



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: 14ba732d-1f35-44b2-85e6-b91d1101049b

Range: Scans 001 - 119

Downloaded on: 2022-05-20 17:26:23



Class D.

CORRESPONDENCE

WITH

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

NOT PARTIES TO CONVENTIONS,

GIVING RIGHT OF SEARCH OF VESSELS SUSPECTED OF

T H E S L A V E T R A D E.

1840.



THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

530 SOUTH EAST ASIAN AVENUE

CHICAGO, ILLINOIS 60607

TEL: 773-936-3700

Class D.

CORRESPONDENCE

WITH

FOREIGN POWERS.

NOT PARTIES TO CONVENTIONS

GIVING RIGHT OF SEARCH OF VESSELS SUSPECTED OF

THE SLAVE TRADE.

From May 1 to December 31, 1840, inclusive.

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

LONDON:

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

1841.

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF CHEMISTRY
5408 S. UNIVERSITY AVENUE
CHICAGO, ILLINOIS 60637
TEL: 773-936-3700
WWW.CHEM.UCHICAGO.EDU

Class D.—1840.

LIST OF PAPERS.

AUSTRIA.

No.	Date. 1840.	Receipt. 1840.	SUBJECT.	Page
1. Lord Beauvale to Viscount Palmerston	June 27	July 2	Treaty between the Five Powers	1
One Enclosure				
2. Viscount Palmerston to M. Hummelauer	July 25		Treaty between the Five Powers	2
3. Viscount Palmerston to Lord Beauvale	Aug. 13		Papers presented to Parliament	2
4. Viscount Palmerston to M. Hummelauer	Oct. 5		Papers presented to Parliament	2

PRUSSIA.

5. Viscount Palmerston to Baron Bulow	July 25		Treaty between the Five Powers	3
6. Viscount Palmerston to Lord William Russell	Aug. 13		Papers presented to Parliament	3
7. Viscount Palmerston to Baron Bulow	Oct. 5		Papers presented to Parliament	3

RUSSIA.

8. Viscount Palmerston to Baron Brunnow	May 27		Treaty between the Five Powers	4
9. Marquis of Clanricarde to Viscount Palmerston	May 23	June 1	Treaty between the Five Powers	4
One Enclosure				
10. Baron Brunnow to Viscount Palmerston	June 14	June 16	Treaty between the Five Powers	6
11. Hon. J. Bloomfield to Viscount Palmerston	July 1	July 13	Acknowledgment of Despatch	6
12. Viscount Palmerston to Baron Brunnow	July 25		Treaty between the Five Powers	6
13. Viscount Palmerston to Hon. J. Bloomfield	Aug. 4		Treaty between the Five Powers	7
14. Viscount Palmerston to Baron Brunnow	Aug. 7		Treaty between the Five Powers	8
One Enclosure				
15. Viscount Palmerston to Hon. J. Bloomfield	Aug. 13		Papers presented to Parliament	8
16. Hon. J. Bloomfield to Viscount Palmerston	Aug. 15	Aug. 24	Treaty between the Five Powers	8
17. Viscount Palmerston to Baron Brunnow	Oct. 5		Papers presented to Parliament	8
18. Viscount Palmerston to Baron Brunnow	Oct. 19		Goloubtschick	9
One Enclosure				
19. Hon. J. Bloomfield to Viscount Palmerston	Oct. 16	Oct. 20	Acknowledgment of Despatch	9

GREECE.

20. Viscount Palmerston to M. Mavrocordato	Oct. 5		Papers presented to Parliament	10
21. M. Mavrocordato to Viscount Palmerston	Oct. 11	Oct. 22	Papers presented to Parliament	10
22. Sir E. Lyons to Viscount Palmerston	Oct. 7	Nov. 2	Slave Trade on the Barbary Coast	10
Two Enclosures				
23. Sir E. Lyons to Viscount Palmerston	Nov. 9	Dec. 6.	Slave Trade on the Barbary Coast	13
One Enclosure				
24. Viscount Palmerston to Sir E. Lyons	Dec. 22		Slave Trade on the Barbary Coast	14

LIST OF PAPERS.

TURKEY.

No.	Date. 1840.	Receipt. 1840.	SUBJECT.	Page
25. Viscount Ponsonby to Viscount Palmerston One Enclosure	May 1	May 29	Pope's Brief . . .	15
26. Viscount Palmerston to Viscount Ponsonby	Aug. 13		Papers presented to Par- liament . . .	15
27. Viscount Palmerston to Viscount Ponsonby One Enclosure	Aug. 22		Slavery in Turkey . . .	15
28. Viscount Palmerston to Shebid Effendi	Oct. 5		Papers presented to Par- liament . . .	16
29. Viscount Palmerston to Viscount Ponsonby Three Enclosures	Oct. 8		Slave Trade on the Bar- bary Coast . . .	16
30. Viscount Palmerston to Viscount Ponsonby	Nov. 9		Treaty . . .	17

TRIPOLI.

31. Col. Warrington to Viscount Palmerston . . .	Aug. 1	Sept. 7	Exportation of Slaves . . .	19
32. Col. Warrington to Mr. Bidwell	Aug. 10	Sept. 21	Exportation of Slaves . . .	19
33. Viscount Palmerston to Col. Warrington . . .	Oct. 22		Exportation of Slaves . . .	20

TUNIS.

34. Sir T. Reade to Viscount Palmerston . . . Two Enclosures	June 29	July 27	Exportation of Slaves . . .	21
35. Viscount Palmerston to Sir T. Reade	Aug. 13		Papers presented to Par- liament . . .	24
36. Sir T. Reade to Viscount Palmerston	Oct. 15	Nov. 15	Exportation of Slaves . . .	24

BOLIVIA.

37. Mr. Wilson to Viscount Palmerston Three Enclosures	Feb. 12	May 30	Treaty	25
38. Mr. Wilson to Viscount Palmerston Four Enclosures	May 18	Sept. 22	Treaty	27
39. Mr. Wilson to Viscount Palmerston	June 4	Oct. 4	Treaty	30
40. Mr. Wilson to Viscount Palmerston	July 4	Oct. 31	Treaty	30
41. Mr. Wilson to Viscount Palmerston Two Enclosures One Enclosure	July 18	Nov. 9	Treaty	32

CHILE.

42. Colonel Walpole to Viscount Palmerston	Jan. 19	May 20	Acknowledgment of De- spatches	33
43. Colonel Walpole to Viscount Palmerston	Mar. 2	July 20	Acknowledgment of De- spatches	33
44. Colonel Walpole to Viscount Palmerston	Mar. 29	July 20	Acknowledgment of De- spatches	33
45. Viscount Palmerston to Colonel Walpole	Aug. 13		Papers presented to Par- liament	34
46. Viscount Palmerston to Colonel Walpole One Enclosure	Aug. 22		Treaty	34

EQUATOR.

47. Mr. Cope to Viscount Palmerston	Feb. 7	May 12	Treaty	36
48. Mr. Cope to Viscount Palmerston	Feb. 8	May 12	Acknowledgment of De- spatch	36
49. Mr. Cope to Viscount Palmerston	Feb. 9	May 12	Acknowledgment of De- spatch	36
50. Mr. Cope to Viscount Palmerston	April 1	July 17	Acknowledgment of De- spatch	37
51. Mr. Cope to Viscount Palmerston Four Enclosures	April 7	July 17	Treaty	37
52. Mr. Cope to Viscount Palmerston	Aug. 13		Papers presented to Par- liament	39
53. Mr. Cope to Viscount Palmerston	July 25	Oct. 26	Acknowledgment of De- spatch	40

MEXICO.

No.	Date. 1840.	Receipt. 1840.	SUBJECT.	Page
54. Viscount Palmerston to Mr. Pakenham . . .	June 10		Treaty	41
55. Mr. Pakenham to Viscount Palmerston . . .	April 30	June 13	Treaty	42
56. Viscount Palmerston to Mr. Pakenham . . .	Aug. 13		Papers presented to Par- liament	42
57. Mr. Pakenham to Viscount Palmerston . . .	May 16	Aug. 19	Treaty signed	43
58. Mr. Pakenham to Viscount Palmerston . . .	July 5	Aug. 23	Pope's Brief	43
59. Viscount Palmerston to Mr. Murphy . . .	Oct. 5		Papers presented to Par- liament	43
60. Mr. Murphy to Viscount Palmerston . . .	Oct. 9	Oct. 9	Papers presented to Par- liament	44
61. Mr. Pakenham to Viscount Palmerston . . .	Aug. 22	Oct. 20	Treaty	44
62. Mr. Pakenham to Viscount Palmerston . . .	Oct. 7	Dec. 1	Acknowledgment of De- spatch	45

MONTEVIDEO.

63. M. Ellauri to Viscount Palmerston	July 29		Treaty. Indemnities claimed for the seizure of the "Rio de la Plata"	46
64. Viscount Palmerston to Mr. Hood	Aug. 13		Papers presented to Par- liament	48
65. Viscount Palmerston to M. Ellauri	Sept. 5		Treaty. Indemnities claimed for the seizure of the "Rio de la Plata"	48
66. Mr. Mandeville to Viscount Palmerston . . .	June 19	Sept. 29	Acknowledgment of De- spatch	49
67. Mr. Mandeville to Viscount Palmerston . . .	June 19	Sept. 29	Treaty	49
68. Viscount Palmerston to Mr. Hood	Oct. 9		"Republicano." Mis- conduct of Montevi- dean Consul at Rio	50

PERU.

69. Mr. Wilson to Viscount Palmerston	1839. Nov. 30	1839. May 19	Treaty	51
70. Mr. Wilson to Viscount Palmerston	1840. Feb. 12	1840. May 30	Treaty	54
71. Mr. Wilson to Viscount Palmerston	Feb. 12	May 30	Treaty	54
72. Mr. Wilson to Viscount Palmerston	Feb. 12	May 30	Acknowledgment of De- spatches	55
73. Mr. Wilson to Viscount Palmerston	Feb. 20	May 30	Proffered co-operation of Brazil with Bolivia and Peru, for extinction of the Slave Trade	55
74. Mr. Wilson to Viscount Palmerston	Feb. 27	June 23	Acknowledgment of De- spatches	57
75. Viscount Palmerston to Mr. Wilson	Aug. 13		Papers presented to Par- liament	58
76. Mr. Wilson to Viscount Palmerston	April 23	Aug. 26	Acknowledgment of De- spatches	58
77. Mr. Wilson to Viscount Palmerston	May 1	Aug. 26	Treaty	58
78. Viscount Palmerston to Mr. Wilson	Sept. 10		Treaty	60
79. Mr. Wilson to Viscount Palmerston	July 6	Oct. 4	Treaty	60
80. Mr. Wilson to Viscount Palmerston	July 4	Oct. 31	Treaty	64
81. Mr. Wilson to Viscount Palmerston	July 18	Nov. 9	Treaty	65

TEXAS.

82. Viscount Palmerston to General Hamilton . . .	Oct. 18		Treaty	68
83. Viscount Palmerston to General Hamilton . . .	Oct. 20		Copies of Treaties on Slave Trade	69
84. General Hamilton to Viscount Palmerston . . .	Oct. 20	Oct. 20	Treaty	69

UNITED STATES.

85. Viscount Palmerston to Mr. Fox	May 30		"Wyoming." Captors' share of proceeds	71
86. Viscount Palmerston to Mr. Stevenson	June 1		Copies of Papers for 1837, 1838, and 1839	74
87. Viscount Palmerston to Mr. Fox	June 6		"Two Friends," at Te- neriffe	74

LIST OF PAPERS.

No.	Date. 1840.	Receipt. 1840.	[SUBJECT.	Page
88. Viscount Palmerston to Mr. Fox	June 12		"Pilgrim," at Rio	74
One Enclosure				
89. Viscount Palmerston to Mr. Fox	June 17		American cruizers on West Coast of Africa.	75
Five Enclosures				
90. Viscount Palmerston to Mr. Fox	June 29		"Sarah Anne"	77
Five Enclosures				
91. Viscount Palmerston to Mr. Fox	July 9		"Percy Spencer".	80
One Enclosure				
92. Viscount Palmerston to Mr. Stevenson	July 21		"Euphrates"	80
One Enclosure				
93. Mr. Stevenson to Viscount Palmerston	July 22	July 23	"Euphrates"	81
94. Viscount Palmerston to Mr. Stevenson	July 31		"Ontario"	81
One Enclosure				
95. Mr. Stevenson to Viscount Palmerston	Aug. 3	Aug. 5	"Ontario"	81
96. Viscount Palmerston to Mr. Stevenson	Aug. 5		Mr. Trist	82
97. Viscount Palmerston to Mr. Fox	Aug. 7		American cruizers on the West Coast of Africa.	82
One Enclosure				
98. Mr. Stevenson to Viscount Palmerston	Aug. 6	Aug. 8	Mr. Trist	82
99. Viscount Palmerston to Mr. Fox	Aug. 8		"Laura"	83
One Enclosure				
100. Viscount Palmerston to Mr. Fox	Aug. 8		Slave Trade under the flag of the United States	83
One Enclosure				
101. Viscount Palmerston to Mr. Fox	Aug. 10		"Asp"	83
One Enclosure				
102. Viscount Palmerston to Mr. Fox	Aug. 13		Papers presented to Par- liament	84
103. Viscount Palmerston to Mr. Fox	Aug. 14		Mr. Trist	84
Three Enclosures				
104. Viscount Palmerston to Mr. Stevenson	Aug. 17		"Edwin." Charge against Commander Elliot	85
Two Enclosures				
105. Viscount Palmerston to Mr. Fox	Aug. 22		"Lark"	88
One Enclosure				
106. Mr. Stevenson to Viscount Palmerston	Aug. 24	Aug. 24	"Edwin." Charge against Commander Elliot	88
107. Viscount Palmerston to Mr. Stevenson	Sept. 10		American vessels at Ha- vana	89
One Enclosure				
108. Mr. Fox to Viscount Palmerston	Aug. 21	Sept. 18	Receipt of Despatches .	89
109. Viscount Palmerston to Mr. Fox	Sept. 29		"Mary Cushing," alias "Sete de Avril"	89
Two Enclosures				
110. Viscount Palmerston to Mr. Fox	Sept. 30		"Catherine" and "But- terfly"	90
Two Enclosures				
111. Viscount Palmerston to Mr. Stevenson	Oct. 5		Papers presented to Par- liament	90
112. Mr. Stevenson to Viscount Palmerston	Nov. 5	Nov. 7	Papers presented to Par- liament	90
113. Mr. Stevenson to Viscount Palmerston	Nov. 10	Nov. 11	Slave Trade in Barbary states, and on the West Coast of Africa	91
Two Enclosures				
114. Mr. Stevenson to Viscount Palmerston	Nov. 13	Nov. 14	"Douglas." Complaint against Lieutenant Ingram	93
115. Viscount Palmerston to Mr. Stevenson	Nov. 19		"Douglas." Complaint against Lieutenant Ingram	98
116. Mr. Stevenson to Viscount Palmerston	Nov. 20		"Douglas." Complaint against Lieutenant Ingram	99
117. Viscount Palmerston to Mr. Fox	Dec. 3		"Pilgrim," at Rio	99
One Enclosure				
118. Viscount Palmerston to Mr. Stevenson	Dec. 8		Slave Trade in Barbary states, and on the Coast of Africa	100
119. Viscount Palmerston to Mr. Fox	Dec. 17		"Rebecca"	100
One Enclosure				
120. Viscount Palmerston to Mr. Fox	Dec. 23		Mr. Trist	101

UNITED STATES. (*Consular.*)

121. Mr. Buchanan to Viscount Palmerston	April 16	May 22	"Butterfly"	102
One Enclosure				
122. Viscount Palmerston to Mr. Buchanan	Aug. 13		Papers presented to Par- liament	106
123. Mr. Buchanan to Viscount Palmerston	Aug. 6	Sept. 1	Acknowledgment of De- spatch	106
124. Mr. Buchanan to Viscount Palmerston	Aug. 14	Sept. 2	"Catherine"	106
Three Enclosures				
125. Mr. Buchanan to Viscount Palmerston	Aug. 17	Sept. 2	"Butterfly"	110
126. Mr. Buchanan to Viscount Palmerston	Oct. 20	Nov. 16	"Catherine"	111
One Enclosure				

Class D.—1840.

CORRESPONDENCE

WITH

FOREIGN POWERS,

NOT PARTIES TO CONVENTIONS.

AUSTRIA.

No. 1.

Lord Beauvale to Viscount Palmerston.

Vienna, June 27, 1840.

(Received July 2.)

MY LORD,

I HAVE the honour to transmit to your Lordship the copy of a Note which I have received from Prince Metternich, in answer to that which, by your Lordship's instructions, I addressed to his Highness on the 19th of March, communicating to him the views of the British Government, on the subject of the Treaty proposed to be concluded between the Five Powers for the suppression of the Slave Trade.

I have, &c.

(Signed) BEAUVALE.

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

Enclosure in No. 1.

Prince Metternich to Lord Beauvale.

Vienne, le 26 Juin, 1840.

LA Note que Lord Beauvale, Ambassadeur Extraordinaire, &c., de Sa Majesté Britannique, a fait l'honneur au Soussigné, Chancelier de la Cour et d'Etat, de lui adresser, en date de 19 Mars dernier, se répand sur les considérations qui empêchaient le Gouvernement Britannique d'adopter la clause d'une durée limitée du Traité, qui a pour bût de régler entre les Cinq Puissances les mesures les plus efficaces pour la répression de la Traite des Nègres.

Cette Note a suivi de près le rapport du Chargé d'Affaires d'Autriche à Londres sur le même objet, et le Soussigné s'est fait un devoir de soumettre l'une et l'autre à Sa Majesté Impériale et Royale Apostolique.

Conformément aux ordres souverains que le Soussigné vient de recevoir, il ne tardera pas de transmettre à Monsieur de Hummelauer les instructions opportunes, pour reprendre, de concert avec les Plénipotentiaires de Russie et de Prusse, le fil de cette négociation. Le Ministère Britannique reconnâtra, sans doute, dans les explications que M. de Hummelauer s'empressera de lui présenter, comme dans les propositions qu'il est chargé de lui communiquer, l'intention constante de l'Autriche de concourir, autant que sa position particulière le permet, à atteindre le bût auquel il s'agit d'arriver. Rien ne saurait mieux répondre au vœux sincères de l'Empereur que de voir la tâche commise à son Plénipotentiaire couronnée du succès désiré.

(Signé) METTERNICH.

Son Excellence Lord Beauvale,
&c. &c. &c.

CLASS D.

(Translation.)

THE Note which Lord Beauvale, &c. did the Undersigned the honour to address to him under date of the 19th March last, expatiates upon the considerations which prevented the British Government from adopting the clause of a limited duration to the Treaty, which has for its object to regulate between the Five Powers the most efficacious measures for suppressing the Slave Trade.

This Note arrived shortly after the Report of the Austrian Chargé d'Affaires at London upon the same subject, and the Undersigned made it his duty to submit both to His Imperial and Royal Apostolical Majesty.

Conformably to the Imperial orders which the Undersigned has received, he will not delay to transmit to M. Hummelauer proper instructions to resume, in concert with the Plenipotentiaries of Russia and Prussia, the course of this negotiation. The British Ministry will doubtless recognize in the explanation which M. Hummalauer will hasten to present to them, as also in the propositions which he is charged to communicate to them, the firm intention of Austria to concur, as far as her peculiar position permits it, in attaining the end which it is desired to reach. Nothing could better answer the sincere wishes of the Emperor, than to see the task committed to his Plenipotentiary, crowned with the desired success.

(Signed) METTERNICH.

No. 2.

*Viscount Palmerston to M. de Hummelauer.**Foreign Office, Saturday, July 25, 1840.*

VISCOUNT PALMERSTON has the honour to invite M. de Hummelauer 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 France, 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. de Hummelauer,
 &c. &c. &c.

No. 3.

Viscount Palmerston to Lord Beauvale.

MY LORD,

Foreign Office, August 13, 1840.

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

I am, &c.

His Excellency Lord Beauvale,
 &c. &c. &c.

(Signed) PALMERSTON.

No. 4.

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

VISCOUNT PALMERSTON has the honour to transmit herewith to M. de Hummelauer 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. de Hummelauer,
 &c. &c. &c.

PRUSSIA.

No. 5.

Viscount Palmerston to Baron Bulow.

Foreign Office, July 25, 1840.

VISCOUNT PALMERSTON has the honour to invite the Baron Bulow 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, France, and Russia, the negotiation for a Treaty between the Five Great Powers of Europe upon Slave Trade.

Viscount Palmerston avails himself, &c.

His Excellency Baron Bulow,
 &c. &c. &c.

No. 6.

Viscount Palmerston to Lord William Russell.

Foreign Office, August 13, 1840.

Circular sending Papers presented to Parliament.

(See No. 3, p. 2.)

No. 7.

Viscount Palmerston to Baron Bulow.

Foreign Office, October 5, 1840.

Circular sending Papers presented to Parliament.

(See No. 4, page 2.)

RUSSIA.

No. 8.

Viscount Palmerston to Baron Brunnow.

THE Undersigned, &c. with reference to previous communications between Her Majesty's Government and the Government of Russia respecting the Treaty proposed to be concluded between Austria, France, Great Britain, Prussia, and Russia, on Slave Trade, requests that the Baron Brunnow, &c. will have the goodness to acquaint the Undersigned, whether he has yet received final instructions from his Government upon the subject of that Treaty.

(Signed) PALMERSTON.

His Excellency Baron Brunnow,
 &c. &c. &c.

No. 9.

Marquis Clanricarde to Viscount Palmerston.

St. Petersburg, May 23, 1840.

(Received June 1.)

MY LORD,

I HAVE the honour to enclose a copy of a Note which I have received from Count Nesselrode, upon the desire of Her Majesty's Government, that the Treaty for the suppression of the Slave Trade, now negotiating in London, should be unlimited as to time.

Count Nesselrode told me that Russia did not wish to confine the duration of the Treaty to five years, or to any short period; but that as it was proposed to extend very considerably the right of search, the Imperial Cabinet thought the working of the right hitherto agreed upon, and exercised in certain seas, did not hold out sufficient security to justify their forming an engagement which should bind them for ever, in what they considered to be in some degree an experiment.

I have, &c.

(Signed) CLANRICARDE.

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

Enclosure in No. 9.

Count Nesselrode to Marquis Clanricarde.

St. Petersburg, ce 6—18 Mai, 1840.

LE Soussigné a reçu la Note que son Excellence Monsieur le Marquis de Clanricarde, &c. lui a fait l'honneur de lui adresser le 15—27 Mars, et qui a pour objet de développer les considérations d'après lesquelles le Cabinet Britannique ne croit pas pouvoir consentir à limiter la durée du Traité destiné à régler entre les Cinq Grande Puissances les mesures les plus efficaces pour la répression de la Traite des Nègres.

Antérieurement à cette communication le Soussigné avoit déjà reçu un rapport de l'Ambassade Impériale à Londres, qui rendait compte des objections, que

l'idée de ne conclure le *Traité* en question que pour un certain nombre d'années, paraissait avoir rencontrées de la part du Principal Secrétaire d'Etat. Le Soussigné s'est donc trouvé à même de soumettre à Sa Majesté l'Empereur tout à la fois, et les explications préalables qui ont en lieu à ce sujet à Londres, et les développemens que son Excellence Monsieur le Marquis de Clanricarde a bien voulu y ajouter dans sa Note.

Comme c'est à Londres que se trouve établi le siège de la négociation, et que le Plénipotentiaire de l'Empereur est appelé à agir en cette affaire de concert avec les Plénipotentiaires d'Autriche et de Prusse, le Soussigné a dû s'appliquer avant tout à tracer au Baron de Brunnow les directions nécessaires, pour le mettre à même de reprendre les pourparlers, momentanément interrompus. Les explications qu'il est chargé d'offrir au Ministère Britannique, et les propositions qu'il est autorisé à mettre en avant, fourniront une nouvelle preuve du sincère désir de l'Empereur de coopérer pour sa part, et autant que le lui permettent des intérêts qu'il importe de ne pas perdre de vue, à l'accomplissement de la noble tâche que le Gouvernement Britannique poursuit avec tant de persévérance.

L'Empereur apprendrait avec une satisfaction réelle, que ces explications et les propositions qui les accompagneront, auront facilité un accord définitif dans une affaire qui a fixé de tout tems la juste sollicitude du Cabinet Britannique, et à laquelle le Cabinet Impérial ne cesse de vouer de son côté une sérieuse attention, et ses soins les plus sincères.

En offrant cette assurance à Monsieur l'Ambassadeur de Sa Majesté Britannique, le Soussigné a l'honneur, &c.

(Signé) NESSELRODE.

Son Excellence le Marquis de Clanricarde,
&c. &c. &c.

(Translation.)

THE Undersigned has received the Note which his Excellency, the Marquis of Clanricarde, &c. did him the honour to address to him on the 15—27 March, the object of which was to state the reasons for which the British Cabinet consider that they cannot consent to limit the duration of the Treaty destined to regulate between the Five Powers the most efficacious measures for the repression of the Slave Trade.

Before this communication reached the Undersigned, he had already received a Report from the Imperial Embassy in London, which gave an account of the objections which the idea of only concluding the Treaty in question for a certain number of years appears to have encountered on the part of the Principal Secretary of State. The Undersigned was therefore enabled to submit to his Majesty the Emperor at the same time, the preliminary explanations which took place on this subject at London, and the further explanations which the Marquis of Clanricarde added thereto in his Note.

As the seat of the negotiation is established at London, and as the Plenipotentiary of the Emperor is called upon to act in this matter in concert with the Plenipotentiaries of Austria and Prussia, the Undersigned applied himself in the first place to give Baron Brunnow the necessary directions to enable him to resume the discussion which had been interrupted for the moment. The explanations which he is charged to offer to the British Ministry, and the propositions which he is authorized to bring forward, will furnish a new proof of the Emperor's sincere desire to co-operate on his part, and as far as interest of which he must not lose sight, permit him, in the accomplishment of the noble task which the British Government pursues with such perseverance.

The Emperor will learn with real satisfaction, that these explanations, and the propositions which accompany them, have facilitated a final agreement in an affair on which the just sollicitude of the British Cabinet has at all times been fixed, and to which the Imperial Cabinet does not cease to give its serious attention and most sincere care.

In offering this assurance to the Ambassador of Her Britannic Majesty, the Undersigned, &c.

(Signed) NESSELRODE.

No. 10.

*Baron Brunnow to Viscount Palmerston.**Londres, ce 14 Juin, 1840.*

LE SOUSSIGNÉ, Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté L'Empereur de toutes les Russies près Sa Majesté Britannique, en réponse à la demande que Son Excellence Monsieur le Vicomte Palmerston, Principal Secrétaire d'Etat au Département des Affaires Etrangères, à bien voulu lui adresser, se fait un devoir de l'informer qu'il vient de recevoir de sa Cour des instructions définitives au sujet de la conclusion d'une transaction relative à la répression de la Traite des Nègres.

Le Soussigné a l'honneur de renouveler à Son Excellence Monsieur Le Vicomte Palmerston l'assurance de sa haute considération.

(Signé) BRUNNOW.

(Translation.)

London, June 14, 1840.

The Undersigned, &c., in reply to the question which Viscount Palmerston, &c., has been pleased to address to him, has to inform him that he has just received from his Court definitive instructions on the subject of the conclusion of a Treaty for the Suppression of Slave Trade.

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

No. 11.

*Mr. Bloomfield to Viscount Palmerston.**St. Petersburg, July 1, 1840.*

MY LORD,

(Received July 13.)

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, addressed to the Marquis of Clanricarde, of the 23d April, enclosing two copies of a Treaty concluded at Caraccas between Her Majesty and the Republic of Venezuela, for the abolition of the Slave Trade.

I have, &c.
(Signed) J. A. D. BLOOMFIELD.

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

No. 12.

*Viscount Palmerston to Baron Brunnow.**Foreign Office, July 25, 1840.*

VISCOUNT PALMERSTON has the honour to invite the Baron de Brunnow 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, France, and Prussia, the negotiation for a Treaty between the Five Great Powers of Europe on Slave Trade.

Viscount Palmerston avails himself, &c.

His Excellency Baron Brunnow,
 &c. &c. &c.

No. 13.

Viscount Palmerston to the Hon. J. A. D. Bloomfield.

SIR,

Foreign Office, August 4, 1840.

I HAVE to acquaint you that the Plenipotentiaries of Austria, France, Great Britain, Prussia, and Russia met on the 26th ultimo, for the purpose of considering the Draft of a General Convention for the suppression of the Slave Trade, which had been proposed by the British and French Governments last year.

Baron Brunnow, on the part of the Russian Government, pressed very strongly a limitation of time for the duration of the Treaty, stating those reasons which have on former occasions been urged in favour of such a principle; on the other hand I urged very earnestly those considerations which induce Her Majesty's Government to attach the greatest importance to an unlimited duration for a Treaty, which, on the one hand, is to apply a preventive remedy to an evil, the causes of which are unfortunately permanent in their existence, and which, on the other hand, is to become a substitute for other Conventions the duration of which has no limit of time.

Baron Brunnow, in reply, stated that his Court might perhaps be induced to agree to the unlimited duration of the Treaty, if the geographical limits of space within which the mutual right of search is to be exercised could be more narrowly circumscribed; and he said that he was the more anxious on this head, because the Emperor was particularly desirous that this Treaty, the express object of which was to promote peace, and to prevent violence, should not in its practical execution occasion local disputes, which might tend to create unpleasant discussions between the contracting parties.

I said, that fully appreciating, as Her Majesty's Government did, the generous and humane feelings, which have animated His Imperial Majesty throughout the whole of this negotiation, we could not but admit the force of the considerations thus put forward by Baron Brunnow; and I added, that having lately asked the Admiralty what were the narrowest limits within which past experience has led that Board to think, that the mutual right of search can be confined, without defeating the purposes for which that right is reciprocally granted, I was enabled by the Admiralty to propose a narrower limit of space, than that specified in the Draft which has been communicated to the three Courts; and I said, I trusted that this narrower limit, while it would be sufficient for the prevention of the Slave Trade, would obviate any chance that the commerce of Russia to parts of the world where no Slave Trade is carried on, could be in the slightest degree interfered with.

I said that the space, within which I should propose that the mutual right of search should be confined, would be bounded to the north by the 33d parallel of north latitude, which runs through the Island of Madeira; to the west by the eastern coast of America, from the point where the 33d parallel of north latitude strikes that coast, down to the 45th parallel of south latitude; to the south by the 45th parallel of south latitude, from the point where that parallel strikes the eastern coast of America, to the 80th degree of longitude east of Greenwich; and to the east by that meridian, from the point where it is intersected by the 45th parallel of south latitude, up to the coast of India.

This space would comprehend all those parts of the coast of America and of the West Indies, to which slaves are carried, and all those parts of the coast of Africa from which slaves are carried, and it would also include those Portuguese settlements on the western coast of India, to which a considerable number of slaves are now taken from the eastern coast of Africa.

But these limits would leave entirely free that part of the Atlantic, which is traversed by vessels proceeding from the Baltic to North America or to the Mediterranean.

Her Majesty's Government anxiously hope, that this proposed arrangement may meet with the sanction and approval of His Imperial Majesty.

I am, &c.

The Hon. J. A. D. Bloomfield,

(Signed)

PALMERSTON.

&c. &c. &c.

RUSSIA.

No. 14.

*Viscount Palmerston to Baron Brunnow.**Foreign Office, August 7, 1840.*

VISCOUNT PALMERSTON presents his compliments to Baron Brunnow, and has the honour to transmit to him, for his information, and for communication to his Court, the accompanying copy of a Despatch which Lord Palmerston has addressed to Her Majesty's Minister at St. Petersburg, on the subject of the Conference which took place on the 26th ultimo, between the Plenipotentiaries of the Five Powers, respecting the proposed Treaty on Slave Trade.

His Excellency Baron Brunnow,
&c. &c. &c.

Enclosure in No. 14.

*Viscount Palmerston to Mr. Bloomfield.**Foreign Office, August 4, 1840.*

(No. 13, page 6.)

No. 15.

*Viscount Palmerston to the Hon J. A. D. Bloomfield.**Foreign Office, August 13, 1840.**Circular sending Papers presented to Parliament.*

No. 16.

*Mr. Bloomfield to Viscount Palmerston.**St. Petersburg, August 15, 1840.*

MY LORD,

(Received August 24.)

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 4th instant.

I have communicated with Count Nesselrode on its contents, and learn from his Excellency, that he has already sent instructions to Baron Brunnow founded on a conversation which that Minister reported he had lately had with your Lordship; and Count Nesselrode thinks they will be satisfactory to Her Majesty's Government.

He could not at the moment recollect, whether his instructions to the Russian Plenipotentiary embraced all the points desired by Great Britain, and requested me to leave your Lordship's Despatch, for the purpose of comparing it with his own to Baron Brunnow, and if necessary to add such further instructions as might be required.

I have, &c.

(Signed) J. A. D. BLOOMFIELD.

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

No. 17.

*Viscount Palmerston to Baron Brunnow.**Foreign Office, October 5, 1840.**Circular sending Papers presented to Parliament.*

No. 18.

*Viscount Palmerston to Baron Brunnow.**Foreign Office, October 19, 1840.*

THE Undersigned, &c., with reference to the correspondence which took place in the year 1839, between the British and Russian Governments respecting the slave-vessel the "*Goloubtschick*," detained under Russian colours by one of Her Majesty's cruisers, and subsequently delivered up to the Russian authority, has the honour to transmit herewith to his Excellency Baron Brunnow, for communication to the Russian Government, a copy of a Despatch, and of its Enclosure, which have recently been received from Her Majesty's Commissioners at Sierra Leone, containing information respecting the proceedings of the "*Goloubtschick*" previously to her detention.

His Excellency Baron Brunnow,
 &c. &c. &c.

The Undersigned, &c.
 (Signed) PALMERSTON.

No. 19.

*Mr. Bloomfield to Viscount Palmerston.**St. Petersburg, October 16, 1840.*

MY LORD,

(Received October 20.)

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 13th August, with its Enclosures.

I have, &c.
 (Signed) J. A. D. BLOOMFIELD.

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

GREECE.

No. 20.

Viscount Palmerston to M. Mavrocordato.

Foreign Office, October 5, 1840.

Circular sending Papers presented to Parliament.

No. 21.

M. Mavrocordato to Viscount Palmerston.

London, Octobre 11, 1840.

(Received October 22.)

MONSIEUR MAVROCORDATO a reçu les Papiers relatifs à la Traite des Esclaves, et que sa Seigneurie le Vicomte Palmerston lui a fait l'honneur de lui adresser, et il s'empresse d'exprimer à sa Seigneurie sa gratitude pour cette communication.

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

(Translation.)

M. MAVROCORDATO has received the Papers relative to the Slave Trade which Viscount Palmerston did him the honor to forward to him, and he hastens to express to his Lordship his gratitude for this communication.

No. 22.

Sir E. Lyons to Viscount Palmerston.

Athens, October 7, 1840.

MY LORD,

(Received November 2.)

I HAVE the honour to transmit to your Lordship herewith a copy of a Letter, which has been addressed to me by Mr. M'Cauley, Consul of the United States of America at Tripoli, stating that Slave Trade is carried on from the Coast of Barbary to an incredible extent in Greek vessels.

When I received this Letter, I consulted M. Perduari, the American Consul for Greece, who resides at Athens, and as he thought the communication could be made to the Greek Government by me with more effect than by him, I called upon M. Paicos on the 9th ultimo, and gave him the Letter and annexes, in original, and received from him an assurance, that immediate steps should be taken to put a stop to the inhuman proceedings complained of.

I asked M. Paicos yesterday what steps had been taken, and he said that he had lost not an hour in laying the case before King Otho. I observed to M. Paicos that a month had already nearly gone by, and that if no steps were to be taken till His Majesty's return, much human misery might be the consequence of a delay, which would certainly not redound to the honour of the Greek Government; and I told him that I was credibly informed, that His Majesty had known for two years that Greek merchant vessels were employed in the Slave Trade between Barbary and Turkey.

M. Paicos said it was true that a report had been made to His Majesty about two years ago of Greek vessels having landed slaves in Turkish ports, and that he had understood that a Circular had been issued at that time by the Minister of Marine, and that there had also been a question of a project of a law upon the subject.

I told M. Paicos that in acknowledging Mr. M'Cauley's Letter I had expressed my conviction that the Greek Government would immediately take the necessary steps to meet the case, and that it would be very painful to me if I should be obliged to write in a different sense. To-day I have ascertained that no Circular respecting slaves has ever been issued by the Minister of Marine.

When M. Paicos spoke of a circular and project of law, I asked him why they had not prosecuted the master of the vessels, who were found in the act of disembarking slaves in Turkey two years ago. He made no reply to this, and I did not feel sufficiently well informed of the law of Greece to press the question; but I have to-day taken the opinion of the most eminent Greek lawyers, and they have no doubt that persons engaged in the transport of slaves fall under paragraphs 1 and 2 of the 321st Article of the Penal Code of Greece; a copy of which paragraphs I have the honour to enclose to your Lordship herewith.

I have, &c.

(Signed) EDMUND LYONS.

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

First Enclosure in No. 22.

Mr. M'Cauley to Sir Edmund Lyons.

Bengazi, Regency of Tripoli,
(August 3, 1840.)

YOUR EXCELLENCY,

THE United States of America not having an accredited diplomatic agent near the Court of His Hellenic Majesty, I take the liberty of addressing your Excellency, and begging the favour of your aid and assistance to present to the Greek Government the explanation of my interference in the case of the Greek bombard, "*San Nicolas*," Demetrius Saxates, Master, which has recently occurred in this port.

