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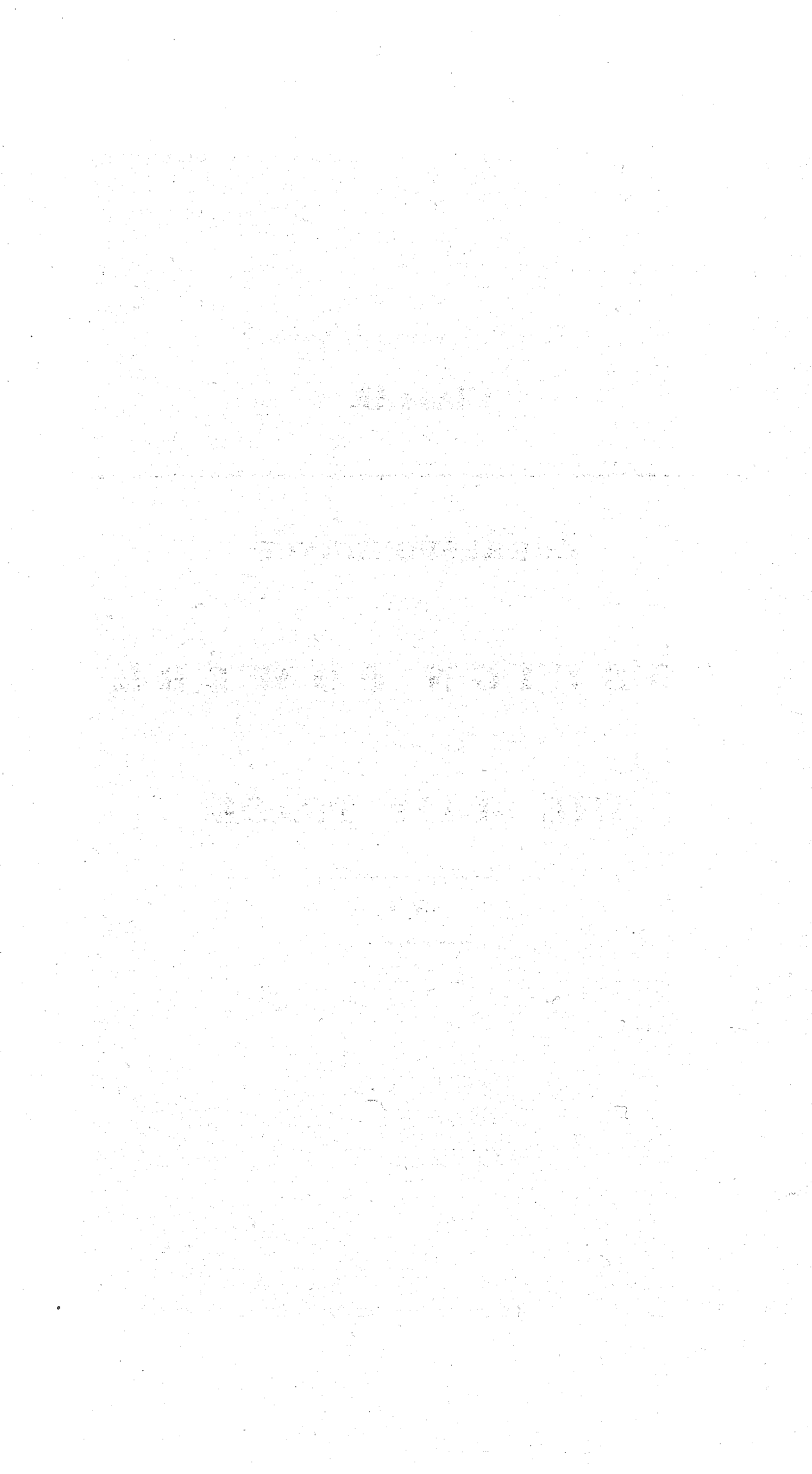
RELATING TO

**THE SLAVE TRADE.**

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1841.

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**Class D.**

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**CORRESPONDENCE**

WITH

**FOREIGN POWERS**

RELATIVE TO

**THE SLAVE TRADE.**

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From January 1 to December 31, 1841, inclusive.

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*Presented to both Houses of Parliament by Command of Her Majesty,*  
1842.

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

1842.





## Class D.—1842.

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## CORRESPONDENCE

WITH

# FOREIGN POWERS,

NOT PARTIES TO CONVENTIONS.

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## BELGIUM.

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No. 1.

*Viscount Palmerston to Sir G. H. Seymour.*

SIR,

*Foreign Office, April 15, 1841.*

I HEREWITH transmit to you, for your information, two copies of a Treaty concluded at Buenos Ayres, on the 24th of May, 1839, between Her Majesty and the Argentine Confederation, for the Abolition of the Slave Trade.

The ratifications of this Treaty were exchanged at Buenos Ayres on the 16th of May, 1840.

I am, &c.  
(Signed) PALMERSTON.

*Sir G. Hamilton Seymour, G.C.H.*  
&c. &c. &c.

No. 2.

*Viscount Palmerston to Sir G. H. Seymour.*

SIR,

*Foreign Office, April 22, 1841.*

I HEREWITH transmit to you, for your information, two copies of a Convention concluded at Port au Prince on the 23rd of December, 1839, by which the Republic of Hayti has acceded to the Conventions for the Suppression of the Slave Trade, concluded between His late Majesty and the King of the French, on the 30th of November, 1831, and the 22nd of March, 1833.

The ratifications of this Convention were exchanged at Port au Prince on the 20th of October, 1840.

I am, &c.  
(Signed) PALMERSTON.

*Sir G. Hamilton Seymour, G.C.H.*  
&c. &c. &c.

No. 3.

*Sir G. H. Seymour to Viscount Palmerston.**Brussels, April 18, 1841.**(Received April 22.)*

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 15th instant, transmitting to me two copies of a Treaty concluded at Buenos Ayres on the 24th of May, 1839, between Her Majesty and the Argentine Confederation for the Abolition of the Slave Trade.

I have, &amp;c.

(Signed) G. H. SEYMOUR.

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

No. 4.

*Sir G. H. Seymour to Viscount Palmerston.**Brussels, April 26, 1841.**(Received April 29.)*

MY LORD,

I HAVE had the honour to receive your Lordship's Despatch of the 22nd of April, transmitting to me two copies of a Convention concluded at Port au Prince on the 23rd of December, 1839, by which the Republic of Hayti has acceded to the Conventions for the Suppression of the Slave Trade, concluded between His late Majesty and the King of the French on the 30th of November, 1831, and the 22nd of March, 1833.

I have, &amp;c.

(Signed) G. H. SEYMOUR.

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

No. 5.

*Viscount Palmerston to Sir G. H. Seymour.*

SIR,

*Foreign Office, May 11, 1841.*

IT would appear from information which has reached Her Majesty's Government, that persons appointed by European Governments to reside as Ministers, or Consuls, or Agents, in slave-holding countries, are sometimes in the habit of hiring and maintaining slaves, and of engaging in undertakings in which slave-property is concerned.

As by such practices the functionaries in question give an indirect sanction to slavery, and appear to countenance measures which tend to create a demand for slaves, Her Majesty's Government has addressed to all British functionaries in slave-holding countries the circular letter of which I enclose a copy; and as Her Majesty's Government think it very important that the opinion of the Belgian Government should be expressed upon this subject in such a manner as to afford an additional discouragement to the Slave Trade, Her Majesty's Government think that much good would be effected in this respect, if the Belgian Government would address to its Agents in slave-holding countries instructions similar to those contained in the enclosed circular; and I have to instruct you to address to the Belgian Government a note inviting them to do so.

I am, &amp;c.

(Signed) PALMERSTON.

*Sir G. Hamilton Seymour, G.C.H.**&c. &c. &c.*

Enclosure in No. 5.

Circular to British Functionaries.

*Foreign Office, May 8, 1841.*

(See No. 43.)

No. 6.

*Sir G. H. Seymour to Viscount Palmerston.**Brussels, May 21, 1841.**(Received May 24.)*

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 11th instant, and to transmit a copy of the note which, in obedience to your Lordship's orders, I have addressed to Count Menlenaere, requesting that instructions may be sent to the agents of the Belgian Government in slave-holding countries directing them to refrain from giving any encouragement to slavery by hiring and maintaining slaves, and engaging in undertakings in which slave property is concerned.

I have, &amp;c.

(Signed)

G. H. SEYMOUR.

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

Enclosure in No. 6.

*Sir G. H. Seymour to Count Menlenaere.**Brussels, May 19, 1841.*

THE Undersigned, &c., has the honour to acquaint His Excellency the Minister for Foreign Affairs of His Belgian Majesty that, from information which has reached Her Majesty's Government, it appears that some indirect countenance has been given to slavery in slave-holding countries by the practice of the public agents of some European countries of hiring and maintaining slaves, and engaging in undertakings in slave property is concerned.

In consequence of this practice, and of the evil results to which it has given rise, Her Majesty's Government have addressed to all British functionaries in slave-holding countries the circular letter of which the Undersigned has the honour of enclosing a copy; and he has it in command at the same time to represent to His Excellency the importance which is attached by Her Majesty's Government to the co-operation in the cause of humanity of a Government so enlightened as that of Belgium, and the desire felt that instructions similar to those herewith enclosed should be sent by the Belgian Government to its agents in slave-holding countries.

The Undersigned, in respectfully pressing upon the attention of the Minister of Foreign Affairs an object which is justly considered by Her Majesty's Government to be of great importance, avails himself of this opportunity, &c.

(Signed)

G. H. SEYMOUR.

*His Excellency Count Menlenaere,*  
 &c.                      &c.                      &c.

No. 7.

*Sir G. H. Seymour to Viscount Palmerston.**Brussels, June 1, 1841.**(Received June 3.)*

MY LORD,

THE Belgian Minister for Foreign Affairs has returned the answer, of which I have the honour of enclosing a copy, to the note which, by your Lordship's directions, I addressed to him on the 19th ultimo.

