVE the honour to acknowledge the receipt of the Note, which your Excellency addressed to me on the 17th ultimo, relative to the alleged misconduct of the Officers in command of Her Majesty's ships "Bonetta," "Fair Rosamond," and "Dolphin," and I have to acquaint your Excellency, that I have requested the proper department of Her Majesty's Government to institute a strict inquiry into the allegations made against Lieutenants Stoll and Oliver, by the Owner of the "Noemi Marie," and "L'Aigle;" and against Lieutenant Holland, by Claude Raffin, a passenger on board the brig "Intrepido."

I am, &c.

His Excellency M. Guizot,
&c. &c. &c.

(Signed) PALMERSTON.

No. 18.

*Viscount Palmerston to M. Guizot.**Foreign Office, October 5, 1840.*

VISCOUNT PALMERSTON has the honour to transmit herewith to M. Guizot, 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.

His Excellency M. Guizot,
 &c. &c. &c.

No. 19.

*M. Guizot to Viscount Palmerston.**Hertford House, Octobre 8, 1840.**(Received October 10.)*

L'AMBASSADEUR de France a reçu les documens relatifs à la traite des noirs, que son Excellence le Vicomte Palmerston a bien voulu lui envoyer, et il a l'honneur de lui offrir ses remerciemens, ainsi que l'assurance de sa haute considération.

A son Excellence le Viscomte Palmerston, G.C.B.
 &c. &c. &c.

(Translation.)

THE Ambassador of France has received the documents relative to the Slave Trade, which his Excellency Viscount Palmerston had the kindness to send him, and has the honour to offer his thanks to his Lordship, together with the assurances of his distinguished consideration.

No. 20.

Viscount Palmerston to M. Guizot.

SIR,

Foreign Office, October 22, 1840.

I HAVE the honour to transmit to your Excellency a copy of a communication from the Admiralty, containing the reply of Lieutenant Holland, of Her Majesty's ship "Dolphin," to the charges brought against him by M. Claude Raffin, a French subject, who was found on board the Brazilian slave-vessel "Intrepido," at the period of her capture; which charges formed one of the complaints brought under the notice of Her Majesty's Government in your Excellency's Note of the 17th August, 1840.

His Excellency M. Guizot,
 &c. &c. &c.

I am, &c.
 (Signed) PALMERSTON

First Enclosure in No. 20.

Sir John Barrow to Mr. Backhouse.

SIR,

Admiralty, October 8, 1840.

WITH reference to your Letter of the 17th of last month, and its Enclosures, upon the subject of the alleged ill-treatment of a French subject, named Claude Raffin, stated to have been a passenger on board the slave brig "Intrepido," when that vessel was seized by Her Majesty's brig "Dolphin," I am commanded by my Lords Commissioners of the Admiralty to acquaint you, for the information of Viscount Palmerston, that Commander Holland, late of the

“Dolphin,” has been again called upon for an explanation of the charges alleged against him; and I now enclose, to be laid before his Lordship, a copy of the Commander’s statement.

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

To John Backhouse, Esq.

Second Enclosure in No. 20.

Commander Holland to Mr. More O’Ferrall.

Comprigny, Truro.

October 5, 1840.

SIR,

I HAVE to acknowledge the receipt of your Letter of the 30th of September, with its Enclosures, and to reply, agreeably to their Lordships’ directions, as follows.

The brig “*Intrepido*,” sailing under Portuguese colours, was detained by me in August, 1839, for being a Brazilian vessel, equipped for the Slave Trade, contrary to the Treaty between Great Britain and Brazil on that subject, and condemned as such in the British and Brazilian Mixed Commission Court at Sierra Leone, in the September following, on which occasion the Commissioners remarked on the very complete equipment of the brig for the Slave Trade, a circumstance which shows it to have been impossible for any person to have lived on board, without being aware of the object of the voyage.

I wish likewise to remark that, in my reply to your Letter of the 21st April, on the same subject as the present, I therein stated that I did not remember M. Claude Raffin personally; a correspondence however which I have since had with Mr. W. H. Pike, late Second Master of the “Dolphin,” on the complaints in question, has brought him to my mind, and I now well remember that he was strongly suspected to have been engaged as Surgeon to the vessel.

I shall now proceed to answer the complaints in the order in which I find them.

My general rule (and not deviated from in this case) was to allow the passengers and crew of detained vessels sufficient time to collect all their private property, and take it with them, but they were not permitted to take ship’s stores or merchandise.

With regard to the second charge, that the examination of his papers was soon turned into a complete pillage; I not only assert that is wholly false, but I deny that a single article was taken, excepting papers for examination, when such only as related in any way to the Slave Trade, or public papers connected with the vessel, were retained, which, together with such letters as were addressed to notorious slave-dealers, were opened by me, and if found to contain anything respecting the Slave Trade, were likewise handed over to the Court, and the remainder returned to the owners. I do not remember anything of this individual’s letters, as some hundreds of prisoners, under similar circumstances, passed through my hands in the course of 12 months, but the rule was general, and never deviated from. With respect to the various articles of property alleged to have been plundered, I likewise deny that anything was taken, excepting offensive weapons (a general measure of precaution when prisoners were on board), and which were returned when he left the “Dolphin;” but M. Claude Raffin certainly did not possess any of the articles of value enumerated as taken from him, for in the course of a very strict examination I met with none of them.

The personal examination (which is stated to have taken place with “*la dernière indécence*”) was necessary to discover concealed papers, arms, or money intended to be employed in the Slave Trade, and which repeated experience taught me were usually concealed about the person. So far, however, was this from being indecently conducted, that it took place behind a screen, one person alone being searched at a time by two of the petty officers, superintended by a quarter-deck petty officer.

The charge is the abandoning the crew and some of the passengers on the beach, without provisions, &c.

The crew were landed as usual in such cases, which in this was at the Danish settlement of Quitta, the Governor of which promised to receive them in the fort;

CLASS C.

such of the passengers as were landed were, at their own request, excepting one who drew his knife on one of the seamen of the "Dolphin," and subsequently I heard they all left the place in a few days in other vessels.