The strong interest that I am aware the British Government take, in common with that of the United States, in the suppression of the Slave Trade, leads me to presume that further apologies for intruding this subject on your Excellency's attention will not be necessary; at least I feel assured, from my personal acquaintance with your Excellency's character, that my application will, at all events, be regarded with the most liberal feelings, and I trust that the great interest I understand His Hellenic Majesty also takes in the suppression of this odious traffic will not only obtain a lenient judgment of my interference, undertaken as it has been in the absence of any constituted authority of the Greek Government to apply to, but that it may also lead to such energetic measures as may entirely suppress that part of the Slave Trade, which is being carried on from the Coast of Barbary in Greek vessels, which I regret to say is to an incredible extent, and even connived at by some of the Consular Agents, when granting the expeditions to such vessels, by entering the slaves as passengers. I herewith send your Excellency copies of my correspondence and other papers (marked from A to F), which I beg to have presented to His Majesty's Minister for Foreign Affairs, with such extracts from this my Letter, as may, in your Excellency's opinion, conduce to a full explanation and information of the case, and my conduct therein.

Soon after my arrival here, having ascertained from the most satisfactory evi-

dence that Demetrius Sexates, Master of the Greek bombard, "*San Nicolas*," had contracted to embark upwards of 70 slaves for Scio and Smyrna, I addressed a Note (A) on the 29th July to the French Consular Agent, under whose protection I supposed the Master had placed his vessel. In the Consular Agent's reply (B), and at a personal conference, accompanied by the British Vice-Consul, the Agent promised to retain the Bill of Health, which alone had been deposited in his office, and not to sign any expedition, until he was well assured that no slaves were, or would be, embarked.

I regret to say this promise was not kept with good faith, as the Bill of Health with the Visa of the French Consular Agency, was delivered to the Master on the same day with one of the owners of the slaves, entered as passengers. It was, undoubtedly, the intention of the Master to embark the slaves that night and sail before day-light, which I believe was only prevented by having my yacht moored close to the bombard, and her movements closely watched by the boats.

I had an interview on the 30th with his Excellency Yout Sun Basha, the Bey of the province, at which I did not hesitate to assure him, that the commerce in slaves was prohibited by the laws of Greece, and that His Hellenic Majesty, as well as my own Government, would be much displeased should his Excellency give any aid or assistance towards violating those laws; and also urged the propriety of aiding me to prevent this infraction. To this effect I addressed his Excellency an official Note (C), and the result of my interview will be seen in the reply (D).

The owners of the slaves, being also the owners of the cargo embarked, urged the Master to the fulfilment of his contract, by threats of a demand for indemnification for the losses and damages that would accrue from his failure, which pretensions were sustained by the Bey. The Master, becoming alarmed at the obstacles that were presented to his embarking the slaves on the one part, and the threats for damages on the other, finally applied to me for my official aid and protection, which I willingly acceded to him upon a solemn promise not to embark slaves. The object of the contract between the Master and the Slave-merchants being illegal, I convinced the Bey of its invalidity, and then fell to the ground the question of damages.

I also induced the Bey to use his influence to prevail on the merchants to allow the cargo on board to remain, in which his Excellency succeeded, and the bombard sailed yesterday morning for Scio and Smyrna, I myself having signed her expedition, fully satisfied that there were no slaves embarked. Your Excellency will perceive by the concluding paragraph of the Bey's reply, in pleading an excuse for the Master, proves that the trade in Greek vessels had become a matter of established custom from this Regency; and although the Bey has given me his promise that he will do all in his power for the future to prevent Ottoman subjects from shipping slaves by Christian vessels, and I shall propose the same pledge to the Bashaw upon my return to Tripoli, yet it will be useless to expect any great faith or vigilance on their part to suppress a trade, in which they themselves are frequently interested, and in which exorbitant profits offer the most tempting inducements to engage.

In my opinion, this trade can only be effectually exterminated by the occasional visit of men-of-war, with the right of search, and the appointment, by His Hellenic Majesty, of active and energetic Consuls-General for each of the States of Barbary, who will closely watch, under instructions from the Government, the departure of vessels under the flag. I have recommended Consuls-General, as the rank would have an important influence not only with the Greek masters, but also with the local authorities, and any great expense might be avoided in making the appointments, by bestowing them upon some of the Consular Agents of other Christian Powers resident in the respective Regencies.

Although I have felt myself pursuing a most delicate course where my interference comes in collision with the flags of other nations, yet I hope that in this instance I may not have incurred a responsibility beyond which His Hellenic Majesty may be pleased to approve. Availing myself of this occasion to offer to your Excellency the sentiments of the most distinguished consideration and respect with which

I have, &c.

(Signed)

D. SMITH M'CAULEY.

His Excellency Sir Edmund Lyons,
&c. &c. &c.

Second Enclosure in No. 22.

Extract from the Penal Code of Greece, published in the Greek Government Gazette of 1834, of 10—22 January, page 47.

ART. 321.

(Translation.)

1. With the punishment of chains for life, when the kidnapped individual is carried off into foreign countries, with the view of being employed there as a slave or serf.

2. With the punishment of chains for a determinate period, of at least 15 years, when the individual carried away by force is subjected to the naval or military service of a foreign power, or when the abduction is effected by vagrants, mendicants, jugglers, and similar people, on the person of a boy under 12 years of age.

No. 23.

Sir Edmund Lyons to Viscount Palmerston.

Athens, November 9, 1840.

(Received December 6.)

MY LORD,

WITH reference to my Despatch of the 7th of October of this year, I have the honour to transmit to your Lordship, herewith, a copy of a letter which I have addressed to M. Paicos, respecting the Slave Trade, which is carried on in Greek vessels.

I have ascertained that King Otho's Greek ministers have within the last two years made many verbal and written representations to His Majesty on this subject; and that more than a twelvemonth ago, when every other argument had been exhausted, His Majesty was warned, that sooner or later, the matter would find its way into the hands of this mission, when his Majesty would probably have reason to regret not having spontaneously put a stop to the horrible traffic being carried on under the Greek flag.

I have, &c.

(Signed)

EDMUND LYONS.

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

Enclosure in No. 23.

Sir Edmund Lyons to M. Paicos.

Athens, November 9, 1843.

(Received December 6.)

MONSIEUR LE SECRETAIRE D'ETAT,

WHEN on the 9th of September last I had the honour to place in your hands a letter which I had received from Mr. M'Cauley, Consul of the United States at Tripoli, requesting me to call the attention of the Greek government to the fact of slaves being transported from the coast of Barbary in Greek vessels "to an incredible extent," you expressed thankfulness for the communication, and horror at the inhuman traffic; and you spoke so justly and so feelingly of what the honour of your country required, that I retired from the conversation in confident hopes that immediate steps would be taken by His Hellenic Majesty's Government to efface for ever so foul a stain from regenerated Greece.

After an interval of a month I had the honour of another interview with you, and on finding that no steps had been taken, I stated to you that I had learned from undoubted authority, that the fact of Greek vessels being engaged in Slave Trade had been proved to the Greek Government two years ago, and that the proprietors and navigators of those vessels, seeing that no measures were taken against them, naturally concluded that they might extend their operations with impunity, and had accordingly done so, until the traffic, to use Mr. M'Cauley's expression, had reached to "an incredible extent."

You frankly and at once admitted that the Greek Government had received about two years ago proofs of the illicit traffic being in operation; and you said that you had heard at that time of a proposal that a circular should be issued by the

Minister of Marine, and of a project of a law, but that you were not certain that anything had really been done by the Government.

I then, after you had begged me to divest myself of the delicacy I naturally felt in speaking to a minister who was a member of the Government at the time in question, observed to you, that neither the Powers who had so materially contributed to render Greece free, and which had strenuously and successfully exerted themselves to prevent natives of Greece from being transported as slaves to Barbary, nor the Powers who had subsequently recognized her independence, would be likely to look on with indifference, whilst the Government of Greece permitted slaves to be transported from Barbary under the Greek flag.

Another month has now elapsed, and I feel it to be my duty to Mr. M'Cauley, who hopes to see his benevolent views realised through the mediation of this Legation, and to the Africans, on whom each day's delay may entail incalculable woe, once more to beg of you, M. Le Secrétaire d'Etat, to call the serious attention of His Hellenic Majesty's Government to this pressing subject.

I have, &c.

(Signed) EDMUND LYONS.

M. Paicos,
&c. &c. &c.

No. 24.

Viscount Palmerston to Sir E. Lyons.

SIR,

Foreign Office, December 22, 1840.

I HAVE received your Despatch of the 9th November, 1840, enclosing a copy of a Letter, which you had addressed to M. Paicos, respecting the Slave Trade which is carried on in Greek vessels.

I have the satisfaction to state to you that I approve of that Letter; and I have to instruct you to present to the Greek Government a Note upon this subject, expressing the deep concern with which Her Majesty's Government have learned, that Greek vessels continue to be employed in this disgraceful and iniquitous traffic.

It might have been hoped that, as the Greek nation have so recently been restored to freedom after a long period of subjection, there would not have been found in that nation any man so insensible to the value of liberty, as to become instrumental in reducing his fellow creatures to slavery; and Her Majesty's Government cannot believe that a Sovereign, born and educated as King Otho has been, in the enlightened kingdom of Bavaria, should knowingly permit such criminal practices to be carried on by any of his subjects.

Her Majesty's Government therefore most earnestly entreat the attention of His Hellenic Majesty to this matter, not doubting that he will feel it essential, for the honour of his Crown, to put an immediate stop to these nefarious proceedings.

I am, &c.,

(Signed) PALMERSTON.

Sir Edmund Lyons, Bart.,
&c. &c. &c.

TURKEY.

No. 25.

Viscount Ponsonby to Viscount Palmerston.

MY LORD,

Therapia, May 1, 1840.

I HAVE the honour to enclose a Copy of the *Echo de l'Orient*, Smyrna newspaper, in which the Apostolic Letter of His Holiness the Pope relative to the Slave Trade has been published.

I have,
(Signed)

PONSONBY.

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

Enclosure in No. 25.

L'Echo de l'Orient, Smyrna, January 18, 1840.

No. 26.

Viscount Palmerston to Viscount Ponsonby,

Foreign Office, August 13, 1840.

Circular sending Papers presented to Parliament.

No. 27.

Viscount Palmerston to Viscount Ponsonby.

MY LORD,

Foreign Office, August 22, 1840.

I HEREWITH transmit to your Excellency a Copy of a Letter, which I have received from the President of the General Anti-Slavery Convention.

Her Majesty's Government concur entirely in the benevolent sentiments expressed in that Letter; and I have to desire that your Excellency will endeavour to forward the objects pointed at in this Letter, as far as any endeavours on your part may appear to be likely in any degree to mitigate the evils of slavery in the Turkish dominions, or to be effectual in diminishing the extent, to which the practice of making slaves is carried.

I am, &c.
(Signed)

PALMERSTON.

His Excellency Viscount Ponsonby,
&c. &c. &c.

Enclosure in No. 27.

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

MY LORD,

I HAVE the honour to communicate an appeal to your Lordship, unanimously agreed on at a meeting of the General Anti-Slavery Convention held at Freemasons' Hall, on the 17th of the present month.

Associates for the great object of abolishing slavery by means solely of a moral, religious, and pacific character, they have not been inattentive to the course of events in the Oriental world, and while they breathe an earnest prayer, that the crimes and calamities of war may be prevented by the friendly intervention of the Powers of Europe, they would humbly and earnestly implore your Lordship to use your high authority for connecting the overthrow of slavery with the consolidation of peace.

In considering the situation filled by the Grand Seignior as the representative of the Caliphate, the Convention feel a strong conviction that if a declaration could be obtained from His Imperial Highness condemnatory of slavery, in any or all of its forms, encouraging the manumission of slaves, and calling the attention of the Mussulman world to the state of opinion among civilized Nations and Governments, such a declaration could not but produce a happy influence throughout the Ottoman empire; and the Convention respectfully suggest to your Lordship that the friendly interposition of Great Britain could be employed for no nobler purpose, and that its success would reflect high honour on the head of Islamism, and be eminently instrumental in strengthening the foundations of the Turkish Government, and in diminishing the fearful amount of degradation, wickedness, and misery which everywhere accompany slavery.

I have, &c.

(Signed) THOMAS CLARKSON, *President.*

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

No. 28.

Viscount Palmerston to Shebid Effendi.

Circular sending Papers presented to Parliament.

No. 29.

Viscount Palmerston to Viscount Ponsonby.

MY LORD,

Foreign Office, October 8, 1840.

I HEREWITH transmit to your Excellency the accompanying Copies of Papers, relative to the exportation of Black Slaves from the port of Tripoli to the Levant, in Turkish vessels; and I have to instruct you to communicate these papers to the Turkish Government, and to endeavour to persuade the Porte to discourage the trade in question.

I have, &c.

(Signed) PALMERSTON.

His Excellency Viscount Ponsonby,
&c. &c. &c.

First Enclosure in No. 29.

Colonel Warrington to Mr. Bidwell.

Tripoli, August 1, 1840.

(See No. 31, p. 19.)

Second Enclosure in No. 29.

Mr. Stephen to Mr. Backhouse.

Downing Street, September 15th, 1840.

SIR,

(Received September 17.)

I AM directed by Lord John Russell to transmit to you the accompanying copy of a Letter which has been transmitted to his Lordship by the Governor of

Malta, as having been addressed to the Chief Secretary to the Government of that Island by Her Majesty's Consul-General at Tripoli, reporting that large numbers of slaves are exported from that place to the Levant; and I am to request that you will lay that letter before Viscount Palmerston.

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

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

Third Enclosure in No. 29.

Colonel Warrington to Sir H. Grey.

SIR,

Tripoli, July 22, 1840.

I HAVE the honour to inform you that his Highness the Pacha sent 500 horsemen to meet a rich and numerous caravan from Ghandames and Timbuctoo, and escort it down to Tripoli.

Sheiks Abgelled and Ghoma despatched a body of cavalry, took the caravan, and destroyed the escort sent by the pacha.

The commander of it, Bash Aga Bezan, was strangled last Saturday at the camp of Pacha, and four Sheikhs of the Sharfana tribe disgraced, by being placed on borricos, with their faces blackened, and paraded through the camp. By this plunder great wealth falls to Abgelled and Ghoma, and numerous black slaves.

On Saturday last another caravan was captured coming from the East.

The Turks have the greatest facility in transporting black slaves to the Levant, in their vessels returning without cargo, which tends to increase that trade.

The export of black slaves from the Port of Tripoli may be computed at 3000 annually. The demand for them has increased considerably, inasmuch as they now sell from 50 to 100 dollars each, and the women from 100 to 110 dollars, whereas in the time of Yousuf Bashaw the average price was from 30 to 40 dollars. Abgelled takes one out of four, or 25 per cent., in passing the territory he holds; but I know he is averse to that trade, and it is to his credit, that during the last eight years he has never sent a marauding army to capture them.

On the 20th instant, an Austrian Corvette arrived from Smyrna, and had pratique the next morning, so that our quarantine is merely a name.

I have, &c.

(Signed) H. WARRINGTON.

P.S.—24th July, 1840; for the information of your Board of Health, I have to add, that a Turkish schooner arrived from Alexandria this day with hadgis, and had immediately pratique; which makes one almost believe it is done intentionally, particularly as the last plague produced such enormous wealth to the local Government.

(Signed) H. WARRINGTON.

The Hon. Sir H. Grey, G.C.M.G.
 &c. &c. &c.

Fourth Enclosure in No. 29.

Colonel Warrington to Mr. Bidwell.

Tripoli, August 10, 1840.

(See No. 32.)

No. 30.

Viscount Palmerston to Lord Ponsonby.

MY LORD,

Foreign Office, November 9, 1840.

WITH reference to the several Despatches which I have addressed to your Excellency upon the subject of slavery and the Slave Trade in the Ottoman dominions, I have to acquaint you, that it has been suggested to Her Majesty's

CLASS D.

D

Government, that the present moment would be a favourable opportunity for an endeavour to obtain from the Sultan some engagement for the suppression of the Slave Trade.

Her Majesty's Government are well aware of the deep root which the system of slavery has taken in the social organization of all Mahomedan countries, and that the object in view must therefore be most difficult of attainment : but Her Majesty's Government feel such intense anxiety to see the Slave Trade extinguished in every part of the world, that they are unwilling to let pass any occasion, which might afford them the slightest hope of being able even to mitigate this evil, in any country in which it prevails.

I have therefore to desire, that you will take an opportunity of sounding the Turkish Government upon this subject, and of endeavouring to ascertain, whether some arrangement might not be made between Great Britain and Turkey for restricting, if not for entirely abolishing the Turkish Slave Trade.

Your Excellency might represent to the Turkish Government, that the continued support of Great Britain will, for some years to come, be an object of importance to the Porte ; that this support cannot be given effectually, unless the sentiments and opinions of the majority of the British nation shall be favourable to the Turkish Government ; and that as the whole of the British nation unanimously desire, beyond almost anything else, to put an end to the cruel practice of making slaves, nothing would tend more certainly to inspire the British nation with favourable sentiments towards Turkey, than the concurrence of the Porte in some measure calculated to put an end to the Slave Trade, as far as the Ottoman dominions are concerned ; while, on the other hand, the continuance of that trade will be calculated to weaken the interest, which upon other grounds the British nation feels in the welfare and prosperity of Turkey.

I have, &c.
(Signed) PALMERSTON.

His Excellency Viscount Ponsonby,
 &c. &c. &c.

TRIPOLI.

No. 31.

Colonel Warrington to Mr. Bidwell.

Tripoli, August 1, 1840.

(Received September 7.)

SIR,

I HAVE the honour to inform you, that I consider the increase of the traffic of black slaves from this port to arise chiefly from the great desire the Turks have to purchase them, and the facility they have to transport them to the Levant, in their numerous vessels returning without cargo.

The exports of that traffic from this port I understand from the best authority to be 3000 annually; and I find that the price of each slave varies from 50 to 100 dollars each, and the women from 100 to 110 dollars, whereas in the time of Yousuf Bashaw, the price was from 30 to 40 dollars.

It is but justice to Sheickh Abgelled, who has the interior trade at his disposal, to say that he is averse to black slavery; and he has never for the last eight years sent any marauding army for their capture.

I have, &c.

John Bidwell, Esq.
&c. &c. &c.

(Signed)

H. WARRINGTON.

No. 32.

Colonel Warrington to Mr. Bidwell.

Tripoli, August 10, 1840.

(Received September 21.)

SIR,

IN the "Morning Herald" I see what passed at a public meeting for the suppression of African slavery, in which his Royal Highness Prince Albert expressed the deep interest he felt on that important question.

After twenty-seven years' residence here, and having had these suffering people daily under my observation, and having always taken a lively interest in their fate, I trust my offering an opinion will not be considered presumption. The cause of this revolting traffic in the flesh and blood of our fellow-creatures arises generally from the want of labour and occupation. The unbounded natural wealth, the spontaneous productions, and the fertility of the soil, plainly show that labour is the only thing wanting (and commercial outlet for the produce of that labour) to direct the mind in more profitable and honourable pursuits. I wish particularly to state the necessity of promoting industry and labour, otherwise the slaves taken in battle, and now preserved for the sake of gain, would be destroyed.

A free and direct intercourse with the inhabitants of the interior is the first step I should recommend in the promotion of civilization and commerce. Resident agents, at various places in the interior, would be desirable, at least where we know they would be safe.

The profits on trade will be great, and the advantages the natives would derive will tend much for the safety of individuals and the accomplishment of the grand and ultimate object, the emancipation of the poor and suffering slave. To obtain a footing in the interior, it is evident Tripoli affords advantages not to be found in any part of the extensive coast of Africa. Excepting by name (which is certainly revered and respected), England cannot

dictate or use force in the interior; but an opening is to be made, and protection given, on the coast.

The natives of the interior are great fanatics, and their bad feelings to Christians has arisen from the want of intercourse and knowledge of our humane and honourable intentions. In the first stage, I should think it would be impolitic to send missionaries to convert, which can only be effected by the gradual advance of intellect, and the proof that our condition is superior to their own. The distribution of simple moral interesting tracts would be well received and would lead to more desirable ends. Medical men in the interior would be of infinite service; and even a professional man on the coast to send medicines in doses for the use of the natives, would give us great popularity, and prove our benevolent intentions. The civilization and emancipation of the poor and suffering slave has created deep interest and reflection in my mind, and during the time of Yousuf Bashaw hundreds have been restored to freedom by me; and I hail with prayers the present period when, apparently, the grand structure will be built on the foundation already laid.

The abolition of black slavery is to be effected, I am certain, in the interior, and not on the high seas only, as the nearer we can approach the disease, the more effectual will be the cure.

If I can in the remotest way contribute to the glorious cause it will give me infinite pleasure, as I have no wish, except to do good to my fellow-creatures. The plan I have already suggested, of establishing a Vice-Consul at Fezzan, will, I am sure, pave the way to greater events.

The slaves who have been fortunate enough to obtain their freedom here have always evinced anxiety to return to their own country; nay, they congregate together and build their huts in the conical plan of the interior, and await favourable circumstances to return. If no good arises from this letter, no harm can; therefore your better judgment will direct.

I have, &c.

(Signed) H. WARRINGTON.

John Bidwell, Esq.
&c. &c. &c.

No. 33.

Viscount Palmerston to Colonel Warrington.

SIR,

Foreign Office, October 22, 1840.

I HAVE received your Despatch of the 1st August, 1840, respecting the traffic in slaves from the port of Tripoli, and I have to desire that you will take such steps as you think will be most likely to induce the Moorish chiefs themselves to give up, and to prevent other persons from continuing, the practice of procuring slaves for exportation from Tripoli to the Levant.

I have, &c.

PALMERSTON.

Mr. Consul Warrington,
&c. &c. &c.

TUNIS.

No. 34.

Sir Thomas Reade to Mr. Backhouse.

Tunis, June 9, 1840.

(Received July 27.)

SIR,

I HAVE hitherto delayed acknowledging the receipt of your Despatch, dated November 22, 1839, under a full impression that I should have been enabled to have obtained, as I had been promised, copies of the contract made betwixt the several Moors and Captain Loffredo, of the Tuscan vessel named the "*Giovane Africano*," for the conveyance of slaves from this place to Constantinople.

I have no doubt now that these Moors have been persuaded not to grant me these documents, but notwithstanding this however, the most influential one amongst them, named Sidy Mohammed Benayad, has unequivocally acknowledged to me, in the presence of M. Santellana, the Chancellor (clerk), that he had been, together with other Moors, in the constant habit of forwarding slaves for sale to Constantinople by the above-named vessel, and that a portion of the 134, mentioned in my former Despatch, were his, and were sold at Constantinople.

In the Letter from the Prince Corsini, addressed to Mr. Fox, copy of which you transmitted to me, he states "that no embarkation of slaves had taken place at Tunis in Tuscan vessels, neither for Constantinople or other destinations;" and he likewise states, "that the Mussulmans, white or black, directed for Constantinople, did, it is true, profit by that occasion of Captain Loffredo, but those passengers were not slaves, each being furnished by a Tiskere delivered by the local authority." From what I have above stated, you will perceive that Mohammed Benayad asserts the blacks, which were embarked in the "*Giovane Africano*," were *absolutely* slaves, and sold at Constantinople.

I have examined M. Gaspary, the agent at the Goletta, who is particularly charged with despatching vessels from this port, and he had no hesitation in stating to me, that he was not ignorant that the blacks on board Captain Loffredo's vessel were slaves, and that he had authority for permitting the vessel to sail, for he never could for a moment have taken upon himself the responsibility of placing these slaves upon the ship's papers, without being authorized so to do. Besides which, it is notorious here that slaves have been sent, as mentioned in my former Despatch, by vessels despatched from the Tuscan Consulate.

It is true that these slaves are embarked with a Tiskere from the Bey, because no Mussulman, of whatever description, is permitted to be embarked without a Tiskere; but these Tiskeres do not mention whether they are slaves or free, but merely describe them as passengers; and if slaves can be so easily embarked by such means, of course the laws for the prohibition of conveying them can at any time be evaded.

The Bey grants these Tiskeres whenever applied for; but surely it cannot be maintained that such Tiskeres can in any manner whatever authorize European vessels, as in the case of Captain Loffredo, taking on board, contrary to law, such a number of blacks for conveyance to other ports, in consequence of their being described *solely as passengers*, without taking any trouble whatever to ascertain the real object for which they were embarked.

M. Gaspary has repeated to me that the whole of the blacks, mentioned in the return which I had the honour of transmitting to you, were slaves, and I am perfectly convinced that he would never have placed them upon the ship's papers, and have permitted them to leave this, without being authorized so to do by the Consul to whose nations the ships belong, which he states most positively to be the case.

M. Gasparry, by a letter which I have received from him in answer to one I wrote, demanding to know if he was aware of any other slaves being embarked upon other vessels, than those mentioned in the list which he had delivered to me, or whether any other passenger embarked on board the "*Giovane Africano*," July the 14th, 1835, states, "that he placed these negroes in the ship's papers because he knew of no prohibition to the contrary." He, however, adds, "that ten months ago he was formally prohibited from placing any black whatever upon the ship's papers." This order I have no doubt was given to him in consequence of the communication made by Mr. Fox to the Tuscan Government.

I enclose a copy of M. Gasparry's letter, marked No. 1; and you will perceive by it that he states that no other passenger embarked on board the "*Giovane Africano*," the 14th July, 1835, but *the conductors* of the negroes. This expression alone, in my humble opinion, proves that the unfortunate negroes were slaves. But, however, M. Gasparry, as well as Mohammed Benayad, as I before stated, have confessed to me in the fullest manner that they were slaves.

I have also received another letter from M. Gasparry, copy of which I beg leave to enclose, marked No. 2, in which you will perceive that, since he received the orders not to place any blacks upon ship's papers leaving this, a Turkish brig, named the "*Kangali*," Cap. Mohammed Enepogli, left this for Constantinople, despatched by the Tuscan Consulate, and conveyed away 30 slaves, which, however, he states were not placed in the ship's papers.

I should imagine that, if the Tuscan Consul had authority for granting papers to this vessel, he surely could have withheld those papers if the Captain persisted in taking slaves on board; for, as I have before mentioned, if slaves can be embarked so easily, the law can be at any time evaded. In the same letter you will likewise find that a Russian brig, named the "*Blahaslamen*," Capt. Hagelstein, left this for Constantinople the 29th May, 1836, with 30 slaves on board, despatched by the same Consulate; and I am sorry to say that you will likewise find in the same letter, that a Sardinian brig, named the "*Madonna del Boschetto*," Captain Antonio Ognio, sailed from this on the 21st June, 1837, having on board 32. I was not before aware of these two last circumstances.

I have called M. Gasparry before me, and read to him this Despatch in the presence of Mr. Moses Santillana, in order to avoid any mistake, and he confirmed to me the information which is contained in it.

I have, &c.
(Signed) T. READE.

J. Buckhouse, Esq.
&c. &c. &c.

Enclosure in No. 34.

M. Gasparry to Sir Thomas Reade.

ILL^{MO} SIGNOR CONSOLE,

Goletta, 8 Maggio, 1840.

RISCONTRANDO il foglio di cui V. S. Illma mi ha onorato in data di jeri, m' interessa dirle, che a mia conoscenza non si è qui imbarcati altri negri pel Levante, di quelle di cui ho fatto menzione nei rimessili stati; cui negri sono da me stati iscritti sulla fede di sanità dei bastimenti come individui Musulmani, giusta espresso nella Tiskera del Beg, e non come negri Schiavi, ed è sempre così che ne ho agito abbenche non vi fosse alcuna proibizione di ciò eseguire: ed a mia cognizione non vi è stato altre bandiere che abbiano imbarcato dei negri, che Russe, Toscane, ed Ottomane, e dei Legni Greci protetti Russi. Ma da qualche mesi a questa parte, da circa dieci mesi, mi è stato formalmente difeso d' inscrivere sulla Patente dei bastimenti alcun negro affatto, ed infatti un Legno Ottomano partito in Gennajo per Constantinopoli avendo una trentina di negri gli ha imbarcati senza essere iscritti sulla fede di sanità.

A bordo il "*Giovane Africano*," non vi era altri passeggeri che i conduttori dei negri; da quanto posso rammentarmi erano Tripolini. I Legni Russi sono spediti da Tunisi da codesto Consolato Olandese, come pure gli Ottomani; ma da questi ultimi ve ne sono attualmente alcuni spediti dal Consolato Sardo, ossia Imperiale, ma esiste da poco tempo quest' ultima pratica.

Ho l' onore d' essere, &c.
(Firmato) GASPARY.

A true copy.
T. READE.

(Translation.)

IN reply to the Letter with which you honoured me under yesterday's date, I hasten to inform you that to my knowledge no other negroes have been embarked here for the Levant, than those of which I made mention in the statements I have transmitted to you, which negroes were entered by me on the Bill of Health of the vessels as Musselmans, as expressed in the Tiskera of the Bey, and not as negro slaves; and I have also acted thus as there was not any prohibition against it; and to my knowledge no other flags have embarked negroes but the Russian, Tuscan, and Ottoman, and two Greek vessels with Russian protections. But for some months before this, about ten months, I have been formally forbidden, in fact, to enter on a ship's list any negro, and indeed an Ottoman vessel which sailed in January for Constantinople, having about thirty negroes, took them on board without their being entered on the Bill of Health.

On board the "*Giovane Africano*" there were no passengers but the conductors of the blacks; as far as I can recollect they were of Tripoli.

The Russian vessels are despatched from Tunis by the same Dutch Consulate, as Turkish vessels; but of these latter some have been actually despatched by the Sardinian or Imperial Consulate; but this last named practice has existed but a short time.

I have, &c.

(Signed) GASPARY.

Second Enclosure in No. 34.

M. Gaspari to Sir Thomas Reade.

ILL^{MO} SIG. CONSOLE,

Goletta, li 27 Giugno, 1840.

RISPONDENDO all' onore del pregiato foglio di V. S. Illma in data d' oggi, m' interessa dirle che il brig Ottomanó "*Kangali*," Cap. Mohammed Enepogli, da qui partito ai 24 Gennajo scorso per Constantinopoli, fù spedito dal Consolato di Toscana; ma i trenta negri che esso imbarcò non furono iscritti sulle carte di bordo da nessuno affatto.

Quindi avendo verificato nel mio Registro di arrivi e partenze, trovo che l' Austriaco brig "*Zodiaco*," Cap. P. G. Calvi, partito da qui per Smirne e Constantinopoli li 5 Luglio, 1835, non imbarcò nessun negro per colà affatto. Che il brig Russo "*Blahaslamen*," Cap. Itagelstein, partito per Constantinopoli, li 29 Maggio, 1836, imbarcò 42 passeggeri fra cui 30 negri, e che il brig Sardo, "*Madonna del Boschetto*," Cap. Antonio Ognio, partito ai 21 Giugno, 1837, pure per Constantinopoli, avea 35 passeggeri, fra cui 32 negri.

Ho l' onore di essere, &c.

(Firmato)

GASPARY.

A true copy.

THOMAS READE.

(Translation.)

IN reply to your prized Letter of this day's date, I hasten to inform you that the Turkish vessel "*Kangali*," Captain Mohammed Enepogli, which sailed hence on the 24th January for Constantinople, was despatched by the Consulate of Tuscany, but the thirty negroes which she embarked were not entered on the vessel's papers in any way.

Having afterwards examined my register of arrivals and departures, I find that the Australian brig "*Zodiaco*," Captain P. G. Calvi, which sailed hence for Smyrna and Constantinople on the 5th July, 1836, did not embark any negroes; that the Russian brig "*Blahaslamen*," Captain Itageistein, which sailed for Constantinople the 29th May, 1836, embarked forty-two passengers, among whom were thirty negroes; and that the Sardinian brig "*Madonna del Boschetto*," Captain Antonio Ognio, which sailed 21st June, 1837, for Constantinople, had thirty-five passengers, among whom were thirty-two negroes.

I have, &c.

(Signed) GASPARY.

No. 35.

*Viscount Palmerston to Sir Thomas Reade.**Foreign Office, August 13, 1840.**Circular sending copies of Papers presented to Parliament.*

No. 36.

*Sir Thomas Reade to Viscount Palmerston.**Tunis, October 15, 1840.**(Received November 15.)*

MY LORD,

It has just come to my knowledge that an Ottoman polacca ship, whereof Aly Ombayaglu is Master, left this for Constantinople this morning, having on board 54 negro slaves. I am informed that this vessel was furnished with Consular Papers from the Dutch Consulate, (the Dutch Consul acting here as Consular Agent for the Ottoman Porte;) but that the negroes were not mentioned in any manner upon these papers, nor is my informant aware of the circumstance of their embarkation being known to the Dutch Consul.

It appears to me however, to say the least of it, extraordinary that such a quantity of slaves could have been thus put on board a vessel, without any knowledge of the Consul who furnished the ship with her Papers, or any person belonging to his Consulate; and if greater precautions than such as have been manifested upon this occasion are not taken, it will be difficult to place that check upon this abominable traffic, which I am of opinion might with facility be effected, provided the Consul who despatches the vessels intended for the conveyance of slaves should feel disposed to do so.

I am likewise informed that a Tunisine vessel, a brig schooner, left this on the 16th July for Constantinople, having on board 58, but I am not aware of this vessel having been furnished with Papers from any of the Consulates, and it is supposed that she must have sailed with a Tiskera furnished by the Bey.

I have, &c.

(Signed) THOMAS READE.

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

&c.

&c.

&c.

BOLIVIA.

No. 37.

Mr. Wilson to Viscount Palmerston.

Lima, February 12, 1840.

MY LORD,

(Received May 30.)

I HAVE the honour to acknowledge the receipt, on the 30th ultimo, of your Lordship's Despatches of the 25th and 28th of August last; the former transmitting to me Her Majesty's full powers for enabling me to conclude, on the part of Her Majesty, a Treaty with the Republic of Bolivia, for the suppression of the Slave Trade of Bolivia, the latter enclosing to me two Copies of an Address upon Slave Trade, from the House of Peers to Her Majesty, and of Her Majesty's most gracious Answer thereto, and instructing me to communicate these Papers to the Bolivian Government, and earnestly to press upon that Government the conclusion of the negotiations with which I am charged on this subject.

Herewith I have the honour to transmit a copy of a Note which, in the execution of the instructions contained in those two Despatches, I addressed to the Minister of Foreign Affairs of Bolivia; and I likewise enclose a Copy of a Despatch which I addressed to Her Majesty's senior naval Officer at Callao, and of his Reply thereto, requesting his assistance in procuring the speedy and safe conveyance to Bolivia of that Note.

I have, &c.

(Signed) BELFORD HINTON WILSON.

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

&c.

&c.

&c.

First Enclosure in No. 37.

Mr. Wilson to the Minister of Foreign Affairs of the Republic of Bolivia.

SIR,

Lima, February 4, 1840.

THE Undersigned, &c., has the honour to announce to the Minister of Foreign Affairs of Bolivia, that he has received Her Majesty's full powers for enabling him to conclude, on the part of Her Majesty, a Treaty with the Republic of Bolivia for the suppression of the Slave Trade.

The manner in which Her Majesty's Government is desirous of co-operating with Bolivia in effecting that most righteous object is fully explained in the draft of a Treaty upon Slave Trade, which the Undersigned has herewith the honour of transmitting, for the consideration of the Government of Bolivia.

And the Undersigned ventures to hope that, as early as may be convenient to Mr. Urcullu after the receipt by him of that draft, that he will inform the Undersigned as to the willingness of his Government to conclude with Her Britannic Majesty a Treaty in conformity therewith.

The Republics of Venezuela, Chile, and Buenos Ayres have already concluded with Great Britain Treaties, similar to the one which the Undersigned has the honour of proposing in this Note on the part of Her Britannic Majesty; and Her Majesty's Government therefore hope that Bolivia will not be the last State in the new world to concur with their fellow Christians in the old, in putting an end to a system of crime, which has so long continued to disgrace the character of civilized nations.

CLASS D.

The Undersigned feels fully confident that this hope will not be frustrated by a refusal on the part of Mr. Urcullu's Government to conclude with Her Britannic Majesty the Treaty now proposed thereto; because the Undersigned is thoroughly acquainted with the generous steps taken by Bolivia, from the very moment she established herself as an independent nation, and in which she has ever since so creditably persevered, to put an end to the nefarious traffic in slaves, by establishing as a constitutional guarantee the prohibition to import slaves into Bolivia, and rendering the crime of Slave Trade a punishable offence by law.

But it must be manifest to the enlightened understanding of Mr. Urcullu, that the entire abolition and extirpation of that scandal of the civilized world, the Slave Trade, can never be effected by the isolated efforts, however praiseworthy and sincere, of any one nation.

It is on this account that Great Britain who, as the Bolivian Minister is doubtless aware, has herself successfully made such generous and disinterested sacrifices to put an end not only to that traffic, but to the state of slavery itself within her own dominions; has unremittingly continued her efforts to concert with her allies and countries in amity with her measures for proclaiming and treating the crime of Slave Trade as piracy, with a view of founding upon the aggregate of such separate engagements between State and State a general engagement, to be incorporated into the public law of the civilized world.

These and corresponding efforts on the part of her allies have so far succeeded, as to have induced the representatives of eight of the greatest powers of Europe, assembled at the Congress of Vienna in 1815, after a solemn deliberation, unanimously to declare that the Slave Trade is "repugnant to the principles of humanity and universal morality, and that it was the earnest desire of their Sovereigns to put an end to a scourge which has so long desolated Africa, degraded Europe, and afflicted humanity."

Not only these, but almost all the powers of Europe have, since 1815, given practical effect to these humane principles, by legislative enactments and by Treaty engagements.

The entire abolition and extirpation of the Slave Trade in Bolivia being then considered and treated by her as a primary object of her national morality and policy, it seems scarcely possible that any obstacle will occur to prevent the conclusion of the Treaty upon Slave Trade, now proposed to her on behalf of Her Britannic Majesty; and Mr. Urcullu, to whom the ground of the Undersigned's attachment to Bolivia is known, will readily believe the sincerity of his declaration, that no event could be more gratifying to him than, in his capacity of Her Majesty's Plenipotentiary, to serve as a humble instrument by which Great Britain and Bolivia shall be connected in a joint effort to promote the beneficent ends of civilization, humanity, and Christianity, which are the sole objects of the proposed Treaty to effect.