I have refrained from acknowledging the receipt of the letter, in which Count Menlenaere expresses his entire acquiescence in the measure suggested by your Lordship for further discountenancing the Slave Trade, from feeling that I should do so with infinitely more effect if I may be permitted to state that the reply of the Belgian Minister has given satisfaction to Her Majesty's Government.

I have, &c.  
(Signed) G. H. SEYMOUR.

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

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Enclosure in No. 7.

*Count Menlenaere to Sir G. H. Seymour.*

MONSIEUR LE CHEVALIER,

*Bruzelles, le 28 Mai, 1841.*

J'AI reçu avec un vif intérêt la note du 19 de ce mois, par laquelle vous avez bien voulu m'envoyer copie d'une circulaire adressée par le Gouvernement de Sa Majesté Britannique à tous les fonctionnaires accredités dans les pays non-abolitionistes de la Traite des Nègres.

Les sentimens d'humanité qui animent le Gouvernement du Roi vous sont trop connus, Monsieur le Chevalier, pour que j'ai besoin de vous exprimer qu'il s'associe entièrement aux principes de justice et équité que la circulaire précitée a en vue de faire prevaloir, et qu'il accueillera toujours avec empressement les mesures que le Gouvernement de Sa Majesté Britannique croira devoir prendre pour atteindre un but aussi louable.

Je saisis cette occasion, &c.  
(Signé) COMTE DE MENLENAERE.

*A Monsieur le Chevalier G. H. Seymour,*  
&c. &c. &c.

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(Translation.)

SIR,

*Brussels, May 28, 1841.*

I HAVE received with lively interest the note of the 19th instant, in which you had the goodness to send to me a copy of a circular addressed by the Government of Her Britannic Majesty to all the functionaries accredited in countries where the Slave Trade is not abolished.

The sentiments of humanity which animate the Government of the King are so well known to you, Sir, that I need not express to you that it concurs entirely in the principles of justice and equity which the circular above mentioned has it in view to make prevalent, and that it will always receive with readiness the measures which the Government of Her Britannic Majesty think proper to take for attaining so laudable an end.

I avail, &c.  
(Signed) COUNT DE MENLENAERE.

*Sir G. H. Seymour,*  
&c. &c. &c.

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No. 8.

*Viscount Palmerston to Sir G. H. Seymour.*

SIR,

*Foreign Office, June 23, 1841.*

I HAVE received your Despatch of the 1st instant, enclosing a copy of the Reply of the Belgian Minister to the note which, under my directions, you had addressed to him, transmitting a copy of my Circular of Instruction, of the 8th of May last, to all Her Majesty's functionaries resident in countries where Slavery is not abolished.

I have to desire that you will express to the Count de Menlenaere the thanks of Her Majesty's Government for that reply.

*Sir G. Hamilton Seymour, G.C.H.*  
&c. &c. &c.

I am, &c.  
(Signed) PALMERSTON.

No. 9.

*Sir G. H. Seymour to Viscount Palmerston.*

*Brussels, June 29, 1841.*

*(Received July 1.)*

MY LORD,

I HAVE had the honour to receive your Lordship's Despatch of the 23rd instant, and, in obedience to your instructions, have expressed to Count de Menlenaere the thanks of Her Majesty's Government for his ready acquiescence in the measures to be taken for the discouragement of Slavery.

I have, &c.

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

No. 10.

*The Earl of Aberdeen to Sir G. H. Seymour.*

*Foreign Office, October 30, 1841.*

SIR,

I HEREWITH transmit for your information a copy of a 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.

(Signed) ABERDEEN.

*Sir G. H. Seymour, G.C.H.*  
&c. &c. &c.

No. 11.

*The Earl of Aberdeen to M. Van de Weyer.*

*Foreign Office, November 12, 1841.*

THE Earl of Aberdeen has the honour to transmit herewith to M. Van de Weyer, for his information, a copy of a series of Papers relating to the Slave Trade, which were presented to the two Houses of Parliament during the last Session, by Her Majesty's command.

No. 12.

*M. Van de Weyer to the Earl of Aberdeen,*

*Londres, le 15 Novembre, 1841.*

*(Received December 1.)*

MONSIEUR VAN DE WEYER a l'honneur d'accuser réception à Lord Aberdeen de la série de Documents relatifs à la Traite des Nègres que sa Seigneurie a bien voulu lui adresser sous la date du 12 de ce mois. Monsieur Van



de Weyer prie le Comte Aberdeen de vouloir bien en agréer ses remerciemens, et saisit cette occasion pour lui renouveler les assurances de la plus haute considération.

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(Translation.)

M. VAN DE WEYER has the honour to acknowledge to Lord Aberdeen the receipt of the series of Papers relating to the Slave Trade which his Lordship had the goodness to address to him, under date of the 12th of this month. M. Van de Weyer begs the Earl of Aberdeen to accept his thanks, and takes this occasion, &c.

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No. 13.

*Sir G. H. Seymour to the Earl of Aberdeen.*

*Brussels, December 24, 1841.*

*(Received December 26.)*

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 30th of October, transmitting to me a copy of a series of Papers relating to the Slave Trade, which have been presented to the two Houses of Parliament, during the last Session, by Her Majesty's command.

I have, &c.

(Signed)

G. H. SEYMOUR.

*The Right Hon. the Earl of Aberdeen, K.T.*

&c.

&c.

&c.

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No. 14.

*The Earl of Aberdeen to Sir G. H. Seymour.*

SIR,

*Foreign Office, December 27, 1841.*

It being desirable that a complete collection should be obtained of all the laws and administrative acts, both general and local, which have emanated from the legislatures and sovereign authorities of foreign states, both previously and subsequently to the contraction of treaty engagements, for the purpose of regulating, restraining, or preventing the traffic in slaves, I have to desire that you will address an official application to the Spanish Government, requesting that an authentic copy may be supplied to you of all the laws and acts of this description, whether of a temporary or permanent character, which may at any time have been issued by that Government, or by its municipal and colonial authorities. I have at the same time to desire that you will use your best endeavours to obtain, through the medium of Her Majesty's Consuls, and through any other channels, authentic copies of any further documents which may appear to be necessary to complete this collection, and that you will forward the whole of these papers to me without delay.

You will accompany the papers with accurate translations; and you will reimburse yourself for any expenses that may be attendant upon the execution of this instruction, by charging the same in your account of the extraordinary disbursements of your mission.

I am, &c.

(Signed)

ABERDEEN.

*Sir G. H. Seymour, G.C.H.,*

&c.

&c.

&c.

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## HANOVER.

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No. 15.

*Viscount Palmerston to the Hon. J. D. Bligh.*

*Foreign Office, April 15, 1841.*

Circular sending Treaty with the Argentine Confederation.

(See No. 1.)

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No. 16.

*Viscount Palmerston to the Hon. J. D. Bligh.*

*Foreign Office, April 22, 1841.*

Circular sending Convention with Hayti.

(See No. 2.)

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No. 17.

*Viscount Palmerston to the Hon. J. D. Bligh.*

*Foreign Office, May 11, 1841.*

Circular as to proposed Instructions to Hanoverian Functionaries in Slaveholding Countries.

(See No. 5.)

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No. 18.

*The Hon. J. D. Bligh to Viscount Palmerston.*

*Hanover, May 13, 1841.*

*(Received May 18.)*

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 15th April, together with its enclosures.

I have, &c.

(Signed) J. D. BLIGH.

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

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No. 19.

*The Hon. J. D. Bligh to Viscount Palmerston.*

*Hanover, May 24, 1841.*

*(Received May 31.)*

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatches of the 22nd April and 11th instant, and I enclose a copy of a note

which, in accordance with your Lordship's instructions in the latter Despatch, I have addressed to Baron de Schele on the subject of the employment of slaves by European functionaries.

I have, &c.  
(Signed) J. D. BLIGH.

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

Enclosure in No. 19.

*Mr. Bligh to Baron de Schele.*

*Hanover, May 19, 1841.*

THE Undersigned, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, has the honour to inform His Excellency Baron de Schele, Minister of Foreign Affairs, and of the Cabinet, that Her Majesty's Government, having learnt that persons appointed by European Governments to reside in slave-holding countries are sometimes in the habit of hiring and maintaining slaves, and of engaging in undertakings in which slave-property is concerned, and feeling that by such practices the functionaries in question give an indirect sanction to slavery, and appear to countenance measures which tend to create a demand for slaves, has addressed to all British functionaries in slave-holding countries, a circular letter, of which the Undersigned has the honour to enclose a copy.

As Her Majesty's Government think it very important that the opinion of the Hanoverian Government should be expressed upon this subject in such a manner as to afford an additional discouragement to the Slave Trade, the Undersigned has to request the Hanoverian Government to address to its agents in slave-holding countries instructions similar to those contained in the enclosed circular, and he makes the request in the name of Her Majesty's Government in the full assurance that Baron de Schele, seeing the good which may be effected for humanity by the measure newly suggested, will cordially promote its adoption by the Hanoverian Government.

The Undersigned has the honour, &c.  
(Signed) J. D. BLIGH.

*His Excellency Baron de Schele,*  
&c. &c. &c.

No. 20.

*Mr. Bligh to Viscount Palmerston.*

MY LORD,

*Hanover, July 8, 1841.*

I HAVE the honour to forward to your Lordship a copy of a note which I have received from Baron Schele, in answer to one which, in accordance with your Lordship's instructions, conveyed in the Despatch of the 11th May, I addressed to him on the subject of the employment of slaves by Hanoverian functionaries.

I have, &c.  
(Signed) J. D. BLIGH.

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

Enclosure in No. 20.

*Baron de Schele to Mr Bligh.*

LE Soussigné, Ministre d'Etat, du Cabinet, et des Affaires Etrangères, a l'honneur de prévenir à Mr. Bligh, Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté Britannique, en réponse à son office du 19 de ce mois,

que les agens Consulaires Hanoveriens, résidant à des lieux où la Traite des Noirs n'est pas abolie, seront avisés, par instruction circulaire, que la possession d'esclaves, ainsi que toute participation, directe ou indirecte, dans la Traite des Nègres, serait regardée par le Gouvernement du Roi comme incompatible avec leur caractère public.

Le Soussigné saisit cette occasion, &c.

*A Monsieur Bligh,*  
&c. &c. &c.