The remainder of the Portuguese men were retained on board the "Dolphin" from motives of humanity, till I should have the means of forwarding them to Princes' Island, a Portuguese settlement, and the nearest to Angola (their place of destination), which it was in my power to send them to; this presented itself in a few days, and they were sent by me on board Her Majesty's schooner "Fair Rosamond" for that purpose.

I also deny that any of the prisoners received any ill-treatment whilst on board the "Dolphin," or that I received any request to put M. Claude Raffin on board a French vessel.

In conclusion, I must remark that none of these complaints were made to me at the time, nor did I hear anything on the subject till a similar statement appeared in the public papers in February or March last. I have also learnt from Mr. W. H. Pike, late Second Master of the "Dolphin," and next in command to myself at the time, that they were equally new to him, and it is impossible such things could have existed without being known. I can likewise refer the letter to Dr. Charlton, giving similar evidence on this subject, transmitted to me among the Enclosures with your Letter of the 21st April last.

This Mr. Claude Raffin was no doubt the Surgeon of the slave-vessel, and hoped, by his appearing as passenger, to escape the punishment awarded to persons so engaged, if discovered, a very ordinary subterfuge among persons of this class.

I have, &c.

(Signed) EDWARD HOLLAND,

Commander.

R. More O'Ferrall, Esq.
&c. &c. &c.

No. 21.

Viscount Palmerston to Earl Granville.

(Extract.)

Foreign Office, November 30, 1840.

I HAVE received a Despatch from Her Majesty's Chargé d'Affaires at Rio de Janeiro, on the subject of the conduct of the French Minister at that Court with respect to Slave Trade; and I have to instruct you to mention the subject confidentially to M. Guizot, for the purpose of assisting him in giving effect to the anxious desire which he is known to feel to put down the Slave Trade.

No. 22.

Earl Granville to Viscount Palmerston.

Paris, December 7, 1840.

(Extract.)

(Received December 9.)

I RECEIVED yesterday your Lordship's Despatch of the 30th ultimo, on the subject of the conduct of the French Minister at Rio de Janeiro, with respect to the Slave Trade.

In obedience to your instructions I confidentially mentioned the subject this morning to M. Guizot, explaining to him that I did so for the purpose of assisting him in giving effect to the anxious desire, which it is known he feels to put down the Slave Trade.

M. Guizot was obliged to me for the communication, and said he should in consequence address instructions to the French Minister at Rio Janeiro, enjoining him strongly to co-operate actively with her Majesty's Chargé d'Affaires, in his efforts to induce the Brazilian Government to take effectual measures for the suppression of the Slave Trade.

M. Guizot added, that your Lordship did him no more than justice in believing, that he was a sincere friend to the abolition of the Slave Trade and of slavery; and he told me that it had been determined within the last few days, that the commission which had been formed last year under the presidency of the Duc de Broglie, for promoting the abolition of slavery in the French colonies, should be re-established.

SARDINIA.

No. 23.

Count Pollon to Viscount Palmerston.

Grosvenor-street, September 29, 1840.

(Received September 29.)

LE Soussigné, Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté le Roi de Sardaigne près Sa Majesté Britannique, a l'honneur de porter les faits suivants à la connaissance de son Excellence Monsieur le Vicomte Palmerston, Principal Secrétaire d'Etat pour les Affaires Etrangères.

Le 21 Mai dernier, la Goëlette Sarde "*La Furia*," Capitaine Torre, appartenant à une des principales maisons de Gènes, mit à la voile à Bahia, sous son pavillon national, pour la côte d'Afrique, avec un chargement de 2,200 mangottes de tabac, 60 pipes d'eau de vie, 348 demi-jeannes vides, 10 caisses de coraux et une caisse contenant 6 pièces de velours en soie, objets de commerce libre, et n'ayant rien à son bord qui pût exciter le moindre soupçon. Son équipage, composé exclusivement de sujets Sardes, ne comptoit que 14 personnes, y compris le Capitaine et quelques mousses, n'ayant d'autres armes que celles strictement nécessaires à leur propre défense.

Ce bâtiment, arrivé au Cape Coast, côte de Guinée, y jeta l'ancre le 21 Juin.

Il fut immédiatement visité à fond par le Brick de la marine Anglaise le "*Persian*," Capitaine W. H. Quin. Quoiqu'on ne pût rien trouver à son bord contraire aux lois du pays ni en contravention aux traités, et que ses papiers fussent parfaitement en règle, ce bâtiment Sarde reçut du Capitaine W. H. Quin, l'intimation de se rendre le lendemain à Sierra Leone, et il lui fut signifié par cet officier Anglais que son équipage, ainsi que sa cargaison, seraient traités avec rigueur. Tous les efforts de Capitaine Torre pour obtenir une explication des motifs d'un pareil traitement furent parfaitement inutiles, le Capitaine Anglais alléguant pour unique motif les ordres particuliers de son Gouvernement. Dans l'après-midi du même jour, lorsque tous les effets de l'équipage de la goëlette avoient déjà été transportés à bord du "*Persian*," le Capitaine Quin fit venir le Capitaine Torre, et après lui avoir dit que son chargement étoit suspect, il le remit en liberté avec son bâtiment et ses équipages, en l'engageant à s'éloigner promptement de ces côtes, où d'autres croiseurs auraient pu être moins indulgents à son égard.

Il résulte des faits ci-dessus exposés, des renseignements ultérieurs obtenus par le Gouvernement Sarde, et surtout par la promptitude avec laquelle le Capitaine Quin est revenu sur sa violente détermination, que cet officier a agi, dans sa conduite à l'égard de la Goëlette Sarde, avec une précipitation et une sévérité qu'aucune circonstance ne paroît justifier.

Le Soussigné a par conséquent reçu l'ordre de son Gouvernement de réclamer la prompte et puissante intervention de son Excellence Monsieur le Vicomte Palmerston, afin de mettre le commerce Sarde sur les côtes d'Afrique, à l'abri d'actes arbitraires et vexatoires de la part des croiseurs Anglais, tels que ceux qui font l'objet de la présente réclamation, et dont l'effet dans cette circonstance a été hautement préjudiciable aux intérêts de l'armateur et des propriétaires du bâtiment en question.