In this expectation he has determined to suspend, even at the imminent risk of his health, his contemplated return to Europe, until such time as he, by the receipt of Mr. Urcullu's reply to this Note, shall ascertain whether it will be necessary for him to proceed to Bolivia for the purpose of the proposed negotiation, or to await in Lima the arrival of a Bolivian Plenipotentiary, invested with full powers to conclude, on behalf of that republic, the Treaty in question.

As an additional proof of the unceasing and earnest desire of the Parliament and Government of Great Britain for the total extinction of the traffic in slaves, the Undersigned has been especially instructed by his Government to communicate to that of Bolivia the enclosed Copy of an Address upon Slave Trade, from the British House of Peers to Her Britannic Majesty, and of Her Majesty's most gracious answer thereto.

Finally, the Undersigned has the honour to transmit herewith a certified Copy of the full power, under the Royal Sign Manual, with which he has been invested by His Sovereign, for the conclusion of a Treaty on Slave Trade with the Republic of Bolivia.

The Undersigned, &c.

(Signed) BELFORD HINTON WILSON.

The Minister of Foreign Affairs, Bolivia,
 &c. &c. &c.

Second Enclosure in No. 37.

Mr. Wilson to Captain James Scott, R. N.

SIR,

Lima, February 7, 1840.

IN the execution of instructions which I have received from Her Majesty's Principal Secretary of State for Foreign Affairs, I am desirous of transmitting by a safe opportunity the accompanying important Despatches to the Minister of Foreign Affairs of the Republic of Bolivia, and to the British Vice-Consul therein; and as the communication by land between Peru and that country is at present very irregular and unsafe, I should feel obliged, if the public service will allow thereof, by your sending those Despatches to Cobija, in the launch of Her Majesty's ship "President," for delivery to the receipt of the Bolivian Governor Captain of the Port, or Postmaster of that place, a form of which is herewith transmitted.

I have, &c.
(Signed) BELFORD HINTON WILSON.

Captain James Scott, R. N.,
&c. &c. &c.

Third Enclosure in No. 37.

Captain James Scott to Mr. Wilson.

Her Majesty's Ship "President," Callao Bay,

SIR,

February 7, 1840.

IN reply to the request contained in your Letter of this day, I have much pleasure in stating to you that under my instructions from the Commander-in-Chief, I am enabled to meet your wishes, by ordering Lieutenant Barrie to proceed this afternoon with your Despatches to Cobija, in the launch of this ship, calling in, on her way back, at Arica and Yslay, for any communications the Consuls at those ports may have to forward to you.

I have, &c.
(Signed) JAMES SCOTT, *Captain.*

Belford Hinton Wilson, Esq.
&c. &c. &c.

No. 38.

Mr. Wilson, to Viscount Palmerston.

Lima, May 18, 1840.

MY LORD,

(Received September 22.)

WITH reference to my Despatch of the 12th of February last, I have the honour to transmit herewith the copy and translation of a confidential communication addressed to me by the Minister of Foreign Affairs of Bolivia, dated the 19th ultimo.

Mr. Linares therein promises very shortly to take into consideration the draft of the Treaty with Her Majesty for the suppression of the Slave Trade of Bolivia, forwarded to him on the 4th of February last, but to which fortuitous circumstances have hitherto prevented him from attending.

From the friendly tone and tenor of this communication, I am induced to hope that the British invitation will be accepted by Bolivia, and should this prove to be the case, I shall, if considered necessary by that Government, proceed to Bolivia, for the purpose of concluding the negotiations with which I am charged thereupon.

The earnest protestations made by Mr. Linares respecting the accidental opening of my Despatch to Mr. Vice-Consul Masterton, sent under his cover, are evidently intended as a species of satisfaction for the violation of my official seal by that Government in June of last year, as reported to your Lordship in my Despatch "Separate," of the 31st of the following August.

At the same time, therefore, that I have expressed myself entirely satisfied with his explanation in the present case, I have, separately, pointed out the propriety

and expediency of his Government giving satisfaction for the former unwarrantable act. Translations of my communications to Mr. Linares are herewith transmitted.

I have, &c.

(Signed)

BELFORD HINTON WILSON.

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

&c.

&c.

&c.

(Translation.)

First Enclosure in No. 38.

M. Jozé Maria Linares to Mr. Wilson.

ESTEEMED SIR,

La Paz, April 19, 1840.

IN consequence of my Government being on its way to this city, and it being only a few days since it arrived here, it has not been in my power to employ myself in the examination of the Treaty and the other documents, which you were pleased to address to me by the first courier of the Legation, which Mr. Hilarion Fernandez despatched for this city. I will very shortly enter upon the said examination; and, in the mean time, I can assure you that, if my Government sees no obstacle thereto, it will accept the Treaty with great pleasure, on account of its sincere desire to establish diplomatic relations with the Government of the English nation, which has a thousand titles to its respect.

For my part, I must also assure you that it is very gratifying to me that it will become my duty to take a part in the Treaty, and to be enabled by these means to establish a correspondence with you, with whom if I had not the honour of being personally intimate when I was in Lima, I nevertheless profess towards you the highest sentiments of friendship and respect.

To-day I have also received the communications which you were pleased to transmit to me by way of Cobija, and believing, by mistake, that they were all addressed to me, I broke the seal of those which came for Mr. Masterton; but having discovered my mistake, I immediately ordered them to be re-sealed in my presence, without having perused them: and they have been sent off this day by the post, which leaves to-day for Cochabamba.

I write to Mr. Masterton, informing him of the circumstance, and giving him the necessary satisfaction, that he should not suppose that his correspondence had been intentionally opened, because I am myself incapable of such an unworthy act, and my Government is still less so, well knowing the sacred nature of correspondence, whether private or whether it bears the seal of inviolability which that addressed by a diplomatic agent enjoys.

I trust that you will believe the truth of my statements respecting the above-mentioned occurrence; and I avail myself of this opportunity to subscribe myself

Yours, &c.

(Signed)

JOZE' MARIA LINARES.

Belford Hinton Wilson, Esq.,

&c.

&c.

&c.

(Translation.)

Second Enclosure in No. 38.

Mr. Wilson to M. Jozé Maria Linares.

ESTEEMED SIR,

Lima, May 18, 1840.

I HAVE been gratified by the assurances contained in your esteemed communication of the 19th of April last that you will very shortly take into your consideration the project of the Treaty for the suppression of the Slave Trade of Bolivia, which on the 4th of February last I had the honour to forward to the Department now presided over by you, and also by the expression of your kind feeling towards me personally.

Your explanation relative to the casual opening of my Despatches to Mr. Masterton, sent under your cover, and the steps you immediately took on discovering the mistake, are entirely satisfactory to me.

Entertaining a confident hope that Bolivia will accept the invitation of Great Britain to conclude a Treaty for the entire suppression of the Slave Trade of Bolivia, and for declaring that crime to be piracy, I have deferred my departure to England until I shall receive the definite resolution of your Government thereupon.

You will however, I trust, excuse my urging upon you the convenience of communicating to me that resolution without delay; and if it be in conformity to my hopes, it will be highly honourable to me to affix my name by the side of your own to an instrument, alike interesting to the civilization of our respective countries and to the whole Christian world.

I have, &c.
(Signed) BELFORD HINTON WILSON.

Señor Jozé Maria Linares,
&c. &c. &c.

Third Enclosure in No. 38

Mr. Wilson to M. Jozé Maria Linares.

ESTEEMED SIR,

Lima, May 18, 1840.

THE frank and honourable explanation contained in your esteemed communication of the 19th April last, relative to the casual opening of my Despatches to the British Vice-Consul, Mr. Charles Masterton, satisfies me of the respect professed by your Government for the inviolability of the seal of official correspondence.

I therefore entertain the hope that, in consonance with those sound principles of morality and public right, you will not hesitate to offer satisfaction, in the name of your Government, for the violation of my official seal, in the month of June last year, and thereby terminate, in an honourable and friendly manner, a question, in a just settlement of which the good name of Bolivia, and the honour of its Government, are so deeply interested.

With this view, I transmit herewith a Note, containing a simple relation of the circumstances of that violation; and I profit by this opportunity to renew to you the assurances, &c.

I have, &c.
(Signed) BELFORD HINTON WILSON.

Señor Jozé Maria Linares,
&c. &c. &c.

Fourth Enclosure in No. 37.

Mr. Wilson to the Minister of Foreign Affairs of Bolivia.

Lima, May 18, 1840.

ON the 26th June, 1839, General Ballivian transmitted to the British Vice-Consul in Bolivia, Mr. Charles Masterton, an original communication which the Undersigned, Her Britannic Majesty's Chargé d'Affaires, resident in Lima, addressed to that functionary, on the 28th of the previous April, and forwarded to him under the official seal and cover of this Legation.

General Ballivian, in his covering Letter, observes that he transmitted to Mr. Masterton the intercepted Letter of the Undersigned, with the view of his furnishing him with a faithful translation thereof, in conformity to the spirit of that document, in order that, being certified to by Mr. Masterton, it might be more worthy of credit than the one which had been sent to him by the Government of Bolivia, the which he also enclosed to Mr. Masterton.

It must be remarked that the Letter of the Undersigned was addressed to Mr. Masterton, at La Paz, and was delivered at Cobija by the Commander of Her Majesty's ketch "Basilisk."

Mr. Urcullu, replying under date of the 1st of July last, to a representation upon this subject, which Mr. Masterton addressed to the Government of Bolivia, stated that he had been informed that Mr. Wilson's communication came enclosed amongst various papers which Don Andres Santa Cruz addressed to his wife, Doña Francisca Cernadas, and that it ought not to excite surprise that, if Mr. Wilson's communication was enclosed in the correspondence of General Santa Cruz, that its seal should have been violated.

The supposition that a communication of Mr. Wilson, resident in Lima, to Mr. Masterton, resident in La Paz, should have been found amongst a cor-

respondence of General Santa Cruz, resident at Guayaquil, is so gratuitous and frivolous as rather to aggravate the fact of the violation of the seal of a public Minister; and the ridiculous narration given by Mr. Urcullu, of the alleged contents of that Letter, is no less offensive, being moreover totally disproved by the original communication delivered by General Ballivian to Mr. Masterton.

But, as the object of this Note is not recrimination, but to procure the amicable settlement of the act complained of, the Undersigned will leave it to the decorum of the Government of Bolivia to offer a proper satisfaction by manifesting its regret for an act indisputably committed by one of its authorities, and which is alike injurious to the honour of Bolivia and to the public faith of nations.

The Undersigned, &c.

(Signed) BELFORD HINTON WILSON.

*The Minister for Foreign Affairs
of Bolivia.*

No. 39.

Mr. Wilson to Viscount Palmerston.

June 4, 1840.

MY LORD,

(Received October 4.)

I HAVE the honour to transmit herewith an Extract, with its corresponding translation, from a Note addressed to me on the 10th ultimo, by the Minister of Foreign Affairs of Bolivia, stating that he will shortly communicate to me the Resolution of that Government as to its willingness to conclude with Her Majesty the Treaty on Slave Trade, to which Bolivia has been invited to accede.

I have, &c.

(Signed) BELFORD HINTON WILSON.

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

(Translation.)

Enclosure in No. 39.

Minister of Foreign Affairs to Mr. Wilson.

Palace of Government in La Paz, May 10, 1840.

* * * * *

In conclusion, the Undersigned has pleasure in acquainting the Chargé d'Affaires and Consul-General, that he will shortly make known to him the resolution of his Government respecting the acceptation of the Treaty which the Chargé d'Affaires and Consul-General has proposed to it, and requests he will admit the just esteem and respect with which he subscribes himself his

Very attentive, &c.

(Signed) JOZE' MARIA LINARES.

*Her Britannic Majesty's Chargé d'Affaires
and Consul-General in Lima.*

No. 40.

Mr. Wilson to Viscount Palmerston.

Lima, July 4, 1840.

MY LORD,

(Received October 31.)

IT affords me the greatest satisfaction to be enabled to transmit to your Lordship the copy of a Note addressed to me by the Bolivian Minister of Foreign Affairs, stating the willingness of his Government to accede to the Treaty on Slave Trade, which, by your Lordship's directions I submitted to its consideration, under date of the 4th February last.

I shall consequently proceed to Bolivia the moment I have concluded the negotiation relative to the Slave Treaty with Peru.

I likewise transmit a copy and translation of a letter addressed to me by the President of Bolivia, expressive of his personal feeling in respect to the Treaty with that Republic.

I have, &c.

(Signed) BELFORD HINTON WILSON.

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

(Translation.)

First Enclosure in No. 40.

Minister of Foreign Affairs to Mr. Wilson.

Government House in La Paz, June 8, 1840.

THE Government of the Undersigned has taken into its consideration the Treaty for the abolition of the traffic in slaves, which Her Majesty the Queen of Great Britain has concluded with various European Powers, and with some Governments of America, and the acceptance of which Mr. Wilson proposes to that of the Undersigned.

The Government of the Undersigned would prove itself unworthy of representing the Bolivian people, if it did not lend itself to second the beneficent views of Her Majesty the Queen of Great Britain, in respect to a subject whose object is to destroy a traffic which philosophy, humanity, and the principles of universal justice condemns; a subject which, on the other hand, is also so conformable with the liberal institutions and laws that govern Bolivia.

The Government of the Undersigned is therefore disposed to accept the Treaty, and, with this view, is going to submit it to the deliberation of the Sovereign Congress, which is to assemble on the 6th August next.

The Treaty cannot be but well received by the Congress; and, until it has approved of it, the Undersigned fulfils the very grateful duty of tributing, in the name of his Government, his homage of admiration and respect to the very enlightened and philanthropic Government of Her Majesty the Queen of Great Britain, for the interest which it takes in favour of humanity, and for its endeavours to secure its rights.

The Undersigned, &c.

(Signed) JOZE' MARIA LINARES.

Belford Hinton Wilson, Esq.,
&c. &c. &c.

Second Enclosure in No. 40.

General Velasco to Mr. Wilson.

(Translation.)

La Paz de Agacucho, June 9, 1840.

MY esteemed FRIEND and COMPANION in ARMS,

THE communication with Peru being recently opened enables me to reply to your esteemed Letter of the 11th of February, which I received in duplicate, as also to the one which was delivered to me by Mr. Fernandez, dated the 30th of April.

I scarcely know how to express my gratitude for the kindness with which you accepted and executed our Commission to succour the Bolivian prisoners; nor is my gratitude less for the considerations which you paid to our Minister Plenipotentiary in Peru, Mr. Fernandez, as also for the interest which you have manifested in the establishment of the amicable relations between these two Republics, of all which I am well informed. So many proofs of friendship, which are not to be wondered at in your personal character, also manifest the benevolent spirit of Great Britain in favour of Bolivia, and makes me desirous of seeing our relations fomented to their utmost extent.

It will be very satisfactory to me to commence by concluding the Treaty for the entire suppression of the traffic in slaves proposed by you, to which there will not be the slightest obstacle, being in conformity to the liberal principles which our fundamental Charter sanctions.

I have seen the confidential Memoranda which you had the goodness to give to Mr. Fernandez, and I will use my best endeavours that every thing shall be arranged in accordance therewith.

I am informed that you purpose proceeding to this Republic. I sincerely hope that this may be the case. It will then be very easy for us to arrange every thing satisfactorily. I assure you that for me there cannot be a more gratifying hope than that which I have, that we ourselves may be the principal instruments for securing the closest ties of friendship between Great Britain and the daughter of the great Bolivar, (Bolivia).

With this I take my leave of you, reiterating the invariable affection which your old friend professes for you.

I have, &c.,

(Signed) VELASCO.

Belford Hinton Wilson, Esq.,
&c. &c. &c.

No. 41.

Mr. Wilson, to Viscount Palmerston.

Lima, July 18, 1840.

(Received November 9.)

MY LORD,

I HAVE the honour to transmit herewith a copy of a Note which I have addressed to the Bolivian Minister of Foreign Affairs, announcing my intention to proceed forthwith to that Republic, for the purpose of concluding therewith the negotiation on Slave Trade with which I am charged.

This journey is indispensable to allow of the Bolivian Congress approving, during its approaching Sessions, of any Treaty on Slave Trade with that Republic, which I may sign therewith on the part of Her Majesty.

(Signed) BELFORD HINTON WILSON.

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

Enclosure in No. 41.

Mr. Wilson to the Bolivian Minister of Foreign Affairs.

SIR,

Lima, July 18, 1840.

THE Undersigned, Her Britannic Majesty's Chargé d'Affaires resident in Lima, has been honoured by the receipt of Mr. Linares' esteemed Note, dated the 8th ultimo, announcing the willingness of the Bolivian Government to conclude with Her Britannic Majesty a Treaty for the entire suppression of the Slave Trade of Bolivia, and for declaring the crime of Slave Trade to be piracy. As the Plenipotentiary named by Her Britannic Majesty for that negotiation, the Undersigned will forthwith proceed to Bolivia for that purpose, in the confident hope that during the Session of the Congress about to assemble in the city of Sucre, a work so honourable to both contracting countries, and interesting to humanity, will be formally adjusted and concluded. The Undersigned will embark in Her Majesty's ship "Orestes" for Arica on the 23d instant, and will from thence immediately proceed *viâ* La Paz to the city of Sucre. He will accordingly feel much obliged by Mr. Linares' issuing the proper direction to the local authorities along this route to facilitate his journey. The Undersigned avails himself of this opportunity to renew to Mr. Linares the assurances of his high respect and distinguished consideration.

I have, &c.,

(Signed) BELFORD HINTON WILSON.

The Minister for Foreign Affairs,
&c. &c. &c.

CHILE.

No. 42.

Mr. Walpole to Viscount Palmerston.

Santiago, January 19, 1840.

MY LORD,

(Received May 20.)

I HAVE this day had the honour to receive your Lordship's Despatches; the first covering two Copies of the "Address of the House of Peers to Her Majesty, with Her Majesty's most gracious answer thereto;" the latter enclosing a Copy of an Act of Parliament recently passed for the suppression of the Slave Trade.

I have, &c.,

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

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

&c. &c. &c.

No. 43.

Mr. Walpole to Viscount Palmerston.

Santiago, March 2, 1840.

MY LORD,

(Received July 20.)

I HAVE this day had the honour to receive your Lordship's Despatch of the last year, covering six Copies of M. Moncorvo's Note addressed to your Lordship, and of that of your Lordship to the Ministers accredited to the British Court by the Powers who were parties to the Treaties of the Congress in 1815.

I have, &c.

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

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

&c. &c. &c.

No. 44.

Mr. Walpole to Viscount Palmerston.

Valparaiso, March 9, 1840.

MY LORD,

(Received July 20.)

I HAVE this day had the honour to receive your Lordship's Despatch dated November 2d, of the last year, notifying the Orders which had been issued, by command of Her Majesty, to the Commanders of Her Majesty's Vessels, and to the Governors of Her Majesty's Forts and Settlements abroad, with a view to the more effectual suppression of the Slave Trade.

I have, &c.,

(Signed) JOHN WALPOLE.

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

&c. &c. &c.

No. 45.

*Viscount Palmerston to the Hon. John Walpole.**Foreign Office, August 13, 1840**Circular sending Papers presented to Parliament.*

No. 46.

*Viscount Palmerston to the Honourable John Walpole.**Foreign Office, August 22, 1840.*

SIR

By your Despatch of the 9th September, 1839, I was led to expect some further communication from you, on the subject of the Treaty concluded by you on the 19th January, 1839, for the suppression of the Slave Trade.

Six months have now elapsed since I received that Despatch, and I have not had any further communication from you on the subject.

On the 4th March last Her Majesty's ratification of that Treaty was transmitted to you, and I trust that it will have been exchanged by you against the ratification of the Government of Chile, without a demand from the Chilian Government for any modification of, or addition to, the Articles of that Treaty.

But in order to prevent any possible misconception on your part as to the powers with which you are furnished, I think it right to state to you, without waiting for further communication, that if, according to your expectations, the Chilian Government shall propose to you an Additional Article, limiting the duration of the Treaty to a period of ten years, you are to answer that you have no authority to consent to such a stipulation.

Her Majesty's Government would regret sincerely, that the Legislative Chambers of Chili should object to make the Treaty permanent: because the object of the Treaty is the permanent suppression of the Slave Trade; and any compact which is intended to be effectual for that purpose should be permanent also.

Therefore, if the contracting parties were to limit the duration of the compact, they would be supposed to intend to abandon that principle of perpetual abolition of the Slave Trade which forms the very foundation of the Treaty; and they would hold out to the slave-traders the prospect of some future period, at which those persons might again shelter their crimes under the protection of the Chilian flag.

Arrangements, such as those contained in this Treaty, will be absolutely necessary as long as the condition of slavery anywhere exists; because as long as slavery exists, there will be a temptation for unprincipled men to carry off captives, in order to make them slaves; and as long as such men have any temptation to buy and sell slaves, Treaties, like that which is proposed to Chile, will continue to be necessary in order to prevent such crimes.

You will urge these considerations upon the Chilian Government; and you will earnestly press for an unlimited duration of the Treaty. But if, in spite of all your efforts, and contrary to our hopes, you should find that the Chilian Government absolutely refuses to ratify the Treaty without a limit to its duration, you will propose that the exchange of the ratifications of the Treaty shall proceed, and that at the time when such exchange is made the Plenipotentiaries on each side shall sign a stipulation, in the form of an Article additional to the Treaty, and providing that, at the expiration of twenty years from the date of the exchange of the ratifications, the details of the Treaty may, after six month's notice given by either party, be revised by mutual consent, but not otherwise.

I herewith transmit to you a draft of an Article to that effect, which you may, if required, conclude and sign with the Plenipotentiary of Chile, at the time that the ratifications of the Treaty are exchanged by you.

I am, &c.

(Signed)

PALMERSTON

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

Enclosure in No. 46.

Additional Article to Treaty between Great Britain and Chile on Slave Trade.

THE contracting parties to the Treaty concluded on the 19th January, 1839, between Great Britain and Chile, for the suppression of Slave Trade, hereby declare, that they reserve to themselves the right to give, each to the other, after the expiration of twenty years from the date of the exchange of the ratifications of the said Treaty, six months' notice of a desire to revise, by mutual consent, any details of that Treaty; and to propose, discuss, and conclude by mutual consent such amendments or additions thereto as may seem best adapted for the more effectual accomplishment of the purposes of the said Treaty. But it is understood that any stipulation of the said Treaty, which, at the period of the revision thereof, shall be objected to by either of the contracting parties, shall nevertheless continue in full force, until the same shall have been altered or annulled by the consent of both parties to the Treaty.

This Additional Article shall have the same force and effect as if it had been inserted word for word in the said Treaty, and shall be considered as forming a part of the same. It shall be ratified, and the ratification thereof exchanged at within months from this date, or sooner if possible.

In witness whereof we, the Plenipotentiaries to the aforesaid Treaty, have hereunto signed our names, and affixed the seal of our arms at , this day of

EQUATOR.

No. 47.

Mr. Cope to Viscount Palmerston.

Consulate of the Equator, Guayaquil, February 7, 1840.

MY LORD,

(Received May 12.)

I HAVE the honour to acknowledge the receipt of your Lordship's Despatches, of the 28th and 31st August, the first enclosing a draft of a Treaty between Great Britain and the republic of the Equator, for the suppression of the Slave Trade of the republic of the Equator; a draft of two Additional Articles, and full powers from Her Majesty to enable me to conclude and sign the said Treaty: the other Despatch accompanying two copies of an Address upon Slave Trade, from the House of Peers to Her Majesty, on the 2nd August, 1839, and of Her Majesty's most gracious answer thereto.

I have, as directed by your Lordship, communicated the contents of those Despatches to the Equatorian Government at Quito, and I have also transmitted to them copies of the Address and of Her Majesty's answer.

I have, &c.

(Signed)

WALTER COPE.

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

&c.

&c.

&c.

No. 48.

Mr. Cope to Viscount Palmerston.

Consulate of the Equator, Guayaquil, February 8, 1840.

MY LORD,

(Received July 12.)

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of August 25, 1839, accompanying a copy of two series of papers, relating to Slave Trade, classes A, B, C, and D, first and second series 1838-9, which have been presented to the two Houses of Parliament by Her Majesty's commands.

I also take this occasion to acknowledge the receipt of your Lordship's Despatch of September 3rd last, with its Enclosure, the copy of an Act of Parliament, 2 and 3 Vic. cap. 73, for the suppression of the Slave Trade.

I have, &c.

(Signed)

WALTER COPE.

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

&c.

&c.

&c.

No. 49.

Mr. Cope to Viscount Palmerston.

Consulate of the Equator, Guayaquil, February 9, 1840.

MY LORD,

(Received May 12.)

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, of 12th October last, accompanying four "copies of Papers relative to

the Negotiations between Great Britain and Portugal on the subject of the Slave Trade," which contains copies of the Baron de Moncorvo's Note to your Lordship, of August 14th, and of your Lordship's Note of September 30th last, addressed to the Ministers accredited to Her Majesty's Court by the Powers who were parties to the Treaties of the Congress of Vienna in 1815.

I have, &c.
(Signed) WALTER COPE.

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

No. 50.

Mr. Cope to Viscount Palmerston.

Consulate of the Equator, Guayaquil, April 1, 1840.

MY LORD,

(Received July 17.)

I HAVE the honour to acknowledge the receipt of your Lordship's Circular of November 2d, informing me of the various orders which Her Majesty has commanded to be given to the Commanders of Her Majesty's cruisers and others, for the more effectual suppression of the Slave Trade, carried on by vessels sailing under the flag of Portugal, and those hoisting no flag, and destitute of any papers proving their nationality.

And also that the same officers have been acquainted that nothing contained in the Act of Parliament 2 and 3 Vic. c. 73, (a copy of which I have received,) is intended to confer upon British cruisers any new right of search as to any vessel sailing under the flag of a State with which Great Britain has no Treaty granting a mutual right of search; and that, with respect to vessels sailing under the flag of a State with which Great Britain has a Treaty granting a mutual right of search, that Act of Parliament is not intended to authorize Her Majesty's naval officers to visit and search such vessels, in any other way than that which is prescribed by such Treaties, and by the Instructions annexed thereto.

I have, &c.
(Signed) WALTER COPE

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

No. 51.

Mr. Cope to Viscount Palmerston.

Consulate of the Equator, Guayaquil, April 7, 1840.

MY LORD,

(Received July 17.)

IN my Despatch of February the 8th, I had the honour to inform your Lordship that I had communicated to the Equatorian Government the contents of your Lordship's Despatch, therein referred to, directing me to propose a Treaty between Great Britain and the republic of the Equator for the suppression of the Slave Trade of that Republic. In a subsequent Note I transmitted to his Excellency the Minister for Foreign Affairs of the Equator a copy of the Draft of the Treaty sent to me by your Lordship. The replies which I have received to those communications contain assurances of the participation of his Excellency the President of the republic in the philanthropic views of Her Majesty, and of readiness to conclude the proposed Treaty, which leave no doubt of the sincere disposition of the Equatorian Government to concur in the desires of Her Majesty; and I do not anticipate any difficulty in bringing to a successful termination the negotiation with which I am charged when I arrive at Quito. But I have received notice from Mr. Wilson, Her Majesty's Chargé d'Affaire in Peru, that he will touch here on his way to England, probably about the end of this month, for the purpose of having an interview with me on

matters concerning the countries to which we are severally accredited; and it will be obvious to your Lordship that, under existing circumstances, it is more important that I should remain here to receive Mr. Wilson than proceed immediately to Quito; and I therefore intend to postpone my journey there, until after Mr. Wilson has passed on to Panama.

I herewith enclose copies of the two Notes which I addressed to the Minister for Foreign Affairs, and of his Excellency's replies thereto, with their corresponding translations.

I have, &c.,

(Signed) WALTER COPE.

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

First Enclosure in No. 51.

Mr. Cope to Don Francisco Marcos.

SIR,

British Consulate, Guayaquil, February 7, 1840.

THE Undersigned, Her Britannic Majesty's Consul and Plenipotentiary, has the honour to communicate to his Excellency the Minister for Foreign Affairs of the Equator, that he is commissioned by his Government to propose to that of the Equator a Treaty for the suppression of the traffick in slaves, similar to those which have recently been proposed to the Governments of the other Republics of South America; and that he has received full powers to conclude and sign the said Treaty.

He is likewise directed to transmit to the Equatorian Government the enclosed copies of an Address to Her Britannic Majesty from the House of Peers of Great Britain on the 2d of August, 1839, and of the answer which Her Majesty was pleased to return thereto.

In making these communications, the Undersigned has to add that he is further instructed to call the attention of the Equatorian Government to the fact, that Venezuela, Chile, and Buenos Ayres have already concluded with Great Britain Treaties similar to that which he is now commissioned to propose on the part of Her Britannic Majesty; and that Her Majesty's Government hopes that the Republic of the Equator will not be the last State in the new world to concur with their fellow Christians in the old, in putting an end to a system of crime which has so long continued to disgrace the character of civilized nations.

The Undersigned has the honour to offer to his Excellency the Minister for Foreign Affairs the assurances of his respect and consideration, and to subscribe himself, &c.

(Signed) WALTER COPE.

His Excellency Don Francisco Marcos,
&c. &c. &c.

Second Enclosure in No. 51.

(Translation.)

Don Francisco Marcos to Mr. Cope.

Republic of the Equator. Secretary of State's Office for Foreign Affairs, Quito, February 21, 1840.

SIR,

THE Undersigned, &c., has had the honour to receive the attentive Note of the 7th, and accompanying translations, which Her Britannic Majesty's Consul and Plenipotentiary has addressed him, to communicate his being furnished with full powers to conclude and sign a Treaty for the purpose of the extinction of the traffic in slaves.

These noble intentions of Her Britannic Majesty being made known to the Chief of the Republic, have met with the sympathies which were to be expected; and therefore there will be no difficulty in bringing to conclusion the desired

negotiation, so far as it accords with the possibilities of the Equatorian Government and the philanthropic views of civilized nations.

He requests, &c.

(Signed) FRANCISCO MARCOS.

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

Third Enclosure in No. 51.

Mr. Cope to Don Francisco Marcos.

SIR,

Guayaquil, March 4, 1840.

THE favourable reception given by his Excellency, the Minister for Foreign Affairs of the Equator, in his Note of the 21st ultimo to the Undersigned's communication of his powers to sign a Treaty for the Abolition of the Slave Trade, and the generous sympathies of his Excellency, the President of the Republic, with the desires of Her Britannic Majesty, to put an end to that traffic, encourage the hopes which the Undersigned entertains of seeing it speedily concluded; and he has now the honour to transmit to his Excellency, the Minister, a copy, in Spanish, of the Draft of the Treaty which he is directed by his Government to propose. But should any difficulty arise with respect to the appointment of the Commissioners to act on the part of the Equator, in the Mixed Courts of Justice to be established under the Treaty, the Undersigned is authorised to meet that difficulty by proposing two Additional Articles, calculated to afford facilities on that point to the Equatorian Government; and he, therefore, adds a copy of those Additional Articles, that the whole may be at once aken into consideration.

Renewing, &c.

Don Francisco Marcos,
&c. &c. &c.

(Signed) WALTER COPE.

Fourth Enclosure in No. 51.

Don Francisco Marcos to Mr. Cope.

(Translation.)

Republic of the Equator. Secretary of State's Office for
Foreign Affairs, Quito, March 14, 1840.

SIR, THE Minister for Foreign Affairs of the Republic of the Equator has considered himself highly favoured by the very attentive Note of the 4th, which Her Britannic Majesty's Consul and Minister Plenipotentiary has been pleased to direct to him from the city of Guayaquil, accompanied by a project of the Slave Trade Treaty, for which the Consul is invested with full powers.

The Undersigned will take care to pass the aforesaid project without loss of time to the minister, who may deserve the confidence of the Equatorian Government, to be employed in that negotiation, so soon as the British Minister, having arrived at this capital, shall have been installed according to customary usage, being already able to assure the Consul whom he addresses, that the Equatorian Government will endeavour, so far as it lays with them, to correspond to the very noble desires of Her Britannic Majesty.

He requests Mr. Cope to accept, on the present as on all other occasions, the expressions of respect and particular esteem with which he is, &c.

(Signed) FRANCISCO MARCOS.

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

No. 52.

Viscount Palmerston to Mr. Cope.

Foreign Office, August 13, 1840.

Circular sending Papers presented to Parliament.

No. 53.

*Mr. Cope to Mr. Bidwell.**Consulate of the Equator, Guayaquil, July 25, 1840.*

SIR,

(Received October 26.)

I HAVE the honour to acknowledge the receipt of Viscount Palmerston's Despatch of February 20, 1840, enclosing a copy and translation of an Apostolical Letter, promulgated on the 3rd of December, 1839, by his Holiness the Pope, on the subject of the Slave Trade.

I shall, as desired, take measures to cause that letter to be inserted in the public journals of the Equator, and avail myself of every other suitable opportunity which may offer to make its contents known.

I have, &c.

John Bidwell, Esq.,
&c. &c. &c.

(Signed)

WALTER COPE

MEXICO.

No. 54.

Viscount Palmerston to Mr. Pakenham.

SIR,

Foreign Office, June 10, 1840.

I HAVE received your Despatch, of the 3rd March, 1840, on the subject of the proposed Treaty between Great Britain and Mexico on Slave Trade.

Her Majesty's Government agrees to your proposal, that the Government of Mexico shall engage to introduce into the Congress a law, declaring Slave Trade to be piracy, and that the stipulation for an additional Convention, to be subsequently entered into between the two Powers, on that particular point, shall be omitted in the present Treaty.

Her Majesty's Government has felt satisfaction in learning, that you have overcome the objections made by the Mexican Minister to a mutual right of search; because, an adherence to those objections would have been fatal to the negotiation, since the mutual right of search is the essence of the proposed Treaty. You have already been authorised to exempt from search Mexican vessels met with in seas where, by the Spanish Treaty, Spanish vessels are exempted from search; and Her Majesty's Government, upon the strength of the statement contained in your Despatch above-mentioned, will consent further to exempt from search such Mexican vessels as may be met with in that portion of the Gulf of Mexico, which lies within a line drawn from the mouth of the Rio Bravo del Norte to the port of Sisal in the peninsula of Yucatan.

Her Majesty's Government agrees to adopt in the Treaty with Mexico the conditions laid down in the Spanish Treaty, as to the forms to be observed in searching vessels.

Her Majesty's Government has considered the objections raised by the Committee of the Mexican Chamber of Deputies to Article 7, and Her Majesty's Government agrees, that Mexican slave vessels captured in the Gulf of Mexico, and to the westward of the 88th degree of longitude west of Greenwich, shall be brought to trial before a Mexican tribunal; while British slave vessels, captured within these confines, shall be taken to a British possession for trial; it being agreed that both British and Mexican vessels detained to the eastward of the 88th degree of longitude west from Greenwich, shall be sent for adjudication to the nearest British possession.

Her Majesty's Government regret sincerely that the Committee of the Chamber of Deputies of Mexico should decidedly object to make the Treaty permanent; because the object of the Treaty is the permanent suppression of the Slave Trade, and, therefore, any compact which is intended to be effectual for that purpose should be permanent also. The Contracting Parties, therefore, by limiting the duration of the compact would appear to abandon that principle of perpetual abolition of the Slave Trade, which forms the very foundation of the Treaty; and any limitation of time which might be set to the duration of the Treaty would hold out to the slave traders the prospect of a period, at which they might again shelter their crimes under the protection of the Mexican flag.

For it must not be forgotten, that arrangements such as those contained in this Treaty will be absolutely necessary as long as the condition of slavery any where exists; because, as long as slavery exists, there will be a temptation for

CLASS D.

unprincipled men to carry off captives in order to make them slaves; and, as long as such men have any temptation to buy and sell slaves, Treaties like that which is proposed to Mexico will continue to be necessary, in order to prevent such crimes.

You will urge these considerations upon the Mexican Government, and you will earnestly press an unlimited duration for the Treaty. If, however, you should, in spite of all your efforts, find the Mexican Government absolutely determined to break off the negotiation, rather than agree to an unlimited duration of the Treaty, you will propose a duration of 30 years certain, with power to either party after that time to give a year's notice of its intention to put an end to the Treaty; and, if that period should be entirely unattainable, you may consent to a period of 25 years; but, if that also be refused, you will say that Her Majesty's Government do not think it worth while to conclude a Treaty with Mexico upon this subject for a shorter period.

Her Majesty's Government will agree to adopt the substance of the regulations for liberated negroes, as contained in the Treaty of 1835 with Spain, instead of adhering to the regulations for negroes as they stood in the Draft of Treaty originally proposed to Mexico.

I hope, that these concessions will satisfy the Mexican Government and Chamber of Deputies, and that you will, on the receipt of this Despatch, find no further difficulty in concluding the Treaty.

R. Pakenham, Esq.,
&c. &c. &c.

(Signed) I am, &c.
PALMERSTON.

No. 55.

Mr. Pakenham to Viscount Palmerston.

Mexico, April 30, 1840.

(Received June 13.)

MY LORD,

I HAVE had the honour to receive your Lordship's Despatch of the 31st January last, relative to the delay which has taken place in concluding a Treaty with this Government for the more effectual suppression of the Slave Trade under the flag of Mexico.

My Despatch, of the 3d of last month, will have informed your Lordship of the progress which had been made up to that date, in carrying into effect your Lordship's instructions upon this subject.

I have now the honour to acquaint your Lordship that one copy of the proposed Treaty is already prepared for signature, and the second will be completed in the course of a few days, when the Treaty will be immediately submitted to the Congress for ratification.

I have, &c.

(Signed)

R. PAKENHAM.

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

No. 56.

Viscount Palmerston to Mr. Pakenham.

Foreign Office, August 13, 1840.

Circular sending Papers presented to Parliament.

No. 57.

*Mr. Pakenham to Viscount Palmerston.**Mexico, May 16, 1840.*

MY LORD,

(Received July 19.)

I HAVE the honour herewith to enclose a Treaty which, in obedience to your Lordship's instructions, I have concluded with the Mexican government for the effectual prevention of the Slave Trade under the flag of this Republic.

My Despatch, marked "Slave Trade," of the 3d March last, will have informed your Lordship of the alterations which it has been necessary to adopt in this Treaty, in order to obviate the objections which led to the rejection of the former Treaty by the Mexican Congress. I hope that they will not appear to Her Majesty's Government of a nature to impair the efficacy of the Treaty, or otherwise to fall short of the object proposed.