(Signé) **BARON DE SCHELE.**

(Translation.)

THE Undersigned, Minister of State, of the Cabinet, and of Foreign Affairs, has the honour to acquaint Mr. Bligh, Envoy Extraordinary and Minister Plenipotentiary of Her Britannic Majesty, in reply to his official letter of the 19th inst., that all Hanoverian consular agents residing in places where the Slave Trade is not abolished will be advised, by a circular instruction, that the possession of slaves, as well as all participation, either direct or indirect, in the Slave Trade, will be regarded by the Government of the King as incompatible with their public character.

The Undersigned avails himself, &c.

*J. D. Bligh, Esq.*  
&c. &c. &c.

(Signed) **BARON DE SCHELE.**

No. 21.

*Viscount Palmerston to Mr. Bligh.*

SIR,

*Foreign Office, July 26, 1841.*

I HAVE received your Despatch of the 8th instant, enclosing copy of a note from the Baron de Schele, stating that the Hanoverian Government are about to prohibit their agents in slave-holding countries from being directly or indirectly interested in slave property; and I have to desire that you will express to the Baron de Schele the cordial thanks of Her Majesty's Government for this communication.

I am, &c.

*The Hon. J. D. Bligh,*  
&c. &c. &c.

(Signed) **PALMERSTON.**

No. 22.

*Mr. Bligh to Viscount Palmerston.*

*Hanover, July 31, 1841.*

MY LORD,

*(Received August 9.)*

I HAVE had the honour of receiving your Lordship's Despatch of the 26th instant, and I lost no time in conveying to Baron de Stralenheim, (who in the absence of Baron de Schele is fulfilling the functions of Minister for Foreign Affairs,) the thanks of Her Majesty's Government for the communication made to me by Baron de Schele, of the intention of the Hanoverian Government to prohibit their agents in slave-holding countries from being directly or indirectly interested in slave property.

I have, &c.

(Signed) **J. D. BLIGH.**

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

No. 23.

*The Earl of Aberdeen to Mr. Bligh.**Foreign Office, October 30, 1841.*

Circular sending Papers presented to Parliament.

(See No. 10.)

No. 24.

*The Earl of Aberdeen to Count Kilmansegge.**Foreign Office, November 12, 1841.*

Circular sending Papers presented to Parliament.

(See No. 11.)

No. 25.

*The Earl of Aberdeen to Mr. Bligh.*

Circular asking for all Laws upon Slave Trade.

(See No. 14.)

## SAXONY.

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No. 26.

*Viscount Palmerston to the Hon. F. Forbes.*

*Foreign Office, April 15, 1841.*

Circular sending Treaty with the Argentine Confederation.

(See No. 1.)

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No. 27.

*Viscount Palmerston to the Hon. F. Forbes.*

*Foreign Office, April 22, 1841.*

Circular sending Convention with Hayti.

(See No. 2.)

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No. 28.

*Viscount Palmerston to the Hon. F. Forbes.*

*Foreign Office, May 11, 1841.*

Circular respecting proposed Instructions to Saxon Functionaries in Slaveholding Countries.

(See No. 5.)

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No. 29.

*The Hon. Francis Forbes to Viscount Palmerston.*

*Dresden, May 7, 1841.*

*(Received May 18.)*

MY LORD,

I HAD the honour of receiving on the 28th of last month, and the 3rd of this one, your Lordship's two Despatches of the 15th and 22nd of April, in the former of which were transmitted copies of a treaty concluded with the Argentine Confederation for the suppression of the Slave Trade, and in the second copies of a convention concluded at Port au Prince, by which the Haytian Republic accedes to those already concluded with France for the same object.

The unceasing and successful efforts of Her Majesty's Government to put an end to this infamous traffic must always be a source of the greatest pride to all Her subjects.

I have, &c.

(Signed)

FRANCIS R. FORBES.

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

*&c.*

*&c.*

*&c.*

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No. 30.

*The Hon. Francis Forbes to Viscount Palmerston.*

Dresden, June 6, 1841.

(Received June 21.)

MY LORD,

I HAD the honour of receiving on the 22nd of May your Lordship's Despatch of the 11th ult., transmitting me a copy of a circular letter addressed by Her Majesty's Government to all British functionaries in slave-holding countries, and instructing me to address a note to the Saxon Government, requesting them to issue similar orders to their agents there.

I have the honour of enclosing to your Lordship a copy of the note which I have sent in to M. de Zeschan, (but to which I have as yet received no answer,) and of remaining with the highest respect, &c.

(Signed) FRANCIS R. FORBES.

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

&amp;c.

&amp;c.

&amp;c.

Enclosure in No. 30.

*The Hon. Francis Forbes to M. de Zeschan.*

Dresden, May 30, 1841.

THE Government of Her Britannic Majesty, having received information, that persons appointed by European Governments to reside as ministers, consuls, or agents in slave-holding countries, are in the habit of buying, hiring, and engaging slaves for their private profit and advantage, was doubly incensed at finding that their own agents had in many instances sanctioned this practice by their example; and has in consequence addressed a circular letter to all British functionaries in those countries, forbidding and reprobating in strong terms a proceeding which can only tend to encourage this infamous traffic, the extinction of which has been the great object of every British Ministry, of whatever party it might be.

But as the Government of Her Britannic Majesty is well aware that the Slave Trade must finally be put an end to by the joint efforts of all the Powers of Europe; and as it duly appreciates the importance and weight which the expression of the opinions of the Saxon Government on this subject must carry with it; the Undersigned, &c., has received instructions from Her Majesty's Secretary of State for Foreign Affairs to address himself to Monsieur de Zeschan, &c., and to request that His Excellency will have the goodness to state to the Saxon agents in slave-holding countries the concurrence of their own Government in the views of that of Great Britain, and to recommend them not to employ slaves in any way.

The well-known wish of the Saxon Government to promote religious and civil improvement by every judicious means induces the Undersigned to hope that it will feel the discouragement to the Slave Trade which must ensue from their co-operation in this instance with that of Her Britannic Majesty; and it will record hereafter, that Saxony has also assisted in putting an end to a traffic so repugnant to the best feelings of mankind.

(Signed) FRANCIS R. FORBES.

*His Excellency Monsieur de Zeschan,*

&amp;c.

&amp;c.

&amp;c.

No. 31.

*The Earl of Aberdeen to the Hon. F. Forbes.*

Foreign Office, October 30, 1841.

Circular sending Papers presented to Parliament.

(See No. 10.)

No. 32.

*The Earl of Aberdeen to Baron Gersdorf.**Foreign Office, November 12, 1841.*

Circular sending Papers presented to Parliament.

(See No. 11.)

No. 33.

*Baron Gersdorf to the Earl of Aberdeen.**3, Chesterfield-street, December 14, 1841.**(Received December 15.)*

M. de Gersdorf a l'honneur de prier Son Excellence M. le Comte d'Aberdeen de vouloir bien agréer l'expression de ses remerciemens empresseés pour l'envoi obligeant d'un exemplaire des Documens Parlementaires rélatifs à la Traite des Nègres, par lequel sa Seigneurie a eu la bonté d'accompagner son billet du 12 de ce mois.

(Translation.)

M. de Gersdorf has the honour to request His Excellency the Earl of Aberdeen to accept the expression of his thanks for the obliging transmission of a Copy of the Parliamentary Papers relative to the Slave Trade, which accompanied his Lordship's note of the 12th instant.

No. 34.

*The Earl of Aberdeen to the Hon. F. Forbes.**Foreign Office, December 27, 1841.*

Circular asking for all Laws on Slave Trade.

(See No. 14.)



## SWITZERLAND.

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No. 35.

*Viscount Palmerston to Mr. Morier.*

*Foreign Office, April 15, 1841.*

Circular sending Treaty with the Argentine Confederation.

(See No. 1.)

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No. 36.

*Viscount Palmerston to Mr. Morier.*

*Foreign Office, April 22, 1841.*

Circular sending Convention with Hayti.

(See No. 2.)

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No. 37.

*Viscount Palmerston to Mr. Morier.*

*Foreign Office, May 11, 1841.*

Circular respecting proposed Instruction to Swiss Functionaries in Slave-holding countries.

(See No. 5.)

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No. 38.

*Mr. Morier to Viscount Palmerston.*

*Interlaken, May 31, 1841.*

*(Received June 17.)*

MY LORD,

IN obedience to the instructions conveyed to me in your Lordship's Despatch of the 11th instant, I addressed, on the 25th instant, to the Federal Directory a note embodying its contents, and enclosing a copy of your Lordship's Instructions to British Functionaries in slave-holding countries, as well as of the Memorial addressed to your Lordship by the General Anti-Slavery Convention.

The President of the Diet, who has verbally assured me of his readiness personally to co-operate towards the object indicated in the instructions from your Lordship above referred to, informed me that a letter to the same effect as the memorial had been addressed by the same society to the Swiss Government, and received by the latter a few days before.

I have, &c.

(Signed)

D. R. MORIER.

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

*&c.*

*&c.*

*&c.*

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No. 39.

*Mr. Morier to Viscount Palmerston.**Geneva, August 23, 1841.**(Received August 30.)*

MY LORD,

IN reference to your Lordship's Instructions, dated the 11th of May, I have the honour to transmit herewith the Copy of the Answer returned by the Federal Directory to the Note which, as I informed your Lordship by my Despatch of the 31st of May, I addressed to that authority, in obedience to the same. Your Lordship will learn, from the enclosed document, that the Federal Directory have "engaged the Swiss consuls beyond seas to abstain from all intervention calculated to protect the Slave Trade, so contrary to the sentiments of humanity."

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

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

Enclosure in No. 39.

*The Federal Directory to Mr. Morier.**Berne, le 14 Août, 1841.*

EN réponse à la communication que son Excellence M. la Ministre Plénipotentiaire de la Grande Bretagne près la Confédération Suisse leur a faite en date du 25 Mai de l'année courante, les Avoyer et Conseil d'Etat du canton de Berne, Directoire Fédéral, ont l'honneur d'informer M. Morier qu'ils ont engagé les Consuls de Commerce Suisses résidans dans les pays d'outre mer à s'abstenir de toute intervention propre à protéger la Traite des Noirs, aussi contraire aux sentimens d'humanité.