Il est expressément enjoint au soussigné de renouveler ici l'expression des sentiments d'horreur, que le Gouvernement du Roi son Souverain entretient envers l'indigne trafic des noirs, et de sa ferme résolution, ainsi que de son empressement, à contribuer par tous les moyens en son pouvoir à l'exécution de la Convention du 8 Août, 1834; mais s'il approuve et désire la juste punition des coupables c'est

pour lui un devoir impérieux que de pourvoir à la sureté de ceux de ses sujets qui ne se livrent qu'à un commerce licite et irréprochable.

Le Soussigné, &c.

(Signé)

POLLON.

A son Excellence le Viscomte Palmerston, G.C.B.

&c.

&c.

&c.

(Translation.)

THE Undersigned, &c., has the honour to communicate the following facts to his Excellency Viscount Palmerston, &c.

On the 21st May last the Sardinian schooner "*Furia*," Captain Torre, belonging to one of the principal houses at Genoa, set sail from Bahia under her national flag for the Coast of Africa, with a cargo of 2,200 mangoltes of tobacco, 60 pipes of brandy, 348 demijohns empty, 10 cases of coral, and one case containing six pieces of silk velvet, articles of free commerce, and having nothing on board to excite the least suspicion. Her crew, composed exclusively of Sardinian subjects, consisted only of 14 persons, including the Captain and some boys, having no arms beyond those strictly required for their own defence.

Having arrived at Cape Coast, on the Coast of Guinea, this vessel cast anchor there the 21st June. She was immediately thoroughly searched by the English brig-of-war "*Persian*," Captain W. H. Quin. Although nothing could be found on board contrary to the laws of the country or in contravention of the Treaties, and although her Papers were in perfect order, this Sardinian vessel received from Captain W. H. Quin an intimation to go the next day to Sierra Leone, and it was signified to her by this English officer that her crew, as well as her cargo, would be treated with severity. All the efforts of Captain Torre to obtain an explanation of the motives of such treatment were perfectly useless, the English Captain alleging as his sole motive the particular orders of his Government. In the afternoon of the same day, after all the effects of the crew of the schooner had been already removed on board the "*Persian*," Captain Quin called for Captain Torre, and after telling him that his cargo was suspicious he set him at liberty with his vessel and crew, enjoining him to leave the coast quickly or other cruizers might be less indulgent to him.

It results from the facts above related, from further information obtained by the Sardinian Government, and above all from the hurry with which Captain Quin relinquished his violent determination, that that officer in his conduct towards the Sardinian schooner, acted with precipitation and severity which no circumstance appears to justify.

The Undersigned has consequently received orders from his Government to claim the prompt and powerful intervention of his Excellency Viscount Palmerston, in order to protect Sardinian commerce on the Coast of Africa from arbitrary and vexatious acts of English cruizers, such as those which form the subject of the present complaint, and the effect of which was in this instance highly prejudicial to the interests of the laders and owners of the vessel in question.

It has been expressly enjoined to the Undersigned to renew here the expression of the feelings of horror which the Government of the King his Sovereign entertains towards the shameful traffic in slaves, and of his firm resolution, and of his zeal, to contribute by all the means in his power towards the execution of the Convention of the 8th August, 1834; but if he approves of and wishes for the just punishment of the guilty, it is his imperious duty to provide for the safety of those of his subjects who only follow lawful and irreproachable trade.

The Undersigned, &c.

No. 24.

Viscount Palmerston to Count Pollon.

Foreign Office, November 2, 1840.

VISCOUNT Palmerston presents his compliments to Count Pollon, and begs to acquaint him that he has requested the proper department to institute inquiries into the facts stated in Count Pollon's Note of the 29th September, relative to the conduct of Captain Quin of Her Majesty's ship "*Persian*," towards the Sardinian schooner "*Furia*."

Count Pollon,

&c. &c. &c.

TUSCANY.

No. 25.

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

Florence, May 18, 1840.

(Received June 7.)

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 11th April, 1840.

In compliance with the instructions contained in it, I addressed a Note to the Tuscan Government expressing the thanks of Her Majesty's Government for the circular instruction which it has addressed to its agents in the Mediterranean, with a view to the more effectual suppression of the Slave Trade, and I have now the honour to enclose a copy of the answer I have received from Don Neri Corsini.

I have, &c.

(Signed) HENRY EDWARD FOX.

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

&c. &c. &c.

Enclosure in No. 25.

M. Corsini to Mr. Fox.

MONSIEUR LE MINISTRE,

Florence, le 13 Mai, 1840.

PAR l'office que votre Excellence m'a fait l'honneur de m'adresser le 11 du courant, elle a bien voulu m'exprimer, au nom et d'après les ordres de son Gouvernement, la satisfaction éprouvée par le Cabinet de Londres, en connaissant les instructions qui ont été envoyées aux agens Consulaires Toscans dans la Méditerranée, dans le but d'empêcher que des esclaves noirs destinées a un trafic honteux soient transportés sur des bâtiments munis du pavillon Grand Ducal.

En vous offrant, Monsieur le Ministre, mes remerciemens pressés pour cette communication,

J'ai l'honneur, &c.

Pour le Ministre.

(Signé) N. CORSINI.

Monsieur Fox,

&c. &c. &c.

(Translation.)

M. LE MINISTRE,

Florence, May 13th, 1840.

BY the Note which your Excellency did me the honour to address to me on the 11th instant, you expressed to me, by order of your Government, the satisfaction felt by the Cabinet of London, at learning the instructions which have been sent to Tuscan Consular agents in the Mediterranean, in order to prevent black

slaves, destined for a shameful traffic, from being transported in vessels bearing the flag of the Grand Duke.

In offering to you, M. le Ministre, my best thanks for this communication,

I have, &c.

(Signed) N. CORSINI.

No. 26.

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

SIR,

Foreign Office, August 6, 1840.

I HAVE to desire, that you will bring under the notice of the Tuscan Government the particulars contained in the accompanying Paper respecting the conduct of M. Pluma, who is the Tuscan Consul at the Havana, and acts provisionally as Portuguese Consul also at that place.