The Treaty, which was signed this morning, will be laid forthwith before the Chambers, and the Government promise that they will spare no pains to obtain its early ratification.

I have, &c.

(Signed)

R. PAKENHAM.

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

&c.

&c.

&c.

No. 58.

*Mr. Pakenham to Viscount Palmerston.**Mexico, July 5, 1840.*

MY LORD,

(Received August 25.)

IN the enclosed number of the Mexican Official Journal, your Lordship will find inserted a Translation of the Apostolical Letter promulgated on the 3d of December, 1839, by His Holiness the Pope, on the subject of the Slave Trade, which, by your Lordship's Despatch of the 20th February, I was directed to cause to be published in this country.

Previously to the receipt of your Lordship's Despatch, this Edict had already appeared in the Mexican newspapers, but I thought it my duty, in fulfilment of your Lordship's instructions, to cause the publication of it to be repeated.

I have, &c.

(Signed)

R. PAKENHAM.

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

&c.

&c.

&c.

No. 59.

*Viscount Palmerston to Mr. Murphy.**Foreign Office, October 5, 1840.**Circular sending Papers presented to Parliament.*

No. 60.

*Mr. Murphy to Viscount Palmerston.*21, *Sussex Place*, ce 9 Octobre, 1840.

(Received October 9.)

MONSIEUR MURPHY présente ses compliments à Lord Vicomte Palmerston, et a l'honneur d'avouer réception de deux séries de documents relatifs à la Traite des Nègres, qui ont été présentés au Parlement pendant la dernière Session.

Son Excellence Lord Vicomte Palmerston, G.C.B.,
 &c. &c. &c.

(Translation.)

MR. MURPHY presents his compliments to Viscount Palmerston, and has the honour to acknowledge the receipt of two series of documents relative to the Slave Trade, presented to Parliament during the last Session.

No. 61.

*Mr. Pakenham to Viscount Palmerston.**Mexico, August 22, 1840.*

(Extract.)

(Received October 20.)

ON the receipt of your Lordship's Despatch of 10th June, I lost no time in making known to the Government of Mexico the objections entertained by Her Majesty's Government to conclude a Treaty intended for the effectual and perpetual suppression of the Slave Trade, the duration of which should be limited to a short term of years; and I have now the honour to enclose, for your Lordship's information, a copy and translation of a Note from Señor Cañedo, expressing his readiness to re-open the negotiation for the purpose of coming to an understanding upon this subject, more conformable to the wishes of Her Majesty's Government than that contained in the Treaty already signed and submitted to the Chambers for their approbation.

Enclosure in No. 61.

(Translation.)

*M. Cañedo to Mr. Pakenham.**Convent of St. Augustin, Mexico,**August 20, 1840.*

THE Undersigned, &c. has received the Note which Her Britannic Majesty's Minister Plenipotentiary was pleased to address to him on the 13th instant, relative to the modifications proposed to be made in the Slave Trade Treaty concluded with the Undersigned.

In consideration of the observations made by Mr. Richard Pakenham upon this subject, the Government of Mexico are ready to re-open the negotiation, for which object the Undersigned is still competently authorized; and he takes advantage, &c.

(Signed) JUAN DE DIOS CANEDO.

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

No. 62.

*Mr. Pakenham to Viscount Palmerston.**Mexico, October 7, 1840.*

MY LORD,

(Received December 1.)

I HAVE had the honour to receive your Lordship's Despatch of 23d April, enclosing copies of a Treaty concluded at Caracas on the 15th of March, 1839, between Her Majesty and the Republic of Venezuela, for the abolition of the Slave Trade.

I have, &c.

(Signed)

R. PAKENHAM.

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

&c.

&c.

&c.

MONTEVIDEO.

No. 63.

M. Ellauri to Viscount Palmerston.

Legacion de la Republica Oriental del Uruguay,

Paris, Julio 23, de 1840.

MILORD,

YA supongo á Vuestra Escelencia instruido por el Señor Ministro Mr. Mandeville de que en el año proximo pasado de 1839, antes de mi salida para Europa, hallandome de Ministro de Negocios Etrangeros de la Republica Oriental del Uruguay, tuve el honor de concluir con dicho Señor, y firmar el Tratado, propuesto tiempo há, para la abolicion del Trafico de Esclavos.

Mi Gobierno se apresuró á concertar este Tratado para dar una prueba practica é inequivoca de sus vehementes deseos de estrechar màs y màs las relaciones de amistad y buena inteligencia con él de Su Magestad la Reyna de la Gran Bretaña, no obstante de que, por falta de instrucciones y facultades en el Señor Mandeville quedaba en pié un inconveniente bastante grave, y capaz por si solo de dexar sin efecto alguno aquel solemne convenio, tán benefico á la humanidad, como honroso á la filantropica nacion que lo ha promovido.

Vuestra Escelencia debe estar impuesto de que por los años de 1831 y siguientes el Gobierno de la Republica Oriental, en medio de sus conflictos, celebró algunos contratos para permitir á varios especuladores que introduxesen en su territorio un determinado numero de negros Africanos, no bajo el caracter de esclavos, sino de colonos.

La mayor parte de estos contratos no hà tenido su entero cumplimiento; y él de los armadores del bergantin "*Rio de la Plata,*" solamente lo habria tenido, si la ultima expedicion que emprehendió no hubiera sido precipitada é injustamente condenada por el Tribunal Mixto establecido en la Corte del Rio Janeiro.

El Gobierno de la Republica necesita ocurrir á las Camaras Legislativas para recabar la aprobacion del Tratado, que se celebró con el Señor Ministro Mandeville, sin cuyo esencial requisito le es vedado el ratificarlo. Pero las Camaras que tendrán al mismo tiempo que proveer sobre las reclamaciones pendientes de los empresarios de colonos, cuyos contratos no se hán cumplido integramente, y los de los dueños del bergantin "*Rio de la Plata,*" se han de ver sumamente embarazadas, y como en cierto modo forzadas á negar, ó suspender al menos, su aprobacion.

En precaucion de esto me autorizó muy especialmente el Gobierno para dirigirme al de Su Magestad sobre el particular. Tengo en mi poder documentos fé hacientes, de que fui premunido, y que prueban hasta evidencia que el bergantin "*Rio de la Plata,*" y su cargamento, condenados indebidamente por el Tribunal Mixto del Rio Janeiro, eran rigorosamente propiedades exclusivas de individuos pertenecientes á la Republica Oriental del Uruguay, como vecinos muy antiguos y ciudadanos de ella. Si Vuestra Escelencia desease tener á la vista los documentos á que me refiero los remitiré inmediatamente con toda seguridad, ó los llevaré conmigo cuando tenga la satisfaccion de pasar á esa capital.

Entre tanto hé dado este primer paso cumpliendo con las ordenes positivas de mi Gobierno, y me lisonjeo con la esperança de que él de Su Magestad la Reyna

de la Gran Bretaña, en los altos consejos de su sabiduría, de su prudencia, su justicia, y su humanidad, no dexará expuesto á ser inutil un Tratado tan benefico, por cantidades que no seran gran cosa para una poderosa nacion, y que ayudará al de mi pais á llenar intenciones tån gloriosas, sacandolo de los embarazos en que lo han constituido su penuria, y los compromisos contrahidos antes de toda apertura de conferencias.

Aprovecho, Milord, esta nueva ocasion, &c.

(Signed) JOSE ELLAURI.

Enviado Extraordinario y Ministro Plenipotenciario de la Republica Oriental de Uruguay.

A su Escelencia el Señor Vizconde Lord Palmerston,

&c.

&c.

&c.

(Translation.)

M. Ellauri to Viscount Palmerston,

Legation of the Oriental Republic of the Uruguay,

MY LORD,

Paris, July 23, 1840.

YOUR Lordship has doubtless been informed by Mr. Mandeville that last year, previous to my departure for Europe, I had the honour, as Minister for Foreign Affairs of the Oriental Republic of the Uruguay, to conclude and sign with that gentleman the Treaty which had so long been in contemplation for the abolition of the Slave Trade.

My Government was anxious for that Treaty, in order to afford a practical and unequivocal proof how much it desired to draw closer the relations of amity and good understanding with that of Her Majesty the Queen of the United Kingdom of Great Britain; though, by reason of Mr. Mandeville's being without instructions and powers, there remained undecided an inconvenience of sufficient importance, and which alone was capable of leaving that solemn Convention totally ineffectual, notwithstanding that it was at once beneficial to humanity and honourable to the philanthropy of the nation that had given rise to it.

Your Lordship cannot but have been informed that in 1831 and the years following, the Government of the Oriental Republic made, in the midst of its conflicts, some contracts for permitting several speculators to import into its territory a given number of African negroes, not as slaves, but as colonists. The greater part of these contracts were not entirely acted upon; only that of the owners of the brig "*Rio de la Plata*" would have been carried out, had not the last voyage undertaken by her been hastily and unjustly condemned by the Mixed Tribunal, established at the Court of Rio de Janeiro.

It is necessary for the Government of the Republic to apply to the Legislative Chambers, with the view of soliciting their approbation of the Treaty concluded with Mr. Mandeville, without which essential requisite it is not allowed to be ratified. But the Chambers, being obliged at the same time to adjudicate on the pending claims of those who procured the colonists, and whose contracts were not entirely complied with, and on the complaint of the owners of the brig "*Rio de la Plata*," cannot but find themselves extremely perplexed, and in a manner compelled either to refuse or, at least, to suspend their approbation.

To prevent this, the Government has very particularly authorized me to address myself to that of Her Majesty's on this subject. I have in my possession justificatory documents furnished me, which evidently prove that the brig "*Rio de la Plata*" and her cargo, unduly condemned by the Mixed Tribunal of Rio de Janeiro, were strictly the exclusive properties of individuals belonging to the Oriental Republic of the Uruguay, as very old inhabitants and citizens. If your Lordship should wish to run your eye over the documents to which I refer, I will immediately transmit them by a safe hand, or bring them with me when I have the satisfaction of proceeding to the British capital.

In the meantime, I have taken this first step in compliance with the positive orders of my Government; and I flatter myself with the hope that the Government of Her Majesty the Queen of Great Britain, influenced by the high

councils of its wisdom, its prudence, its justice, and its humanity, will not suffer so beneficent a Treaty to run the chance of becoming useless, merely for the sake of sums which can be of no great account to a powerful nation—a Treaty which will assist the Government of my country in fulfilling such glorious intentions, and will extricate it from embarrassments in which it has been placed by its destitution as well as by engagements entered into previous to the opening of any conference.

I avail, &c.
(Signed)

JOSE' ELLAURI.

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

No. 64.

Viscount Palmerston to Mr. Hood.

Foreign Office, August 13, 1840.

Circular sending Papers presented to Parliament.

No. 65.

Viscount Palmerston to M. Ellauri.

Foreign Office, September 5, 1840.

SIR,

I HAVE had the honour to receive your Letter of the 29th July, 1840.

In that Letter you state that the Government of the Oriental Republic of the Uruguay is anxious to proceed to the ratification of the Treaty between Great Britain and that Republic for the suppression of Slave Trade; but that, when the Legislative Chambers are called upon to ratify the Treaty, they will also be called upon to settle a claim of the owners of the "*Rio de la Plata*" against the Oriental Government for compensation on account of the condemnation of that vessel by the Mixed British and Brazilian Court at Rio de Janeiro. You add that the Oriental Government feels itself in a difficulty as to that claim; and that if, under those circumstances, Her Majesty's Government would grant a sum, by way of compensation to the owners of the "*Rio de la Plata*," the ratification of the Treaty would thereby be facilitated.

I have in reply to request you will acquaint your Government that Her Majesty's Government cannot consent to mix up together two questions which have nothing to do with each other; namely, the ratification of the Slave Trade Treaty, which has already been concluded between Great Britain and the Oriental Republic, and the claim of the owners of the "*Rio de la Plata*" upon the Government of the Republic of the Uruguay.

Her Majesty's Government trusts that the Government of the Oriental Republic of the Uruguay will act in accordance with the sentiments it professes as to Slave Trade, by urging upon the Legislative Chambers the ratification of the Treaty with Great Britain for the suppression of the Slave Trade.

But with respect to the vessel, the "*Rio de la Plata*," I must refer you to the communication which I addressed upon this subject to M. Giro, on the 19th October, 1837, and of which I have the honour herewith to transmit to you a copy for your information.

I have, &c.
(Signed)

PALMERSTON.

M. Ellauri,
&c. &c. &c.

No. 66.

*Mr. Mandeville to Viscount Palmerston.**Buenos Ayres, June 19, 1840.**(Received September 29.)*

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 8th April last, and the Queen's ratification, under the Great Seal, of the Treaty between Her Majesty and the Oriental Republic of the Uruguay, for the suppression of the Slave Trade, which was concluded by me and the Minister of that Republic on the 13th July last.

I have, &c.

(Signed)

J. H. MANDEVILLE.

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

&c.

&c.

&c.

No. 67.

*Mr. Mandeville to Viscount Palmerston.**Buenos Ayres, June 19, 1840.**(Received September 29.)*

MY LORD,

I HAVE had the honour to receive your Lordship's Despatch of 8th April last; and I will take care, that the omission in the Spanish counterpart of the Treaty sent home by me, Annex C, Article 5, paragraph 4, viz. :—

“Who shall give to each negro a name, which name shall then be entered by the Curator,”—

Shall be rectified in the Montevidean ratification of the Treaty, to be received by me in exchange for that of Her Majesty, and that the proper words shall be inserted to make both the English and Spanish counterparts of the Treaty complete; and that the further directions of your Lordship for me to observe at the time of exchanging that ratification against the Montevidean ratification, shall be scrupulously attended to.

In expectation of receiving Her Majesty's ratification to the above-mentioned Treaty, I had some time since written to Her Majesty's Consul-General at Montevideo to inquire if the Government of the Oriental State of the Uruguay were prepared to ratify the Treaty. Mr. Hood, in consequence, addressed a Note to the Minister for Foreign Affairs on the subject, and I have the honour to transmit to your Lordship copy of the answer which he received from his Excellency, by which it appears that a ratification cannot be effected for some months, as the Chambers do not assemble until the 15th February, of next year, and the Treaty has not yet been sanctioned by their approbation.

I have, &c.

(Signed)

H. MANDEVILLE.

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

&c.

&c.

&c.

(Translation.)

Enclosure in No. 67.

*M. Vidal to Her Majesty's Consul-General at Montevideo.**Montevideo, June 1, 1840.*

THE Undersigned, Minister for Foreign Affairs, has received the Note which Her Britannic Majesty's Consul-General has addressed to him on the 11th ultimo, informing him of having received a communication from the Minister of Her Britannic Majesty at Buenos Ayres, charging him to inquire if the Government of the Republic are prepared to ratify the Treaty for the abolition of the traffic in slaves, concluded with his Excellency in July, last year, in order to avoid his making a useless voyage to this capital, before the Government be fully authorized for that purpose.

The Undersigned, having brought the said Note to the knowledge of the

CLASS D.

Government, has orders to inform you, in reply, that the Legislative Chambers being at present closed, the approbation of the said Treaty by this body cannot be obtained: but that as soon as the Sessions open, the Government will lay this affair before them, and recommend it to them; and of the result he will give an account to the Consul, in order that he may be pleased to transmit it to the knowledge of Mr. Mandeville.

The Undersigned, &c.

(Signed) F. ANTONIO VIDAL.

Her Majesty's Consul-General,
 &c. &c. &c.

No. 68.

Viscount Palmerston to Mr. Hood.

SIR,

Foreign Office, October 9, 1840.

I HEREWITH transmit to you an extract from a Despatch, received from Her Majesty's Commissioners at Sierra Leone, reporting the condemnation of the brig "*Republicano*," in the British and Brazilian Court of Mixed Commission, established in that colony, on a charge of having been engaged in the Slave Trade.

It appears, that this vessel is a well-known slaver, formerly called the "*Pampeiro*," and that on the 23rd March, 1840, she was ostensibly bought from Jozé Bernardino de Sá, a Portuguese residing at Rio de Janeiro, by Jozé Garcia, a citizen of the Oriental Republic.

M. Garcia on the same day obtained a passport from the Montevidean Consul at Rio, permitting the vessel to go to the Canaries with a slaving equipment on board, on the plea that a contract had been entered into to receive from that place a number of colonists, for the purpose of taking them to Montevideo.

On the investigation which took place before the Mixed Court at Sierra Leone, satisfactory evidence was given, that the sale above mentioned was fictitious, and that the vessel was still the property of Bernardino de Sá, and that when captured she was on her way to Ambriz for a cargo of slaves, with whom she was to have returned to Rio de Janeiro.

I also enclose to you a translation of the passport granted to the "*Republicano*" by the Montevidean Consul at Rio, and I have to desire you to communicate a copy of this document to the Oriental Government, and to draw their attention to the apparent irregularity of the permission therein given to M. Garcia to take a newly-purchased vessel to the Canaries, without first touching at a port of the Oriental Republic to procure her formal recognition as a Montevidean vessel; and, above all, to the very culpable negligence shown by the Consul in allowing a vessel like the "*Republicano*" to clear out for the destination, and with the equipment mentioned in her papers.

I am, &c.

(Signed) PALMERSTON.

Thomas Hood, Esq.,
 &c. &c. &c.

First Enclosure in No. 68.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, June 22, 1840.

Second Enclosure in No. 68.

Translation of "Republicano's" Passport.

(See Class A.)

PERU.

No. 69.

Mr. Wilson to Viscount Palmerston.

Lima, November 30, 1839.

(Received May 19, 1840.)

(Extract.)

ON the 25th September last I profited by the circumstance of a Congress being actually assembled, to address a Note to the Peruvian Minister of Foreign Affairs, soliciting, for the information of Her Majesty's Government, whether that of his Excellency General Gamarra be willing to adjust and conclude with Her Majesty a Treaty for the entire suppression of the Slave Trade, and for declaring the crime of Slave Trade to be piracy.

Herewith is transmitted a copy of this Note, and it is with much regret that I feel myself bound also to transmit a copy of a second Note, which I addressed on the 4th instant to Mr. Lazo, earnestly requesting, at least, an acknowledgment of the receipt of the former; but up to the present moment no notice of either has been taken.

First Enclosure in No. 69.

Mr. Wilson to the Minister for Foreign Affairs.

SIR,

Lima, September 25, 1839.

UNDER date of the 13th November, 1835, Viscount Palmerston addressed a Despatch to the Undersigned, stating that Her Majesty's Government and the Government of Brazils, being mutually desirous to put an end to the Slave Trade, had agreed that their Agents in Spanish America should unite in a joint effort to persuade all the Spanish American Governments to enter into Treaties for abolishing that Trade, and for declaring it to be piracy; and consequently instructing the Undersigned immediately to enter into a negotiation with the Government of Peru, for concluding a Treaty between Peru and Great Britain upon that basis.

This instruction was received by the Undersigned in May, 1836, but owing to the civil war then unfortunately raging it could not be carried into execution before the 15th September of that year, when the Undersigned addressed a Note to the Secretary-General, requesting to be informed generally, for the information of Her Majesty's Government, as to the willingness of Peru to conclude at a fitting moment with Great Britain a Treaty for the entire suppression of the Slave Trade, and for declaring the crime of Slave Trade to be piracy; transmitting with this view, for the consideration of the Government of his Excellency General Santa Cruz, the Draft of a Treaty thereupon.

General Tristan, under date of the 20th October, 1836, replying to this invitation, stated the willingness of his Government to conclude with Great Britain a Treaty in conformity with the general principles upon which the British Draft was founded; which fact being immediately notified to Her Majesty's Government, the Undersigned, Her Majesty's Chargé d'Affaires and Consul-General, received in September, 1838, full powers under the Royal Sign Manual, dated the 16th of the previous March, to treat, adjust, and conclude, on behalf of Her Majesty the Queen of Great Britain, with the Peru-Bolivian Confederation, a Treaty for the entire suppression of the Slave Trade, and for declaring the crime of Slave Trade to be piracy.

In the month of November last it, moreover, became the duty of the Undersigned to transmit to the Government of his Excellency General Santa Cruz a copy of a Resolution, which was voted unanimously by the British House of Commons on the 10th May, 1838, for an Address to Her Majesty upon Slave Trade; also a Copy of the Answer, which on the 23d of the same month Her Majesty was graciously pleased to return to that Address.

In transmitting these documents, the Undersigned deemed it proper to point out the unceasing and anxious desire of the Parliament and Government of Great Britain for the extinction of the traffic in slaves, a desire which it afforded the Undersigned sincere pleasure to have it in his power to add, had hitherto been fully sympathised in by all the states of the Spanish American Continent; and finally, the Undersigned earnestly pressed upon the Government of his Excellency General Santa Cruz the immediate conclusion of the negotiations upon this subject, with which the Undersigned was charged, and into which his Excellency General Santa Cruz had expressed his readiness to enter, so far back as October, 1836.

The Minister of Foreign Affairs argued, and with great apparent reason, that the moment was not propitious for entering upon such a negotiation, however conformable its objects with the principles of humanity, Christianity, and of his own Government; as any attempt of the kind pending the continuance of the war then carrying on would, owing to the excitement of party spirit, doubtless be seized hold of as a handle to misrepresent the true character and object of the negotiation; but that, upon a meeting of the first General Congress, his Government would earnestly recommend thereto the issue of some declaratory deed, to serve as a basis for the conclusion of a Treaty for the entire suppression of the Slave Trade, and for declaring the crime of Slave Trade to be piracy.

The Undersigned considers it but due to the Government of his Excellency the Provisional President to make thereto this frank statement of the steps which have already been taken upon this subject, at the same time that he addresses this Note to the Minister of Foreign Affairs for the purpose of ascertaining, for the information of Her Majesty's Government, whether Peru be willing to adjust and conclude with Her Majesty the Queen of Great Britain a Treaty for the entire suppression of the Slave Trade, and for declaring the crime of Slave Trade to be piracy.

The Undersigned, moreover, has deemed it advisable to profit by the circumstance of a Congress being actually assembled, to solicit this information, because from the tenor and spirit of the 10th Article of the law issued by Congress on the 10th instant, determining the attributes and powers of the Provisional President, it appears that his Excellency is therein only expressly authorized to make Treaties with the New States of America, it is possible therefore that his Excellency may deem requisite some additional declaration of the Congress, to warrant his Excellency in giving any formal reply, relative to the negotiation of a Treaty on Slave Trade with Great Britain.

In this supposition, and for a fuller understanding of the object, it may also be more convenient for the Government of his Excellency to be at once placed in possession of the means, by which the Government of Her Majesty is desirous of carrying into practical effect the important object of the Treaty; therefore herewith is transmitted a Draft of a Treaty upon Slave Trade, prepared by Her Majesty's Government.

This Draft contains some important modifications of the Draft presented by the Undersigned in 1836, the which have been therein made with a view of relieving the Government of Peru from the *necessity* of appointing Commissioners, and consequently from the expenses of maintaining Courts under the Treaty.

Stipulations similar to these were, in compliance with the request of the Chilian Government, annexed to the Treaty between Great Britain and Chile.

It would be not only an offence to the humanity of Peru, but also an act of injustice, were the Undersigned for one moment to doubt of the sincerity with which she, no less than Great Britain, desires to put an end to the traffic in slaves, and to endeavour to cause the crime of Slave Trade to be declared and treated as piracy by the concurrent will of all civilized nations.

The numerous solemn and constitutional enactments issued by Peru, abolishing not only the traffic in slaves, but even slavery itself, after a certain period, in

Peru, sufficiently substantiate the former fact; whilst the latter is equally proved by the stipulations of the 18th Article of the Treaty between Peru and Colombia, signed at Guayaquil on the 22nd September, 1829, in which it is stipulated, that "the contracting parties engage and pledge themselves to co-operate towards the complete abolition and extirpation of the traffic in slaves from Africa, by maintaining the existing prohibitions against it in all their force and vigour; and that in order thenceforward to accomplish so salutary a work, they further agreed to declare, as they did thereby declare, that those who traffic in slaves, or in vessels laden with slaves proceeding from the coast of Africa, under the flag of either of the said parties (Peruvian or Columbian), should be deemed guilty of the crime of piracy, and should as such be brought before the competent tribunal of the country of the Captor, whether Peruvian or Columbian, to be tried and punished according to law."

This honourable stipulation has placed both Peru and Columbia amongst the number of those nations, which have identified themselves with the cause of humanity, civilization, and Christianity, by their generous efforts to procure the entire suppression of the infamous traffic in slaves; and it is not therefore to be believed that Peru will ever relax in those efforts, but, on the contrary, that by rendering every further service in her power to this sacred cause, she will increase her titles thereupon to the admiration and gratitude of mankind.

As, however, it is not proposed in the present Note to enter upon any immediate negotiation, but only to ascertain generally, for the information of Her Majesty's Government, the willingness of Peru to conclude a Treaty on Slave Trade with Her Majesty the Queen of Great Britain, in conformity with the principles contained in the enclosed Draft, the Undersigned trusts that Mr. Lazo will give a reply as early as may be consistent with the important nature of the subject proposed; and, in the mean time, acknowledge the receipt of this Note and of its Enclosure, the latter of which Mr. Lazo will be pleased to return, at the time of transmitting his definitive reply to the Note itself.

The Undersigned, &c.

(Signed) BELFORD HINTON WILSON.

The Minister for Foreign Affairs of Peru,

&c. &c. &c.

Second Enclosure in No. 69.

Mr. Wilson to the Minister for Foreign Affairs.

SIR,

Lima, November 4, 1839.

THE Undersigned, Her Britannic Majesty's Chargé d'Affaires and Consul-General, in transmitting to the Minister of Foreign Affairs his Note of the 25th September last, relative to a Slave Treaty, earnestly solicited that Mr. Lazo would give a reply thereto as early as might be consistent with the important nature of its subject matter, and in the mean time acknowledge its receipt, as well as that of its Enclosure.

If the Government of his Excellency General Gamarra be not yet prepared to give a definitive answer to that Note, the Undersigned ventures to express a hope that Mr. Lazo will, at least, condescend to acknowledge its receipt and that of its Enclosure; and he profits by this opportunity to renew to Mr. Lazo the assurances of his high respect, &c.

(Signed) BELFORD HINTON WILSON.

The Minister for Foreign Affairs of Peru,

&c. &c. &c.

Mr. Wilson to Viscount Palmerston.

Lima, February 12, 1840.

(Received May 30.)

(Extract.)

I HAVE the honour to transmit herewith a copy of a Note which, on the receipt of your Lordship's Despatch of the 28th August last, I addressed to Mr. Ferreiros, announcing to him that I had received Her Majesty's full powers for enabling me to conclude, on the part of Her Majesty, a Treaty with the Republic of Peru, for the suppression of the Slave Trade of Peru.

I have since repeatedly and earnestly pressed upon the Peruvian Government the conclusion of the negotiations with which I am charged, but I regret much to be compelled to confirm my former statements as to the strong prejudice prevalent in Peru against the conclusion of any Treaty for the suppression of the Slave Trade, on account of the expectation of being enabled to procure slaves from the Brazils and New Granada.

Enclosure in No. 70.

Mr. Wilson to the Minister for Foreign Affairs.

SIR,

Lima, February 1, 1840.

WITH reference to the Notes which the Undersigned, Her Majesty's Chargé d'Affaires and Consul General, had the honour of addressing to the Peruvian Minister of Foreign Affairs, under the respective dates of the 25th of September, 4th of November, and 27th December last, requesting to be informed generally, for the information of Her Majesty's Government, as to the willingness of Peru to conclude a Treaty with Her Britannic Majesty for the entire suppression of the Slave Trade, and for declaring the crime of Slave Trade to be piracy; he has the satisfaction to announce to Mr. Ferreiros that he last night received Her Majesty's full power for enabling him to conclude, on the part of Her Majesty, a Treaty with the Republic of Peru, for the suppression of the Slave Trade; and the Undersigned therefore confidently hopes that Mr. Ferreiros will, at his earliest convenience, state, in reply to the Undersigned, the determination of his Government as to the willingness of Peru to enter upon such a negotiation; and he profits by this gratifying opportunity to renew to Mr. Ferreiros the assurances, &c.

(Signed) BELFORD HINTON WILSON.

The Minister for Foreign Affairs of Peru,
&c. &c. &c.

No. 71.

Mr. Wilson to Viscount Palmerston.

Lima, February 12, 1840.

(Received May 30.)

MY LORD,

I HAVE the honour to transmit herewith a copy of a Note, which, in conformity to the Instructions contained in your Lordship's Despatch of the 25th of August last, I addressed to Mr. Ferreiros, communicating to the Peruvian Government a Copy of an Address upon Slave Trade, from the House of Peers to Her Majesty, and of Her Majesty's most gracious Answer thereto.

I have, &c.

(Signed) BELFORD HINTON WILSON.

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

Enclosure in No. 71.

Mr. Wilson to the Minister for Foreign Affairs.

SIR,

Lima, February 1, 1840.

THE Undersigned, Her Britannic Majesty's Chargé d'Affaires and Consul-General, has been instructed by his Government to communicate to the Government of Peru the enclosed copy of an Address upon Slave Trade, from the House of Peers to Her Britannic Majesty, and of Her Majesty's most gracious Answer thereto.

These papers afford an additional proof of the unceasing and earnest desire of the Parliament and Government of Great Britain for the total extinction of the traffic in slaves; and in communicating these papers to the Peruvian Government, the Undersigned has been especially directed to press upon it the conclusion of the negotiation with which he has been charged upon this subject.

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

The Undersigned, &c.,

(Signed)

BELFORD HINTON WILSON.

The Minister for Foreign Affairs of Peru,
&c. &c. &c.

No. 72.

*Mr. Wilson to Viscount Palmerston.**Lima, February 12, 1840.*

MY LORD,

(Received May 30).

I HAVE the honour to acknowledge the receipt of your Lordship's Despatches of the 29th of June, and of the 3d September of last year, together with their several enclosures.

I have, &c.,

(Signed)

BELFORD HINTON WILSON.

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

No. 73.

*Mr. Wilson to Viscount Palmerston.**Lima, February 20, 1840.*

MY LORD,

(Received May 30.)

I HAVE the honour to transmit herewith copies and translations of a correspondence, which has passed between the Chargé d'Affaires of His Imperial Majesty the Emperor of Brazils in Peru and Bolivia and myself, relative to the joint efforts making by us to persuade the Governments of the Republics of Peru and of Bolivia to conclude Treaties with Her Britannic Majesty for the entire suppression of the Slave Trade, and for declaring the crime of Slave Trade to be piracy.

M. Da Ponte Ribeiro, however, only considers himself warranted in urging the Governments of Bolivia and of Peru to put an end to the Slave Trade from Africa; nevertheless, in the execution of your Lordship's Instructions, I shall zealously endeavour to persuade both Governments to conclude Treaties with Her Majesty, for putting an end to the Slave Trade of Bolivia and of Peru in all parts of the world; although, as regards the latter country, I fear, for reasons stated in my previous Despatches, that my efforts will not prove successful, at least to that extent.

I have, &c.,

(Signed) BELFORD HINTON WILSON.

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

First Enclosure in No. 73.

Mr. Wilson to the Brazilian Chargé d'Affaires.

SIR,

Lima, February 17, 1840.

THE Undersigned, Her Britannic Majesty's Chargé d'Affaires at Lima, has the honour to acquaint the Chevalier Duarte da Ponte Ribeiro, that he has received Her Majesty's full powers for enabling him to conclude, on the part of Her Majesty, Treaties with the Republics of Peru and of Bolivia, for the suppression of the Slave Trade of Peru and of Bolivia, and for declaring the crime of Slave Trade to be piracy; and that he in consequence has invited those Governments to conclude such Treaties with Her Majesty.

Informed, moreover, that Her Majesty's Government and the Government of Brazil, being mutually desirous to put an end to the Slave Trade, have agreed that their agents in Spanish America shall unite in a joint effort to persuade all the Spanish American Governments to enter into Treaties, for abolishing that trade, and for declaring it to be piracy; the Undersigned has deemed it expedient at once to advise the Chevalier da Ponte Ribeiro of the fact of his having invited the Governments of Peru and Bolivia to enter upon a negotiation upon that subject; not doubting that the Chevalier Ribeiro will cordially unite with him in a joint effort to persuade those Governments to accede to Treaties, for the accomplishment of the humane object in which their respective Governments take so deep an interest; and he profits by this opportunity to offer to the Chevalier da Ponte Ribeiro the assurances, &c.

(Signed) BELFORD HINTON WILSON.

The Chevalier Duarte da Ponte Ribeiro,
&c. &c. &c.

Second Enclosure in No. 73.

(Translation.)

The Brazilian Chargé d'Affaires to Mr. Wilson.

Brazilian Legation, Lima, February 18, 1840.

THE Undersigned, &c. has the honour to acknowledge the receipt of the esteemed Note of Mr. Belford Hinton Wilson, Her Britannic Majesty's Chargé d'Affaires, dated the 17th instant, in which he is pleased to inform him that, in consequence of orders from his Government, he has just proposed to those of Peru and of Bolivia to conclude Treaties, which shall put an end to the inhuman traffic in slaves from the Coast of Africa, declaring that trade to be a crime of piracy, and soliciting from the Undersigned the promised co-operation of the Imperial Government to that of Her Britannic Majesty, to second near these Governments their laudable efforts for the entire suppression of that execrable traffic.

The Undersigned believes that he has fulfilled the orders of his Government, and satisfied the wishes of that of Her Britannic Majesty, by addressing this day to those of Peru and Bolivia the Note of which a copy is enclosed, and will be always ready to take any other steps which may tend to co-operate with the Chargé d'Affaires to carry into effect such a philanthropic project.

With this motive he reiterates to Mr. Wilson the protestations of his perfect esteem and high consideration.

(Signed)

DUARTE DA PONTE RIBEIRO.

Belford Hinton Wilson, Esq.
 &c. &c. &c.

Third Enclosure in No. 73.

(Translation.)

The Brazilian Chargé d'Affaires to the Minister for Foreign Affairs of the Republic of Peru.

Brazilian Legation, Lima, February 18, 1840.

THE Governments of His Majesty the Emperor of Brazils and that of Her Britannic Majesty, being mutually desirous of putting an end to the nefarious traffic in slaves from the Coast of Africa, and for considering to be an act of piracy the continuation in such an execrable trade, have ordered their agents near the Governments on the Spanish American continent to co-operate with those of Great Britain in inducing those Governments to take a part in this measure, which both humanity and civilization demand; and the Undersigned, His Imperial Majesty's Chargé d'Affaires, knowing that the representative of Her Britannic Majesty has just invited the Peruvian Government to conclude a Treaty, which will contribute to the desired end of suppressing for ever the importation of slaves from Africa to the American continent, and imposing on the infractors the penalties applicable to piracy on the high seas,—it is his duty also to address the Minister of Foreign Affairs of Peru, that he may acquaint his Government with the mutual agreement, existing between those of His Imperial Majesty the Emperor of Brazils and of Her Britannic Majesty, and with their vehement wishes that that of Peru should accede to the proposed Treaty which so much interests humanity, and which the luminous philosophy of the present age requires.

With this motive, &c.

(Signed)

DUARTE DA PONTE RIBEIRO.

The Minister for Foreign Affairs of the Republic of Peru.

No. 74.

Mr. Wilson to Viscount Palmerston.

Lima, February 27, 1840.

(Received June 23.)

MY LORD,

I HAVE the honour to acknowledge the receipt, on this day, of your Lordship's Despatch of the 12th of October of last year, transmitting to me a copy of a Note which the Baron de Moncorvo, Her Most Faithful Majesty's Minister at the Court of St. James's, addressed to your Lordship, under date of the 14th of August of last year, and of your Lordship's Note, dated the 30th of the following month of September, to the Ministers accredited to the British Court by the Powers who were parties to the Treaties of the Congress of Vienna in 1815.

I have, &c.

(Signed)

BELFORD HINTON WILSON.

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

&c. &c. &c.

CLASS D.

No. 75.

*Viscount Palmerston to Mr. Wilson.**Foreign Office, August 13, 1840.**Circular sending Papers presented to the two Houses of Parliament.*

No. 76.

*Mr. Wilson to Viscount Palmerston.**Lima, April 23, 1840.*

MY LORD,

(Received August 26.)

I HAVE the honour to acknowledge the receipt, on this day, of your Lordship's Despatch of the 2nd of November of last year, upon the subject of various measures taken by order of Her Majesty for the more effectual suppression of the Slave Trade, and more particularly for the suppression of the Slave Trade carried on under the flag of Portugal.

I have, &c.

(Signed) BELFORD HINTON WILSON.

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

&c.

&c.

&c.

No. 77.

*Mr. Wilson to Viscount Palmerston.**Lima, May 1, 1840.*

MY LORD,

(Received August 26.)

WITH reference to my Despatch of the 12th of February last, I have the honour to transmit herewith copy and translation of the correspondence, which has subsequently passed between the Peruvian Minister of Foreign Affairs and myself, relative to the negotiations with which I am charged upon the subject of the Slave Trade.

As I had predicted in my Despatch to your Lordship of the 30th of November of last year, the Government of General Gamarra has, on the plea of a clause in the constitution, promulgated by the Congress of Huancayo, under his immediate influence, evaded giving a definitive answer to my question as to the willingness of Peru to conclude a Treaty with Her Britannic Majesty for the entire suppression of the Slave Trade, and for declaring it to be piracy; however, I do not altogether despair of procuring a favourable report from the Council of State upon this question.

I have, &c.

(Signed) BELFORD HINTON WILSON.

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

&c.

&c.

&c.

First Enclosure in No. 77.

Mr. Wilson to the Minister for Foreign Affairs of Peru.

SIR,

Lima, March 6, 1840.

THE deep interest which Great Britain takes, that all Christian and civilized nations shall unite with her in the adoption of efficacious measures for the total suppression of the infamous Slave Trade, and the urgent orders which the Undersigned, Her Britannic Majesty's Chargé d'Affaires, has received to

press upon the Government of the Republic of Peru the conclusion of a Treaty with Her Britannic Majesty, for the entire extinction of that inhuman traffic, and for declaring it to be piracy, obliges him again earnestly to solicit from the Peruvian Minister of Foreign Affairs the definitive resolution of his Government relative to that important negotiation.