Ils saisissent cette occasion pour renouveler à son Excellence l'assurance de leur haute considération.

(Signé)  
*A Son Excellence M. Morier,*  
&c. &c. &c.

Les Avoyer et Conseil d'Etat du Canton  
de Berne, Directoire Fédéral.

(Translation.)

*Berne, August 14, 1841.*

IN answer to the communication which his Excellency the Minister Plenipotentiary of Great Britain to the Swiss Confederation addressed to them under date of the 25th of May of the present year, the Magistrates and Council of State of the canton of Berne, the Federal Directory, have the honour to inform Mr. Morier that they have charged the Swiss Commercial Consuls residing in countries beyond the seas to abstain from all intervention calculated to protect the Slave Trade, as contrary to the sentiments of humanity.

They avail, &c.  
(Signed) The Avoyer and Council of State of the  
*His Excellency Mr. Morier,* Canton of Bern, Federal Directory.  
&c. &c. &c.

No. 40.

*Viscount Palmerston. to Mr. Morier.*

SIR,

*Foreign Office, August 30, 1841.*

I HAVE received your Despatch of the 23rd instant, and I have to desire that you will convey to the Federal Directory the thanks of Her

Majesty's Government for the orders that have been issued to Swiss Consuls "to abstain from all intervention calculated to protect the Slave Trade."

You will, however, point out that these orders do not exactly answer the request which, by my Despatch of the 11th of May, you were directed to make to the Federal Directory; and you will repeat that request; observing that Her Majesty's Government cannot doubt that the Government of a nation which, like the Swiss, has led the way in the paths of liberty, and has at all times and in all ages held out a noble example to all Europe by its devoted attachment to freedom, can hesitate to give its moral support in the most marked and emphatic manner to those powers who, like England, are endeavouring to put an end to the miseries caused by the Slave Trade.

I am, &c.

*D. R. Morier, Esq.*  
&c. &c.

(Signed)

PALMERSTON.

No. 41.

*Viscount Palmerston to Mr. Morier.*

*Foreign Office, October 30, 1841.*

Circular sending Papers presented to Parliament.

(See No. 10.)

No. 42.

*Viscount Palmerston to Mr. Morier.*

*Foreign Office, December 27, 1841.*

Circular asking for all Laws on Slave Trade.

(See No. 14.)

**ALBANIA.** (Consular.)

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No. 43.

*Viscount Palmerston to Her Majesty's Consul.*

SIR,

*Foreign Office, May 8, 1841.*

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

*Her Majesty's Consul,  
Janina.*

I am, &c.  
(Signed) PALMERSTON.

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Enclosure in No. 43.

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

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

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

Respectfully sheweth,

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

This Convention, under a strong impression of the utter injustice of slavery in all its forms, and of the evil it inflicts upon its miserable victims, and of the necessity of employing every means, moral, religious, and pacific, for its complete abolition, feels it to be no less than an imperative duty to submit to the Principal Secretary of State for Foreign Affairs, that—the British Parliament having declared it “just and expedient that all persons held in slavery in the colonies of Great Britain should be manumitted and set free, and that slavery should be utterly and for ever abolished and declared unlawful throughout the British possessions abroad,”—functionaries of the British Government holding, hiring, buying, or selling slaves in foreign countries, is not only an open violation of these just and equitable principles, but that it is an example which gives countenance to the perpetuation of slavery, and to the continuance of the clandestine importation of slaves, and that it does materially contribute to prevent the extinction of slavery in those countries, and throughout the world at large,—an object most dear to the members of this Convention, and for the consummation of which they are especially assembled.

CLASS D.

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

On behalf of the Convention,  
(Signed) THOMAS CLARKSON, *President*.

No. 44.

*Viscount Palmerston to Her Majesty's Consul.*

SIR,

*Foreign Office, July 31, 1841.*

I HEREWITH transmit to you a copy of a letter from the Greek minister at this Court, together with a translation of a law promulgated by the King of Greece on the 15th of March, 1841, prohibiting the trade in slaves, and assigning penalties for the offences committed in contravention of that law.

I also transmit to you a copy of a Despatch and of its enclosures from Her Majesty's minister in Greece, upon the same subject ; and I have to desire that, in conformity with the desire expressed by the Greek Government, as stated in these papers, you will give your best assistance towards carrying that law into effect.

*W. P. Mark, Esq.,*  
*&c. &c. &c.*

I am, &c.  
(Signed) PALMERSTON.

Enclosures in No. 44.

1. *M. Tricoupi to Viscount Palmerston, June 7-19, 1841.*
2. *Sir E. Lyons to Viscount Palmerston, April 22, 1841.*

(See Nos. 68 and 65.)

**ALGIERS.** (*Consular.*)

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No. 45.

*Viscount Palmerston to British Consuls and Vice-Consuls.*

*Foreign Office, May 8, 1841.*

Circular against holding or being interested in slave property.

(See No. 43.)

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No. 46.

*Viscount Palmerston to British Consuls and Vice-Consuls.*

*Foreign Office, July 31.*

Circular instruction as to the execution of the Greek Law on Slave Trade.

(See No. 44.)

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No. 47.

*Mr. Bell to the Earl of Aberdeen.*

*British Vice-Consulate, Oran, October 13, 1841.*

*(Received November 11.)*

MY LORD,

I HAVE the honour to acknowledge the receipt of Viscount Palmerston's Despatch of the 31st of July, with its Enclosures, respecting a law promulgated by the King of Greece on the 13th of March, 1841, prohibiting the trade in Slaves, and assigning penalties for the offences committed in contravention of that law.

I shall, my Lord, in pursuance of the instructions of your Lordship's predecessor, and in conformity with the desire expressed by the Greek Government, as stated in these Enclosures, give my best assistance towards carrying that law into effect.

I have, &c.

(Signed) JOHN BELL, *Vice-Consul.*

*The Right Hon. the Earl of Aberdeen, K.T.*

&c.

&c.

&c.

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EGYPT. (Consular.)

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No. 48.

*Viscount Palmerston to British Consuls and Vice-Consuls.*

*Foreign Office, May 8, 1841.*

Circular on their holding or being interested in Slave property.

(See No. 43.)

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No. 49.

*Mr. Chasseaud to Viscount Palmerston.*

*Her Britannic Majesty's Consulate,  
Alexandria, June 18, 1841.*

MY LORD,

(Received July 7.)

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 8th ultimo, transmitting copies of a Memorial from the General Anti-Slavery Convention for this office, as well as for forwarding to Her Majesty's Vice-Consuls at Cairo and Damietta, with suitable instructions, which shall be duly attended to,

I have, &c.

(Signed) G. CHASSEAUD, *Vice-Consul.*

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

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No. 50.

*Viscount Palmerston to Her Majesty's Consuls and Vice-Consuls.*

*Foreign Office, July 31, 1841.*

Circular instruction as to the execution of the Greek law on Slave Trade.

(See No. 44.)

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No. 51.

*Mr. Stoddart to Mr. Backhouse.*

*Her Britannic Majesty's Consulate,  
Alexandria, September 18, 1841.*

SIR,

(Received October 21.)

I HAVE the honour to acknowledge the receipt of a Despatch of the 31st July, 1841, addressed to my predecessor, Mr. Larking, and accompanied by the copy of a law promulgated by His Majesty the King of Greece against the trade in Slaves.

I shall carefully conform to the instructions of Viscount Palmerston, directing the British Consul at Alexandria to give his best assistance towards carrying the above law into effect.

I shall also transmit to the Consulate of Cairo, and to the Vice-Consulate of Damietta, the sets of papers forwarded hither for that purpose.

I have, &c.

(Signed) JOHN S. STODDART.

*John Backhouse, Esq.*  
&c. &c. &c.

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No. 52.

*Viscount Palmerston to Colonel Barnett.*

*Foreign Office, October 30, 1841.*

Circular sending printed papers.

(See No. 10.)

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No. 53.

*Viscount Palmerston to Colonel Barnett.*

*Foreign Office, December 27, 1841.*

Circular asking for all laws on Slave Trade.

(See No. 14.)

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## GREECE.

No. 54.

*Sir E. Lyons to Viscount Palmerston.*

Athens, January 22, 1841.

(Received February 11.)

MY LORD,

I HAVE the honour to enclose to your Lordship a copy of a note, which, in obedience to the direction contained in your Lordship's Despatch of the 22nd ultimo, I yesterday addressed to Monsieur Paicos respecting the Slave Trade carried on under the Greek flag.

Soon after daylight this morning King Otho did me the honour of sending to me to say, that a *Projet de Loi* for the suppression of the traffic should be immediately sent to the Council of State; and I have just had this confirmed in a letter from Mons. Paicos, of which I have the honour to transmit a copy to your Lordship herewith.

The Greek Government received information a few days ago of a Greek vessel having been forced by stress of weather to take shelter in one of the ports of Cephalonia, where a French passenger informed the authorities that there were fourteen black slaves confined in the hold.

I have, &amp;c.

(Signed)

EDMUND LYONS.

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

First Enclosure in No. 54.

*Sir E. Lyons to Monsieur Paicos.*

MONSIEUR LE SECRÉTAIRE D'ÉTAT,

Athens, January 21, 1841.

HAVING communicated to Her Britannic Majesty's Government the letter which I thought it my duty to address to you on the 9th of November last, respecting the Slave Trade which is carried on in Greek vessels, I have now the honour to inform you that Her Majesty's Government have instructed me to express to his Hellenic Majesty's Government the deep concern with which they have learned that Greek vessels continue to be employed in this disgraceful and iniquitous practice; and to add, that 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 that 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 he will feel it essential for the honour of his crown to put an immediate stop to these nefarious proceedings.

I have, &amp;c.

(Signed)

EDMUND LYONS.

*Monsieur Paicos,*  
&c. &c. &c.

Second Enclosure in No. 54.