The enclosed Paper, which gives a report of the case of the Portuguese schooner, the "*Victoria da Libertade*," seized by one of Her Majesty's cruizers, and condemned at Sierra Leone on a charge of being concerned in Slave Trade, contains evidence tending to show, that M. Pluma has endeavoured to protect the owners of that slave vessel, in the lawless enterprise on which she was engaged.

One of the Papers of that vessel, presented to M. Pluma for his sanction and confirmation, was the Passport used by the vessel on her former voyage, the contents of which, compared with an endorsement which had been made upon it by one of Her Majesty's naval officers, evinced that at the time at which the Passport was exhibited to M. Pluma, the vessel had already under that Paper fraudulently pursued a voyage to Africa, probably for Slave Trade; and yet M. Pluma endorsed that Passport anew, to enable the vessel to pursue another voyage to Africa, and no doubt could exist, that this latter voyage was undertaken for purposes of Slave Trade.

It further appears from the enclosed Report, that two other Papers, namely, a Certificate and a Muster Roll for the "*Victoria da Libertade*," which were exhibited to M. Pluma, contained an attestation of facts, which he could not but know were incorrect, since those facts were inconsistent the one with the other; and yet M. Pluma affixed his official seal and signature to both.

It appears further, that M. Pluma himself wrote with his own hand the whole of a Contract for conveying to Africa, on board the "*Victoria da Libertade*," a large quantity of equipments for Slave Trade, and it was not even attempted to show, that the articles were destined for any legal purpose; those articles were not mentioned in the list of the cargo; they were destined for Cestos, a spot notorious as a market for slaves, on the coast of Africa; and yet M. Pluma, who could not by possibility have avoided a knowledge of the contents of the contract of freight, gave his signature to the Paper which was intended to enable, not only the vessel which carried these articles, but other ships also, to be equipped for the illegal trade in slaves.

You will, by a Note to the Tuscan Minister, make the Tuscan Government acquainted with the facts contained in the accompanying Paper. You will add, that Her Majesty's Government are persuaded, that the Grand Duke of Tuscany will not countenance in a Tuscan functionary, conduct such as that which is here referred to; and you will state that Her Majesty's Government therefore hope, that the Tuscan Government will express strongly to M. Pluma its disapprobation of the conduct which he has pursued with respect to the Papers of the "*Victoria da Libertade*," and will give to M. Pluma such instructions for his further guidance, as shall effectually prevent his becoming in future an instrument for facilitating the enterprises of the Piratical Slave Traders of Cuba.

I am, &c.

The Hon. H. E. Fox,
&c. &c. &c.

(Signed)

PALMERSTON.

Enclosure in No. 26.

Report of the Case of the "Victoria da Libertade," enclosed in the Sierra Leone Commissioners' Despatch of July 20, 1839.

(See Class A., No. 45, page 58.)

No. 27.

*Viscount Palmerston to Mr. Fox.**Foreign Office, August 13, 1840.**Circular sending Papers presented to Parliament.*

No. 28.

*Viscount Palmerston to the Hon. Spencer Cowper.**Foreign Office, August 22, 1840.*

SIR,

WITH reference to previous correspondence between this Office and Her Majesty's Mission at Florence, respecting the conveyance of slaves from Tunis to Constantinople on board Tuscan vessels, I herewith transmit to you copies of a Despatch, and of its Enclosures, from Her Majesty's Consul at Tunis, containing information upon the subject.

I am, &c.

The Hon. Spencer Cowper,
&c. &c. &c.

(Signed)

PALMERSTON.

Enclosure in No. 28.

*Sir Thomas Reade to Viscount Palmerston.**Tunis, June 29, 1840.*

(See Class D., No. 34.)

No. 29.

*The Hon. Spencer Cowper to Viscount Palmerston.**Florence, August 22, 1840.**(Received August 31.)*

MY LORD,

I HAVE the honour to acknowledge the receipt, on the 20th instant, of your Lordship's Despatch, addressed to Mr. Fox, of the 6th August, respecting the conduct of M. Pluma, Tuscan Consul at the Havana, and I have, in obedience to your Lordship's instructions, addressed a Note upon the subject to Count Fossombroni, a copy of which I have the honour to enclose.

I have, &c.

(Signed)

C. S. COWPER.

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

Enclosure in No. 29.

The Hon. Spencer Cowper to Count Fossombroni.

MONSIEUR LE COMTE,

Florence, August 21, 1840.

I HAVE the honour to inform your Excellency, that a communication has been received by Her Majesty's Government from the British members of the Mixed Slave Trade Commission at Sierra Leone, respecting the conduct of M. Pluma, Tuscan Consul at the Havana, and acting provisionally as Portuguese Consul at that place.

The enclosed Paper, which gives a report of the case of the Portuguese schooner the "*Victoria da Libertade*," seized by one of Her Majesty's cruisers and condemned at Sierra Leone on a charge of being concerned in Slave Trade, contains evidence tending to show that M. Pluma has endeavoured to protect the owners of that vessel in the lawless enterprise in which she was engaged.

One of the Papers of that vessel, presented to M. Pluma for his sanction and confirmation, was the passport, used by the vessel on her former voyage, the contents of which, compared with an endorsement which had been made upon it by one of Her Majesty's naval officers, showed that at the time at which the passport was

exhibited to M. Pluma, the vessel had already under that Paper fraudulently pursued a voyage to Africa, probably for Slave Trade; and yet M. Pluma endorsed that passport anew, to enable the vessel to pursue another voyage to Africa, and no doubt could exist that this latter voyage was undertaken for purposes of Slave Trade.

It further appears from the enclosed report that two other papers, namely, a certificate and a muster-roll for the "*Victoria da Libertade*," which were exhibited to M. Pluma, contained an attestation of facts which he could not but know were incorrect, since those facts were inconsistent the one with the other; and yet M. Pluma affixed his official seal and signature to both.

It appears further, that M. Pluma himself wrote with his own hand the whole of a contract for conveying to Africa on board the "*Victoria da Libertade*," a large quantity of equipments for Slave Trade; and it was not even attempted to show that the articles were destined for any legal purpose. Those articles were not contained in the list of the cargo; they were destined for Cestos, a spot notorious as a market for slaves on the Coast of Africa; and yet M. Pluma, who could not by possibility have avoided a knowledge of the contents of the contract of freight, gave his signature to the Paper, which was intended to enable not only the vessel which carried those articles, but other ships also, to be equipped for the illegal trade in slaves.