For the fuller understanding of the amended Draft upon this subject, referred to in the Note of the Undersigned of the 25th of September of last year, he will take the liberty of requesting the attention of Mr. Ferreiros to the circumstance, that the two additional Articles of that Draft would have the effect of relieving the Peruvian Government from the necessity of appointing Commissioners, and from the expense of maintaining Courts under the Treaty.

Stipulations similar to these were, in compliance with the request of the Chilian Government, annexed to the Treaty concluded between that Republic and Her Britannic Majesty.

It must also be borne in mind, that Annex C. omits all mention of the treatment of apprentices, but stipulates that the liberated negroes shall be delivered over to the Government, to which the cruiser shall belong, which captured the vessel on board of which such negroes were found.

As it is probable that Peru, at least for many years to come, will not have any cruisers upon the Coast of Africa, this stipulation will virtually place the liberated negroes under the charge of the British Government—an arrangement which Great Britain has agreed to in her Treaty upon Slave Trade with Spain, and which it has appeared to her expedient to introduce into the Draft of the Treaty proposed to Peru, in the same manner as it has been introduced into the Treaties which Great Britain has concluded with other States of the Spanish American Continent, in order to meet the objection which might be thrown in the way of the conclusion of Slave Treaties therewith, by the circumstance of any pecuniary outlay being thereby entailed on them.

Finally, the Undersigned will observe that the conclusion of this Treaty offers to Peru almost the only efficacious means, by which she can prevent her flag from being surreptitiously assumed by pirates, for the purpose of conducting under it the infamous traffic in slaves; for as Peru has no cruisers upon the Coast of Africa, and Great Britain there maintains a squadron for the purpose of putting down the Slave Trade, that benevolent object is frequently exposed to be defeated by the assumption, by vessels employed in that traffic, of the flag of Peru, (or that of any other nation,) with which Great Britain not being bound by an express Treaty stipulation upon the subject, her cruisers cannot visit vessels, navigating under the Peruvian flag, for the purpose of ascertaining if in reality they are Peruvian vessels, or pirates exercising their infamous traffic in slaves under that flag.

The entire extinction of that scandal of the civilized world, the Slave Trade, being an essential principle of universal morality, it is not to be doubted that Peru will feel a pleasure and a glory in demonstrating, by the conclusion of the proposed Treaty, that she adopts this principle as part of the fundamental basis of her policy. The Undersigned considers it to be expedient to transmit herewith a certified copy of the full power with which he has been clothed by Her Majesty to enable him to negotiate the Treaty in question; and he profits by this opportunity to renew to Mr. Ferreiros the assurances of his high respect and distinguished consideration.

(Signed) BELFORD HINTON WILSON.

The Minister for Foreign Affairs of Peru,
&c. &c. &c.

Second Enclosure in No. 77.

(Translation.)

M. Ferreiros to Mr. Wilson.

SIR,

Government House, Lima, April 29, 1840.

THE Undersigned, Minister of Foreign Affairs, has received orders from his Government to inform Her Britannic Majesty's Chargé d'Affaires, that his

different official communications, relative to the conclusion of a Treaty with Great Britain, to co-operate in the abolition of the traffic in slaves, and to consider it as an act of piracy, and particularly those of the 25th of September, 27th of December, 1839, and 6th of March last, have been transmitted, by order of the Government, to the Council of State for its opinion thereon. The Constitution of the Republic in authorizing the Executive to conclude Treaties with the Spanish American States, with the approbation of Congress, has preserved a silence with regard to engagements with other Powers of the globe.

The Government, respecting this silence, has not considered itself at liberty to adhere or not to the invitation of Her Britannic Majesty relative to a project, which truly excites the sympathies of all civilized Governments, from the greatness of its objects, and from the morality of its principles.

The Undersigned avails himself of this opportunity to renew to the Chargé d'Affaires the considerations of distinguished regard with which he is his attentive obedient servant,

(Signed)

M. FERREIROS.

*To Her Britannic Majesty's Chargé d'Affaires
and Consul-General.*

No. 78.

Viscount Palmerston to Mr. Wilson.

SIR,

Foreign Office, September 10, 1840.

I HAVE received your Despatch of the 1st May, 1840, transmitting copies of your correspondence with the Peruvian Minister for Foreign Affairs, relative to the negotiation of a Treaty for the suppression of the Slave Trade; and I have to instruct you to press the Peruvian Government to return an answer to the proposals, which you have laid before them on the part of Her Majesty's Government, upon the subject in question.

I am, &c.

(Signed)

PALMERSTON.

*B. H. Wilson, Esq.,
&c. &c. &c.*

No. 79.

*Mr. Wilson to Viscount Palmerston.**Lima, June 6, 1840.*

MY LORD,

(Received October 4.)

I HAVE the honour to transmit herewith a copy and translation of a Note from the Peruvian Minister of Foreign Affairs, communicating to me a copy of the Report of the Council of State, upon the question relative to the conclusion of the Slave Treaty with Her Britannic Majesty, with the negotiation of which I am charged; and stating that the Government of Peru strictly and cordially adheres to the whole tenour of that Report.

Owing to the constitutional restriction upon the executive against negotiating Treaties with European Powers, the council is of opinion that the President would not be warranted in entering upon the negotiation of a Slave Treaty with Great Britain, unless he be previously and expressly authorized to that effect by Congress.

I have, therefore, in a Note, a copy of which is likewise herewith transmitted, earnestly pressed upon his Excellency the propriety and expediency of soliciting that authorization, from the Congress about to assemble in an extraordinary session for the purpose of proclaiming the election made by the nation of a President of the Republic; but if his Excellency shall not accede to that suggestion, the execution of the proposed negotiation must be postponed till next year.

In the mean time the publication of its Report by order of the Council of State, will greatly facilitate the success of the negotiation by allaying the fears of the slaveholders; who in Peru are an influential political body, as to the proposed Treaty interfering with their vested rights in slaves; and by disabusing the public mind as to many absurd notions, which generally become current whenever a question relative to the conclusion by Peru of a Treaty with a European Power is brought under discussion.

I have, &c.

(Signed) BELFORD HINTON WILSON.

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

First Enclosure in No. 79.

(Translation.)

M. Ferreiros to Mr. Wilson.

SIR,

Lima, June 4, 1840.

THE resolution of the Council of State in respect to the conclusion of a Treaty with Great Britain for abolishing and declaring piracy the traffic in slaves, is in accordance with the principles of civilization and Christianity, which are also those of the Government; this resolution, however, points out the conditional obstacles which, much to his regret, impede his Excellency the President from at once concluding the Treaty, and from satisfying, in this manner, the desires by which he is animated, the which the Undersigned had the honour to communicate to the Chargé d'Affaires, in his Note of the 29th April last.

On this account the Government of the Undersigned, strictly adhering to the tenour of the decision of the Council, has directed that the same be transcribed to the Chargé d'Affaires, who will consider it as a reply to the esteemed Notes of the 20th September, 4th November, 27th December, 1st February, and 6th March last, in which he has discussed this question, by authority of his Government, with the laudable, Christian, and honourable views of extirpating that scandal, the traffic in human flesh, which for so long a time has distressed humanity, and prejudiced the moral and even the material interests of mankind.

The resolution before cited is *verbatim* as follows:—The Council of State having carefully examined the papers which you were pleased to lay before it, in consultation, on the 29th of April last, in which Her Britannic Majesty's Chargé d'Affaires solicits, in the name of his Government, to be informed as to the willingness of the President of the Republic to conclude a Treaty for the entire suppression of the external traffic in slaves, and for declaring piracy the act of engaging in Slave Trade, has resolved, in its session of this day, that the following be considered as its resolution thereupon:—That as the 16th Attribution of the 87th Article of the Constitution, conferring upon the Executive the power of concluding Treaties with the other Spanish American States, with the approbation of Congress, is studiously silent (“*se guarda reticencia*”) in respect to other nations of the globe; the Council is of opinion that the Executive cannot, without previously obtaining the approbation of Congress, negotiate the convention to which it has been invited to accede.

But the Council ought not on this account to abstain from entering into the examination of the principal points on which the project is founded; involving, as it does, one of the most vital interests of the human race, and towards which the attention of Christianity has for a long time been constantly directed.

It is notorious that since the year 1788 the British Parliament has directed its attention to procuring the abolition of the Slave Trade; and that in the year 1805 it promulgated a law abolishing that traffic throughout all the dominions of Great Britain, and declaring it to be a crime of piracy to carry on that traffic under the English flag.

Owing to the urgent recommendations of this same nation, the Congress of Vienna unanimously declared, in 1815, that the Slave Trade is repugnant to the principles of humanity and of universal morality; and that it was the earnest desire of their Sovereigns, who had assembled that Congress, to put an end to a scourge which had so long desolated Africa, degraded Europe, and afflicted humanity.

Subsequent to the year 1815 almost all the Powers of Europe have exerted themselves to carry into practical effect these humane principles, either by legislative enactments or by specific treaties; consequently those parties who still engage in this traffic, seeing themselves deprived of the protection of European flags, have assumed for its continuation the flags of the Spanish American States.

To avoid, as far as possible, this calamity, the Government of Her Britannic Majesty, and that of the Empire of the Brazils, have agreed to unite their efforts to persuade the said Republics to conclude similar Treaties; for as Great Britain has not yet concluded express Treaties with them all upon this subject, her cruizers cannot visit and search vessels respectively navigating under the flags of the Spanish American States, in order to ascertain if in reality the vessels engaged in such a criminal commerce under cover of those flags, belong to the countries whose flags they assume, or are pirates.

This is the motive which has occasioned the Peruvian Executive to be invited to conclude the Treaty, the draft of which has been laid before the Council; and the principal stipulations of which are—

1st. That as the external Slave Trade has been abolished by the laws of Peru, it is henceforward totally prohibited to her citizens in all parts of the world.

2nd. That Peru engages to promulgate a law, inflicting the punishment attached to piracy on all her citizens who shall, under any pretext, take any part whatever in the traffic in slaves.

3rd. That by an additional convention, hereafter to be concluded between the two contracting parties, shall be concerted and settled the measures by which the law of piracy, which will become applicable to their respective vessels and citizens engaged in that traffic, by the legislation of each of the two countries.

4th. That the two contracting parties shall cede to each other the mutual right of search and capture, with respect to the vessels of each engaged in the traffic of slaves; the exercise of such right being regulated by the instructions for the cruizers annexed to the project, sub-litterâ A, the which shall be considered as an integral part of the Treaty; both contracting parties, however, being respectively bound to make good any losses which their respective subjects or citizens may occasion to those of the other, in the cases and in the manner specified in the Treaty.

5th. That two Mixed Courts of Justice shall be established, formed of an equal number of individuals of the two nations, named for this purpose by the two high contracting parties respectively, for the trial of the vessels which may be captured as being engaged in the Slave Trade; and that these Courts shall, without appeal, judge such prizes, according to the regulations and instructions annexed to the Treaty, sub-litterâ B, and which are considered as forming an integral part thereof.

6th. That the negroes who are found on board of a vessel detained by a cruizer, and condemned by one of those Mixed Courts of Justice, shall be placed at the disposition of the Government whose cruizer has made the capture, with a view to their being immediately set at liberty and kept free, in conformity to the terms of the regulations annexed to the Treaty, sub-litterâ C, which are also declared to form an integral part thereof.

Respecting the first point, it does not seem that there can exist any difficulty to make the declaration, inasmuch as it is but a repetition of a principle sustained by Peru from the period she obtained her independence; and as regards the second point, it formed, with the solemn approbation of Congress, an express stipulation of the Eighteenth Article of the Treaty concluded with Colombia, in the year 1829.

The mutual right of search, and the establishment of the Mixed Courts of Justice to judge the captured vessels, to which the subsequent Articles refer, are natural and indispensable acts, to secure the practical execution of the two first points, and both the detailed instructions for the cruizers, as well as the regulations for the proceedings of the Mixed Courts, and the proofs required to substantiate the fact of the commission of a crime, are drawn up in such a manner as to prevent all abuse upon the subject.

As Peru is neither possessed of the coercive means sufficient to secure on her part the observance of the Treaty, nor resources to pay her share of the expenses of the Mixed Courts of Justice, two Additional Articles have been

annexed to the Treaty relieving her from such necessity ; although, in reality, from the moment Peru shall conclude this Treaty, her flag will not be assumed by pirates to carry on under its cover the traffic in slaves, and as, *de facto*, Peruvians never have engaged, nor can engage, in the traffic in slaves, the routes by which it could be carried on by them (namely, by Panama, by Buenos Ayres, and by Brazils,) being closed against them, the object of this Treaty will be attained by the mere act of its conclusion ; but it will nevertheless serve as a classic proof of our civilization.

As a summary of this question it may be said—

That on the part of Great Britain it is limited to the establishment of a principle of international law, the political dogma, sanctioned by our different constitutions, of the entire abolition of the external traffic in slaves ; and that, on our part, we shall pledge ourselves to its recognition as such, and to follow in the same course, and to adopt the same maxims of morality and philanthropy, which not only the nations of Europe, but of America, are hastening to observe.

In the newspaper called "Galignani's Messenger," No. 7736, published at Paris, on the 2d of January of the present year, it is announced that His Holiness Gregory XVI. has issued a Bull, denouncing, in the most expressive terms, the Slave Trade, as contrary to the rights of humanity and to the laws of God ; and, as is reported in the newspapers of Chile, Buenos Ayres, and Venezuela, those nations have concluded Treaties similar to the one now proposed to be negotiated with Peru.

Mexico and New Granada have agreed to conclude Treaties on the same subject, and the Equator has also been invited by the Government of Her Britannic Majesty to enter upon a like negotiation.

The abolition of the external traffic in slaves being therefore now considered as a primary object of universal morality, it would neither be consistent with the policy observed by Peru from the day she declared her own independence, nor decorous to her Government to become, upon a subject so serious and delicate, an exception to the civilized world.

The Council has consequently resolved that the papers upon this subject be returned to the Executive, for being opportunely submitted thereby to Congress, to whom it alone belongs, to authorize it to conclude this Treaty ; at the same time the Council deeply deplore that it does not come within its attributes to empower the Executive immediately to conclude a Treaty founded upon principles whose incorporation into the public law of the world, by the universal consent of nations, is a common object of interest to Christianity. The Undersigned avails himself of this opportunity to offer to the Chargé d'Affaires the sentiments of consideration and respect with which he is—

His obedient servant,

(Signed) M. FERREIROS.

*Her Britannic Majesty's Chargé d'Affaires
and Consul-General.*

Second Enclosure in No. 79.

Mr. Wilson to the Minister for Foreign Affairs.

Lima, June 5, 1840.

THE Undersigned, Her Britannic Majesty's Chargé d'Affaires, has been honoured by the receipt of the esteemed Note of the Peruvian Minister for Foreign Affairs, dated the 4th instant, communicating to him the Report of the Council of State upon the question relative to the conclusion by Peru of a Treaty with Her Britannic Majesty for the entire suppression of the Slave Trade of Peru, and for delaring the crime of Slave Trade to be piracy, to which Report, Mr. Ferreiros observes the Government of Peru most cordially adheres.

The Undersigned, equally with that Government, deplores that its sincere desire, immediately to conclude such a Treaty should, for the moment, be prevented by the provisions of an Article of the new Peruvian Constitution ; but he derives great consolation from the hope that, through the benevolent efforts of the Government, this obstacle will be removed by the solicitation and obtainment by his Excellency the President, of an express authorization to conclude the proposed Treaty, from the Congress about to assemble.

In manifesting his confident hope that such will be the case, the Undersigned is fully sensible that the Congress in question being convened for a specific object, the cognizance of any other matter does not strictly devolve upon it; but as it is possible, and even probable, that that Congress, after the example of most all Congresses that have assembled in Peru under similar circumstances, as well as in other countries, may enter upon the discussion of matters others than those for which it has been immediately convened, the Undersigned feels satisfied, that in such case, the question of the projected Treaty on Slave Trade will willingly be submitted to it by his Excellency the President; and even should that not be the case, the subject of the conclusion of a Treaty, which by the Council of State and by the Government of Peru has been alike declared to be founded upon principles, whose incorporation into the public law of the world, by the universal consent of nations, is a common object of interest to Christianity, may fairly be permitted to form an exception to a rule, without the establishment thereby of a precedent, which otherwise might prove practically inconvenient.

The Undersigned will, in concluding this Note, venture to express his conviction that the enlightened sentiments of Christian philanthropy, embodied in the Report of the Council of State, to which the Government of Peru has so fully and cordially adhered, will be received not only by the Government of Her Britannic Majesty, but also by all civilized nations, with a gratification proportionate to so irrefragable a proof of Peruvian civilization and humanity.

The Undersigned avails himself, &c.

(Signed) BELFORD HINTON WILSON.

The Minister for Foreign Affairs of Peru,
&c. &c. &c.

No. 80.

Mr. Wilson to Viscount Palmerston.

Lima, July 4, 1840.

MY LORD,

(Received October 31.)

I HAVE the honour to transmit herewith a copy of a Note, which I have addressed to the Peruvian Minister for Foreign Affairs, earnestly requesting him to solicit from the Congress, about to assemble in an Extraordinary Session, the necessary authorization for concluding with Her Majesty the Treaty on Slave Trade, with the negotiation of which I am charged.

I have, &c.

(Signed) BELFORD HINTON WILSON.

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

Enclosure in No. 80.

Mr. Wilson to the Minister for Foreign Affairs.

Lima, July 3, 1840.

THE congress of Peru being about to open its Extraordinary Session, the Undersigned, Her Britannic Majesty's Chargé d'Affaires, begs to renew to Mr. Ferreiros his earnest hope, that his Excellency the President of the Republic will, in the furtherance of the interests of Christianity and humanity, solicit from that body the requisite authorization to conclude with Her Britannic Majesty the Treaty, for the entire suppression of the Slave Trade of Peru, and for declaring the crime of Slave Trade to be piracy, to which the Government of Peru, in accordance with the declared wishes of the Council of State, has expressed its own desire to accede, the moment it shall be empowered by Congress to that effect.

The Undersigned avails himself of this opportunity to renew to the Minister for Foreign Affairs the assurances of his high respect and distinguished consideration.

(Signed) BELFORD HINTON WILSON.

The Minister for Foreign Affairs of Peru,
 &c. &c. &c.

No. 81.

Mr. Wilson to Viscount Palmerston.

Lima, July 18, 1840.

(Received November 9.)

MY LORD,

I HAVE the honour to transmit herewith, a copy and translation of a Note, addressed to me by the Peruvian Minister for Foreign Affairs, stating the inability of his Government to solicit from the Congress, at the time about to assemble in an Extraordinary Session, the requisite authority for concluding a Treaty on Slave Trade with Her Majesty; and I likewise forward a copy of my reply thereto.

(Signed) BELFORD HINTON WILSON.

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

First Enclosure in No. 81.

M. Ferreiros to Mr. Wilson.

(Translation.)

Lima, July 3, 1840.

THE Undersigned, Minister for Foreign Affairs, has been directed by his Government to reply to the Notes which, under date of the 6th ultimo and of this day, Her Britannic Majesty's Chargé d'Affaires addressed to him, relative to the expediency of requiring from the General Congress about to assemble, the necessary authorization to conclude the Treaty for the abolition of the traffic in slaves, which Mr. Wilson has proposed by order of the British Government.

The Government of the Undersigned has stated its philanthropic sentiments of adhesion towards the principles and tendency of the Treaty, in the Note addressed by this department to the Chargé d'Affaires, but at the same time it expressed its sorrow at not being empowered by the constitution to enter into any international Convention, whatever might be its object, with European nations. This power can only be granted by a Congress, but that which is about to assemble has been convened for the exclusive object assigned to it by the law of the 26th of November last, dictated by itself whilst it possessed the omnipotency of a constituent Congress, and of the arbitrator of the destinies of the country, of which finally it irrevocably divested itself. It shall assemble (according to the 2d Article of the said law), in the capital of Lima, with the exclusive and sole object of constitutionally proclaiming the President of the Republic, elected by the people in conformity to the constitution, or of electing him according to the mode thereby prescribed.

A nation which has but recently been extricated from anarchy and foreign despotism, and in which the abuses of power, or the excesses of the masses have perverted all the dogmatical ideas of its morality and of its policy, more absolutely requires, than amongst a people habituated to the legal conditions of internal order, that a superstitious respect should be observed for the fundamental institutions which have been given to it.

Nothing, not even the most laudable object and of the most extensive results, could sanction an aberration which consisted in the extension of the orbit of the public power. This the Government believes, and would consider itself guilty of a dangerous innovation, if it were capable of contributing to effect a change of those ideas which are indispensable to be habitually insisted on, by exciting the Congress to violate that which it has itself sanctioned as the principle of the regimen, the establishment of which is now about to commence.

CLASS D.

Nor what interest can there be in giving to the Treaty an illegal basis, for such would necessarily be considered the authorization of a body which should exceed its mission, when *de facto* the traffic in slaves is condemned and persecuted; and when, in a short time, the power of negotiating a Treaty will be obtained by legal means, from which no other essential advantage can result, than the one peculiar to Peru, of solemnly promulgating principles which its Government has already proclaimed.

In conformity to these well-founded observations, the Government has ordered the Undersigned to state to the Chargé d'Affaires, that it has not at present the legal power of proceeding on its own responsibility, to the conclusion of a Treaty, or to excite the Congress assembled *ad hoc* to authorize it; and indeed the Congress would consider itself incapable of conferring such a power.

The Undersigned, &c.

(Signed) M. FERREIROS.

Her Britannic Majesty's Chargé d'Affaires,
 &c. &c. &c.

Second Enclosure in No. 81.

Mr. Wilson to the Minister for Foreign Affairs.

Lima, July 5, 1840.

LATE last night the Undersigned, Her Britannic Majesty's Chargé d'Affaires, had the honour to receive the Note of Mr. Ferreiros, dated the 3rd instant, intimating the inability of his Government to accede to the suggestion of the Undersigned, upon the subject of its soliciting from the Congress about to open its extraordinary sessions, the necessary authorization to conclude with Her Britannic Majesty a Treaty on Slave Trade.

The Undersigned has neither the right, nor does he entertain the slightest desire to offer any observation relative to the grounds upon which that decision is declared to be founded; but justice to himself compels him distinctly to state that, so far from having any interest in giving to the negotiation an illegal basis, he would never consent to enter thereupon, unless he previously were to be fully satisfied of the legality of the means by which it might be proposed to effect it.

The Government of Peru having, as before remarked, peremptorily refused to accede to the suggestion of the Undersigned, contained in his Notes of the 5th ultimo and 3rd instant, there is no object to be gained from a discussion upon its merits, and it is, therefore, unnecessary to justify its proposed adoption, by a citation of precedents from the constitutional history of other countries, and even from that of Peru itself.

But, in addition to any such precedents, the Undersigned felt, that not only Her Majesty's Government but all Christians, equally interested in the entire suppression of the infamous traffic in slaves, had acquired a claim to the efficacious efforts of the Government of his Excellency General Gamarra, to procure the incorporation into the public law of the world, by the universal consent of nations, of those principles upon which the Peruvian Government has admitted the proposed Treaty to be founded; inasmuch as the existence of the obstacle, now thrown in the way of the immediate conclusion of that Treaty, was pointed out to the Minister for Foreign Affairs in the Note of the Undersigned, dated the 25th of September last, with the express object of calling his attention to the expediency of obtaining from the Congress then assembled the necessary powers, to obviate the prejudice to the conclusion of a Slave Treaty with Her Britannic Majesty, which might be entailed by the contemplated introduction into the projected constitution of Peru, of a clause tacitly restricting the Executive from negotiating treaties upon any subject, with any other than with the Spanish American States; or, according to Mr. Ferreiros's present limitation of that Article, restricting the Executive from concluding Treaties with European nations.

No notice, however, was taken of the representations of the Undersigned on this subject; and the Article, as above expressed, was introduced into the Constitution issued by the Congress at Huancayo, under date of the 10th November, 1839.

As regards Mr. Ferreiros's remarks that, in a very short time the Executive

will be able to obtain the necessary authorization for the negotiation with Her Britannic Majesty of a Treaty on Slave Trade, and that, as that trade is *de facto* condemned and persecuted in Peru, no other essential advantage can result from the accomplishment of the Treaty, than the one peculiar to Peru, namely, of solemnly promulgating principles which its Government has already proclaimed, the Undersigned cannot but remind Mr. Ferreiros of the fact of the omission, in the new Constitution of Peru, of the customary constitutional guarantee, "that nobody can enter Peru without immediately becoming free," and of the circumstance that no Congress, excepting the one about to assemble in an extraordinary session, will, under the most favourable circumstances, meet prior to the 28th of July, 1841, and that its meeting, even at that period, may unfortunately be prevented by causes similar to those which, since the year 1832, have prevented the assembly in Peru of a Constitutional Congress; and that, therefore, in the meantime the flag of Peru may be surreptitiously assumed by pirates, to carry on, under its protection, the infamous traffic in slaves, and thereby be frustrated the success of the endeavours making by other nations of the civilized world, to put an end to the scandal of a trade, equally revolting to religion and humanity.

The Undersigned, &c.

(Signed)

BELFORD HINTON WILSON.

The Minister for Foreign Affairs of Peru,
&c. &c. &c.

TEXAS.

No. 82.

Lord Palmerston to General Hamilton.

SIR,

Foreign Office, October 18, 1840.

HER Majesty's Government is willing to enter into negotiation with you, for a Treaty of Commerce and Navigation between Great Britain and Texas, believing the time to be now come when the independence of Texas may be considered as being, *de facto*, fully established; and, when the interests of Great Britain require, that the commercial intercourse between Great Britain and Texas shall be placed under the security to be afforded by a Treaty.

But I deem it right frankly to state to you in the outset, and before our negotiation begins, that Her Majesty's Government would not be willing to conclude a Treaty of acknowledgement with any new State possessing a naval flag, unless such State were to consent to conclude at the same time, with Great Britain, a Treaty for the suppression of the African Slave Trade; and there are many circumstances connected with the geographical position and internal arrangements of Texas, which would render it peculiarly incumbent on Her Majesty's Government to make the conclusion of such a treaty a *sine qua non* condition of any other treaty between Great Britain and Texas.

I am aware that, as a considerable portion of the people of Texas have come thither from the United States, some prejudice may exist among them against the concession of the mutual right of search, which is the necessary foundation of all Treaties for the suppression of the Slave Trade; but I trust that a little reflection and even a cursory examination of a Draft of such a Treaty, which I now send you, will be sufficient to show that any objection of this kind, on the part of the people of Texas, would not rest upon any substantial ground; for the right of search which the people of the United States have objected to, and the right of search granted by the numerous Slave Trade Treaties, which have been concluded by Great Britain with other Powers, though similar in name, are, in reality, two entirely different things.

The right of search, which has been the subject of discussion between the United States and Great Britain, is the right to be exercised by a ship of war of either country to search during war, a merchant ship of the other country, in order to ascertain if there be on board of her any deserters from the naval service of the country to which the searching ship belongs; and, if such deserters should be found on board the ship searched, to take such deserters back to the service which they had illegally, and in breach of their duty, abandoned. But the mutual right of search to be exercised under the Slave Trade Treaties, and especially under the Treaty of which I send you a Draft, is a right to search merchant vessels which may, on reasonable grounds, be suspected of being engaged in Slave Trade, in order that, if upon examination they should be found to be so engaged, they may be sent before the tribunals of "*their own country*," to be there adjudicated according to the law of their own land; and it is also to be observed, that the search is to be made by the searching ship of war, not by any right or authority conveyed to it by the Government of the country to which it belongs, but in virtue of a warrant to be given to it by the Government of the country, to which the vessel that is to be searched belongs; so that the searching officer may be considered as being, for the purpose and occasion, a special constable appointed by the Government of the other country, to assist in preventing the laws of that country from being violated, and to aid in bringing before the tribunals of that country any persons, who may have attempted in certain matters to violate those laws.

You will see, that there are, moreover, in this Draft, various provisions specially calculated to prevent, or to punish any abusive exercise of the powers given to the naval officers of the two countries; and I trust that, if you are willing on the part of Texas to enter into negotiation with me on this matter, we shall be able to conclude a Treaty which, on the one hand, will place in security the just rights of the flag of Texas, while, on the other hand, it will prevent that flag from being illegally employed to protect a crime, to which the severest penalties have been attached by the Texian laws.

I am, &c.

General Hamilton,
&c. &c. &c.

(Signed) PALMERSTON.

Enclosure in No. 82.

Printed Draft of Treaty between the Five Powers.

No. 83.

Viscount Palmerston to General Hamilton.

Foreign Office, October 20, 1840.

VISCOUNT PALMERSTON presents his compliments to General Hamilton, and transmits to him for his information the accompanying Papers relative to the suppression of the Slave Trade:—

Draft of Treaty between Austria, France, Great Britain, Prussia, and Russia.

Treaties between Great Britain and Spain of 1817 and 1835.

Treaty between Great Britain and the Netherlands of 1818; and Additional Article thereto.

No. 84.

General Hamilton to Viscount Palmerston.

London, October 20, 1840.

(Received October 20.)

MY LORD,

I HAVE had the honour to receive your Lordship's Despatch of the 18th instant, in which I am informed that Her Majesty's Government is prepared, *de facto*, to recognize the independence of the Republic of Texas, and to form a commercial Convention with it, provided, likewise, a special Convention for the suppression of the African Slave Trade is concluded, which is made a *sine quâ non* to the former Treaty.

And for this purpose your Lordship has enclosed me the draft of a Convention which has been negotiated with nearly all the naval Powers of the civilized world, which have colonies or dependencies, in which or by which their flags might be prostituted to the purposes of the traffic in question.

You have justly adverted to the extreme sensitiveness of the citizens of the United States, and of all those who are descended from or connected with them, on the subject of a forceable and unauthorized search of their vessels on the high seas; and I must confess to you that, as valuable as the recognition of so august and powerful a nation as Great Britain unquestionably is to the Government I have the honour to represent, I should not like to purchase this boon, if I could suppose for a moment, that I was about, as its price, to surrender a right, essential to the security and honour of Texas.

The truth is, my Lord, I have read with extreme satisfaction the draft of the Convention you have sent me, and, with a few modifications, which I shall have the honour to suggest to your Lordship in a verbal conference to-morrow, I will be prepared to sign such a convention without the slightest hesitation, as I believe such a Treaty will be promptly ratified by the Government of Texas.

The first great cardinal feature of the Convention is, that the right to search is incident to a warrant, issued by the Government whose vessels are to be made the subjects to the exercise of this right, that it is not only a matter of agreement between the parties, but is founded on a principle of the most perfect reciprocity. I concur, therefore, entirely in opinion with your Lordship that there is no analogy

between the privilege we mutually concede, under special warrants reciprocally, to certain designated cruizers, under the flag of both nations, and the exercise of a belligerent right to search for deserters, which led to the late war between Great Britain and the United States. Besides, by the provisions of the Convention, according to the draft which your Lordship has sent me, all vessels detained under the exercise of this right are to be sent to the country to which they belong, to be tried by its tribunals, and under its own laws, and the faith of the Treaty in question.

I am, likewise, gratified to perceive that all abuses are carefully guarded against, whilst their occurrence is to be met with proper redress and punishment, should the naval officer entrusted with the warrant of search in any degree violate his duty, or the stipulations of the Treaty.

I must, however, make it a matter of express and preliminary condition that the Coast of Texas, by such degrees of latitude and longitude, as we shall mutually agree upon, shall be entirely exempt from the exercise of the right, to guard against the possibility of her coastwise trade being interrupted by subjecting her vessels to vexatious delays.

I must, likewise, suggest the expediency, in the case of the condemnation of the slavers under the Texian flag by the Texian courts of justice, that instead of the slaves being manumitted in Texas, they should be conveyed by the British Authorities to one of the British West India colonies, and in case of captures on the Coast of Africa, that the slaves should be sent to some British settlement on that coast, however necessary it may be to send the vessel, master and crew, to some port in the Republic of Texas for adjudication and trial.

Texas, by a fundamental article of her constitution, has declared the African Slave Trade piracy; I believe she will willingly concur in any measures with the rest of the civilized world to make this declaration effectual.

It is true she permits the emigration of citizens of the United States with their domestic slaves to her territories, because she does not desire to deny herself the valuable contingents of patriotism, courage, and high faculties for public service, which characterize the citizens of the Southern and South Western States of the American Union.

But to the African Slave Trade, and the indirect and illicit import of Africans from the West India Islands, she is as much opposed as the Government of Her Britannic Majesty, and I believe she will embrace, with cheerfulness, the opportunity, by ratifying the Treaty we may conclude, not only to mark her reprobation of the atrocities of this trade, but to put down the unfounded slander that one of the causes of her separation from Mexico was the annulment of the right to hold slaves, under the laws and constitution of the latter country.

But as a discussion of the causes which led to this separation does not belong to the topic which forms the subject of our correspondence, I shall content myself, in concluding, by remarking that, in however mitigated a form domestic slavery may be destined to exist in the deltas of the great rivers of Texas, on which the men of African origin is alone able to cultivate the soil, in the enjoyment of bodily health and vigour, that seven-tenths of the whole country are admirably adapted to the purposes of European colonization, in which the white man may labour, not only in great safety, but with the certainty of his reaping, in vast abundance, all the comforts and conveniences of life. This insures the settlement of the fertile and salubrious prairies of Upper Texas by a free, gallant, and intelligent race, who are destined to diffuse over a new region the germs of that civilization and power which have made, my Lord, your country what she is.

I shall take the earliest occasion to send you the amended draft of the Convention you have enclosed me, in order that we may concur in the project of a Treaty without delay.

I have, &c.

(Signed)

J. HAMILTON.

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

&c.

&c.

&c.

UNITED STATES.

No. 85.

Viscount Palmerston to Mr. Fox.

SIR,

Foreign Office, May 30, 1840.

I TRANSMIT to you herewith a copy of a communication, which I have received from Messrs. Stilwell, agents for the officers and crew of Her Majesty's sloop "Harlequin."

Messrs. Stilwell state that Her Majesty's brig "Harlequin," having met with an United States' vessel named "*Wyoming*," fitted up for the Slave Trade, took her to New York, in order that she might be brought before the proper court of law in the United States to be tried for Slave Trade; but that an informality having been discovered in her papers, she was, on the ground of that informality, taken before a District Court of New York, and was condemned in that Court for a breach of the American navigation laws.

Messrs. Stilwell state, that by the United States' law, the officers and crew of the "Harlequin" have, as informers in the case, a just title to one-fourth of the proceeds of the vessel, when sold after condemnation by the Court.

But Messrs. Stilwell, solicit that, under the peculiar circumstances of the case, the captors may be allowed, not only that fourth share, but also a portion, if not the whole, of the moiety of the proceeds, which by the law of the United States appertains to the United States' Government, in cases of vessels condemned in Courts of the Union for offences similar to that on account of which the "*Wyoming*" was sentenced.

I have to desire, that you will submit this application of Messrs. Stilwell to the United States' Minister, and that you will express the hope of Her Majesty's Government, that the United States' Government will judge it worthy of their favourable consideration.

I am, &c.,

H. S. Fox, Esq.,
&c. &c. &c.

(Signed)

PALMERSTON.

First Enclosure in No. 85.

Messrs. Stilwell to Viscount Palmerston.

MY LORD,

London, April 29, 1840.

As agents to Lord Francis John Russell, the Commander, and the officers and crew of Her Majesty's sloop "Harlequin," we beg to address your Lordship on the subject of a capture which was effected by that vessel on the 17th May, 1839, off the River Gallinas on the West Coast of Africa.

The vessel captured was called the "*Wyoming*," of New York, and having been evidently fitted out for the traffic in slaves (as the slave-deck was ready for laying), was despatched to New York under the command of Lieutenant Beddoes, as prize-officer.

Upon her arrival there it was ascertained that the vessel which, in reference to her register (a copy whereof is herewith sent), had been originally built at Baltimore in the year 1838, had, on or about the 4th of March, 1839, been sold or transferred at the Havannah, and that such transfer or sale had not been made known to the Collector of the Port of New York, or any other Collector of the United States, as required by the Act of Congress approved on the 31st December, 1792, and intituled "An Act concerning the registry and recording of Ships and Vessels."

It being thus apparent that a breach of the American navigation laws had been committed, proceedings were commenced against the said vessel in the District Court of the southern district of New York, and the usual monitions having been issued and returned, and libel filed, the Honourable Samuel R. Betts, the Judge of the said Court, on the 15th of October last, decreed that the said brig "*Wyoming*," together with her tackle, apparel, and furniture, be condemned as

forfeited to the United States, and when sold, that the proceeds arising therefrom should be distributed according to law. A copy of this Libel and Decree are also herewith left.

We have had reference to the various Acts of Congress, for the purpose of ascertaining what right the captors had by law in the said proceeds, and find that by the 29th section of the said Act of 1792 the proceeds are to be distributed, as directed by an Act of Congress approved on the 4th of August, 1790, intituled "An Act to provide more effectually for the Collection of the Duties imposed by Law, on Goods, Wares, and Merchandise imported into the United States, and on the Tonnage of Ships and Vessels."

On reference to that Act, we find by section 69, that the distribution directed to be made is as follows:—One moiety to the American Government, and the other between the informer and the collector, naval officer and surveyor or surveyors of the district, wherein the penalties shall have been incurred.

We have, therefore, to request that your Lordship will, on the part of the captors, intercede with the American Government, not only for the payment of the one-fourth of the proceeds, to which they are by law entitled as the informers, but that, under the peculiar circumstances of this capture, the American Government will award to the captors the whole, or some portion, of the moiety of the proceeds, to which they are by law entitled.

We have, &c.

(Signed)

THOMAS STILWELL AND SONS.

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

&c.

&c.

&c.

Second Enclosure in No. 85.

REGISTER.

Four Hundred and Eighty. Permanent.