*M. Païcos to Sir E. Lyons.*

MONSIEUR LE CHEVALIER,

*Athènes, ce 9 (21) Janvier, 1841.*

JE m'empresse de répondre à votre communication en date de ce jour, que je crois superflu de vous assurer que le Souverain de la Grèce, son Gouvernement, ainsi que la nation Grecque, sont remplis d'indignation contre ceux qui ont pu oublier les devoirs de l'humanité et de la civilisation jusqu'au point de se livrer au trafic honteux des nègres. Je crois seulement de mon devoir de vous informer que le trafic des Esclaves est depuis long tems défendu en Grèce, et que le Gouvernement du Roi vient d'achever, il y a quelques jours, un projet de loi qui donne une plus grande étendue aux dispositions existantes qui interdisent ce commerce, en fixant des peines analogues. J'ai de plus l'honneur de vous observer que ce projet de loi se trouvait déjà préparé, pour être soumis à la délibération des conseils compétens, au moment de la réception de votre communication de ce jour.

Veuillez agréer, &amp;c.

(Signé)

A. PAICOS.

*Monsieur le Chevalier Edmund Lyons,*  
 &c.            &c.            &c.

(Translation.)

MONSIEUR LE CHEVALIER,

*Athens, January 9 (21), 1841.*

I HASTEN to reply to your communication of this day's date, that I think it superfluous to assure you that the Sovereign of Greece, his Government, and the Greek nation, are filled with indignation against those who have been capable of forgetting the duties of humanity and civilization so far as to engage in the shameful traffic in Slaves. I think it only my duty to inform you that the Slave Trade has been for a long time forbidden in Greece, and that His Majesty's Government has some days since completed the draft of a law, giving a greater extension to the existing enactments which interdict this commerce by affixing proper penalties.

I have also to observe to you that the draft of a law was already prepared for submission to the deliberation of the competent councils at the time when your communication of this day was received.

Accept, &amp;c.

(Signed)

A. PAICOS.

No. 55.

*Sir E. Lyons to Viscount Palmerston.**Athens, January 28, 1841.*

MY LORD,

*(Received February 24.)*

I HAVE the honour, with reference to my Despatch of the 22nd instant, to enclose herewith a copy of a letter from Sir Howard Douglas, informing me of the detention of a Greek vessel, with slaves on board, by the authorities of the island of Cephalonia.

I have, &amp;c.

(Signed)

EDMUND LYONS.

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

&amp;c.

&amp;c.

&amp;c.

Enclosure in No. 55.

*Sir Howard Douglas to Sir E. Lyons.*

SIR,

*Corfu, January 20, 1841.*

I HAVE the honour to acquaint you, that a brig under Greek colours, having put into the harbour of Cephalonia with African slaves on board, has been detained there by the proper authorities till the case shall be properly investigated. All the details shall, as soon as I receive them, be communicated to you for the information of His Hellenic Majesty's Government, who, I have no doubt, will grieve to see the national flag prostituted to such a purpose.

I have, &amp;c.

(Signed) HOWARD DOUGLAS.

*Sir E. Lyons, Bart.,*  
*&c. &c. &c.*

No. 56.

*Viscount Palmerston to Sir E. Lyons.*

SIR,

*Foreign Office, March 19, 1841.*

I HEREWITH transmit to you a copy of a letter and of its enclosures from the Colonial Department, containing an account of the circumstances under which the Greek brig "*Miltiades*," with 14 slaves on board, was detained at the port of Argostolo in the island of Cephalonia.

From these papers it would appear that you have had some correspondence with the Greek Government upon this subject. But I have to desire, that you will address to the Greek Government a further note, in which you will communicate to them the accompanying papers. You will recapitulate in that note the principal facts of the case, and you will express the confident hope of Her Majesty's Government that the Government of Greece will, for its own honour, punish the guilty parties in this transaction, and take the most vigorous and effectual measures for preserving the Greek flag from the disgrace of being thus made subservient to Slave Trade.

I am, &amp;c.

(Signed) PALMERSTON.

First Enclosure in No. 56.

*Mr. Stephen to Mr. Backhouse.*

SIR,

*Downing-street, February 19, 1841.*

I AM directed by Lord John Russell to transmit to you herewith, for the information and consideration of Viscount Palmerston, copies of a Despatch and its Enclosures from Her Majesty's Lord High Commissioner to the Ionian States, reporting the circumstances under which the Greek brig "*Miltiades*," with 14 negro slaves on board, has been detained at the port of Argostoli in the island of Cephalonia.

I am, &amp;c.

(Signed) JAMES STEPHEN.

*John Backhouse, Esq.,*  
*&c. &c. &c.*

P.S. I enclose, by direction of Lord John Russell, a copy of a further Despatch from Her Majesty's Lord High Commissioner on the same subject.—J. S.

Second Enclosure in No. 56.

*Sir H. Douglas to Lord John Russell.*

MY LORD,

*Corfu, January 24, 1841.*

I HAVE the honour to forward to your Lordship the copies of a letter with its enclosures, addressed to my Secretary by my Resident in Cephalonia, from which it appears that a brig under Greek colours, having negro slaves on board, has been detained by the proper authorities in the harbour of Cephalonia, whither it had been driven by stress of weather.

Desirous that the abettors, in whatever degree, of this horrible traffic, should be punished to the utmost, and fearing lest the laws of these States would not do more than set the poor negroes at liberty, I forwarded the information conveyed to me by my Resident, to Captain Townshend, of Her Majesty's ship "Tyne," whose instructions I had hoped would have enabled him to deal with the case as it deserved.

It appears, however, that I was mistaken, and that Captain Townshend does not consider himself warranted to interfere in a matter already in the hands of the Ionian authorities.

That being the case, I learn from the Advocate-General, whom I have consulted, that it will only be in my power to place the poor Africans at the disposal of this Government, and dismiss the brig with its master and crew. This defect in the Ionian law is susceptible of an easy remedy, for the 11th Act of the 2nd Parliament, which prohibits Slave Trading, empowers the proper authority to make "such regulations as may appear necessary to detain foreign vessels engaged in the Slave Trade, who arrive in Ionian ports, or pass through straits or channels of the Ionian seas," and it further authorises "such regulations as may from time to time be promulgated for the better attainment of this object."

These regulations have not been drawn up, but I will take care that they shall be compiled and published as soon as possible.

I beg your Lordship's particular attention to the circumstance of the agreement between the slave merchant and the captain of the brig having been drawn up in the office of the person who acts as agent both to British and French Consul at Tunis, and in the presence of an officer commanding a French sloop-of-war. I have felt it to be my duty to make known to Her Majesty's Consul-General at Tunis, that he may take such steps with regard to Signor Gaspari; and I trust that your Lordship will not allow the French Government to remain in ignorance of so scandalous a transaction having been carried on in the presence of an officer of the naval service without being denounced.

I am happy to be able to add, that there is still a chance of the captain of the brig being punished, for the Greek Consul has signified an intention of proceeding to Cephalonia, where, if, after making inquiries upon the spot, he shall be of opinion that the tribunals of Greece would take cognizance of the case, he would call upon the Resident to detain the vessel and crew till he can place them at the disposal of His Hellenic Majesty's Government.

I have therefore instructed my Resident to afford him all the information and assistance in his power.

I have, &c.,  
HOWARD DOUGLAS.

(Signed)

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

(The Correspondence between Sir Howard Douglas and Sir E. Lyons will be found in Sir E. Lyons's Despatch to Lord Palmerston, of February 22, 1841. See No. 57.)

Third Enclosure in No. 56.

*Sir Howard Douglas to Lord John Russell.*

MY LORD,

*Corfu, February 3, 1841.*

WITH reference to my Despatch of the 24th ultimo, reporting to your Lordship the detention of the Greek brig "Milziade" in the harbour of Ar-  
CLASS D.

gostoli, in consequence of having negro slaves on board, I have now the honour to inform your Lordship that I at the same time reported the matter to Her Majesty's Minister at Athens, from whom I have this moment received a communication, accompanied by copies of the Correspondence which has passed between the Greek Government and His Excellency upon the subject; and assuring me that the information supplied from hence was not only valuable, but had reached His Excellency very opportunely.

That it may assist him in his endeavours to rescue the Greek flag from the disgrace which favouring this horrid traffic has brought upon it, is my most ardent and sincere desire.

I have, &c.  
(Signed) HOWARD DOUGLAS.

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

No. 57.

*Sir E. Lyons to Viscount Palmerston.*

*Athens, February 22, 1841.*

*(Received April 6.)*

MY LORD,

WITH reference to my Despatch of the 28th ultimo, in which I had the honour of informing your Lordship that it had been discovered by the authorities of the Island of Cephalonia that a Greek vessel in the harbour had a number of African slaves concealed in her hold, I have now the honour to enclose copies of a letter from Sir Howard Douglas, and its enclosures, containing the details of this discovery, as well as of a letter which I have in consequence addressed to Monsieur Païcos, and of his reply thereto.

Your Lordship will observe that Monsieur Païcos still limits himself to speaking of a new law. I purpose calling on him to-morrow to state to him that when Lord Powerscourt's yacht was in Syra harbour, about three weeks ago, a vessel in quarantine, which did not hoist colours, but which was manned by Greek sailors, came in and anchored alongside, and that she had about 100 black slaves on board, many of them women, naked to the waist; and I shall not fail to tell Monsieur Païcos that Her Majesty's Government cannot be expected to believe that His Hellenic Majesty's Government is sincerely desirous of putting an end to this horrible traffic being carried on under the Greek flag, until the Minister of Marine and the Consuls in Barbary and Turkey respectively have definite and positive instructions to that effect.

I have, &c.

(Signed) EDMUND LYONS.

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

First Enclosure in No. 57.

*Sir Howard Douglas to Sir Edmund Lyons.*

SIR,

*Corfu, January 30, 1841.*

IN conformity with what I intimated in my Despatch of the 20th instant, I have the honour to forward copies of a Letter and its Enclosures, addressed to my secretary by my resident in Cephalonia, containing information relative to the detention of the Greek brig "*Miltiades*," in consequence of her having African slaves on board.