Under these circumstances, I am directed to state that Her Majesty's Government are persuaded, that the Grand Duke of Tuscany will not countenance in a Tuscan functionary, conduct such as that which is here referred to; and Her Majesty's Government, therefore, hope that the Tuscan Government will express strongly to M. Pluma its disapprobation of the conduct which he has pursued with respect to the Papers of the "*Victoria da Libertade*," and will give to M. Pluma such instructions for his further guidance, as shall effectually prevent his becoming in future an instrument for facilitating the enterprises of the piratical slave-traders of Cuba.

I have, &c.

(Signed) C. S. COWPER.

Count Fossombroni,
&c. &c. &c.

No. 30.

The Hon. Spencer Cowper to Viscount Palmerston.

Florence, August 29, 1840.

(Received September 7.)

MY LORD,

WITH reference to my Despatch of the 22d instant, marked "Slave Trade," I have the honour to transmit to your Lordship herewith copy of a Note I have this day received from Don Neri Corsini, in answer to the one which I addressed to his Excellency on the 23rd instant, respecting the conduct of M. Pluma, Tuscan Consul at the Havana.

I have, &c.

(Signed) C. S. COWPER.

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

Enclosure in No. 30.

Don N. Corsini to the Hon. Spencer Cowper.

MONSIEUR LE CHARGE' D'AFFAIRES,

Florence, le 26 Août, 1840.

LES rapports dont vous avez bien voulu me faire la communication par votre office du 23 du courant, ont trait à la capture du bâtiment Portugais "*Victoria da Libertade*," faite par les croiseurs Anglois employés à empêcher la Traite des Noirs ainsi qu'à la part que M. Pascal Pluma, résident à la Havana, a pu avoir à faciliter les voyages du dit bâtiment.

Il est évident même d'après les termes de l'office et rapports sus énoncés que M. Pluma, qui est investé de la charge de Consul de Toscane, n'a pourtant agi dans la dite circonstance que comme agent Portugais exclusivement; et la manière dont

CLASS C.

le Gouvernement Portugais a notoirement envisagé jusqu'ici la question de la Traite des Noirs, peut assez expliquer les procédés de M. Pluma envers le bâtiment dont s'agit.

Le Gouvernement de son Altesse Impériale Royale ne saurait donc se regarder comme directement intéressé dans la dite affaire. Mais par le fait de son accession aux Conventions Anglo-Françaises sur la répression de la Traite des Noirs, il ne peut non plus être indifférent à ce que ses Consuls, qui sont tenus de se conformer en tout aux dites stipulations officielles, soient en même temps les Agens d'autres Gouvernemens, qui n'ayant pas adhéré à les stipulations, se conduiraient par des principes tout à fait contraires.

Aussi le Gouvernement Grand Ducal, n'hésite pas un instant à expliquer cet état de choses à M. Pluma, qui appréciera toute l'incompatibilité qu'il y a à servir au même tems deux Gouvernemens, dont les vues et les principes ne sont pas les mêmes à l'égard d'un objet aussi délicate et aussi important que celui en question.

Agrééz, &c.

Pour le Ministre,

Monsieur S. Cowper,
&c. &c. &c.

(Signé)

N. CORSINI.

(Translation.)

M. LE CHARGE D'AFFAIRES,

THE Reports which you have communicated to me by your Note of the 23rd instant treated of the capture of the Portuguese vessel "*Victoria da Libertade*," made by the English cruizers employed to prevent the Slave Trade, as also of the part which M. Pascal Pluma, residing at the Havana, can have had in facilitating the voyages of the said vessel.

It is evident, even from the terms of the Note and the Reports above-mentioned, that M. Pluma, who is invested with the office of Tuscan Consul, nevertheless acted in the said case exclusively as Portuguese agent; and the manner in which the Portuguese Government has notoriously viewed the Slave Trade question up to this time can sufficiently explain the proceedings of M. Pluma towards the vessel in question.

The Government of His Imperial and Royal Highness cannot then look upon itself as directly interested in the said affair; but owing to the fact of having acceded to the Anglo-French Conventions for the suppression of Slave Trade, it cannot any longer be indifferent to its Consuls, who are bound to conform in all things to the said official stipulations, being at the same time the agents of other Governments, which, not having given their adherence to these stipulations, are guided by principles directly contrary.

Thus the Government of the Grand Duke does not hesitate an instant in explaining the state of things to M. Pluma, who will appreciate all the incompatibility there is in his holding at the same time two Governments, the views and principles of which are dissimilar with regard to a question so delicate and important as the one in question.

Accept, &c.

(Signed, for the Minister)

N. CORSINI.

No. 31.

Viscount Palmerston to the Hon. Spencer Cowper.

SIR,

Foreign Office, September 10, 1840.

I HAVE received your Despatch of the 2d ultimo, and I have the satisfaction of informing you, that I approve of the Note which, in compliance with my instructions, you addressed to Count Fossombroni, upon the subject of the conduct of M. Pluma, the Tuscan Consul at the Havana.

I am, &c.,

The Hon. Spencer Cowper,
&c. &c. &c.

(Signed)

PALMERSTON.

No. 32.

Viscount Palmerston to the Hon. Spencer Cowper.

SIR,

Foreign Office, September 17, 1840.

I HAVE received your Despatch of the 29th August last, enclosing a copy of the reply which you had received from M. Corsini to your Note of the 28th August, upon the subject of the conduct pursued by M. Pluma, the Tuscan Consul at the Havana, in his capacity of Acting Portuguese Consul at that Port.

Her Majesty's Government learn with much satisfaction from M. Corsini's Note to you, that the attention of M. Pluma has been drawn to the impropriety of his acting at the same time as the agent both of Tuscany and of Portugal, two countries whose views and principles differ so widely on the delicate and important question of the Slave Trade; and I have accordingly to instruct you to convey to M. Corsini the thanks of Her Majesty's Government, for the manner in which their representations upon this subject have been acted upon by the Government of the Grand Duke.