In pursuance of an Act of the Congress of the United States of America, entitled "An Act concerning the registering and recording of ships and vessels."

Joseph A. Scovill, of the city, country, and state of New York, having taken or subscribed the oath required by the said Act, and having sworn that he is the only Owner of the vessel called the "*Wyoming*," of New York, whereof Nicholas Christopher is at present Master, and is a citizen of the United States; and that the said ship or vessel was built at Baltimore, State of Maryland, during the year eighteen hundred and thirty-eight, as per register, No. 84, issued at Baltimore 14th September, 1838, now surrendered properly changed.

And said Register having certified that the said vessel has one deck and two masts, and that her length is eighty-eight feet five inches, her breadth twenty-two inches, her depth eight feet ten inches, and that she measures one hundred fifty-four $\frac{71}{93}$ tons, that she is a brig, has a square stern, no galleries, and a billet head; and the said Joseph A. Scovill having agreed to the description and admeasurement above-mentioned and specified, and sufficient security having been given according to the said Act, the said brig has been duly registered at the port of New York.

(L. S.)

Given under our hands and seals at the port of New York this 22d day of December, in the year one thousand eight hundred and thirty-eight.

W. S. COX, *Naval Officer.*

Third Enclosure in No. 85.

LIBEL AND DECREE.

THE President of the United States of America to all to whom these presents shall come greeting; know ye, that we having inspected the records and files of the District Court of the United States for the southern district of New York, do find certain writings there remaining of record in the words and figures following, to wit:—

DISTRICT COURT of the United States of America for the Southern District of New York.

At a Special District Court of the United States of America for the southern district of New York, held at the city of New York, in the said district, on the

second day of September, in the year of our Lord one thousand eight hundred and thirty-nine, come Benjamin F. Butler, Attorney of the said United States for the southern district of New York, who prosecutes in his behalf for the said United States, and being present in this honourable Court in his proper person in the name and on the behalf of the said United States, alleges, propounds, and declares as follows:—

First. That a certain brig or vessel, called the "*Wyoming*," was heretofore, that is to say, on the twenty-second day of December, in the year one thousand eight hundred and thirty-eight, at the port of New York, duly registered as a ship or vessel of the United States.

Secondly. That the said brig or vessel so registered as aforesaid was heretofore, to wit, on or about the fourth day of March, in the year of our Lord one thousand eight hundred and thirty-nine, at the port of Havana, in the island of Cuba, sold and transferred, in which, or in part, by way of trust, confidence, or otherwise to some person or persons to the said libellant unknown, said person or persons, then being subject or citizens of some foreign prince or state to the said libellant unknown.

Thirdly. That although the said brig or vessel was so sold, or transferred as aforesaid, the said sale or transfer thereof was not made known to the collector of the port of New York, nor to any other collector of any collection district of the United States, as required by the Act of Congress approved on the thirty-first day of December, 1792, entitled an Act concerning the registry and recording of ships and vessels.

Fourthly. That the said brig or vessel, called the "*Wyoming*," is now in the port of New York, and within the jurisdiction of this honourable Court.

Fifthly. That by reason of the premises, and by force of the statute in such case made and provided, the said brig or vessel, as aforesaid, her tackle, apparel, and furniture have become forfeited to the use of the United States.

Lastly. That all and singular the premises are and were true, public, and notorious, of which due proof being made, the said libellant prays the usual process and monition of this honourable Court in this behalf to be made; and that all persons interested in the said brig or vessel, or in her tackle, apparel, or furniture, may be cited in general, or special to answer the premises; and all due proceedings being had, that the said brig or vessel, with her tackle, apparel, and furniture may, for the causes aforesaid and others appearing, be condemned; the definitive sentence, and decree of this honourable Court as forfeited to the use of the United States according to the form of the statute in such case made and provided.

(Signed) B. F. BUTLER,

*United States' District Attorney for the
Southern District of New York.*

At a Special Term of the District Court of the United States of America for the Southern District of New York, held at the City of New York, in the said District, on the fifteenth day of October, in the year of our Lord 1839.

FINAL DECREE.

Present—The Honourable SAMUEL R. BETTS, *District Judge*.

The United States of America *v.* the brig "*Wyoming*," her tackle, &c.

The monitions issued in this case having been heretofore returned, and the usual proclamations having been made, and the default of all persons being duly entered, it is therefore on motion of B. F. Butler, Esq., Attorney for the United States, ordered, sentenced, and decreed by the Court now here, and his Honour the district Judge, by virtue of the power and authority in him vested doth hereby sentence, order, and decree, that the brig "*Wyoming*," her tackle, apparel, and furniture above-mentioned be, and the same accordingly is condemned and forfeited to the United States.

And upon like motion it is further ordered, sentenced, and decreed, that the clerk of this Court issue a writ of *penditioni exponas* to the Marshal of the district, returnable on the first Tuesday of November next, and that upon the return thereof be distributed the proceeds according to law.

(Signed) SAMUEL R. BETTS.

All which we have caused by these presents to be exemplified, and the seal of the said District Court to be hereunto affixed.

Witness, the Honourable S. R. Betts, Judge of the District Court of the United
CLASS D.

States for the southern district of New York, this 19th of October, in the year of our Lord, 1839, and our independence the sixty-fourth.

(Signed) FRED. J. BETTS, *Clerk.*

I, Samuel R. Betts, Judge of the District Court of the United States for the southern district of New York, do hereby certify that the foregoing attestation is in due form.

(Signed) SAMUEL R. BETTS.

New York, October 19, 1839.

No. 86.

Viscount Palmerston to Mr. Stevenson.

Foreign Office, June 1, 1840.

VISCOUNT PALMERSTON presents his compliments to Mr. Stevenson, and has the honour to send to him, according to his verbal request, copies of the Papers relating to the Slave Trade, which were presented to Parliament by Her Majesty's command in the sessions of 1837, 1838, and 1839.

No. 87.

Viscount Palmerston to Mr. Fox.

Foreign Office, June 6, 1840.

SIR,

WITH reference to my Despatch to you of the 6th September, 1839, transmitting to you copies of papers respecting the vessel the "*Two Friends*," which had arrived under the flag of the Union at the Canary Islands, and was suspected to be engaged in Slave Trade; I herewith transmit to you a copy of a further communication, which I have received upon this subject from Her Majesty's Consul-General at the Canaries, confirming the reports previously received that this vessel was engaged in Slave Trade.

I have to desire that you will communicate these Papers to the United States' Government.

I am, &c.

H. S. Fox, Esq.
&c. &c. &c.

(Signed) PALMERSTON.

Enclosure in No. 87.

Mr. Bartlett to Viscount Palmerston.

Teneriffe, April 25, 1840.

(See Class B, No. 34.)

No. 88.

Viscount Palmerston to Mr. Fox.

Foreign Office, June 12, 1840.

SIR,

I HEREWITH transmit to you an extract from a Despatch, which I have received from Her Majesty's Chargé d'Affaires at Rio de Janeiro, stating that the United States' vessel the "*Pilgrim*," had taken on board at Rio de Janeiro, as freight for Africa, complete equipments for three slave-vessels.

You will report this circumstance to the United States Government, in order that the President may be enabled to take such steps as he may think proper, with respect to the practice, now becoming common, by which American vessels, without violating the letter of the laws of the United States, assist the vessels of Spain and Portugal in violating the laws of those two countries.

I am, &c.

H. S. Fox, Esq.
&c. &c. &c.

(Signed) PALMERSTON.

Enclosure in No. 88.

*Extract from Despatch from Mr. Ouseley to Viscount Palmerston,
Rio de Janeiro, April 13, 1840.*

(See Class B, No. 136.)

No. 89.

Viscount Palmerston to Mr. Fox.

SIR,

Foreign Office, June 17, 1840.

I HEREWITH transmit to you copy of a communication, which has been received at this office from the Admiralty, reporting an agreement which has been entered into by Commander William Tucker, of Her Majesty's ship "Wolverene," and Lieutenant John G. Paine, of the United States' schooner "Grampus," for mutual co-operation and assistance for the suppression of the Slave Trade; and I have to desire that you will communicate to the United States' Government the enclosed Papers, and that you will state that Her Majesty's Government are much gratified by this zealous co-operation, on the part of the United States' commander, for an object which both the Government of Great Britain and of the United States have equally at heart.

I am, &c.

*H. S. Fox, Esq.,
&c. &c. &c.*

(Signed) PALMERSTON.

First Enclosure in No. 89.

*Sir John Barrow to Viscount Leveson.**Admiralty, June 6, 1840.*

MY LORD,

(Received June 8.)

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Viscount Palmerston, copies of a Letter from Commander Tucker, of the "Wolverene," dated the 12th March last, No. 115, and its Enclosures, relative to the measures concerted between that officer and the commanding officer of the United States schooner of war "Grampus," for the suppression of the Slave Trade.

I have, &c.

(Signed) JOHN BARROW.

*The Viscount Leveson,
&c. &c. &c.*

Second Enclosure in No. 89.

Commander Tucker to Hon. George Elliot.

*Her Majesty's ship "Wolverene," Sierra Leone,
March 12, 1840.*

SIR,

I HAVE the honour to transmit the annexed copies of the correspondence between Lieutenant John S. Paine, commanding the United States schooner of war, the "Grampus," and myself, relating to the suppression of the Slave Trade, and also a copy of the requisition and agreement made by us for mutual co-operation and assistance, which I trust will be approved of by you and by the Government, and be the means of putting a final step to the Slave Trade on this coast.

I beg further to inform you, that the "Grampus" arrived here on the 7th, to be employed for a short time on the Western Coast of Africa for the protection of American property and suppression of the Slave Trade, carried on under the American flag.

Previous to my arrival, the "Dolphin" United States schooner of war, com-

manded by Lieutenant Bell, had arrived here and sailed for the leeward coast on the same duties as the "Grampus," but independent of her.

I have, &c.

(Signed)
Rear-Admiral Hon. George Elliot,
&c. &c. &c.

WILLIAM TUCKER,
Commander and Senior Officer.

Third Enclosure in No. 89.

Commander Tucker to Lieutenant Paine.

*Her Majesty's ship "Wolverene," Sierra Leone,
March 10, 1840.*

SIR,

HAVING been informed that the vessel under your command is to be employed on this coast to protect the American mercantile interests, and to prevent the flag of the United States being used by people engaged in the Slave Trade, I hasten to offer you the co-operative services of the squadron under my orders, and to assure you I shall be most happy to enter into and make any arrangement with you to render mutual assistance, that we may be the better able to carry into execution the orders and views of our respective Governments.

I beg to inform you that I lately detained two vessels, completely equipped for and engaged in the Slave Trade, under American colours, with American papers, and commanded and manned by American citizens, with American protections; the said vessels were yesterday condemned as good and lawful prizes to the Crowns of Great Britain and Spain, it being proved that they were Spanish vessels, belonging to Spanish persons residing in the Havana.

I have further to inform you that nine more slave-vessels are daily expected from the Havana, completely equipped for the Slave Trade, under the American flag, with American papers and crews and commanded by American citizens, four of which are bound to the river Nun and Brass, near to Cape Formosa, the remaining five being bound to different parts of the coast, making, with the two taken, in all, 11 vessels from the Havana, under the American flag.

I have, &c.

*Lieutenant Paine,
&c. &c.*

(Signed) WILLIAM TUCKER, (b.)
Commander and Senior Officer.

Fourth Enclosure in No. 89.

Lieutenant Paine to Commander Tucker.

*United States schooner "Grampus," Sierra Leone,
March 10, 1840.*

SIR,

I HAVE the honour to acknowledge the receipt of your Letter, of this date, and I can assure you that I can in no way more decidedly meet the views of my Government than by a hearty co-operation for the suppression of the Slave Trade under the American flag, having proper regard to international relations with other Powers.

I accept with pleasure your offer, and will enter into any arrangements that may, on further discussion, seem proper.

I am, &c.

*Commander Tucker,
&c. &c. &c.*

(Signed) J. S. PAINE, *Lieutenant Commanding.*

Fifth Enclosure in No. 89.

AGREEMENT.

COMMANDER William Tucker, of Her Britannic Majesty's sloop "Wolverene," and Senior Officer, West Coast of Africa, and Lieutenant John S. Paine, commanding the United States schooner "Grampus," in order to carry as far into execution as possible the orders and views of their respective Governments respecting the suppression of the Slave Trade, hereby request each other and agree to detain

all vessels under American colours, found to be fully equipped for, and engaged in, the Slave Trade; that, if proved to be American property, they shall be handed over to the United States schooner "Grampus," or any other American cruiser, and that, if proved to be Spanish, Portuguese, Brazilian, or English property, to any of Her Britannic Majesty's cruisers employed on the West Coast of Africa for the suppression of the Slave Trade, so far as their respective laws and Treaties will permit.

Signed and exchanged at Sierra Leone, this 11th day of March, 1840.

(Signed)

WILLIAM TUCKER,
*Commander of Her Majesty's ship "Wolverene," and
Senior Officer, West Coast of Africa.*

(Signed)

JOHN S. PAINE, *Lieutenant, commanding the
United States schooner "Grampus."*

No. 90.

Viscount Palmerston to Mr. Fox.

SIR,

Foreign Office, June 29, 1840.

WITH reference to my Despatch of the 17th instant, respecting an agreement between Commander Tucker, of Her Majesty's ship "Wolverene," and Lieutenant Paine, of the United States schooner "Grampus," for mutual co-operation in suppressing the Slave Trade; I herewith transmit to you a copy of a letter and of its enclosures from the Admiralty, stating that Lieutenant Stoll, of Her Majesty's ship "Bonetta," had detained in the river Pongos, a schooner under American colours, called the "Sarah Anne," and had delivered her up to the Commander of the United States schooner "Grampus." And I have to desire that you will communicate these Papers to the United States Government.

I am, &c.

*H. S. Fox, Esq.,
&c. &c. &c.*

(Signed)

PALMERSTON.

First Enclosure in No. 90.

Sir John Barrow to Viscount Leveson.

MY LORD,

Admiralty, June 8, 1840.

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Viscount Palmerston, copies of a letter from Captain Tucker, of the "Wolverene," dated the 17th March last, and of its enclosures, relative to the detention of a schooner under American colours, called the "Sarah Anne," by the "Bonetta," in the river Pongos.

I am, &c.

(Signed)

JOHN BARROW.

*The Viscount Leveson,
&c. &c. &c.*

Second Enclosure in No. 90.

Commander Tucker to Rear-Admiral Elliot.

SIR,

*Her Majesty's sloop "Wolverene,"
Sierra Leone, March 17, 1840.*

WITH reference to my letter of the 9th instant, transmitting copies of letters from Lieutenant Stoll, reporting his having detained a schooner under American colours, and referring to my letter of the 12th instant, transmitting copies of the correspondence between Lieutenant Paine, Commander of the United States schooner "Grampus," and myself, I have now the honour to transmit the accompanying copies of the correspondence between Lieutenant Stoll, commanding Her Majesty's brigantine "Bonetta," and Lieutenant Paine, commanding the United States schooner "Grampus," relating to

the above-mentioned schooner detained under American colours, which Lieutenant Stoll has handed over to Lieutenant Paine, as fully explained in their letters; and I beg to call your attention to the great friendly feeling which exists between the two services, and the prompt and decided measures taken by Lieutenant Paine.

I have, &c.

(Signed) WILLIAM TUCKER, (b)
Commander and Senior Officer.

Rear-Admiral the Hon. George Elliot, Commander-in-Chief,
&c. &c. &c.

Third Enclosure in No. 90.

Lieutenant Stoll to Commander Tucker.

Her Majesty's brig "Bonetta,"
Sierra Leone, March 16, 1840.

SIR,

REFERRING to my letter of the 6th instant, reporting my proceedings to this date, I beg to enclose copies of correspondence with the Commander of the United States schooner "Grampus," relative to the transfer to him of the American schooner "Sarah Anne," of New Orleans, detained for having engaged in the Slave Trade; which vessel he purposes sending to America for trial.

I have, &c.

(Signed) R. L. STOLL, *Lieutenant Commanding.*

Commander Tucker, Her Majesty's sloop
"Wolverene," Senior Officer.

Fourth Enclosure in No. 90.

Lieutenant Stoll to Lieutenant Paine, (U. S. N.)

Her Majesty's brig "Bonetta,"
Sierra Leone, March 16, 1840.

SIR,

IN consequence of information I had received, that a Spanish slaver was in the river Pongos, I seized, on the 3d instant, the vessel pointed out to me, concealed in an obscure muddy creek, where I could not have found her, had not a native of the neighbourhood, who was in the boat, led us to the spot.

The vessel thus captured proved to be the "Sarah Anne," of New Orleans. On boarding, we found only three persons on deck, two of them Spaniards, and one a Sardinian, who stated that they knew not under what colours the vessel sailed, that the Captain was called Don Raymond, and the Mate Don Alberto.

The "Sarah Anne" has

1st. A children's slave-room—the deck partly laid.

2d. Bunks, or sleeping places on deck, to allow of the cabin being used for a woman's slave-room, as is customary in slavers.

3d. A larger quantity of leagers and water-casks than are necessary for her crew, as a merchant vessel, without any custom-house certificate relative thereto.

4th. Boilers, four in number, each capable of cooking a larger quantity of food, than requisite for her crew as a merchant vessel.

5th. A large quantity of fire-wood.

On searching, an American ensign and pendant, and an American muster-roll and manifest were found; these papers stating her to have cleared out at New Orleans on the 10th of May, 1839, with an American crew, for Cape Mesurado. Two log-books were also found, by one of which she was at Cape Mesurado on the 5th July, and reached the river Pongos on the 10th, and by the other in the river Pongos on 6th of that month; one, therefore, is evidently a false log.

By the track on her chart she had proceeded direct from Havannah to the river Pongos; and by the testimonies of the men found on board, had sailed from New Orleans with a crew, consisting of the Captain, Don Raymond Foritz de Pedro, a Spaniard, Don Alberto, or Albert Slete, the Mate, whom they thought an American and three Spanish, one Austrian, one Sardinian, and one Genoese

seaman, and one Spanish boy. They also state that at Havannah the "*Sarah Anne*" embarked Don Juan as passenger, a Mate, and the Boatswain, a Spaniard. One of the Spaniards found on board, stated that he had been wrecked in an American pilot boat, on the bar of the Pongos, and had applied to Don Alberto for a passage to Havannah, which had been granted him. The vessel was aground in the creek at half ebb when seized, which detained us for some hours, affording plenty of time for any communication by boat from the Master or Mate, but no one came, though we heard a hailing in English from amongst the mangroves, which reached to the water's edge on each side of the vessel, which hailing the men of the crew attributed to the Mate.

As soon, however, as we began to warp her out, a fire of musketry was directed upon the boats, and a second volley upon the vessel, which a prompt return silenced.

When we had cleared the creek, the Mate, Albert Slete, came on board, and stated that he was an American; his trowsers were muddy, and he said he had been in the mangroves, which renders it extremely probable that he was with the party who fired on us; coupling this circumstance with the fraud apparent on the vessel's papers, and her destination, cargo, and crew having, according to the statements of the men left on board, been falsely deposed to, even at the post of clearance, I detained Slete, and brought the vessel to this port, believing her to be Spanish property, but as no official Spanish papers have been found, and the fraudulent use of the American flag in this instance is such, as will, I feel assured, call forth the strong displeasure of the Government of the United States; while various Spanish papers and instructions may, with the evidence of the detained men, lead to the conviction of such of the persons concerned, as may prove to be American citizens, I beg to give up to you for adjudication in America, the vessel and her papers, in the same state as when captured; with the persons belonging to her who have been detained.

The Captain, Raymond Foritz de Pedro, who has reached this place in a canoe, was taken, not long since, in a slave vessel condemned here, the particulars of which I will obtain from the Court if he can be traced, but the use of fictitious names may defeat my purpose.

I enclose lists of all the papers found on board, and of all persons who have belonged to the vessel, according to the testimony of the men detained, with (such) particulars as they have stated, in order that their future statements may be checked, should they attempt concealment of facts; I enclose also an abstract of some particulars from the log.

Having had the pleasure of cordial intercourse with the officers of both the American cruizers employed in the suppression of the Slave Trade, I may be permitted to add that, with such unanimity of feeling and objects, as exists between us, and is manifested by the two great nations to which we have the honour and happiness to belong, the fraudulent adoption of the American flag will no longer avail the foreign pirates, who attempt to sully it by falsely claiming, for purposes of a blood-stained traffic, the character and privileges of American citizens, through perjury, subornation, and heartless fraud.

I have, &c.

(Signed) JOHN L. STOLL.

Lieutenant Paine, Commander of United States schooner "Grampus."

Fifth Enclosure in No. 90.

Lieutenant Paine (U. S. N.) to Lieutenant Stoll.

United States schooner "Grampus,"

Sierra Leone, March 16, 1840.

SIR,

I HAVE the honour to acknowledge the receipt of your letter of this date, offering to deliver over to me the schooner "*Sarah Anne*," of New Orleans, taken at the river Pongos as a slaver, and on suspicion of being Spanish property.

Raymond Foritz, the person named, and whose signature is affixed as Captain of the "*Sarah Anne*," has written to me to claim protection as an American citizen, and I have detained him on suspicion of Slave Trading. I will make arrangements to receive the vessel from you, as soon as an anchor and a boat can be procured, of which, it seems, she is destitute.

I am confident that I can carry out the views of my superiors in office, in thanking you, and offering my cordial co-operation for the suppression of the Slave Trade, as far as our existing treaties allow us to act.

I am, &c.

(Signed) J. G. PAINE, *Lieutenant Commanding.*

Lieutenant J. R. L. Stoll, Commanding Her Majesty's brig "Bonetta."

No. 91.

Viscount Palmerston to Mr. Fox.

SIR,

Foreign Office, July 9, 1840.

HER MAJESTY'S Government has learnt by accounts recently received from Sierra Leone, that on the 8th May, 1839, Her Majesty's brigantine "Lynx," Lieutenant Broadhead, Commander, met with and boarded a schooner, named the "*Perry Spencer*."

The "*Perry Spencer*" on being boarded, hoisted American colours, she was found to be equipped for Slave Trade; and her papers showed that she belonged to Spanish merchants resident at the Havana. Lieutenant Broadhead having acquainted the Master of the "*Perry Spencer*" that his vessel must proceed to New York to be tried, on account of the irregularity of the vessel's papers, the Master hauled down his American colours, and hoisted Spanish colours, and declared the vessel to be a Spanish vessel.

On this last-mentioned statement, Lieutenant Broadhead took the "*Perry Spencer*" to Sierra Leone, to be tried as a Spanish vessel by the Mixed British and Spanish Court of Justice at that place.

On investigation, it appeared that the vessel was furnished with an American pass, which had been granted to her by the United States Consul in Cuba; and although the papers discovered by the captor proved, that the American character which the vessel had assumed was only a cover for Spanish interests, the Court was of opinion, that the recognition of her nationality by a Consular agent of the United States, rendered it improper in the captor to exercise over her a right of search, and the Court therefore dismissed the case.

I transmit to you for communication to the United States Government, an abstract of the papers found on board the "*Perry Spencer*."

The case is another instance of the application of the flag of the United States for purposes of Slave Trade; and Her Majesty's Government trusts, that the United States Government will be led to take more effectual measures than it has hitherto done, in order to prevent a continuance of this abuse.

I am, &c.

H. S. Fox, Esq.,
&c. &c. &c.

(Signed)

PALMERSTON.

Enclosure in No. 91.

Abstract of Papers of the "Perry Spencer."

First Enclosure in Sierra Leone Commissioners' Despatch of June 17, 1839.

(See Class A., No. 30, page 34.)

No. 92.

Viscount Palmerston to Mr. Stevenson.

SIR,

Foreign Office, July 21, 1840.

I HAVE the honour to transmit to you, for the information of the United States Government, the accompanying extract from a Despatch which I have recently received from Her Majesty's Commissioners at Sierra Leone, together with a copy of its Enclosure, respecting a schooner, "*Euphrates*," equipped for the Slave Trade, and furnished by the Vice-Consul of the United States at the Havana, with papers as an American vessel.

I have, &c.

A. Stevenson, Esq.
&c. &c. &c.

(Signed)

PALMERSTON.

Enclosure in No. 92.

Extract from Sierra Leone Commissioners' Despatch relative to the "Euphrates," of July 3, 1839.

(See Class A., No. 40, page 48.)

No. 93.

Mr. Stevenson to Viscount Leveson. (Qy. Viscount Palmerston.)

32, Upper Grosvenor Street, July 22, 1840.

MY LORD,

(Received July 23.)

I HAVE the honour to acknowledge the receipt of your Note of yesterday, communicating an Extract from a Despatch recently received from Her Majesty's Commissioners at Sierra Leone, together with a copy of its Enclosure, respecting the schooner called the "Euphrates," equipped for the Slave Trade, and furnished with papers, which purport to have been signed by the Vice-Consul of the United States at the Havana, as an American vessel.

I will take the earliest opportunity of transmitting copies of the papers for the information of my Government, from whom the subject will doubtless receive the attention its importance merits.

Viscount Leveson,
&c. &c. &c.

(Qy. Viscount Palmerston.)

I have, &c.
 (Signed) A. STEVENSON.

No. 94.

Viscount Palmerston to Mr. Stevenson.

SIR,

Foreign Office, July 31, 1840.

I HEREWITH transmit to you, for communication to the Government of the United States, the copies of two Despatches from Her Majesty's Commissioners at Sierra Leone, upon the subject of the schooner "Ontario," captured while sailing under Spanish colours, with 220 slaves on board, and condemned in the British and Spanish Court of Justice at Sierra Leone; and I have to request, that you will draw the attention of the President to the accompanying abstract of the American papers, under which the "Ontario" had sailed up to the day when her slaves were embarked.

I have, &c.
 (Signed) PALMERSTON.

A. Stevenson, Esq.
&c. &c. &c.

Enclosures in No. 94.

Sierra Leone Commissioners' Despatches of January 20 and May 13, relative to the "Ontario."

(See Class A., 1839, No. 19, p. 23; and Class A., 1840, No. 44, p. 56.)

No. 95.

Mr. Stevenson to Viscount Palmerston.

32, Upper Grosvenor Street, August 3, 1840.

MY LORD,

(Received August 5.)

I HAVE had the honour to receive your Lordship's Note of the 31st ultimo, communicating copies of two Despatches from her Majesty's Commissioners at Sierra Leone, in relation to the schooner "Ontario," captured while sailing under Spanish colours, with slaves on board, and condemned in the British and Spanish Courts of Justice at Sierra Leone, which I will transmit by the earliest opportunity to my Government.

I have, &c.
 (Signed) A. STEVENSON.

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

&c. &c. &c.
 CLASS D.

No. 96.

Viscount Palmerston to Mr. Stevenson.

SIR,

Foreign Office, August 5, 1840.

WITH reference to the desire which you expressed in your Letter of the 27th February, 1840, to be furnished with certain printed forms, which it was represented, that M. Trist, United States' Consul at the Havana, had given in blank to the owners or commandants of slave-ships, to be filled up by them at pleasure, I have now to transmit to you, for communication to the United States' Government, the accompanying copy of a Despatch from Her Majesty's Commissioners at Sierra Leone, together with the authenticated documents enclosed in that Despatch, containing in original,

1st, the Muster-roll of the slave-vessel "*Constitucão* ;"

2nd, a certificate of the shipment of slave equipment for lawful purposes ;

And furthermore, three Certificates of the disembarkation of seamen from the vessel in question.

And I have to request, that you will draw the attention of the President of the United States to the observations contained in the Despatch from Her Majesty's Commissioners at Sierra Leone, upon the subject of these papers.

I have, &c.

A. Stevenson, Esq.
&c. &c. &c.

(Signed) PALMERSTON.

Enclosure in No. 96.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, May 12, 1840.**And five Papers therein enclosed.*

(See Class A, No. 105, page 197.)

No. 97.

Viscount Palmerston to Mr. Fox.

SIR,

Foreign Office, August 7, 1840.

WITH reference to my Despatches of the 17th and 29th of June last, respecting the proceedings of cruizers of the United States, employed on the Coast of Africa in putting an end to the abuse of the flag of the Union for purposes of Slave Trade ; I herewith transmit to you, for communication to the United States' Government, a copy of a Despatch from Her Majesty's Commissioners at Sierra Leone, reporting that the United States' brigantine of war, "*Dolphin*," had arrived at Sierra Leone, under orders to cruise on the Coast of Africa, for the honourable purpose above mentioned.

I have, &c.

H. S. Fox, Esq.,
&c. &c. &c.

(Signed) PALMERSTON.

Enclosure in No. 97.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, February 20, 1840.*

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

No. 98.

*Mr. Stevenson to Viscount Palmerston.**32, Upper Grosvenor Street, August 6, 1840.*

MY LORD,

(Received August 8.)

I HAVE the honour to acknowledge the receipt of your Lordship's Note of yesterday, enclosing the copy of a Despatch from Her Majesty's Commissioners at Sierra Leone, on the subject of the Slave Trade, together with certain authenticated documents therein enclosed ; which I will take the earliest opportunity of communicating to my Government, and calling its attention to those parts of the Commissioners' Despatch which your Lordship desires.

I have, &c.

(Signed) A. STEVENSON.

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

No. 99.

Viscount Palmerston to Mr. Fox.

SIR,

Foreign Office, August 8, 1840.

WITH reference to my previous Despatches on the subject of Spanish slave-vessels, which have attempted to conceal their real national character by the assumption of the flag of the United States, I herewith transmit to you, for communication to the United States' Government, a copy of a Despatch from Her Majesty's Commissioners at Sierra Leone, reporting the case of the schooner "*Laura*," which was detained under American colours by the boats of Her Majesty's brigantine "*Viper*," but having upon investigation been found to be a Spanish vessel engaged in Slave Trade, was condemned on that ground, in the Mixed British and Spanish Court of Justice at Sierra Leone.

H. S. Fox, Esq.,
&c. &c. &c.

I am, &c.

(Signed) PALMERSTON.

Enclosure in No. 99.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, January 31, 1840.*

(Class A, No. 22, p. 25.)

No. 100.

Viscount Palmerston to Mr. Fox.

SIR,

Foreign Office, August 8, 1840.

I HEREWITH transmit to you, for communication to the Government of the United States, the accompanying extract from a Despatch which I have recently received from Her Majesty's Commissioners at the Havana.

You will, by a Note, communicate that paper to the United States' Government; and add the expression of the confidence of Her Majesty's Government, that the President will regret to perceive by it, that the flag of the United States of America still continues to be abused to a very great extent for purposes of Slave Trade, notwithstanding the attention directed to that evil by the Government of the United States.

H. S. Fox, Esq.,
&c. &c. &c.

I am, &c.

(Signed) PALMERSTON.

Enclosure in No. 100.

Extract from Havana Commissioners' Despatch of June 13, 1840.

(See Class A, No. 140, p. 270.)

No. 101.

Viscount Palmerston to Mr. Fox.

SIR,

Foreign Office, August 10, 1840.

I HEREWITH transmit to you a report of the case of the schooner the "*Asp*," Wilson L. Weems, nominal Master, which, while lying at anchor in the river Nun, was detained by Her Majesty's sloop "*Wolverene*," and was taken to Sierra Leone, and condemned there, on the ground that she had a slave equipment on board, and that she was a Spanish vessel.

The "*Asp*" was built at Baltimore, and at the time of her detention displayed the flag of the Union, and was furnished with an American pass; but she never had any American owners, for she was built in 1839, to the order and for the account of Messrs. Pedro Martinez and Co., Spanish merchants at the Havana; and those merchants, having transferred a portion of their property in her to Ramon Garcia, also a Spaniard, Ramon Garcia was appointed Supercargo, and acted also as Commander on the voyage on which the vessel was detained.

The course of that voyage was intended to be from the Havana to the river Nun, and back again; and in the river Nun the "*Asp*" was to have taken in a cargo of slaves.

When detained, she had five Americans on board, and a Spanish crew of 18 persons.

Evidence of the above mentioned facts having been produced, shewing that the vessel was in reality Spanish, and that the slave-trading voyage on which she was detained was essentially a Spanish venture, the Mixed British and Spanish Court of Justice at Sierra Leone condemned her accordingly, as a Spanish vessel concerned in Slave Trade.

The enclosed paper contains a detailed account of the circumstances attending this case; and I have to desire that you will by note communicate them to the United States' Government, in corroboration of the statements already furnished to the President, on the frequency with which the United States' flag is employed for purposes of foreign Slave Trade.

H. S. Fox, Esq.,
&c. &c. &c.

I am, &c.
(Signed) PALMERSTON.

Enclosure in No. 101.

Report of the case of the "Asp."

Enclosed in Sierra Leone Commissioners' Despatch of March 12, 1840.

(See Class A, No. 24, p. 28.)

No. 102.

Viscount Palmerston to Mr. Fox.

Foreign Office, August 13, 1840.

Circular sending Papers presented to Parliament.

No. 103.

Viscount Palmerston to Mr. Fox.

Foreign Office, August 14, 1840.

SIR,

WITH reference to previous correspondence on the subject of the conduct pursued in respect to Slave Trade, by M. Trist, late Consul for the United States at the Havana, I herewith transmit to you, for communication to the United States' Government, copies of a Despatch, and of its Enclosures, from Her Majesty's Judge at the Havana, containing copies of a correspondence which that gentleman has held with Mr. Everett, who is understood to have been deputed by the Government of the United States to investigate the charges advanced against M. Trist.

I at the same time transmit for your information the copy of a Despatch, which I have recently received from Her Majesty's Commissioners at Sierra Leone, upon the subject of certain papers, said to have been furnished in blank by M. Trist to the owners or commanders of slave vessels; and I transmit to you also a copy of the letter with which I communicated that Despatch to the United States' Minister at this Court.

H. S. Fox, Esq.,
&c. &c. &c.

I am, &c.
(Signed) PALMERSTON.

First Enclosure in No. 103.

Mr. Kennedy to Viscount Palmerston.

Havana, June 15, 1840.

(See Class A, No. 141, p. 271.)

Second Enclosure in No. 103.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, May 12, 1840.

(See Class A, No. 105, p. 197.)

Third Enclosure in No. 103.

Viscount Palmerston to Mr. Stevenson.

August 5, 1840.

(See No. 96.)

No. 104.

Viscount Palmerston to Mr. Stevenson.

SIR,

Foreign Office, August 17, 1840.

WITH reference to the representation I have received from you, upon the subject of the conduct pursued towards the American sloop "*Edwin*" by officers in Her Majesty's naval service, I have to acquaint you that Her Majesty's Government have now received from Commander Elliot, of Her Majesty's ship "*Columbine*," a detailed statement of the circumstances, under which the American brig in question was visited by the "*Columbine*," and of the events which took place on that occasion; and I do myself the honour to transmit to you, for communication to the United States' Government, a copy of that statement, together with a copy of the statement of Lieutenant Tatham, the officer who executed the orders of Commander Elliot to visit the "*Edwin*."

It appears to Her Majesty's Government, and Her Majesty's Government hope that it will also appear to the United States' Government, that these papers give a satisfactory explanation of the conduct of Commander Elliot and of Lieutenant Tatham, on the occasion referred to.

A. Stevenson, Esq.,
&c. &c. &c.

I am, &c.
(Signed) PALMERSTON.

First Enclosure in No. 104.

Mr. More O'Ferrall to Viscount Leveson.

MY LORD,

Admiralty, July 23, 1840.

WITH reference to former correspondence relative to the detention of the American brig "*Edwin*," by Her Majesty's ship "*Columbine*," I am commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Viscount Palmerston, a copy of a Letter from Commander George Elliot, of that sloop, dated the 30th April last, on the subject.

Viscount Leveson,
&c. &c. &c.

I have, &c.
(Signed) R. MORE O'FERRALL.

Second Enclosure in No. 104.

*Commander Elliot to the Secretary to the Admiralty.**Her Majesty's Ship "Columbine," Simon's Bay,*

SIR,

April 30, 1840.

IN obedience to directions from Rear-Admiral the Hon. George Elliot, dated April 25th, forwarding to me your Letter of the 20th February, and its Enclosures, relative to the American brig "*Edwin*," I have to acquaint you, for the information of the Lords Commissioners of the Admiralty, that on the 22nd July, 1839, a vessel was reported to me and chased, which vessel proved to be the "*Edwin*," of New York.

Her evident desire to avoid us, her disinclination to exchange colours, and her being found off the slave port of Ambriz, induced me to suspect her having no claim to the protection of the American flag; and having had ocular proof that the American flag was unlawfully made use of by the Portuguese on that coast, in order to carry on the Slave Trade, I on closing her hailed her, and expressed my suspicions, and demanded that she should be hove to, and submit to a search. This was refused, and the gross and insulting language of her Master more fully confirmed my suspicions about her.

I was about to enforce a search, when he hove to; I then sent a boat, with Lieutenant Tatham on board her, and ordered him to demand his papers, and bring the Master on board to me. The conduct of this Master was so outrageous, that I was obliged to have two marines to prevent his carrying his threats into execution; his language was of the grossest nature, and without the slightest provocation, as I did not use one insulting word to him.

I forward a corroboration of the above facts, detailed by Lieutenant Tatham.

I have the honour to inform you, that, was the American flag to be a security to all vessels on that coast that might hoist it, it would be impossible to suppress the Slave Trade and acts of piracy. The American schooner, "*George Crooks*," of Baltimore, was twice boarded whilst laying in Cabénda Bay, by boats of Her Majesty's sloop; only one American on board, and fitted for the reception of slaves. She afterwards sailed, to my certain knowledge, with a cargo of slaves, under the Portuguese flag.

I have, &c.
(Signed) GEORGE ELLIOT,
Commander.

The Secretary to the Admiralty,
&c. &c. &c.

Third Enclosure in No. 104.

Lieutenant Tatham to Rear-Admiral Elliot.

SIR,

Simon's Bay, April 22, 1840.

IN obedience to your orders, and in reply to the documents forwarded by their Lordships of the Admiralty, in reference to the circumstances under which the American brig "*Edwin*" was boarded by Her Majesty's sloop "*Columbine*," I have the honour to state the following facts.