Desirous that the abettors, in whatever degree, of this horrible traffic should be punished to the utmost, and fearing lest the law of these states would not do more than merely set the poor negroes at liberty, I forwarded the information conveyed to me by Colonel Sutherland to Captain Townshend, of Her Majesty's ship "*Tyne*," whose instructions I had hoped would enable him to deal with the case as it deserved. It appears, however, that I was mistaken, and that Captain Townshend does not consider himself warranted to interfere in a

matter already in the hands of the Ionian authorities. That being the case, I learn from the Advocate-General, whom I have consulted, that it will only be in my power to place the Africans at the disposal of this Government, and dismiss the brig with its master and crew. The brig has consequently been placed at the disposal of the Greek Consul (Mr. Pizzoli), who has proceeded to Cephalonia on purpose; and I trust the Government of His Hellenic Majesty will be enabled to deal with the parties implicated in this abominable traffic conformably with their deserts.

(Signed) I have, &c.  
HOWARD DOUGLAS.

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

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Second Enclosure in No. 57.

*Colonel Sutherland to Mr. Fraser.*

SIR,

*Cephalonia, January 8, 1841.*

I HAVE the honour to acquaint you, for the information of His Excellency the Lord High Commissioner, that the *Greek* brig "*Miltiades*," from Tunis for Candia, put into the port of Argostoli on the 6th instant, in consequence of stress of weather, when it was discovered, in the course of the usual examination by the Sanità Department at the Lazzaretto, that *besides* the 28 passengers and crew of 15, sworn by the captain to be on board, though 12 only of the former were entered in the bill of health, there were also in the vessel *fourteen African negro slaves*, 13 males and 1 female, clandestinely embarked in the bay or gulf of Tunis, after the brig had been cleared out for Candia.

On being made acquainted with this circumstance, I directed the vessel to be secured within the Mole, and the crew, passengers, and slaves brought into the lazaretto, and a rigid investigation entered into; and the result, as per enclosed report from the Incaricato di Sanità, is the positive establishment of the fact, by the confession of the captain, supercargo, and others, as well as by the discovery of the bill of lading, or charterparty for the transport of the slaves, and other documents among the ship's papers, all of which are herewith transmitted, after having been at my desire examined by the advocate fiscal, who states, as per accompanying memorandum, that every necessary proof of this barbarous and nefarious transaction is satisfactory and complete; and I accordingly directed the vessel, crew, slaves, &c., to be detained within the lazaretto until I can receive His Excellency's instructions.

I have, &c.  
(Signed) W. SUTHERLAND,  
*Colonel and Resident.*

*J. Fraser, Esq.,*  
&c. &c. &c.

N.B.—It would seem, from the tenor of certain paragraphs published in recent numbers of the "*Malta Times*," that the exportation of slaves from Tunis, in vessels covered by the Hellenic flag, is not a matter of rare occurrence.

W. S.

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Third Enclosure in No. 57.

*Mr. Reynolds to Colonel Sutherland.*

SIR,

*Sanità.*  
*Cephalonia, January 8, 1841.*

I HAVE the honour to report to you that on Wednesday, the 6th instant, I was summoned to the "*Parlatorio*" of the Lazzaret, by information that certain passengers on board the Greek brig "*Miltiades*" (anchored off the light-house of St. Theodoro, and put in here from stress of weather, having been out six days from Tunis, bound for Candia) desired earnestly to speak to

me, as they wanted to land here, being determined on not proceeding with the said brig.

On arrival at the lazaret I found one of these passengers, Dr. Corbeau, a French medical gentleman, waiting, who stated that he had something private to communicate to me; and, on being taken into a separate place, he told me that he spoke in the name of all the other Frank passengers—that they considered their lives in danger, not only from the lawless crew into whose hands they had fallen, but also from their ignorance of navigation and of handling the vessel, as it was evident they did not know where they were when they discovered themselves off this island. Besides which, Dr. Corbeau told me that the captain had received on board, in the Gulf of Tunis, 14 black slaves, tied and bound, whom he had undertaken to deliver to some one in Candia.

I therefore returned to the man who had passed himself off as captain (but who afterwards turned out to be merely the scrivano), and again demanded how many passengers he had; he replied *twenty-eight*, and a crew of 15 persons in all, comprising himself; again taking his oath to the truth of his assertion; thereby proving his bill of health to be false, as in a marginal note thereon (evidently in a different hand-writing to the original) it is stated that he has only 12 passengers; moreover, the names of the sailors do not agree with his muster roll.

I then ordered all the passengers and crew to be brought on shore, to undergo the "visita medica," concealing, however, from this man the intelligence given by Dr. Corbeau. On their arrival I examined separately, and on oath, a Piedmontese passenger, named Cattin, and his wife, and also another Frenchman, a locksmith by trade; all of whose depositions concurred in stating that these 14 slaves were on board.

I therefore despatched the boat of the brig, with two of its crew (and a guardian expressly put into quarantine), escorted by the health-office boat, to the brig, and they soon after returned, bringing with them the 14 black slaves, namely, 13 men and 1 woman, and an old Greek, who afterwards turned out to be the father-in-law of the scrivano, and to be the *real* proprietor of the vessel, but who had been left on board as a guard. It is necessary, however, to remark that the scrivano, on seeing his boat go away escorted by the health-office boat, turning pale and trembling with agitation, said to me, "Oh, Sir, you have it in your power to ruin me," or words to that effect. I, feigning to misunderstand him, replied, "How so?" "Oh, Sir, I have some black passengers on board, whom I have not mentioned in my *costituto*."

Previous to commencing my examination, as soon as the *visita medica* was over, I caused the different parties to be placed in separate stalle, viz., in one the Frank passengers; in another the Greek and Turkish passengers, with the female slave and her owner—the 13 black slaves by themselves, and the captain, scrivano, and the old owner and his son in three separate cells. I sent a guardian and two of the crew on board, and put a boat, with a *guardiano à vista*, alongside; and on the morning of yesterday (the 7th) I caused the brig to be brought in and moored in the Mole of the Lazaret, taking away her sails and rudder, and sent on board the captain, owner, and crew, continuing, however, the above-mentioned precautions of *guardiani* and *barca à vista*. At the same time I caused provisions to be given to the slaves, and gave orders to continue this until further instructions.

I next proceeded to take the depositions of all the principal parties in writing, from which it appears to me most clearly and satisfactorily proved (though particularly so from the confession of the old Greek proprietor of the vessel, as well as from that of the proprietor of the female slave) that the 13 male slaves were positively brought on board in the Gulf of Tunis, *tied and bound* as slaves by a confessed and *public SLAVE merchant*, and the *permit* of the *Bey* for their embarkation is the small slip of paper in Turkish transmitted herewith, together with the other papers, whereof No. 1 is the bill of lading for the slaves and the others, bill of lading of the cargo, consisting of red caps and other merchandize, together with effective money in dollars and other specie to the amount of 8000 dollars circa.

It having come out in the course of the investigation that the 13 male slaves were received on board at a place called Goletta, in the Gulf of Tunis, where a certain Signor Gaspari, a Frenchman, appears to be not only French

but *English* Vice-Consul, and that he also acts in the same capacity for most other nations, and moreover as sanità, or custom-house agent for the Bey, and that he had been present at the making the agreement for their freight.

I have this morning again opened a procès-verbal, from which it appears clearly proved by the confession of the proprietor, of the scrivano, and of the real captain, that this Signor Gaspari really was present at the agreeing for the freight, and was offered as a guarantee for the embarkation of them, and that he must have known of their embarkation is also proved by the depositions of the passengers, Dr. Corbeau, Signor Cattin and his wife, and a Candiot Greek, named Tannugli Benevachi.

I have the honour to transmit you moreover herewith the Carte di Navigazione of this vessel, besides the documents contained in the list containing the bill of health, muster-roll, passports, &c.

I have, &c.

(Signed) W. L. REYNOLDS,  
*In charge of Health Department.*

*Colonel Sutherland,*  
&c. &c. &c.

P.S.—I have this instant received a reply from the prior of the Lazaret, stating that the captain declares he cannot supply the 10 or 12 indigent Greeks and Turks (amongst the passengers), as he has not provisions enough for his crew to finish their quarantine; and I beg therefore to know whether or not I am to provide them at the expense of the Government.

W. L. REYNOLDS.

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Fourth Enclosure in No. 57.

(Translation.)

*Report of the Proceedings on the discovery of the concealment of Slaves on board the Greek brig "Miltiades."*

*Lazaretto, Cephalonia, January 6, 1841.*

THE Greek brigantine "*Miltiades*," Captain Manolli Russi, in six days, according to his declaration, from Tunis, having on board 28 passengers, and a crew consisting of 15 persons, including the captain, having arrived in this port, and anchored near the light-house of St. Theodore, the above-mentioned captain came on shore, accompanied by M. le Docteur Pierre Gaspard Corbeau: the latter declared to the prior of the Lazaretto that he and several other Frank passengers positively declined proceeding with the said captain, for reasons which he would only explain to the Incaricato di Sanità in person—

Consequently, the Undersigned withdrew with the said Mr. Corbeau, and inquired of him what he had to communicate. He replied, "Besides the bad treatment to which we have been exposed on board the said vessel, and its illegal navigation, since there is no muster-roll containing the names of the crew and passengers, it has also on board 14 slaves, in contravention of the laws of nations, whom the captain embarked near the Goletta, at Tunis, tied with cords, in order to deliver them as slaves to a Turk in Candia.

"After our departure from Tunis, the said captain, instead of making sail and proceeding on his voyage, loitered in the Gulf of Tunis, and on the Wednesday after sunset of the second day, *i. e.* the evening of the Wednesday after Christmas, 13 black men were brought on board. A black female slave was already on board, when the others were brought, all bound together with cords, accompanied by a slave merchant, personally known to me and also to every one at Tunis as publicly exercising that trade which is permitted by the Tunisian Government. The said slaves are on board, but they are concealed in the hold of the vessel, and not permitted to appear on deck.