I am, &c.,

The Hon. Spencer Cowper,
 &c. &c. &c.

(Signed) PALMERSTON.

No. 33.

Viscount Palmerston to the Hon. Spencer Cowper.

SIR,

Foreign Office, September 25, 1840.

WITH reference to my recent Despatches upon the subject of the conduct of M. Pluma, the Tuscan Consul at the Havana, I herewith transmit to you a copy of a Despatch from Her Majesty's Commissioners at Sierra Leone, containing their report of the case of the schooner "*Bella Fiorentina*," which was captured while sailing under Tuscan colours, and was condemned in the British and Spanish Mixed Court of Justice, on a charge of having been engaged in the Slave Trade.

I have to desire, that you will communicate these papers to the Government of the Grand Duke, and that you will draw its attention to the circumstances therein detailed; from which it would appear, that M. Pluma endeavoured to protect the "*Bella Fiorentina*" from capture and condemnation as a Spanish vessel by issuing to her false papers prepared by himself, under which she continued to pass as a Tuscan vessel, though she was in fact the property of Fidel Montanero, a Spaniard by birth and allegiance.

I am, &c.,

The Hon. Spencer Cowper,
 &c. &c. &c.

(Signed) PALMERSTON.

Enclosure in No. 33.

Report of the Case of the "Bella Fiorentina."

Enclosed in Despatch from Her Majesty's Commissioners at Sierra Leone.
 July 31, 1839.

(See Class A., No. 54, page 87.)

HAITI.

No. 34.

Captain Courtenay to Viscount Palmerston.

Port au Prince, April 1, 1840.

(Received June 4.)

(Extract.)

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 27th January last; and having given the Haitian Government a copy thereof, I have the honour to enclose, for your Lordship's information, a copy of General Inginac's reply thereto.

Enclosure in No. 34.

General Inginac to Mr. Courtenay.

MONSIEUR LE CONSUL,

Port au Prince, le 30 Mars, 1840.

J'ai reçu la Dépêche que vous m'avez fait l'honneur de m'adresser le 26 de ce mois, pour me transmettre *verbatim* copie de la Dépêche de Lord Palmerston du 27 Janvier dernier, que je me suis empressé de mettre sous les yeux du Président d'Haiti.

Son Excellence était d'avance persuadée que le Gouvernement de Sa Majesté Britannique aurait vu avec satisfaction la Traite des Africains assimilé par la législature de la République à la piraterie.

Les observations de l'honorable Lord Palmerston sur une matière de forme, relativement à l'exécution de la loi sur la répression de la Traite, témoignent de nouveau le grand intérêt qu'il prend à cet important objet, et son désir en conséquence d'éviter tout ce qui pourrait en gêner l'accomplissement; les stipulations du traité conclu entre les Plénipotentiaires Britannique et Haitien le 23 Decembre dernier ont satisfait, en ce qui regarde l'Angleterre, à ce qui la convenance et l'usage recommandaient; le Gouvernement de la République espère que les différentes nations, dont la pavillon pourrait être employé à faire l'horrible trafic de chair humaine, s'empresseront d'imiter le bel exemple du Gouvernement Britannique, en concluant avec Haiti des traités pour mieux parvenir à abolir la Traite. C'est sur quoi le Gouvernement de la République n'as pas manqué de compter, en s'occupant de la loi dont il est question.

Je profite, &c.

Mr. Courtenay,
&c. &c. &c.

(Signed)

B. INGINAC.

(Translation.)

M. LE CONSUL,

Port au Prince, March 30, 1840.

I HAVE received the Despatch which you did me the honour to address to me on the 26th of this month, to transmit to me *verbatim* a copy of a Despatch from Lord Palmerston of the 27th January last, which I have laid before the President of Haiti. His Excellency was already persuaded that the Government of Her Britannic Majesty would have seen with satisfaction the trade in Africans made piracy by the Legislature of the Republic.

The observations of the Honourable Lord Palmerston upon a matter of form, relative to the execution of the law as to the suppression of the trade, testify anew the great interest which he takes in this important subject, and his consequent desire to avoid everything which could impede its accomplishment. The stipulations of the Treaty concluded between the British and Haitian Plenipotentiaries on

the 23rd of December last, satisfied, as regarded England, what propriety and custom demanded. The Government of the Republic hopes that the different nations, the flag of which may be employed in carrying on the horrible traffic in human flesh, will hasten to imitate the good example of the British Government in concluding with Haiti Treaties for better attaining the abolition of the Slave Trade. It is upon this that the Government of the Republic did not fail to count when framing the law in question.

Mr. Courtenay,
&c. &c. &c.

I profit, &c.
 (Signed) B. INGINAC.

No. 35.

Viscount Palmerston to Captain Courtenay.

SIR,

Foreign Office, July 9, 1840.

I TRANSMIT to you the Queen's Ratification under the Great Seal, of the Convention between Her Majesty and the Republic of Hayti for the suppression of the Slave Trade, which was signed by you and M. Viallet on the 23d of December, 1839; and I am to desire that you will exchange the same against a similar instrument ratified by the President of the Republic of Haiti. I also enclose a certificate to be signed by you and the Haitian Plenipotentiary, upon the exchange of the ratifications.

You will return this certificate to me, at the same time that you send home the Haitian Ratification of the Convention.

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

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

No. 36.

Viscount Palmerston to Captain Courtenay.

SIR,

Foreign Office, July 9, 1840.