On July 22, 1839, Her Majesty's sloop was standing in for the slaving port of Ambriz, when a sail was seen on the lee-bows, and the weather being hazy all sail was made to close.

On nearing her we perceived she was a brig standing on a wind, and when close to her, as she hoisted no colours, a gun was fired.

After a time the brig hoisted the American flag, but continued on her course carrying all sail.

This disinclination to show colours, or heave to, excited strong suspicions that the vessel was engaged in the Slave Trade, and not entitled to the protection of the flag she hoisted.

Sufficient sail was kept on Her Majesty's sloop to close her, and on getting alongside Captain Elliot hailed, and desired the master to heave to. "Heave to?" was the reply of the master, "I'll see you damned first," pointing to his flag. Captain Elliot again urged the necessity of his doing so; "I'll see you damned first," was the second reply. The language of the Americans which followed was of the lowest and grossest description, much of which I do not now retain in memory. I remember, however, his hailing and saying, "My flag is as good as your bloody piratical one," and some reference to a lesson he stated we had already received on the right of search, and which we should have again.

The language and the conduct of the master giving additional suspicion of his vessel not being American, Captain Elliot continued running abreast by her, and urging by every argument the necessity of his ascertaining that he had a right to the flag he hoisted, and that he had no slaves on board, adding, "You are aware I can compel you by firing, but while you hoist that flag I shall abstain if possible, but board your vessel I am determined to do." This was replied to by the most violent and abusive language.

Captain Elliot now said, "Come on board then yourself, and bring your papers," which the master of the brig replied to with these, "I'll see you ——— first."

Soon after which the crew of the brig hove her to, apparently without any orders from the master.

Captain Elliot now ordered me to bring the master on board with his papers, to ascertain if he was American, leaving Mr. Wells (Master of Her Majesty's sloop *Columbine*) on board the "*Edwin*."

On boarding the brig I told the master the orders I had received; he, however, was most violent and abusive, declaring no one should see his papers, and no one should force him from his vessel.

I told him I had no wish to use any force, but that his conduct had excited suspicions which he, as an American citizen, should be anxious to disprove.

With the assistance of the mate he was at last persuaded, and got into the boat with his papers.

On our way to Her Majesty's sloop I recognized the master as a person I had seen at the factories of Ambriz, and on this recognition he gave me his papers, and appeared more tranquil.

I now told him that I was aware Captain Elliot would allow him to return immediately he ascertained he was American.

On gaining the "Columbine's" quarter-deck, I delivered the papers to Captain Elliot, immediately followed by the master of the "*Edwin*," who advanced, shaking his fist, and grasping at the papers in Captain Elliot's hands, making use of the most abusive language. Mr. Carpenter (first lieutenant), as also myself, stepped in between him and Captain Elliot to prevent the personal violence and indignities threatened by the master of the "*Edwin*" to the Commander of Her Majesty's sloop on Her Majesty's quarter-deck.

So violent, however, was his conduct, that Captain Elliot ordered two marines to stand between him and the master of the "*Edwin*," who even then pushed forward in the most outrageous manner to grasp his papers, or to strike Captain Elliot, but was prevented by the marines.

Captain Elliot having satisfied himself that he was entitled to the protection of the flag he hoisted, explained that he regretted the steps forced on him to disprove suspicions principally founded on the conduct he (the master of the "*Edwin*") had pursued, and giving him his papers, he returned to his brig, soon after which Her Majesty's sloop made sail and anchored at Ambriz.

Captain Elliot and myself immediately landed and repaired to the American Factory, where we were received by a Mr. Cox, who stated he was in the same employ with Mr. Daley, the Master of the "*Edwin*," and expressed much concern at what had happened, remarking that he must have been drunk or mad.

Mr. Cox suffering under a bad case of African fever, attended with most serious symptoms, our surgeon attended him by order of Captain Elliot, who, in his anxiety to show by every possible means the feeling which he held towards American citizens, sat by his bedside several hours, and paid him every possible attention during our stay.

Under the advice of our surgeon Mr. Cox recovered, and nothing could surpass the anxiety shown by him to evince his gratitude. I further beg to state that during the past year it has been my duty, as boarding officer, to visit several American vessels, and on no occasion have they shown the least objection to produce their papers; on the contrary, the very best feeling possible has existed, and the case now referred to was alike deplored by ourselves as by the American citizens trading at Ambriz.

It is further my duty in explanation, to state that additional reason of suspicion in this case was excited from the ascertained fact, that many of the slavers sailing from Ambriz and the coast near, have American papers, and are under the American flag.

In the month of June last I boarded the "*George Crooks*," of Baltimore, a schooner anchored at Kabinda, and in every way prepared to receive a cargo of slaves. This vessel produced papers signed by the American Consul at Havana, from which place she last sailed; on mustering her crew they were found all Spaniards but the master.

On the 6th July, only a fortnight previous to meeting the "*Edwin*," I again boarded the "*George Crooks*," which I found still in the same state of preparation, but the papers produced as American prevented further steps being taken.

On our return to Kabinda we were informed that the schooner, "*George Crooks*," had sailed with a cargo of slaves.

I have, &c.

(Signed)

EDWARD TATHAM,

Second Lieutenant of Her Majesty's brig "*Columbine*."

Rear-Admiral George Elliot, C.B.

&c.

&c.

&c.

No. 105.

Viscount Palmerston to Mr. Fox.

SIR,

Foreign Office, August 22, 1840.

I HEREWITH transmit to you a report of the case of the Spanish schooner "*Lark*," which was detained by the boats of Her Majesty's sloop "*Wolverene*," and condemned at Sierra Leone on a charge of being concerned in Slave Trade.

The Captain of this vessel attempted to take advantage of the flag of the United States, in order to hide the fact, that the "*Lark*" was a Spanish vessel, engaged in Spanish Slave Trade. But the "*Lark*," when taken, had a complete slave equipment on board, and she was commanded and partly owned by a Spanish subject, named Juan Barba, who had twice before been brought to Sierra Leone as a Captain of a slave-vessel.

It is true that the "*Lark*" obtained an American protection for the flag Captain, and she had a muster-roll, containing the names of six Americans as her crew; but she had also a complete Spanish crew of 33 persons, and her owners were Simon de Ferran and Juan Barba, both Spaniards, and resident at the Havana; and these two persons were also the owners of her cargo.

It is moreover to be observed that the voyage on which she was captured was from the Havana to the coast of Africa, and back to the Havana, and not to or from the United States.

These facts establish beyond a doubt the employment of the "*Lark*" in the Slave Trade, the Spanish character of the vessel, and the Spanish character of the adventure in which she was engaged; and I have to desire that you will by a Note to the United States' Minister make the American Government acquainted with the principal circumstances of this case, as a further instance of the manner in which Spanish slave-traders attempt to shelter themselves under the flag of the United States, and thus to escape the punishment which they would be liable to in their proper national character.

I have, &c.

H. S. Fox, Esq.,
&c. &c. &c.

(Signed) PALMERSTON.

Enclosure in No. 105.

*Report of the case of the "Lark."**Enclosed in Sierra Leone Commissioners' Despatch of March 14, 1839.*

(See Class A, No. 25, p. 29.)

No. 106.

*Mr. Stevenson to Viscount Palmerston.**32, Upper Grosvenor Street, August 24, 1840.**(Received August 24.)*

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary from the United States of America, begs leave to inform Lord Palmerston, Her Majesty's Principal Secretary of State for Foreign Affairs, that he had the honour to receive, on his return to town, his Lordship's Note of the 17th instant, transmitting to the Undersigned, for communication to his Government, sundry documents, containing a detailed statement of the circumstances under which the American brig "*Edwin*," of New York, was boarded and searched, on the coast of Africa, by the officers of Her Majesty's sloop-of-war the "*Columbine*," and which had been made the subject of complaint to Her Majesty's Government in February last.

The Undersigned will take an early opportunity of transmitting these papers to his Government, with whom it alone rests to decide upon the sufficiency of the explanation, which has been given of this transaction by Her Majesty's naval officers.

The Undersigned renews to Lord Palmerston assurances of his distinguished consideration.

(Signed)

A. STEVENSON.

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

No. 107.

*Viscount Palmerston to Mr. Stevenson.**Foreign Office, September 10, 1840.*

THE Undersigned, Her Majesty's Principal Secretary of State for Foreign Affairs, has the honour to transmit to Mr. Stevenson, Envoy Extraordinary and Minister Plenipotentiary from the United States of America, the accompanying extract of a Despatch from Her Majesty's Commissioners at the Havana, by which it appears that on the 12th June the American brig "*Caballero*," on the 13th June the American brig "*Hudson*," and on the 24th June the American ship "*Crawford*," arrived at the Havana, in ballast from the coast of Africa, supposed to have been there engaged in Slave Trade.

The Undersigned requests that Mr. Stevenson will communicate this paper to the Government of the United States.

A. Stevenson, Esq.,
&c. &c. &c.

I am, &c.
 (Signed) PALMERSTON.

Enclosure in No. 107.

Extract of Despatch from Havana Commissioners of July 18, 1840.

(See Class A, No. 146, p. 278.)

No. 108.

*Mr. Fox to Viscount Palmerston.**Washington, August 21, 1840.**(Received September 18.)*

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatches to that of the 9th July of the present year inclusive.

I have addressed official communications to the United States' Government upon the different subjects to which your Lordship's Despatches above-mentioned relate. When answers shall have been received to these communications, I shall have the honour duly to report the results of the correspondence to your Lordship.

I have, &c.
 (Signed) H. S. FOX.

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

No. 109.

Viscount Palmerston to Mr. Fox.

SIR,

Foreign Office, September 29, 1840.

I HEREWITH transmit to you, for communication to the Government of the United States, the accompanying copies of two Despatches from Her Majesty's Commissioners at Sierra Leone, relative to a Spanish schooner fully equipped for the Slave Trade, which had been found sailing under American colours and with American papers, under the name of "*Mary Cushing*."

This vessel, under her assumed name, escaped the operation of the equipment Article of the Treaty between Great Britain and Spain; and it was not until the slaves, which had been collected at Lagos, were ready to be embarked, that she assumed her real character of the Spanish slaver "*Sete de Avril*."

The vessel was captured on the day following that on which she had taken on board 424 slaves, and was condemned in the Mixed British and Spanish Court at Sierra Leone.

I am, &c.
 (Signed) PALMERSTON.

H. S. Fox, Esq.
&c. &c.

CLASS D.

First Enclosure in No. 109.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, April 30, 1839.

Second Enclosure in No. 109.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, November 15, 1839.

(See Class A, Nos. 35 and 69, pages 42 and 122.)

No. 110.

Viscount Palmerston to Mr. Fox.

SIR,

Foreign Office, September 30, 1840.

I SEND to you herewith, for transmission to the Government of the United States, the accompanying copies of two Despatches from Her Majesty's Commissioners at Sierra Leone, enclosing Abstracts of the Papers found on board the slave schooners "*Catherine*" and "*Butterfly*," when detained under American colours on the Coast of Africa by Her Majesty's ship "*Dolphin*."

I am, &c.

H. S. Fox, Esq.
&c. &c.

(Signed) PALMERSTON.

First Enclosure in No. 110.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, August 28, 1839.

Second Enclosure in No. 110.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, September 18, 1839,

(See Class A., Nos. 58 and 59, pages 95 and 98.)

No. 111.

Viscount Palmerston to Mr. Stevenson.

Foreign Office, October 5, 1840.

Circular sending Papers presented to Parliament.

No. 112.

Mr. Stevenson to Viscount Palmerston.

32, Upper Grosvenor Street, November 5, 1840.

(Received November 7.)

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary from the United States, presents his compliments to Lord Palmerston, Her Majesty's Principal Secretary of State for Foreign Affairs, and has the honour to acknowledge the receipt of his Lordship's Note of the 10th September, communicating an extract from a Despatch of Her Majesty's Commissioners at the Havana, in relation to three American vessels, supposed to have been concerned in the Slave Trade, on the Coast of Africa.

The Undersigned will take an early opportunity of transmitting copies of these papers to his Government, and begs to say that he would earlier have had the

honour of acknowledging their receipt, but for an absence from London of some weeks in the west of England. He prays Lord Palmerston to accept assurances of his high consideration.

(Signed)

A. STEVENSON.

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

No. 113.

Mr. Stevenson to Viscount Palmerston.

32, Upper Grosvenor Street, November 10, 1840.

MY LORD,

(Received November 11.)

THE President of the United States, solicitous to contribute, as far as in his power, to promote the wishes of Her Majesty's Government for the suppression of the Slave Trade, has authorized me to communicate to your Lordship, in such manner as I might deem most suitable, extracts from two communications, which have been received by the American Government from their Consul at Tripoli, and one of their naval officers who has recently returned to the United States from the Coast of Africa.

As many of the facts and suggestions contained in these papers may be regarded as of an interesting and important character, (and of which your Lordship may not be fully apprised,) I have deemed it best to communicate them *in extenso*, and with that view have now the honour of doing so. Your Lordship will permit me to add my earnest hope, that they may prove serviceable, in the efforts which Her Majesty's Government are making for the extinction of this inhuman and intolerable scourge.

I deem it proper also to state to your Lordship, that the characters of the individuals, by whom these communications have been made, for integrity and good sense, entitle their statements to implicit confidence. With sentiments of high respect and esteem,

I have, &c.

(Signed)

A. STEVENSON.

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

First Enclosure in No. 113.

Extract of a Letter from D. S. M'Cauley, Esq., Consul of the United States at Tripoli, to the Secretary of State of the United States, dated October 3, 1839.

"BEING aware of the great interest the Government, in common with an immense majority of the American people, take in the suppression of the Slave Trade, I beg leave to suggest to the department, the possibility of ameliorating, if not exterminating that branch of the odious traffic, which flourishes in the Barbary States, and which apparently escapes the searching observation and attention of European philanthropists.

"For some of my former Despatches I have noted the arrival of negro slaves by the rasilas, or caravans, from the interior; and I have endeavoured to ascertain the exact number they annually imported, but the ill success that has attended all my endeavours to obtain correct statistical information from the Turkish authorities has also attended me in this instance; yet I am disposed to believe that the number at 2,000 to 2,500 slaves arriving at this port and Bengasi, is an approximation within the truth; and though the trade to this regency, the most convenient maritime mart of the interior for a number of years past, has, owing to the civil war and unsettled state of the country, been greatly diminished, still it is probable that the numbers carried to Egypt and Tunis have proportionably increased, and, perhaps, very nearly average in each of those States the number imported into this.

"Of these slaves but very few are required for the supply of Tripoli; the great proportion is exported principally in Turkish and Greek vessels to the Levant, where they find a ready sale."

Second Enclosure in No. 113.

*United States' Brig "Dolphin," New York,
July 28, 1840.*

SIR,

SINCE my arrival in the United States, I have seen, through the papers, accounts of public meetings in England, in which a contrast is drawn between the United States and Great Britain on the subject of slavery, in which our country has been most shamefully denounced, and great praise given to the British for their philanthropy and humanity in their exertions to extinguish slavery and the Slave Trade.

Under these circumstances I feel it my duty as an American and public servant, to state what came under my own observation, and the reports of others in whom I have confidence, the British officers themselves, during my late cruize on the Coast of Africa.

On my arrival at Sierra Leone, I was informed by Governor Doherty, the British Governor of that colony, that during the last year 62 slavers had been sent into that place; that not more than one vessel in six was captured by the British cruizers; and that upwards of 300,000 slaves were sent from Africa yearly. There are 20 cruizers employed on the coast between the Cape of Good Hope and Cape Verd, who usually cruize out of sight of land.

Between Cape St. Anne and Cape Palmas there are two slave stations, one at the mouth of the river Gallinas, and the other at New Cess. There were collected and confined in the barracoons, or slave-prisons, of the former 5,000 slaves, and the latter 1,500, waiting for an opportunity to ship them across the Atlantic.

It is customary for the slavers to run into one of these stations in the evening, take on board 300 or 400 negroes during the night, and run off with the land-breeze the next morning. If they do not meet with a cruizer after running thirty miles, they are safe until they get to the West Indies, where there is again some slight chance of capture before they have an opportunity of landing their cargoes. I therefore proposed to three of the British commanders I fell in with, to blockade these two stations instead of cruising so far off the coast; the anchorage is good and safe, and one vessel at each station could lay in such a position as to intercept any slavers coming in. The invariable reply to this proposition was, "This is an unhealthy climate; we come out here to make prize-money; if a slaver is captured without her cargo she is sent to Sierra Leone, where the expense of condemnation amounts to nearly the whole value of the vessel, which is the perquisite of those in the employ of the Government at that place; and we who have all the labour and exposure get nothing; whereas, if we capture a vessel with slaves on board, we receive 5*l.* sterling a head for each of them, without any deduction, therefore it is not our interests to capture these vessels without their cargoes."

Most of the slavers sent into Sierra Leone have such articles on board as are used in trafficking for slaves; when the vessels are condemned, these articles are sold at public auction, are purchased by an Englishman there, who is said to be the agent of Pedro Blanco, the great slave-dealer at Gallinas; whether this is the case or not, is of little consequence; they are put on board of an English cutter belonging to this man, who carries them to Gallinas, and lands them at his pleasure. This is well known to every person at Sierra Leone; and in conversation with the Governor, when he made some remarks on the shameful use of our flag in this trade, I spoke to him on the subject: stated to him that the Slave Trade was encouraged and abetted by such proceedings under the very eye of his Government. He said he was sensible of it; but as this was a legal traffic he could not prevent it. British, as well as American and French, merchant-vessels are also engaged in supplying these slave stations with provisions, and even luxuries, for which they are well paid, and for want of which they could not exist.

Pedro Blanco and others engaged in this business say, if they can save one vessel out of three from capture they find the trade profitable. This can easily be believed when slaves can be purchased at Gallinas for less than 20 dollars in trade, and sold for cash in Cuba for 350. A few months before I came on coast the ship "*Venus*" took away from there a cargo of slaves, and landed in Cuba upwards of 800, by which she cleared 200,000 dollars, after paying for the vessel and her whole expenses during the voyage.

The question now naturally arises, "How is this trade to be stopped?" With regard to Gallinas and New Cess, I think the course to be pursued is very simple and effectual.

A short distance above the mouth of the Gallinas are a number of small islands, on which are situated the barracoons; these are badly fortified with a few pieces of cannon, and worse manned. One hundred men sent in a frigate's boats would be more than ample force to break it up, and capture or disperse all the slaves, and burn the town in the course of a few hours; one-third of this force would be sufficient to destroy New Cess. As it takes some time to collect slaves on the coast for transportation, other stations would have to be established which could be again destroyed; and to prevent those men who are now in this business from again engaging in it, they should be either sent away from the coast, or, as they are out-laws (and to make a dreadful example), put to the sword.

I trust, sir, the motive which induced me to make this communication, will be a sufficient excuse for troubling the department at the present time.

No. 114.

Mr. Stevenson to Viscount Palmerston.

32, Upper Grosvenor Street, November 13, 1840.

(Received November 14.)

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary from the United States, has been instructed by his Government to transmit to Lord Palmerston, Her Majesty's Principal Secretary of State for Foreign Affairs, the accompanying papers, containing the evidence of another unwarrantable search, detention, and ill-usage of an American vessel and her crew, on the Coast of Africa, by one of Her Majesty's cruisers, employed for the suppression of the Slave Trade, and which, in the opinion of the President, forms a proper subject for complaint and satisfactory retribution.

The following are the prominent facts of the case:—

The American brig "*Douglas*," of Duxbury in Massachusetts, of 210 tons burthen, and commanded by Alvin Baker, master, and William Arnold, mate, sailed from the Havana on the 5th August, 1839, laden with a cargo of merchandize, and having sundry passengers on board, for the port of the river Bras.

That on the 31st October this brig, whilst pursuing her voyage, was boarded by Lieutenant Segrain from her Majesty's brigantine-cruizer the "*Termagant*," with some of her crew, who proceeded forthwith to overhaul the ship's papers and passenger's passports; ordered the hatches which were closed to be broken open; the American flag, which was then flying, to be hauled down, and the vessel seized as a slaver.

That the captain's papers and log-book were then demanded, and taken on board the "*Termagant*," and the "*Douglas*" committed to the charge of a master and crew from the British cruiser, who immediately ordered the sails to be set, and proceeded to sea.

At 6 o'clock P. M., ten men were sent on board with arms and provisions, and the passengers taken to the "*Termagant*," and both vessels then made sail, and stood to the westward.

That on the 23rd October, about daylight, the "*Termagant*" came alongside of the "*Douglas*," with the purser and one of her passengers, for stores and provisions, and then returned to the cruiser.

That from the 21st to the 26th October, the American brig continued in charge of Her Majesty's cruiser, when they parted, and lost sight of each other, the brig, however, still continuing in possession of the officer and men from the "*Termagant*."

That on the 29th, and to the westward of Popoe, on the African Coast, the "*Termagant*" again appeared alongside of the "*Douglas*" and hove to. Sent the supercargo and purser on board, ordered captain Baker on board the cruiser, and Lieutenant Segrain then delivered to him his papers, with permission to proceed on his voyage.

The passengers were also permitted to return to the "*Douglas*," and the "*Termagant*" having taken her prize-crew and officer on board, the "*Douglas*" made all sail for the river Bras.

That on the 6th of November the "*Douglas*" anchored in the Nun (a river on the African coast) which she left on the 14th December, and proceeded in ballast to Curaçoa, where she arrived on the 22nd January, 1840.

That on the 6th of February she sailed from Curaçoa with a cargo of salt for the Havana, which she reached on the 21st of that month.

That in the passage from the pestilential coast of Africa to Curaçoa the "*Douglas*" lost three of her crew; two American seamen, viz., Hamilton Day, of Providence, and Andrew Clough, of Boston; and Frederick Walton, a British subject; who were taken ill and died.

That the "*Douglas*," at the time of her sailing from the Havana, was tight, staunch, and strong, had her hatches well caulked and covered, and was well and sufficiently manned, and provided with all things needful for her voyage, and was in that state when she was boarded and literally captured by the British cruizer.

Such are the facts detailed in the protest of the Captain and Mate, herewith transmitted, and which, it is presumed, can leave no doubt as to the unprovoked and flagrant character of the proceeding, or the reparation due to the rights of the United States, and the honour of their flag.

In presenting the subject to the notice of Her Majesty's Government, it cannot be needful that the Undersigned should do more than refer Lord Palmerston to the correspondence which has heretofore taken place between the two Governments, and more especially to the three Notes which the Undersigned had the honour of addressing to his Lordship, under dates of 5th February, 15th May, and 11th August last, and to express the painful regret which the Government of the United States feels, that the remonstrances which have been heretofore made should have proved unavailing in preventing the repetition of such abuses, as those which have so repeatedly been made the subject of complaint against Her Majesty's naval officers.

Her Majesty's Government cannot be insensible of the strong desire which the Government of the United States, and the nation at large, feel in the complete annihilation of the African Slave Trade.

The course pursued for the last 30 years is best calculated to mark the feelings and opinions of the Government and people of the United States, in relation to a traffic, now properly regarded by most civilized nations as alike repugnant to justice and humanity, and which, in relation to the United States, is not the less so to all the dictates of a sound policy.

It is true that the American Government have declined to become a party in treaties with other nations for the suppression of the Slave Trade. Although repeatedly urged by Her Majesty's Government to do so, the United States have been forced to decline all conventional arrangements, by which the officers of ships-of-war of either country should have the right to board, search, or capture, or carry into foreign ports for adjudication, the vessels of each other engaged in the Slave Trade. Indeed, it may be well doubted, apart from other considerations, whether the constitutional powers of the American Government would be competent to carry into effect those portions of the existing system, so indispensably necessary to give it the character of just reciprocity.

These objections on the part of the United States have been repeatedly and frankly made known to Her Majesty's Government, and are doubtless well understood by the British Cabinet; and the more especially so, as it was an obstacle proceeding from the same principle which it is presumed prevented Great Britain herself from becoming formally a party to the Holy Alliance. It will not however be understood that the United States have been insensible to the friendly spirit of confidence, with which these applications have been made on the part of Her Majesty's Government, or that the United States have ceased to feel that strong solicitude for the total annihilation of the traffic, which has distinguished the whole course of their policy. On the contrary, having been the first to abolish, within the extent of their authority, the transportation of the natives of Africa into slavery, by prohibiting the introduction of slaves, and by punishing their own citizens for participating in the traffic; and having, moreover, taken the steps which it deemed to be proper, to prevent the abuse of their flag by the subjects of other powers, the Government of the United States cannot but feel sincere gratification at the progress made, by the efforts of other nations, for the general extinction of this odious traffic, and, consequently, undiminished solicitude to give the fullest efficacy to their own laws and regulations on the subject.

They cannot, however, consent that the provisions of the Treaties in force between Great Britain and other Powers for its abolition, and to which they are not a party, should be made to operate upon the commerce and citizens of the United States. It cannot but be apparent to Her Majesty's Government that these Treaties are of a nature which cannot, and ought not, to be applied to the United States,

under any restrictions or modifications whatever, and the more especially as they have neither colonies, nor the means of carrying out those measures of maritime policy and surveillance, which form the basis of these Treaties and are so indispensably necessary to their execution.

In withholding its assent, therefore, from the existing system, and abstaining from all conventional arrangements yielding the right of search to the armed vessels and cruisers of each other, Her Majesty's Government must be sensible that the United States have been influenced alone by considerations arising out of the character of their institutions and policy, and that having taken the measures which it deemed to be expedient and proper in relation to this subject, the Government of the United States can only leave to other nations to pursue freely the course which their judgment or policy may dictate, and in relation to which the United States certainly can have no disposition to interfere.

The Undersigned has therefore been instructed, in presenting this case to Lord Palmerston's notice, again in the most earnest manner to assure his Lordship, that these continued violations of the flag of the United States, and unprovoked wrongs inflicted by British cruisers upon the rights and property of its citizens, under whatever colour or pretext, cannot longer be permitted by the Government of the United States; and that he has accordingly been instructed to express to his Lordship the confident expectation of the President of the United States, that Her Majesty's Government will not only at once recognise the propriety and justice of making prompt retribution for the unwarrantable conduct of Lieutenant Segram in the present case, but that it will take suitable and efficient means to prevent the future occurrence of all such abuses, involving, as they too often do, not only great private wrong and consequent injury to property and life, but calculated to interrupt that harmony, which it is for the advantage, as is no doubt the desire, of both Governments to preserve.

The Undersigned prays Lord Palmerston to accept assurances of his distinguished consideration.

(Signed)

A. STEVENSON.

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

Enclosure in No. 114.

PROTEST.

Consulate of the United States of America.

By this public instrument of protest, be it known and made manifest, to all whom it doth, or may or shall concern, that on the day of the date hereof, before me, J. A. Smith, Vice-Consul of the United States for the city of Havana, personally came and appeared Alvin Baker, Master of the brig "*Douglas*," belonging to the port of Duxbury, in the State of Massachusetts, of the burthen of 210 tons, or thereabouts; also William Arnold, Mate of the said brig, and Nicholas Luther, of and belonging to the brig aforesaid; who, being severally sworn, did declare and depose, that the said brig, being laden with a cargo of merchandize, they, the said appearers, made sail in and upon the said brig from the port of Havana, bound to the port of the River Bras, on the 5th day of August, 1839; that in the prosecution of the voyage nothing material occurred until the 21st October, 1839. At 9 A. M. a heavy squall from south and east, and large quantity of rain; took in all sail, but the fore-topmast staysail, and run before the wind; at 11 A. M. Her Britannic Majesty's brigantine "*Termagant's*" boat boarded us, Lieutenant Segram, Commander, and overhauled the Captain's papers and passengers' passports; he then went on deck and ordered the after-hatch to be taken off, which the Captain forbid him doing, but his men still continued breaking the hatch out, and the Captain then ordered the American flag to be hauled down, as they had taken charge, which was immediately done; on breaking out some of the cargo he said it was for the Slave Trade, and that he should seize and stop her for the same; he then demanded all the Captain's papers and log book, and took them on board his vessel, leaving us in charge of the Master and men of the man-of-war; they then ordered the topsails loosed and set, and stood to the westward; at 6 P. M. they sent 10 men on board with arms and provisions, and took the rest of her men on board; they then took all the Spanish passengers on

board the man-of-war, and then the Captain and Purser came on board with our papers and log book, sealed with Her Majesty's stamp, and delivered them to the Master from the man-of-war. They then returned on board of their vessel and both vessels made sail and stood to the westward. Latitude at noon $4^{\circ} 30' N.$, longitude $3^{\circ} 45' E.$, by account, in setting maintop-gallant-sail, parted the brace. This is civil account: 22d commences with calms and light airs from the south, and pleasant weather, and still in charge of said officer and crew, and sailing in company with the man-of-war to the westward, at 6 P. M. found one demijohn of spirits forward, embezzled from the cargo. October 23d, throughout these 24 hours light variable winds and calms, still in charge and in company with the man-of-war, standing to the westward: at 7.30 P. M. the man-of-war's boat came alongside with the purser and one of the Spanish passengers for some stores and poultry; at 8 ditto returned on board again. 24th. These 24 hours light winds from the southward and westward, and pleasant weather; still in charge of said officer, and in company with the man-of-war, steering to the northward and westward. 25th. The first part light airs from the westward and passing clouds; lost sight of the man-of-war; still in charge of the said officer; stand to the northward and westward; latter part squally off the land and rain; took in and made sail as required, the man-of-war's men broached on the points. 26th. Commences with light wind and pleasant weather; still in charge of said officer, and standing to the northward and westward. At 11 A. M. Her Britannic Majesty's brig-of-war "Water Witch's" boat boarded us; at 11.30 A. M. returned on board again, at meridian tacked to the eastward. At 2 P. M. squally with rain; shortened sail, &c. At 2.30 ditto made sail again, the "Water Witch" in company through the night; in sounding lost the deep sea lead, and about 50 fathoms of line. 27th. Commences with light airs, inclinable to calm; at daylight saw the land; at 10 A. M. a canoe came off from shore with some of the natives; found we were to the westward of Popoe; at meridian a breeze sprung up from the westward, and we run down along the land towards Popoe; at 7 P. M. came to with the small bower, with 30 fathoms of chain, about three miles off the land; still in charge of said officer from the "Termagant." 28th. Commences with light airs off the land; laying at anchor just to the westward of Popoe in charge of said officer; in the afternoon the sea breeze. At 4 P. M. Her Britannic Majesty's brig "Water Witch" came in with a Brazilian schooner, prize to said brig; hove to and sent her boat on board; at sun down a brigantine hove in sight and run down for the "Water Witch;" supposed to be the "Termagant." 29th. At daylight saw a sail off in the offing; hove the anchor up and made sail, and stood out towards her with the wind to the westward. At 9 A. M. the strange sail hoisted her colours, and it proved to be Her Britannic Majesty's brigantine "Termagant;" we still in charge of said officer and crew from her; hove to for her to come up to us; at 10 ditto she came up with us; hove to and sent her (boat) aboard with the Supercargo and Purser, and sent for the Captain; the Captain went on board of the "Termagant," and the Commander delivered him his papers and charged to proceed on his voyage; the passengers came on board, and the "Termagant" took her prize crew and Officers on board again. Little Popoe, bearing N. E. by N. by compass, distance 10 miles by estimation, at 11 A. M. made all sail on our course towards the river Bras; this day contains 12 hours, and commences sea account, and nothing more occurred particular until the 6th November, when we came to anchor in the river Nun; and on the 14th day of December left the river Nun and proceeded in ballast towards Curaçoa; and on the 22d January, 1840, at 10 P. M., saw the light and land of Buenos Ayres, made sail on the ship, and stood to the northward, at midnight squally, split foretopsail and mainsail, at 4 A. M. hove to again, at daylight made sail, and at 2 P. M. brought up in the harbour of Curaçoa. On the 6th February sailed from Curaçoa, bound to Havana with a cargo of salt, and on the 20th, at 6 P. M., came to anchor in the harbour of Havana, having lost, on the passage from the coast of Africa to Curaçoa, three men by sickness, viz., on the 25th December, 1839, Hamilton Day, a native of Providence; on the 1st January, 1840, Andrew Clough, of Boston; and on the 2d January, 1840, Frederick Walton, of London; and that on the 21st day of February, 1840, again reached the city of Havana, when this first-named deponent came on shore within 24 hours thereafter, and noted protest to be extended as is now done.

And the said appearers did further severally declare, that the said brig "Douglas," at time of her departure from the port of Havana aforesaid, was tight, staunch, and strong; - had her hatches well and sufficiently caulked and covered; was well

and sufficiently manned, provided and furnished with all things needful and necessary for said voyage; and that during the said voyage the said appearers and ship's company used their utmost endeavours to preserve the said brig, and the goods of her loading from damage.

And therefore the said Alvin Baker did declare to protest, as by these presents he solemnly doth protest, against all and every person or persons whomsoever it may or shall concern, and particularly against the Government of Her Britannic Majesty, for this unlawful, vexatious, and injurious act, on the part of the Commander of and crew of the aforesaid brigantine "Termagant," holding the said Government responsible in damages for all injury suffered by said vessel and cargo, and any person interested therein, and for the loss of time and of health by himself and crew, consequent upon the detention and vexation caused by said unlawful, injurious, and vexatious act.

(Signed) A. BAKER,
WILLIAM ARNOLD,
NICHOLAS LUTHER.

All which matters and things were declared, alleged, and affirmed before me, the said Vice-Consul; and therefore I hereunto set my hand and affix the seal of my office, being requested to certify and testify the premises..

Thus done and protested at the City of Havana, the 12th day of March, in the year of our Lord 1840, and of the Independence of the United States the 64th.

(Signed) J. A. SMITH.

(Signed) ALVIN BAKER,
WILLIAM ARNOLD,
NICHOLAS LUTHER.

CHARTER PARTY.

Havana, November 27, 1838.

It is mutually agreed this day between Alvin Baker, Master of the good brig called the "*Douglas*," of the measurement of 209 tons, or thereabouts, now laying in Havana, and Charles D. Brown:—That the ship being tight, staunch and strong, and every way fitted for the voyage, and shall be ready to receive cargo on the 3rd December, 1838, which shall not exceed what she can reasonably stow and carry, over and above her tackle, apparel, provisions, and room sufficient for the accommodation of the Captain and crew; and being so loaded shall proceed from the port of Havana, to such ports as said Brown, or his agents, may order, for the space of eight months from the 3rd of December, 1838; that is to such ports where vessels of her draught water can go, and where there is no legal restriction to prevent.

Said Baker reserves the right of selling the said brig at any time during said service, provided it does not subject said Brown to the violation of any contract which he has entered into, thereby subjecting him to a loss.

The freight be paid on the true delivery of the cargo, at the rate of two dollars per ton, register measurement, per month, to be paid at each and every port as it may accrue. Said Brown is to have the hold, the cabin, and deck of said brig, and is to put on board such goods or merchandize as he or his agent may see fit, (contraband excepted,) for which the Captain is to sign Bills of Lading; said Baker is to go as Master of said brig, without sickness or some good cause should prevent; the lay days shall be as follows, such time as shall be necessary for loading and discharging at the different ports she may be ordered, at the end of which time a demurrage of 20 dollars shall be paid day by day as it may become due.

The cargo to be received and delivered at the expenses of said Brown, who is also to pay stevedore labour, over and above the crew, all port charges, pilotages, steave hire, and all charges appertaining to the cargo and sailing of the said brig, always excepting the wear and tear of the sails, rigging, and ground tackling, and the necessary expenses in keeping the said brig in good condition to receive and carry cargo.

It is also further understood and agreed, if at the expiration of eight months from the 3d December, 1838, said Brown should wish to retain the said brig for a further time, he is permitted so to do on the same terms and conditions as above stated; and in either case the brig is to be given up in Boston. Said Brown is to pay all

CLASS D.

stores and provisions of the passengers, and is to receive all passage-money. If on a homeward passage, at the expiration of eight months, this Charter to continue *pro rato* until her arrival at Boston.

To the time and faithful performance of this agreement, the parties do hereby bind themselves, each to the other, in the penal sum of _____ dollars.

(Signed)

CHARLES D. BROWN,
ALVIN BAKER.

CHARTER PARTY.

Havana, July 10, 1839.

It is mutually agreed this day between Charles D. Brown, of the good brig called the "*Douglas*," of the measurement of 209 tons, or thereabouts, now laying in Havana, and Charles Tyng,—That the ship being tight, staunch, and strong, and every way fitted for the voyage, and shall be ready to receive cargo on the 15th July, which shall not exceed what she can reasonably stow and carry, over and above her tackle, apparel, provisions, and room sufficient for the accommodation of the Captain and his crew, and being so loaded shall proceed from Havana to the Rio Bras or Bong, on the coast of Africa. The cargo to consist only of rum, cloths, tobacco, and frame and boards for a house.

The freight to be paid on the delivery of the cargo, at the rate of 5,000 dollars; one half, say 2,500 dollars, to be paid here before sailing, the other half, 2,500 dollars, to be paid here, when the parties shall hear that the cargo is delivered at Rio Bras, or Bong.

The lay days shall be as follows:—The brig shall be despatched on or before the last day of the present month. Thirty running lay days for discharging the cargo, commencing from the day the vessel comes to an anchor at Rio Bras, or Bong, at the end of which time a demurrage of thirty dollars shall be paid day by day, as it may become due.

The cargo to be received and delivered at the side of the vessel, on account of the Charterer. The Charterer is to put alongside the brig at Rio Bras, or Bong, sufficient ballast when the cargo is out.

It is also further understood and agreed, that six passengers shall go in the brig, three in the cabin, and three in the forecabin, they putting all the necessary provisions on board, the brig to find nothing but wood and water; one of the passengers is a cook, and will, if necessary, cook. The three cabin passengers will pay 50 dollars each for their passages, the three in the forecabin to go free of passage.

All port charges and presents to the king at Bong to be paid by the Charterer.

To the true performance of this Agreement the parties do hereby bind themselves, each to the other, in the penal sum of 2,500 dollars.

(Signed)

CHARLES D. BROWN.
CHARLES TYNG.

I hereby acknowledge to have received the full amount of this Charter in advance, and have therefore no further claim on the Charterers.

Received.