"When we approached this island the person who gives himself out as master, and who is at this very moment in the 'Parlatorio,' and likewise two other persons who are on board, but in what capacity I do not know, sent for us, and told us to swear to say nothing about the slaves being on board, because they knew that such traffic was against the laws of nations, and that it



would be punished if it were discovered, threatening at the same time to kill us all and throw us into the sea if we should reveal the fact. This happened when we were near the island; and moreover when I came upon deck, he who passes for master asked me if I had money to buy provisions with; and upon my saying yes, his father (that man with a white beard) said to me, 'If I had known that you had money, I would have thrown you into the sea.' Just now, whilst you were speaking to me, the *soi-disant* captain whispered to me, making signs at the same time, that if I should reveal what I knew, and what was on board, he would serve me out (*mi avrebbe servito*), showing me his knife at the same time. Therefore I implore the magistrate to take such measures as he may consider necessary, so that I and the other Frank passengers may be permitted to land in this Lazaretto, and that the slaves may be liberated. All this I affirm upon oath as the simple and pure truth.

(Signed)

"CORBEAU."

The boat was then ordered to return on board, and bring on shore all the passengers; the captain, or at least he who had presented himself as such at the Parlatorio, having repeatedly sworn and declared that there were only 28 passengers on board. The Undersigned having said nothing about the information received from Dr. Corbeau, on the return of the boat to the Parlatorio with the 28 persons, called aside Mr. Giovanni Pietro Cattin, quondam Pietro, a native of Savoy, and passenger on board the said vessel. On being requested by the magistrate to declare upon oath all that he knew with regard to the 14 slaves on board the vessel, he answered, "I embarked on board the said vessel at Tunis, in order to go to Candia with my family, consisting of my wife, daughter, and servant. The captain, by delaying, made us lose two days in the Gulf of Tunis, and on the second day I landed at the Goletta, in order to complain to a certain Gaspari, who I believe acts as Consul for all nations, against such delay; but receiving nothing but empty promises from him that the vessel should proceed on the arrival of the son of the captain, who had returned to Tunis, I re-embarked, and, during the evening of the said day, which I believe was the Wednesday after Christmas-day (New Style), we saw a boat arrive, having in it the son of the captain and 13 black slaves, all of them with their hands tied behind their backs with cords, and also a slave-merchant, whom I had often seen selling slaves in Tunis: the slaves were untied one by one; and, by dint of blows from a rope, were forced to come up the side, and on arriving upon deck, were sent below into the hold, from whence they were not allowed to go upon deck, except one by one, and always guarded. We made sail about half an hour after they got on board; and, having a fine breeze, on the whole we have made a good voyage; but it was evident that the crew were most ignorant; for when we got sight of this island, no one knew where we were: but the captain, or at least he who pretends to be such, thinking it might be Cephalonia, said to me, 'If you will swear to say nothing about our having black people on board,' (he does not call them slaves,) 'we will go in; but if you do say anything, we are lost men.' He and the others made us repeat this oath until we were angry; and this very morning, when Mr. Corbeau went on shore with the *soi-disant* master, the crew, seeing that they were a long time, made us a thousand menaces against our saying anything; and when the boat returned to take us on shore, that man with the great mustachios said to us, 'If we had thrown you into the sea, this would not have happened.' He adds, moreover, that whilst the captain was on shore at the Lazaretto, the black men wishing to come upon deck, two of the crew armed themselves with sabres, and made them go down again into the hold by dint of blows. Having read this over to him in French, as this gentleman speaks French with greater facility than Italian, he confirmed it upon oath.

(Signed)

"CATTIN."

Signora Virginia, wife of the Signor G. P. Cattin, being interrogated, fully confirmed the deposition of her husband concerning the bringing on board of the 13 men slaves, with their hands tied behind them, and the negress who was already on board. The whole of which, she said, she saw from on shore, from the house of Mr. Gaspari, whither she had gone to complain of the delay. This having been read to her in French, she confirmed it.

(Signed)

VIRGINIA CATTIN.

Celestin Lecomte, quondam Philippe, native of Cambray, a locksmith by profession, being interrogated, confirms the depositions of the preceding witnesses; and adds, moreover, that being sent to sleep in the hold, together with the 13 men slaves, he was positive that they were slaves, and that all the passengers shed tears on seeing the cruel way in which they were brought on board; so much so that, when they were unbound, they had not strength enough to get up the side, and were forced to do so by cuffs and blows. They were accompanied and brought on board by a slave-merchant well known to him by sight, but not by name, and no attempt was made to conceal that they were slaves; a fact corroborated by every act of the crew towards them during the voyage, who only allowed them to go upon deck to satisfy the wants of nature, and then drove them down again by blows with a rope's end.

This having been read to him in French, he confirmed it with an oath.

(Signed) CELESTIN.

After receiving this information the undersigned ordered that the boat of the aforesaid brig, with two sailors and one guardian, should proceed immediately alongside, accompanied by the boat of the captain of the port, having in it Signor Luca Moraiti, Prior of the Lazaretto, and disembark the 13 aforesaid black slaves, and this was done without informing the *soi-disant* captain that anything was known about the slaves who were on board; and whilst the boat was pushing off from the mole of the Lazaretto the *soi-disant* captain changed colour, and exhibited all the signs of alarm. After some time, addressing himself to the undersigned, he said, "Sir, you have it in your power to ruin me." "What?" answered the undersigned. "I confess," said he, "that I have some persons on board whom I have not mentioned." "And who are they?" asked the undersigned. "Black men," answered he.

In the mean time the Prior of the Lazaretto, Signor Luca Moraiti, having arrived alongside the brig, the 13 men and the negress were brought out of the hold, and carried on shore in the boat of the vessel, having in it likewise the above-mentioned old man with the white beard, and the boat was towed and escorted by the boat of the Sanità, and they were placed in separate stalle of the Lazaretto, that is, the Frank passengers apart, the Turks and Greeks in others, the *soi-disant* captain in another, and the father-in-law of the captain (who is the old man with the white beard) and a boy in another. They were secured for the night in the Lazaretto by guards outside, and a guardian sent on board the vessel, and a guard-boat in sight.

(Signed) WILLIAM REYNOLDS,  
*Incaricato di Sanità.*

January 7, 1841.

The aforesaid *soi-disant* captain being called from the stalia where he had been placed, was interrogated as follows:—

On being asked his name, he said at first that his name was Emanuel Rossi, but the undersigned having observed to him that there was another Emanuel Rossi, and therefore that that could not be his real name, he admitted that his true name was Gregorio Mavroles, of Elias, 24 years of age, native of Casso, and by profession scrivano of the vessel "*Miltiades*," now anchored in this port.

Why did you give yourself out to be captain?—Being scrivano on board I was ordered to give my declaration in quality of captain.

Who is the real captain?—Emanuel N. Rossi, who is in this stalia.

Why did you not mention having 14 black people on board; that is to say, 13 men and 1 woman?—Having them on board as passengers for Candia, I thought it useless to mention them.

From whom did you receive these black people, in what capacity, and for what object?—They were embarked by a Turk, in order to be delivered at Canea to another Turk, and here is my agreement with him for the freight:

N.B.—He also presented the following papers:—

No. 1.—1840, December 17, bill of lading.

No. 2.—1840, December 10, ditto for 1000 pieces of 5 francs.

No. 3.—1840, December 11, bill for 41 ox-skins and 50 dollars.

No. 4.—1840, December 11, ditto for a box of red caps.

No. 5.—1840, December 11, bill for 2660 French dollars.

No. 6.—1840, December 10, ditto for 1 case of sundries and 4 packets of dried fish.

No. 7.—1840, December 10, bill of lading for 3000 pieces of 5 francs.

No. 8.—1840, December 10, ditto for 200 pieces of 5 francs.

No. 9.—1840, December 11, ditto for 2 cases with different marks, and another ditto.

No. 10.—1840, December 10, ditto for 1000 5-franc pieces.

No. 11.—1840, December 11, 3 cases of sundries, 1 package, and 1 box sundries.

No. 12.—1840, December 10, 1 box, and 1 package of merchandize.

No. 13.—A Turkish letter.

No. 14.—A Turkish letter enclosing the duplicate bill of lading for the black people, and three other Turkish letters, all marked No. 14.

Did the negroes come on board of their own accord, or were they brought by force?—I did not see that they were bound; they were brought on board by a boat.

Why were they kept concealed in the hold?—They were not concealed, but were kept in the hold because there was no other place for them.

Who is the proprietor of the vessel?—That old man with the white beard, Giorgio M. Sacali, my father-in-law, native of Cassos; and I beg you to tell me what I am to do with the merchandize and with the money which I have on board, for I do not wish to injure the merchants and shippers.

Read to him, and confirmed by him.

(Signed) GREGORIO MAVROLES.

Emanuel Rossi, of Nicola, from Cassos, captain of the vessel "*Miltiades*," being brought forward, was asked in what capacity he served on board the said vessel?—I am the captain, but I do not interfere in the least now that the real proprietor of the brig, Giorgio Sacali, is on board. I am merely nominal captain (*capitano di bandiera*) on board, because he, being an inhabitant of Canea, under the Turkish dominion, could not have the Greek flag. However, they never let me act in anything.

Why did you not come last night to make your declaration?—As I have already said, they have never allowed me to make a declaration, nor have they ever permitted me to go anywhere.

How do those black men come to be on board?—They were brought on board, but I do not know for what object.

This being read to him in Greek, he confirmed it and signed it.

(Signed) EMANUEL ROSSI.

Giorgio Sacali, of Cassos, but an inhabitant of Candia, of about 50 years old, being called, was asked in what character he acts on board the "*Miltiades*," now anchored off this mole?—I am the proprietor of that vessel.

Why did you not present yourself as such yesterday at this office?—As the scrivano came on shore I thought it useless.

Who are those 14 black people on board, and how do they come to be on board?—We left Tunis with the passengers who are now on board, but in consequence of contrary winds we put back to Tunis, where a negro said to us that he had brought some slaves to deliver to us as passengers, to be carried to Candia and delivered to a Turk. We, in order to receive the freight, went to a certain Signor Gaspari, who is a sort of consular agent, and we agreed with the negro to take them, on the freight being previously paid. We made out the contract for 41 dollars, they brought them on board in the evening, bound, and we made sail.

This having been read to him, he, not knowing how to write, made the sign of the cross.

(Signed) ✕

The 13 negroes being called were examined, through the interpreter Paolo Farruggia, of Malta, who said he knew their language.