WITH reference to my other Despatch of this date, transmitting to you Her Majesty's ratification of the Treaty of the 28th September, 1839, between Great Britain and Haiti on Slave Trade; I have to desire that when you exchange that ratification against the ratification of the same Treaty by the Government of Haiti, you will deliver to the Haitian Plenipotentiary a declaration as follows:—

“In exchanging Her Majesty's ratification of the Treaty of Accession on the part of the Government of Haiti to the Conventions of November 30, 1831, and of March 22d, 1833, between Great Britain and France for the suppression of Slave Trade, against the ratification of the said Treaty by the Government of Haiti; the Undersigned, Her Britannic Majesty's Plenipotentiary, is commanded by Her Majesty to declare, that Her Majesty has acceded to the stipulation by which British cruisers are not to search Haitian vessels on the Haitian side of the middle of the channels, which lie between Cuba and Haiti, and between Porto Rico and Haiti, Her Majesty being desirous thereby to secure the coasting trade of Haiti against the possibility of any vexatious molestation, in consequence of the measures which will be taken in pursuance of the aforesaid Treaty. But Her Majesty deems it right to declare, that by agreeing to such stipulation, She does not acknowledge any right of jurisdiction on the part of the Haitian State over any portion of the seas which surround the Island of Haiti, beyond three miles from low-water mark; that being the distance to which, by the practice of modern times, the territorial jurisdiction of a State extends over the sea bordering upon the coast of such State.”

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

I am, &c.
 (Signed) PALMERSTON.

No. 37.

*Viscount Palmerston to Captain Courtenay.**Foreign Office, August 13, 1840.**Circular sending Papers presented to Parliament.*

No. 38.

*Mr. Courtenay to Viscount Palmerston.**Port au Prince, July 15, 1840.**(Received August 24.)*

MY LORD,

REFERRING to my Despatch dated the 20th November last year, I have the honour to state that M. Levasseur, the French Consul at this place, informs me, that he has received full powers from his Government to conclude an Anti-Slave Trade Treaty with the Haitian Government.

M. Levasseur further states, that his instructions are to act in conjunction with the British Agent, if he has not already concluded a Treaty of the same nature, but in the event of his having so done, M. Levasseur is directed to conclude a separate Treaty (*un Traité particulier*).

At M. Levasseur's earnest request, I have given him a copy of the Treaty of Accession I have signed with the Haitian Plenipotentiary, which I trust your Lordship may not disapprove.

I have, &c.

(Signed)

G. W. COURTENAY.

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

&c.

&c.

&c.

No. 39.

*Mr. Courtenay to Viscount Palmerston.**Port au Prince, July 20, 1840.**(Received August 24.)*

(Extract.)

I FEEL it my duty to inform your Lordship, that considerable impatience is manifested by the President of Haiti, at the non-arrival of the ratification of the Treaty of Accession to the two Anti-Slave Trade Treaties concluded between Great Britain and France.

I think it probable, the Treaty the French Consul-General is now negotiating may be sent to France in "*La Créole*," a French corvette now in this port, in which case a Haitian Agent may go with it, for it appears to be the rule of this Government not to send a public Agent abroad, unless a vessel of war conveys him.

I have, &c.

(Signed)

G. W. COURTENAY, *Consul.**The Right Hon. Viscount Palmerston, G.C.B.,*

&c.

&c.

&c.

No. 40.

*Viscount Palmerston to Captain Courtenay.**Foreign Office, September 10, 1840.*

SIR,

I HAVE received your Despatch of the 15th July, 1840, reporting the measures taken by the French Government for negotiating a Treaty with the Haitian Government for the suppression of the Slave Trade; and I have to acquaint you, that I approve of your having furnished the French Consul with a copy of the Treaty, which has been already concluded for this purpose between Great Britain and the Republic of Haiti.

I am, &c.

(Signed)

PALMERSTON.

To Captain Courtenay,

&c. &c. &c.

No. 41.

*Captain Courtenay to Viscount Palmerston.**Port au Prince, September 1, 1840.*

MY LORD,

(Received October 26.)

I HAVE had the honour to receive your Lordship's Despatches of July 9th last, together with Her Majesty's Ratification of the Slave Trade Convention, signed here on the 23rd December, 1839.

I have not lost any time in making this Government acquainted therewith, and it appears to afford them the most lively satisfaction, and has completely dissipated the chagrin they felt and expressed at its delay.

I hope, by the next packet, to transmit to your Lordship the Haitian Ratification, which will not be delayed for want of the Senate as their approbation was obtained before they separated.

I have, &c.

(Signed) G. W. C. COURTENAY, *Consul.**The Right Hon. Viscount Palmerston, G.C.B.,*

&c.

&c.

&c.

No. 42.

*Captain Courtenay to Viscount Palmerston.**Port au Prince, September 1, 1840.*

MY LORD,

(Received October 26.)

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, with two copies of a Treaty, concluded with Venezuela, for the abolition of the Slave Trade.

I take the present opportunity to inform your Lordship, that a Treaty of Accession to the two Anti-Slave Trade Treaties existing between Her Majesty's Government and France, was agreed upon between Colonel Levasseur, the French Consul-General, and Monsieur Barilais, the Haitian Plenipotentiary, on the 26th ultimo, Colonel Levasseur's illness having prevented its conclusion sooner.

I am informed that, except a slight difference in the wording, it is the same as that Her Majesty has ratified. I shall procure and send your Lordship a copy as soon as possible.

I have, &c.

(Signed) G. W. C. COURTENAY, *Consul.**The Right Hon. Viscount Palmerston, G.C.B.,*

&c.

&c.

&c.

No. 43.

*Captain Courtenay to Viscount Palmerston.**Port au Prince, October 22, 1840.*

MY LORD,

(Received December 19.)

I HAVE the honour to forward herewith the Haitian Ratification of the Treaty of Accession to the Two Conventions existing between Her Majesty's Government and France against the Slave Trade.

The exchange took place on the 20th instant.

I presented M. Viallet the Note declaratory of the extent of maritime jurisdiction recognised by Her Majesty; and, to prevent any future equivocation on that subject, I enclosed a copy thereof to General Inginac, the receipt of which he has acknowledged.

I have, &c.

(Signed) G. W. C. COURTENAY, *Consul.**The Right Hon. Viscount Palmerston, G.C.B.,*

&c.

&c.

&c.

Viscount Palmerston to Captain Courtenay.

SIR,

Foreign Office, December 31, 1840.

I HAVE received and laid before the Queen your Despatch of the 22nd October last, together with the Haitian Ratification of the Treaty, by which the Republic of Haiti acceded to the two Conventions, concluded between Great Britain and France, for the suppression of the Slave Trade.

I have the satisfaction to inform you that Her Majesty approves of your conduct throughout the negotiation which led to the conclusion of this Treaty.