(Signed)

CHARLES D. BROWN.

No. 115.

Viscount Palmerston to Mr. Stevenson.

Foreign Office, November 19, 1840.

THE Undersigned, Her Majesty's Principal Secretary of State for Foreign Affairs, has received the Note which Mr. Stevenson, Envoy Extraordinary and Minister Plenipotentiary from the United States, addressed to him on the 13th instant, complaining, on the part of the United States Government, of the conduct of Lieutenant Segrain, of Her Majesty's brigantine "*Termagant*," in having detained the United States brig "*Douglas*."

The Undersigned has to assure Mr. Stevenson, that Her Majesty's Government will at all times be desirous of repressing and preventing any violation of the flag of the United States by officers of the British navy.

With this view, indeed, Her Majesty's Government, previously to the receipt of Mr. Stevenson's Note of the 13th instant, had, on receiving from Lieutenant

Segram an account of the transaction referred to, called upon that officer to explain more fully and particularly the grounds, upon which he had considered himself justified in detaining a ship under American colours, and with papers showing her to be American property.

Her Majesty's Government have now directed a prompt and searching inquiry to be made into the facts of the case, as stated in Mr. Stevenson's Note, and the Undersigned will not fail to communicate further with Mr. Stevenson upon the subject so soon as Her Majesty's Government shall have learnt the result of the inquiries instituted.

A. Stevenson, Esq.,
&c. &c. &c.

The Undersigned, &c.
 (Signed)

PALMERSTON.

No. 116.

Mr. Stevenson to Viscount Palmerston.

32, Upper Grosvenor Street, November 20, 1840.
 (Received November 20.)

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary from the United States, has the honour to acknowledge the receipt of the Note which Lord Palmerston, Her Majesty's Principal Secretary of State for Foreign Affairs, addressed to him yesterday in reply to that of the Undersigned of the 13th instant, complaining of the conduct of Lieutenant Segram, of Her Majesty's brigantine "Termagant," in relation to the American brig "Douglas," off the Coast of Africa, and will take the earliest opportunity of transmitting it for the information of his Government.

The Undersigned derives, in the mean time, much satisfaction from the prompt and friendly assurance of Lord Palmerston, that previously to the receipt of the Note of the Undersigned, Lieutenant Segram had been called upon to explain fully and particularly the grounds, upon which he had considered himself justified in detaining a ship under American colours, and with American property; and that Her Majesty's Government had further directed a prompt and searching inquiry to be made into the facts of the case.

The Undersigned, &c.
 (Signed)

A. STEVENSON.

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

No. 117.

Viscount Palmerston to Mr. Fox.

SIR,

Foreign Office, December 3, 1840.

WITH reference to my Despatch of the 12th June, 1840, relative to a vessel, named the "*Pilgrim*," which had sailed from Rio de Janeiro under the flag of the United States, laden with Slave Trade equipments, for the Coast of Africa, I herewith transmit to you, for communication to the Government of the United States, the accompanying extract from a Despatch from Her Majesty's Commissioners at Rio de Janeiro, stating that the "*Pilgrim*" had returned to that port in ballast, after having landed a cargo of slaves.

I am, &c.

H. S. Fox, Esq.,
&c. &c. &c.

(Signed) PALMERSTON.

Enclosure in No. 117.

Extract from Rio Commissioners' Despatch of August 11, 1840.

(See Class A, No. 197, page 355.)

No. 118.

Viscount Palmerston to Mr. Stevenson.

SIR,

Foreign Office, December 8, 1840.

I HAVE to acknowledge the receipt of your Letter of the 10th instant, together with its Enclosures, on the subject of the African Slave Trade, and I beg to express my thanks to you for that communication, and for the information which it contains.

With reference to the suggestion contained in the Papers enclosed by you, that a blockade should be instituted at the Gallinas and at New Cess, as an effectual means of putting down the Slave Trade, I have much pleasure in acquainting you, that a blockade has for some time past been regularly maintained at the Gallinas by Her Majesty's ship "Wanderer," and by other vessels under the direction of its Commander, and at New Cess by Her Majesty's ship "Forester."

With reference to the supposition of the writer of the paper which you have sent me, that British cruizers abstain from taking vessels before they have slaves on board, in order that by capturing such vessels after they have taken their slaves on board the captors may get more prize money, I have to explain to you, that it is only since the passing of the Act of 1839 that there has existed any legal authority to condemn Portuguese ships, detained for being equipped for Slave Trade, and not having slaves actually on board; and therefore until that Act came into operation on the Coast of Africa, Her Majesty's cruizers could not detain Portuguese slave-vessels until they had actually taken their slaves on board; but, with regard to Spanish vessels, the Treaty of 1835 between Great Britain and Spain gave to the Mixed British and Spanish Commission a power to condemn slave-vessels under the Spanish flag, if found equipped for Slave Trade, even though they might have no slaves actually on board; and during the period which has elapsed since that Treaty has been in operation, Her Majesty's cruizers have taken and sent in for adjudication 85 Spanish slavers without slaves on board, and only 18 with slaves on board; and since the year 1835 Her Majesty's cruizers on the Coast of Africa have detained and sent in for adjudication 14 Brazilian vessels without slaves on board, and only 2 with slaves on board.

You will see, therefore, from these facts, that the writer of the paper in question is entirely mistaken, in supposing that the British cruizers on the Coast of Africa look to profit, instead of to the performance of their duty; and I have further to state, in proof of the zealous activity of the British cruizers, that all the slave-vessels sent in for adjudication before any of the Mixed Commissions, whether in Africa, or in the West Indies, or in Brazil, have been detained and sent in by British cruizers; not one of those vessels having been detained by the cruizers of any of the other contracting parties to the Treaties, under the stipulations of which those slave-vessels were condemned.

I am, &c.

A. Stevenson, Esq.,
 &c. &c. &c.

(Signed) PALMERSTON.

No. 119.

Viscount Palmerston to Mr. Fox.

SIR,

Foreign Office, December 17, 1840.

I RECEIVED your Despatch of the 1st April last, and in compliance with the wish therein expressed, on the part of the United States Government, to be furnished with documentary evidence, touching the facts disclosed in the case of the United States slave schooner "*Rebecca*," I directed Her Majesty's Commissioners to furnish me with any evidence in their possession on the points referred to; and I now transmit to you, for communication to the United States Government, a copy of a Despatch from Her Majesty's Commissioners, enclosing certified copies of papers, connected with the case of the vessel above mentioned.

I am, &c.

H. S. Fox, Esq.,
 &c. &c. &c.

(Signed) PALMERSTON.

Enclosure in No. 119.

*Her Majesty's Commissioners to Viscount Palmerston.**Sierra Leone, August 3, 1840.*

(See Class A, No. 80, page 146.)

No. 120.

Viscount Palmerston to Mr. Fox.

SIR,

Foreign Office, December 23, 1840.

WITH reference to my previous Despatches to you, respecting the accusations which have been brought forward against M. Trist, United States Consul at the Havana, that he had connived at practices of Slave Trade, I herewith transmit to you, for your information, an extract from a Despatch which I have received from Her Majesty's Consul at the Havana, stating the steps which the United States Government are taking, for an investigation into the conduct of M. Trist.

I am, &c.

*H. S. Fox, Esq.,
&c. &c. &c.*

(Signed) PALMERSTON.

Enclosure in No. 120.

Extract of a Despatch from Mr. Turnbull, dated November 10, 1840.

“IN the packet ship ‘*Hellespont*,’ from New York, I had for a fellow passenger, Mr. Alexander H. Everett, formerly Minister of the United States at the Court of Madrid, who had been sent to this place early in the present year, and has now returned to inquire into the conduct of Mr. N. P. Trist, the United States’ Consul at the Havana. Mr. Everett tells me that Mr. Trist has been called upon by his Government to answer Mr. Everett’s first report on the subject of the countenance which Mr. Trist was charged with having lent to Slave Trade practices; and as Mr. Everett’s high character must be well known to your Lordship, I need only say that the renewal of his mission presents to my mind the most satisfactory assurance of the sincerity and good faith of the United States Government in the prosecution of an inquiry, originally undertaken at your Lordship’s suggestion. Mr. Trist has already been eight months absent from the Havana.

UNITED STATES. (*Consular.*)

No. 121.

Mr. Buchanan to Viscount Palmerston.

New York, April 16, 1840.

MY LORD,

(*Received May 22.*)

I HAVE the honour to forward the decision of Mr. Justice Betts on condemning the schooner "*Butterfly*," sent to my care by Lieutenant Holland, commanding Her Majesty's brig "*Dolphin*," as being under the United States' flag, with regular papers, but evidently intended for the transportation of slaves.

I have, &c.

(Signed) J. BUCHANAN.

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

Enclosure in No. 121.

JUDGMENT.

In Admiralty.

The United States *v.* the Schooner "*Butterfly*."

THE libel demands the condemnation of this vessel as being employed in the Slave Trade in contravention of the Act of Congress of May 10, 1800.

The construction given this Statute, at the late term of the Supreme Court in reference to this very case, leaves it now for this Court only to ascertain two facts. First, was this schooner on a slaving voyage when arrested, and if so, secondly, whether the slaves were to be transported from one foreign country or place to another. There being no direct and positive testimony to these points, to inquiries are to be answered by weighing the inferences and presumptions justly arising from the facts and circumstances in proof.

It is to be assumed, on entering upon the subject, that it is lawful for an American vessel to trade to the Coast of Africa, and to carry for such purposes all the articles found on board this schooner, and also that every article of her lading was proper for and adapted to a lawful trade there; for although there is no particular evidence that the large boiler, or the bundles of shooks, or the loose lumber found on board this vessel could be advantageously disposed of on the coast, or had any of them been before used in the trade there, yet without express testimony to the contrary the presumption would be in favour of their being proper articles for that market, or if they possessed no known value there at least, they might be carried, and offered in such trade without subjecting the vessel to any injurious imputation. Considering, then, that all the lading of this vessel might be lawfully employed in trade on that coast, and that she was directed to districts where an innocent commerce may be carried on, it will not be sufficient for the prosecution to show that these facts are equally compatible with an engagement in the illicit trade denounced by the Act of Congress. Such a state of the case would entitle the claimant to an acquittal of the vessel; for the United States must show by preponderating evidence that the vessel had violated the Act, and when the testimony as well applies to an innocent as an illicit enterprize, the law will not regard it as

creating a presumption of guilt. But it must be taken into the account that an acquittal would not be pronounced because of the failure to bring any proof against the vessel, but because the facts which may properly be received as importing the purpose charged against her are placed in equilibrium by the consideration that they are alike consistent with her being employed in an honest adventure.

The additional facts and circumstances then are not to be weighed as if alone, and all the evidence produced against the vessel, but they are to be sifted and applied to this equivocal or ambiguous posture of the case, that it may then be determined whether such equilibrium is disturbed by the addition of these particulars, and if so, to which side their weight preponderates. The most prominent of these particulars are the change of the Master and crew of the vessel at Havana, the description of the new crew, and the additional number put on board as passengers, and the mode and terms under which the vessel was employed. The vessel appears to have sailed from New Orleans with an American crew, and with her Owner as Master; at Havana all this crew was discharged, and the First Mate became Master in place of the Owner. A new crew of Spaniards and Portuguese were shipped: no reason is indicated for this entire change of the command and equipage of the vessel. She is then chartered to a Spanish house in Havana to carry a cargo to the Isles Principe, St. Thomé, or to the north coast of Africa, with an allowance of 20 days for unloading the cargo and 20 dollars per day demurrage beyond that period; and it is proved that she, in capacity and build, corresponds with vessels employed in transporting slaves, and is not well adapted to carrying freight. It is in proof that the ship's company could unload the cargo, and with the aid of a carpenter, construct 18 water-tanks out of the shooks in bundles, and lay a false deck with the lumber on board, within a period of 10 or 14 days, and accordingly the term of 30 days reserved in the Charter-party could not be necessary for the delivery of the cargo, and must have been introduced with a view to some other consideration; and because this delay was wholly unnecessary for the vessel, the presumption would be direct and strong that it must be one connected with the disposition of the cargo of the Owner; and this inference is perhaps to be regarded as conclusive with the aid of the additional fact that no return cargo is stipulated, and therefore there could be no interest to the ship owner to prolong the voyage. It is in proof that the places designated in the Charter-party are those to which vessels resort for the purchase of slaves with the barter or proceeds of her cargo until enough are obtained to complete her lading. The Charterer had the further privilege of detaining the vessel *ad libitum* after the expiration of 30 days on paying 20 dollars per day demurrage without any stipulation to supply return freights; and it is to be observed, that the current of freight on the outward voyage (including the 30 days' detention), would be nearly 40 dollars per day according to the ordinary duration of such voyages, and that accordingly the owner leaves his vessel to the control of the charterer in that dangerous climate for an indefinite period of time, at a rate of compensation far short of what was paid her on the run. Demurrage is regarded as an extended freight. (Holt, Shipping, 325); and to be stipulated between the parties with a view to the actual earnings on the voyage (*ibid.* 338), and is so awarded by a Court and Jury when the rate is not expressed in the Charter-party (Holt, 338).

The Court must notice judicially the fact that Havana is a port engaged actively in the trade of slaves transported from the coast of Africa. Upon the points under review then the evidence assumes this aspect:—a vessel of the kind, usually employed in the Slave Trade, supplied with such cargo as is commonly used in purchasing slaves, and with fitments adapting her to their transportation, sails from Havana to the coast of Africa for an agreed freight out, but to remain at the disposal of the charterer on the coast without any stipulation for return cargo, and for a period of time free of demurrage not shown to be usual or in any way necessary merely for the delivery of her cargo, and to continue at his further disposal without limitation of time on a rate of compensation less than the earnings of the outward voyage. The next additional class of facts relates to the composition of the ship's company. The crew consisted of eight mariners, all Portuguese and Spaniards, the Master being the only American on board. In addition to these were the charterer, a Spaniard, and 14 other persons, represented to be passengers, who, as appears by the list of "passengers" found on board the brig, "were to be landed in port or the coast as the Master or Consignee may direct."

Twelve of these were Spaniards, one Portuguese, one from Minorca, and one from the Canaries, but all residents in Havana. On examining the passports fur-

nished these individuals at Havana for the voyage, they are (with but one or two excepted) described as *mariners*. The proof is, that this vessel could supply water and accommodations for from 250 to 300 slaves, and that a larger crew would be requisite to secure and manage a vessel loaded with slaves than would be necessary to navigate her on an ordinary voyage.

There is no proof that any passage-money was charged or received for carrying out this number of persons; nor is any reason assigned for their being taken from their place of residence and left at the discretion of the Master or Consignee in the midst of a savage population, without any stipulation for their sustenance there or return home

These facts unexplained supply a vehement presumption that such persons were to be continued with the vessel, and were connected with her enterprise.

With these considerations is to be combined the manner in which the adventure was arranged and set on foot, as supplying indicia of the objects in view between the parties at the time. The vessel retained her American papers; and it would certainly present a case for surprise and inquiry if she was destined on an ordinary trading voyage, that all her men should be discharged, and she placed in the possession of a Mate only to protect the interests of her Owner whilst she took on board 23 others, all foreigners, and whose language it does not appear he understood at all. Such a proceeding may be consistent with the most perfect integrity of purpose, but the departure from the precaution and prudence commonly exercised by owners of vessels is so flagrant as to demand some explanation by proof of the motives and occasion justifying it.

The charterer, as a Spaniard, must be held to know that the vessel laden with the articles he was to put on board would, if Spanish property, be subject to capture under the Treaty with Great Britain of June 28, 1835; and the owner is also, in judgment of law, cognizant of the laws of the port with or from which the vessel is to trade.

It is to be regarded then, as a fact brought home to the notice of the owner and the charterer, that the evidence supplied by the loading of this vessel would be complete proof under the laws of Spain that she was employed in the Slave Trade, and if found approaching the Coasts of Africa so laden she would be subject to condemnation as a slave trader. An innocent trade between Havana and Africa is equally permitted to Spanish vessels as to American: but, as matters of evidence, the Court must notice that the parties were arranging this voyage with a full knowledge that the facts exhibited on board would be full proof in a Spanish Court, with respect to a Spanish vessel, that the adventure was not lawful, but contemplated a traffic in slaves. This consequence is avoided to the charterer only by securing the guarantee of the American flag; and the inference that the flag is used to protect Spanish property and Spaniards from the operation of their own Treaty would be so direct and forcible, as matters of evidence, as to impose on those acting under knowledge of all these particulars the necessity of explaining away by competent and credible proofs their bearing and import. The question to be tried under the Act of Congress is precisely that which would have been presented under the Spanish Treaty, had these parties rendered the vessel Spanish property, and that is, whether in this adventure she was employed in the Slave Trade. In determining this question according to the rules of our own law, it is by no means inadmissible evidence, or as an item of presumptive proof of slight weight, to show that the parties acted under knowledge that the same adventure in a Spanish vessel would be regarded a slaving voyage. It would afford *prima facie* evidence that the American flag was used to screen facts from examination whilst the understanding of all parties where the transaction was had unequivocally proved that this vessel was so employed.

The French Treaty with Great Britain contains precisely the same provisions in this behalf as that with Spain; and it is clear upon the proofs that it was notorious on all the coast to which this voyage was directed, that a vessel so fitted out as she was would be regarded as engaged in the Slave Trade; and the owner must, under the circumstances, be chargeable with knowledge of the interpretation and import of these circumstances in reference to such an undertaking, and they ought therefore to be understood in that sense as against him, unless he offers testimony demonstrating that in this particular case such inference is not true. *Prima facie* evidence, in the absence of exculpatory proofs, will justify the condemnation of property seized (7 Cranch, 748); and the party claiming property is always bound to obviate such evidence by offering explanatory proofs on his side.

I am constrained, under this view of the various circumstances connected with the case, to declare that there is strong *prima facie* proof that this vessel was, when arrested, employed in the Slave Trade.

The remaining inquiry is, whether the evidence also proves that she was employed in the transportation of slaves from one foreign country to another. The argument for the claimant is, that the vessel being American, the presumption, in the absence of direct proof to the contrary, is that she was destined to the United States, and that a transportation of slaves from Africa to this country is not interdicted by the Act of 1800. But it is to be remarked that the inquiry in hand is not necessarily to be solved by positive testimony alone; it may as well be ascertained by an inquiry into collateral and concomitant facts and circumstances as any other particular connected with the adventure. Proceeding upon this investigation with the fact already ascertained, that the vessel was to transport slaves from Africa, we have these particulars to guide us in determining their destination.

The crew are residents of Havannah, and, with the exception of the Master, foreigners to this country, and not speaking our language; and the cargo and crew being entirely from that port, the inference would be a reasonable one that the vessel was to return to the same place, unless there is some stipulation shown that the voyage should end elsewhere.

The shipping articles state that the vessel is bound from Havana to the Isles of Principe, St. Thomé, or any other port on the North Coast of Africa; the voyage not to exceed twelve months.

This being a slaving voyage that may continue twelve months, the presumption is forcible and irresistible that it was not to terminate in Africa, and with leaving the crew in that barbarous region; and as the place of ulterior destination is concealed upon the articles, the inference is direct and strong that the vessel was to return to the place of her departure, and where the ship's company belonged.

This is again strengthened by the import of the Charter-party. The charterer, who was with the vessel, had the control of her, under the name of demurrage, for the whole period of the crew's service, if he chose to occupy her on the coast; and no return freight being stipulated, and no privilege to the Master reserved of securing freight from any other quarter, the presumption is most violent that she was to be laden and sailed under the directions of the charterer. He, it appears, was a resident merchant at Havana, and the conclusion would be equally direct and satisfactory that he was to bring back the proceeds of his cargo to his home port.

The results are arrived at, it is true, by inferences and presumptions, but it appears to me they necessarily flow from the facts and circumstances brought to view by the evidence in this case.

Circumstances which by themselves, or in one connexion, may be unimportant or importing nothing suspicious may by a different relation and association become pregnant with significant accusation. It is such association of facts and circumstances which composes what the law denominates circumstantial evidence, a description of proof equally conclusive upon courts and juries as the most positive and direct testimony; it therefore in no way evades the relevancy and effect of the particulars here renewed towards establishing the conclusion to which they so forcibly conduce to show that in a different state of things they would be regarded as of no moment. This vessel might have been directed to the north of Europe under all these concomitant circumstances without the facts conducing to prove she was engaged in a slave voyage; the purpose and object of an adventure always taking their complexion from the ends manifestly in view. We so judge in questions of contraband and smuggling, and in administering the law of crimes and punishments, a class of particulars in one connexion, innocent in another, become swift witnesses of condemnation.

It is only to be further remarked that this vessel and her employment being placed in a position of apparent criminality her Owner was called upon to clear her from the imputation by furnishing proof that her employment was legal and innocent.

This, if the fact was so, he would be enabled to do by the testimony of her Master and crew. Not having presented any evidence on his part the case is to be determined upon the consideration of that only which has been brought to bear against the integrity and lawfulness of her adventure.

Upon a careful consideration of the case, I am of opinion that it is satisfactorily proved that the "*Butterfly*," at the time of her arrest, was employed in the transportation or carrying of slaves from one foreign place to another within the meaning of the

CLASS D.

Act of Congress of May 10, 1800, as expounded by the Supreme Court, and accordingly I pronounce a decree of condemnation against her, her tackle, apparel, &c., together with costs of suit.

I, Frederick J. Betts, Clerk of the District Court of the United States, for the district of New York, do hereby certify the foregoing to be a true copy of the original decision now remaining on file in my office.

(Signed) FRED. J. BETTS, *Clerk, &c.*

New York, April 13, 1840.

No. 122.

Viscount Palmerston to Mr. Buchanan.

Foreign Office, August 13, 1840.

Circular sending Papers presented to Parliament.

No. 123.

Mr. Buchanan to Viscount Palmerston.

*Her Britannic Majesty's Consulate, New York,
August 6, 1840.*

MY LORD,

(*Received September 1.*)

I HAVE the honour to acknowledge your Lordship's Letter, transmitting a copy of a Treaty concluded at Caracas between Her Majesty and the Republic of Venezuela for the abolition of the Slave Trade.

I have, &c.

(Signed) JAMES BUCHANAN.

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

No. 124.

Mr. Buchanan to Viscount Palmerston.

Her Britannic Majesty's Consulate, New York, August 14, 1840.

MY LORD,

(*Received September 2.*)

I HAVE the honour to state, that in the case of the schooner "*Catherine*," sent in here by Lieutenant Holland of the "*Dolphin*," last October, a decision most unexpected has taken place, as there was the clearest evidence that the vessel was engaged in the Slave Trade, and it was so admitted by the Judge.

I beg leave to enclose herewith a report of the case, as it appears in the Journal of Commerce, which is correct; as also to state that Mr. Cutting, counsel for the claimants, lately made a proposition that he would consent to the condemnation of the vessel and a third of her cargo, if this would satisfy me; stating that the law-expenses would absorb the whole property, and that, considering all the circumstances of the condemnation of the vessel, this ought to satisfy Her Majesty's Government. I was advised by Mr. Butler, the United States' attorney, as also by Mr. Edwards, an English lawyer here, whom I had employed in the case of the "*Butterfly*," to accept the proposition.

Being desirous of having the approval of Mr. Fox, Her Majesty's Minister at Washington, I submitted to him the proposition; but he considered it alone concerned the captors, and was pleased to decline giving any instructions.

Under these circumstances, as Mr. Butler has appealed, and as I cannot have instructions from your Lordship, I have deemed it my duty to acquiesce in the appeal by Mr. Butler, as I could not have anticipated the decision which took place. In justification, I forward a copy of a document proved in the cause, also the deposition of two seamen on board when captured.

I did not deem it necessary to apply to your Lordship for instructions as to the source from whence I should look for the necessary expenses in case of a decision against the captors.

I have great satisfaction in assuring your Lordship that, throughout these very delicate proceedings, I have acted under the direction and according to the wishes of Mr. Butler, the United States' attorney.

The "*Catherine*" and "*Butterfly*" were committed to my care by Lieutenant Holland, who captured them; and, although without any specific directions, I could not have acted otherwise than I did.

Praying for your Lordship's instructions herein,

I have, &c.

(Signed)

JAMES BUCHANAN.

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

&c.

&c.

&c.

First Enclosure in No. 124.

Extract from the Journal of Commerce, Friday morning, August 7.

IMPORTANT DECISION.—In another part of our paper will be found a decision delivered in the United States Court, by Judge Betts, in the case of the schooner "*Catherine*," an American vessel, captured near the Coast of Africa by a British cruiser, for being engaged in the transportation of slaves, and brought into this port. On the 15th of June, 1839, the agent of the owners chartered her to a man named Thrasher, for a voyage from Havana to Principe; and on the 25th of the same month the agent contracted to sell her to a man named Teran for 10,000 dollars, and to deliver her at Bona, on the Coast of Africa, on or before 1st day of October following. The vessel was laden and despatched by the charterer, and was captured by the British cruiser on the 13th of August, while prosecuting her voyage, near the Coast of Africa. The cargo and equipments of the vessel when captured left no doubt that she was to be employed in the transportation of slaves, nor did the Court entertain any doubt that such was the fact. But his Honour Judge Betts decided that she was illegally captured, and, amongst other reasons for this opinion (see report), stated that "there is nothing in the statutes of the United States to reach the case of an American vessel built and fitted out for the Slave Trade, but actually sold to a foreigner and employed by him." The vessel, therefore, having been sold to Teran before she left Havana, and before she was equipped as a slaver, although still under the American flag, and not yet actually delivered to Teran, had nevertheless so far lost her American character that she was no longer responsible to the laws of the United States for being engaged in the Slave Trade. This we take to be the fair and legitimate import of his Honour's decision, and coming from such high authority, we must presume it to be the law. Admitting it, then, to be so, what a wide field does it open for American vessels to engage in the Slave Trade, without incurring much risk of being captured, or of the crew being treated as pirates. An American ship-builder may construct as many ships as he pleases for the Slave Trade, send them with or without a cargo to any part out of the United States, and there make a sham sale of them to some foreigner residing at a slave-market, and from that moment the vessel may, to a certain extent, engage in the Slave Trade with the most perfect impunity as regards the only two maritime powers that take any interest in the matter! The cruisers of the United States cannot seize such vessels, they having become so far denationalized as to be no longer within the provisions of the United States law, although under the American flag. And, for the same reason, English cruisers dare not seize them. They dare not seize them as American vessels, because they have violated no American law, and are no more subject to capture by a British vessel than any other American ship which is pursuing a legitimate trade. And then, the vessel being under American colours and having American papers, what pretence could a British cruiser have for seizing her as a ship belonging to some other nation? In short, according to this decision, an American ship, by a little management, can escape all the hazard of a voyage in quest of slaves, until she arrives at the place where she is to be delivered to her real or assumed purchaser, which would be, of course, the place where her cargo of slaves were ready for her.

We will only add, that if our laws are so defective as to permit the aiding and abetting of a traffic which the nation has officially denounced as piracy, it is high time they were amended, or superseded by others. If we mistake not, Mr. Cushing, of Massachusetts, intended to introduce a bill at the late session of Congress, having this important object in view,—perhaps he did introduce it,—but such was the rage

CLASS D.

for politics, that nothing could be accomplished. We trust he will persevere, and that, at the next session (as the Presidential question will then have been disposed of), a law will be passed which will put an end to the enormous wickedness which is daily perpetrated under the American flag!

Report alluded to in the preceding Article.

Reported for the Journal of Commerce.

United States District Court, Judge Betts presiding.

IMPORTANT DECISION.—The United States *v.* the Schooner "*Catherine*," Charles Tyng claimant.

This is a prosecution *in rem*, seeking the forfeiture of the vessel for being engaged in the Slave Trade.

The bill articulates upon various acts of Congress, charging against the vessel the circumstances which incur a forfeiture by the provisions of these Acts.

On the hearing, however, the contestation between the parties was limited to the fifth Article alone. That allegation is, that the schooner being the property wholly, or in part, of a citizen or citizens of the United States, or of persons residing within the United States, to the libellant unknown, was, on or about the 1st day of July, 1839, employed and made use of by some person or persons residing within the United States, to the libellant unknown, in the transportation and carrying of slaves from some foreign country, or place, to the said libellant unknown, to some other foreign country, or place, to the libellant unknown, contrary to the Act of Congress of May 10th, 1800.

It is admitted that the ownership of the vessel is in citizens of the United States, and it is unnecessary, under the view the Court takes of the case, to enter upon the question whether the claimant has shown a lien or privilege in respect to his advances to the owner, which would be protected in case of the condemnation of the vessel.

On the 15th of June, 1839, the claimant, as agent of the owners, chartered the vessel to John S. Thrasher, for a voyage from Havana to the Isle of Principe, or other part or parts of Africa, as the agent of the charterer may direct. The vessel was laden and despatched by the charterer, and was captured on the 13th of August, in the prosecution of her voyage, by a British cruiser near the Coast of Africa.

The Supreme Court having decided, in the construction of this statute, that "the vessel in question was employed in the transportation of slaves within the meaning of the Act, if she was sailing on her outward voyage to the African coast, in order to take slaves on board, to be transported to another foreign country," I should have no difficulty, upon a careful review of the facts and circumstances, in deciding that the charge of the libel had been fully sustained against the vessel, if the charter-party, and her outfit and the proceedings under it, were the controlling facts of the case.

Looking at the case in this point of view, I am not able to discover that it can be distinguished favourably to the claimant, from the case of the "*Butterfly*," recently decided in this Court.

The pertinency and weight of a similar class of facts and circumstances were fully considered by the Court in that case, and it may be added that some particulars exist here which would probably be regarded as rendering the inferences and presumptions then recognized and adopted still more direct and conclusive.

It seems to me, however, that the enterprise assumes a new character subsequent to the execution of the charter-party, and so far as the charge in the libel now under consideration may be made to affect it.

On the 25th of June the claimant contracted to sell the vessel to one Teran for 20,000 dollars, and to deliver her at Bona, on the Coast of Africa, on or before the 1st day of October thereafter, and received 7,000 dollars of the consideration money in advance.

On the same day the charterer made, in writing, a modification of his charter-party, and engaged to relinquish the vessel "after the cargo I have now on board is landed at the Isle of Principe, in accordance with the bill of lading," to enable the claimant to deliver the vessel to Teran, at Bona, according to his contract.

It is not to be concealed that this whole arrangement bears the semblance of being a common concern between Thrasher and Teran, in respect both to the charter and purchase. A scrutiny of the evidence cannot fail to make the impression that the two acts were preconcerted parts of the enterprise: that the vessel should wear her American character to the Coast of Africa, with a view, probably, to avoid the

application of the Treaty between England and Spain, and the hazard of interception by British cruisers; and that when there she should become Spanish, before venturing on her return voyage, lest the officers and crew might be declared pirates under the Act of Congress of May 15, 1820.

If this be so, it would tend to confirm the verity of the representation that this was an actual contract of sale, and that the vessel at Bona was to become wholly Spanish property. This particular is of great importance in determining the application of the Act of Congress to the case.

There is certainly nothing in that Act inhibiting an American vessel from carrying any description of cargo to the Coast of Africa. She may be legitimately let on freight or chartered for such a voyage. If every thing she undertakes to do, as a vessel of the United States, be to carry out and deliver a cargo, she would not, in fulfilling such an engagement, come within the prohibitory enactments of the statute. The statute reaches her only when the evidence shows that her outward voyage is only in part fulfilment of her *employment* as an American vessel, which is to be continued and consummated by transporting slaves into some other foreign country.

The broadest latitude the Supreme Court gives to the term *employment*, as evidence of such illegal voyage, falls short of being satisfied by the mere transportation of an outward cargo. The decision requires that it shall further appear that the vessel was on such outward voyage for the purpose of taking on board a cargo of slaves as part and parcel of the adventure.

In a prosecution of persons serving on board such vessel, it may be of no importance whether the vessel was to retain or change her national character after reaching the outward port, provided the whole enterprise was to be regarded as one voyage.

But it is apprehended a prosecution under the first section against the vessel cannot be sustained without showing that the whole adventure contemplated by her is to be performed by her in her American character.

The terms of the section are these:—"That it shall be unlawful for any citizen of the United States, or other persons, residing within the United States, directly or indirectly to hold or have any right or property in any vessel employed or made use of in the transportation or carrying slaves from one foreign country or place to another, and any right or property belonging as aforesaid shall be forfeited," &c.

The penalty of this Act is plainly levelled against American property employed as inhibited, and the confiscation is limited to the American interest held in a vessel at the time she is employed in the Slave Trade.

There is nothing in this statute to reach the case of an American vessel, built and fitted out for the Slave Trade, but actually sold to a foreigner and employed by him.

What, then, is the application of the Act to the facts of this case? Upon the proofs I am satisfied the vessel was chartered, fitted out and laden at Havana with intent to be employed in the Slave Trade prohibited by this Act, and it is settled by the decision of the Supreme Court upon the import of the term "employed" as used in this Act by Congress, that "to be employed in anything, means not only the act of doing it, but also to be engaged to do it," and accordingly the chartering and fitting out the vessel at Havana with design to have her perform the voyage then arranged, brought the transaction within the prohibition of the Act; and had the seizure been made under that state of facts, the condemnation of the vessel must have been pronounced by the Court.

The proof, however, is equally strong that in this incipient state of the enterprise the voyage was changed, and the vessel was then put under "contract and orders" to carry out a cargo and freight and deliver it at Principe to the charterer in fulfilment of the contract of sale. There is nothing beyond vague suspicions to warrant this ulterior change of the destination of the vessel with the voyage first contemplated. St. Thomas and Principe are near the Equator; if the Bona to which the vessel was directed be the port in Algiers, the great distance of the two points apart would strongly denote an entire disconnection of the undertaking.

No evidence is offered that there was any place of that name in the vicinity of Principe, nor other fact evincing the object of the voyage to be continuous and identical, and I am accordingly bound to hold, upon the testimony, that the vessel sailed from Havana to deliver a cargo at Principe, and was then wholly discharged and separated from that employment, and was after that to be taken to Bona and delivered to the purchaser.

This adventure, prosecuted with such intent, cannot be brought within the interdiction of the statute, and I shall therefore decree that the libel be dismissed and the vessel delivered up to the claimants.

I am aware that this is a point of importance and difficulty; my duty, however, is to express the result of my own reflections upon the subject, and this I do with the greater promptitude, because from the magnitude of the question and interests involved in the decision, the judgment now pronounced will be submitted to the review of the Appellate Courts.

There being no condemnation of the vessel, the petition of the seamen for wages out of the proceeds must be also determined.

Ordered that the libel be discharged, and the schooner "*Catherine*," her tackle, &c., be delivered up by the Marshal to the claimant.

Second Enclosure in No. 124.

Copy of a Paper found on the person of the Captain in command of the schooner "Catherine," when captured by the "Dolphin," and proved on the trial.

THE main thing for you to do on this voyage is to be ready, in case you are boarded by a man-of-war, to show your log-book, which must be regularly kept from the time you leave here, your ship's papers, your charter-party for the voyage, your ship's roll and instructions; and you are, in that event, to take all command with your American sailors according to your roll: all the others are to be passengers. You are to be very careful that, in any cross-questions, you do not commit yourself, but always stick to the same story.

When the vessel is discharged, you must at once cut your register in two pieces. One piece you must enclose, direct, and send to Messrs. Thomas Wilson and Co., Baltimore; the other piece you will bring with you and give to me when you return here. You must be very particular about that; and do not let any time pass after the cargo is out before you cut the register in two pieces; and be careful to keep them separate. Throw one piece overboard if you are obliged to by being boarded by a man-of-war.

I have compared the above with the original piece of paper, which was taken from Captain Peterson at the time the schooner "*Catherine*" was captured, and same is a correct copy of the writing thereon.

(Signed)

R. H. DUNDAS.

Dated April 10, 1840.

Third Enclosure in No. 124.

Copy Deposition of two British Seamen, who were shipped at Havannah on board the "Catherine," and reported and mustered as Americans.

M. MICHAL states, that during the time he was on board the "*Catherine*" neither himself, as mate, nor any of the men shipped as Americans, done duty as ordinarily done by a mate and seamen on board vessels they are employed to navigate. That none of the men kept regular watch; and never at night; nor went aloft. That José Pereyra, who committed suicide shortly after arrival in New York, upon departing from the Havannah acted as principal director in navigating the vessel and ordering of the persons who performed the duty, which Pereyra appeared to him to be fully competent to do. That the journal shown to him was kept by the Spaniard, whose name he does not know, who acted as mate, or second in command to Pereyra.

(Signed)

M. MICHAL.

James Foxcraft says the statements of Michal, as far as relates to the navigating of the "*Catherine*," is true, and that he never was required to perform any duty as a seaman on board, and alone assisted to make sennet. That the quantity of which was so great that he asked the man who had charge of the stores and fore-castle, and in directing the making of the sennet, why so much was made? He answered, it was intended for tying slaves.

(Signed)

JAMES FOXCRAFT.

No. 125.

Mr. Buchanan to Viscount Palmerston.

British Consulate, New York, August 17, 1840.

MY LORD,

(Received September 2.)

I HAVE the honour to inform your Lordship that the Master of the schooner "*Butterfly*," sent here by Lieutenant Holland for being engaged in the Slave

Trade under American colours, he being a citizen of the United States, has been tried, convicted, and sentenced to pay a fine of two thousand dollars (about 450*l.*) and two years' imprisonment.

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

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

No. 126.

(Extract.) *Mr. Buchanan to Viscount Palmerston,*
Her Majesty's Consulate, New York, October 20, 1840.
(Received November 16.)

MY LORD,

I HAVE the honour to lay before your Lordship the copy of a Letter which I addressed to Her Majesty's Envoy at Washington.

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

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

(Extract.) Enclosure in No. 126.

Mr. Buchanan to H. S. Fox, Esq.
Her Majesty's Consulate, New York, October 20, 1840.

SIR,

I HAVE the honour to inform your Excellency that, in discharging the cargo of the schooner "*Catherine*," sent in here as a slaver, 151 pair of iron manacles, capable of binding 302 slaves were discovered.

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

H. S. Fox, Esq.,
&c. &c. &c.