I observe, however, that you have not transmitted to this office a copy of the Note, which you presented to M. Viallet on the occasion of the exchange of the Ratifications, declaring the extent to which the maritime jurisdiction of Haiti was recognised by Her Majesty's Government; and I have to desire, that you will send a copy of that Note, together with copies of the correspondence which passed between General Inginac and yourself upon that subject.

I am, &c.

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

(Signed)

PALMERSTON.

VENEZUELA.

No. 45.

Sir Robert Ker Porter to Viscount Palmerston.

Caracas, May 22, 1840.

(Received July 17.)

(Extract.)

I SHOULD have acknowledged, long ere this, the receipt of your Lordship's Despatch of February 20th, enclosing printed copies, in Latin and English, of the Pope's Apostolic Letter, of December 3, 1839, had I not awaited the completion of its translation into Spanish, in order to transmit a copy of this important Paper to the Minister for Foreign Affairs, both in its original Latin, as also its version into the language of the country. This I was unable to do before the 15th instant, a step which had become indispensable, having found that none of the publishers of the different journals would undertake to insert it without the previous sanction of the Government. I immediately, therefore, made an official application for the insertion of the Papal Bull in the Government Gazette, and have now the honour of enclosing a copy of the Minister's answer thereto. He states, that the Executive has not the power of giving publicity to documents of its nature without the authority of Congress, to whose consideration it must be first submitted; such being reserved to that assembly by the laws. Independent of this, the Executive apprehend much danger to the tranquillity of the Republic were it made public; for, from the letter being drawn up in such general terms as regards slavery, it might give subject for sinister interpretations to those turbulent and evil-minded persons who were determined to tergiversate its meaning, and to mislead the incautious, taking advantage of what had been promulgated by His Holiness, and thus succeed in producing evils likely to be attended with the most disastrous consequences, which it was the duty of the Government to guard against by preserving the peace and tranquillity of the Republic.

Hence, until the assembling of the Congress in 1841, the publication of the Apostolic Letter must remain undiscussed.

I have, &c.

(Signed)

ROBERT KER PORTER.

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

&c.

&c.

&c.

Enclosure in No. 45.

Señor Smith to Sir Robert Ker Porter.

(Translation.)

Republic of Venezuela,

SIR,

Office for Foreign Affairs, Caracas, May 19, 1840.

HIS Excellency, charged with the executive power, has taken into due consideration your Note of the 15th instant, as well as the copy in Latin, with its translation into Spanish, of the Apostolic Letter promulgated on the 3rd of December, 1839, by His Holiness Pope Gregory XVI., concerning the traffic in slaves, which you state was transmitted to you by Viscount Palmerston, with

CLASS C.

directions that it should be published in the journals of this capital; and, that you take every opportunity which offered for making its contents known, adding, that you believe the "*Gaceta de Venezuela*" to be the most official and proper channel for the publication of His Holiness's Bull, soliciting the Government to be good enough to allow of its insertion therein. In consequence, therefore, his Excellency orders me to answer you, that Venezuela in 1810, even then but scarcely in the enjoyment of her freedom from the dominion of Spain, in conformity with the liberal and philanthropic principles she had proclaimed, turned her attention to the situation of the slaves existing in the country, whom the Peninsular Government had introduced into it at former periods. The Republic began, without delay, to issue such regulations as appeared most proper for ameliorating the condition of these unfortunate people, and has the glory not only of having abstained from mixing in the like traffic, from the moment of her political emancipation, but likewise that of having been the first expressly to prohibit it by her laws; and to have issued, in the course of several years, many others whose chief object is to protect and favour the slaves, but more especially to promote their gradual manumission, at the cost of immense sacrifices on the part of all the citizens. In short, has ratified with Great Britain a solemn Treaty to co-operate, as far as her powers will admit, in the abolition of so reprobated a commerce.

From this you will easily see, that the publication of His Holiness's Bull, containing the same principles and maxims of humanity, and the true sentiments of Christian charity, sanctioned and promulgated constantly in all our laws, would be more than superfluous and useless, as also deeply dangerous and prejudicial, under the existing circumstances and actual state of the country. The Holy Father complains, with just reason, of those who, "in spite of the advancement of civilization produced by the diffusion of Christianity, still obstinately carry on this criminal traffic." True it is, that neither Venezuela nor any of her citizens come under this accusation; and it cannot but be known to you, from the Bull being formed in such general terms as respects slavery, that it might give subject for sinister interpretations to the turbulent and evil-minded persons who wish to tergiversate its meaning, and mislead the incautious, taking advantage of what had been promulgated by that sacred personage, and thus succeed in producing evils attended with the most serious consequences;—evils which it is the duty of the Government to avoid, by preserving the peace, the order, and the tranquillity of the Republic. To these considerations must be added, that even had the Apostolic Letter come transmitted direct from the Holy See to the executive power, it would be necessary that it should be laid before the legislative body, to which is reserved by the laws the power of giving publicity to documents of this nature; for, without such authorization, they cannot be published in the State. Believing that I have stated sufficient to demonstrate to you the important difficulties which prevent the Government from acceding to your wish,

I have, &c.

Sir Robert Ker Porter,
&c. &c. &c.

(Signed)

GUILLERMO SMITH.

No. 46.

Viscount Palmerston to Sir Robert Ker Porter.

Foreign Office, August 13, 1840.

Circular, sending Papers presented to Parliament.

No. 47.

Viscount Palmerston to M. Fortique.

Foreign Office, October 5, 1840.

Circular, sending Papers presented to Parliament.

No. 48.

*M. Fortique to Viscount Palmerston.**9, Chapel Street, Grosvenor Square, Octobre 7 de 1840.**(Received October 10.)*

ALEJO FORTIQUE presenta sus respetos al Visconde Palmerston y liene el honor de acusar recibo de su nota del 5 del corriente y de las dos series de documentos, relativos al Trafico de Esclavos, que se ha servido acompañarle.

(Signé)

ALEJO FORTIQUE.

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

(Translation.)

Alejo Fortique presents his compliments to Viscount Palmerston, and has the honour to acknowledge the receipt of his Note of the 5th instant, and of the two series of documents relative to the Slave Trade which he was good enough to send with it.