How did you come to be on board this vessel?—We were taken on board bound as slaves (making signs at the same time that their hands were tied behind their backs), and we did not know our destination.

How were you treated by the captain and the crew?—Badly, because for every slight thing we were beaten (making signs that they were beaten), nor had sufficient provisions been allowed us.

The negress being brought forward, was asked how it happened that she was on board, and replied: “I can only say that I was at home with my father and mother, and the Greek merchant in whose possession I now am came, took me, and carried me on board; nor do I know where he is taking me, as he has stolen me from my parents.”

What is your name?—Mariam, daughter of Ali.

The merchant whom the negress had pointed out as having kidnapped her was asked his name, and replied: “Constantine Laranza, quondam Asticno, of Candia, but domiciled at Calamata, 25 years old, and by profession a merchant.”

How did the negress named Mariam come into your hands?—A Turk at Tunis, named Ismael Aga, made her a present to me as a servant, and she is free to go or stay, as she pleases.

Do you know whether the 13 black men are free or slaves?—I only know that after our departure from Tunis we were obliged to put back by contrary winds, and on approaching the Goletta in the evening I saw a boat bring those persons on board bound, who were delivered up bound by their owner, who is a slave-merchant, native of Tripoli.

The above having been read to him, he confirmed it.

His ✕ cross.

Fifth Enclosure in No. 57.

*Procès Verbal of an Examination as to the part taken by Signor Gaspari, Vice-Consul for England and other nations, at the Goletta, in the embarkation of Slaves on board the Greek brig “Miltiades.”*

*Lazaretto, Cephalonia, January 8, 1841.*

HAVING read attentively the *procès verbal* held yesterday relative to the 14 blacks found on board the Greek vessel “*Miltiades*,” captain Emanuel Russo:

Perceiving that from the depositions of Giorgio Sacali, proprietor of the said vessel, and of Gregorio Mavroles, it results that a certain Signor Gaspari, consular agent of various powers at the Goletta, was concerned in the embarkation of these negroes:

Perceiving, finally, that this act of his may interest various European powers, therefore,

The undersigned determined, this day, to repair to the Lazaretto to commence a *procès verbal* relative to the part taken by the said Gaspari in the embarkation of the negroes.

The proprietor of the vessel, Giorgio Sacali, having been called, it was remarked to him, that in his declaration of yesterday he had said that Signor Gaspari had taken part in the embarkation of these 13 male slaves, inasmuch as he had lent himself to arrange the freight for the same.

You are now, therefore, called upon to give every information possible relative to the part taken by the said Gaspari in this affair?—After having agreed about the freight with the slave-merchant for the 13 slaves, I said to him: “What surety do you give me that you will not fail to bring these slaves on board to-morrow?” and he replied, “I am ready to pay 100 dollars in case I break my word, and do not arrive in time; and I give you as guarantee Signor Gaspari.” In fact, we then went to Signor Gaspari, who assured me that if the proprietor of the slaves should break his word he himself would pay me the hundred dollars.

This having been read to him he confirmed it, declaring that during the drawing up of this agreement Damugli, one of the passengers, was present.

Gregorio Mavroles, scrivano of the vessel, being called, was asked what part Signor Gaspari took in the embarkation of the negroes, and he replied:—

“I only know that the contract for the freight of the said negroes was drawn  
CLASS D.

up in the office of Mr. Gaspari, and in his presence, and therefore that their embarkation was known to him."

This having been read to him, he confirmed it.

(Signed) GREGORIO MAVROLES.

Being interrogated afresh why Signor Gaspari did not insert their names in the patent, when he knew they were to be embarked, he answered: "I told him to insert them in the patent, but he said to me that it was of no use, since he had their permission to embark, written in Turkish, which he gave to me, and which I gave up yesterday to this office, with the bills of lading and other papers."

This being read to him, he confirms it.

Emanuel Rossi, captain of the said vessel, having appeared, was asked what part Mr. Gaspari took in the embarkation of the 13 black slaves, and he answered: "I know of nothing, beyond having heard that the contract for their freight was drawn up in the presence of Signor Gaspari, and under his guarantee."

This having been read to him, he confirmed it.

Damugli Benevanaki, native of Candia, but residing at Milos, by profession a merchant, having appeared, was asked if he knew a certain Gaspari of Tunis, and of what profession he was: "I know him; he is a Frenchman by birth, and at Tunis, or rather at the Goletta, he performs the duties of vice-consul for various nations, and also acts in the Health Office for the Bey of Tunis.

What part did the said Gaspari take in the embarkation of the 13 black slaves?—I was present when the proprietor of the vessel made the contract for freight with a Tripolitan slave merchant, and the said Signor Gaspari was present; but no mention was then made whether the passengers were slaves or freemen, white or black, and the freight agreed upon was 41 dollars, and 5 per cent. on the freight to the captain (di Cappa).

This having been read to him, he confirmed it.

Signor Giovanni Pietro Cattin, of Savoy, having appeared, was asked if he knew a certain Gaspari at Tunis, and of what profession he was?—I know him extremely well. He, at the Goletta, performs the duties of Vice-Consul for all nations, and also acts as Superintendent of the Health Office and Customs for the Bey, so that nothing can be shipped or landed without his knowledge.

Do you know whether this Signor Gaspari took any part in the shipment of the 13 black slaves?—Signor Gaspari must have known of the shipment of these black people, because in front of his house there is a draw-bridge, of which he keeps the keys, and under which every boat must necessarily pass. Besides this, I saw the boat with the blacks, and also the passenger Damugli on board, remain some minutes opposite the house of Signor Gaspari.

This being read to him in French, he confirmed it.

Signora Virginia, wife of Signor Cattin, having appeared, was asked if she knew a certain Signor Gaspari at Tunis, and what his profession was?—I know him; he is a Frenchman, who, at the Goletta, performs the duties of Vice-Consul of various nations.

Do you know whether this Signor Gaspari took any part in the shipment of the blacks?—Having gone to Signor Gaspari's in company with my husband, to complain against the delay of the captain, he told us that the captain was expecting other passengers, and that he could not go without them. After this we saw a boat arrive from Tunis, with slaves and the captain on board, which stopped opposite the house of Signor Gaspari, into which the captain went, and the passenger Damugli getting into the boat, went on board the vessel with the black people.

Doctor Corbeau having appeared, was asked whether he knew a certain Signor Gaspari, and of what profession he was? He replied: "I know him, and he is Vice-Consul at the Goletta for France, for England, and for all other nations, except Naples."

Was the shipment of the 14 black slaves known to Mr. Gaspari?—Nothing

can be shipped or landed at the Goletta without the knowledge of Signor Gaspari; besides, as he keeps the keys of the draw-bridge, the slaves could not be embarked without his permission, and as it was broad daylight when they were embarked, he could not but have seen them.

This being read to him, he confirms it.

Damugli Benevenaki being again called forward, was asked if it was true, as several other passengers had deposed, that he, from the Goletta, had embarked in the boat containing the blacks, and had gone on board the vessel "*Miltiades*" with them?—Yes.

Were the blacks bound?—Yes.

This being read to him, he confirmed it.

(Signed)

DAMUGLI BENEVENAKI.

Sixth Enclosure in No. 57.

*Colonel Sutherland to Mr. Fraser.*

SIR,

*Cephalonia, January 11, 1841.*

WITH reference to my communication of the 8th instant, and its enclosures, relative to the detention of the Greek brig "*Miltiades*" in the Lazaretto of this port, in consequence of having 14 negro slaves on board shipped in the Bay of Tunis for the island of Candia, I have now the honour to enclose a further report on the subject from the Incaricato di Sanità.

I have, &c.

*J. Fraser, Esq.,*  
&c. &c. &c.

(Signed)

W. SUTHERLAND,  
*Colonel and Resident.*

Seventh Enclosure in No. 57.

*Mr. Reynolds to Colonel Sutherland.*

SIR,

*Sanità, Cephalonia, January 9, 1841.*

IN addition to what I had the honour to submit to you in my letter of last night, relative to the slaves on board the Greek brig "*Miltiades*," I have further to inform you that the proprietor, Giorgio Sacali, this morning sent me word that there was present in the house of Signor Gaspari, at Goletta, on the occasion of his making the agreement for the freight of the 13 black slaves, the commandant of a French brig-of-war; and having immediately proceeded to the Lazaret, and reopened a fresh *procès verbal*, it has been most clearly and satisfactorily proved to have been *Mr. Annibal Cunes d'Ornano*, commanding the French brig-of-war "*Palinure*," which has been stationed at Tunis for some months past, and who, together with two other officers, appears to have been present at this transaction.

In fact, I have the honour to transmit you herewith, together with a copy of my said process, a visiting card of that gentleman, presented me by the witness Damugli Benevenaki.

I have, &c.

*Colonel Sutherland,*  
&c. &c. &c.

(Signed)

W. L. REYNOLDS,  
*In charge of Sanità.*

Eighth Enclosure in No. 57.

(Translation.)

*Health Office, Cephalonia, January 9, 1841.*

THE undersigned having received a message, through the Prior of the Lazaretto, that Signor Giorgio Sacali, proprietor of the brig "*Miltiades*," under detention in the Lazaretto until further orders, in consequence of the affair of the black slaves, wished to inform him that when he contracted for the freight of 13 slaves there was also present the captain of a French brig-of-war stationed at Tunis, the undersigned having gone to the room over the Lazaretto,

and having summoned the said Giorgio Sacali, and having asked him what he had to say, he (Sacali) answered: "Sir, yesterday, when I gave you my deposition relative to the drawing up of the contract for the freight of the 13 slaves, I omitted to mention that there was also present on that occasion the captain of a French brig-of-war, which has been stationed at Tunis for more than three months, who, on hearing the slave merchant offer Mr. Gaspari to me as guarantee, began to laugh, and turning round to Gaspari observed to him, 'See, they make you also security for the slaves.' On this occasion Damugli also was present acting as dragoman, as he knows French."

Why did you not mention this circumstance to me yesterday?—I did not conceal it intentionally, it had escaped me.

This being read to him, he confirms it, and makes the sign of the cross.

(Signed) ✕

Damugli Benevenaki being summoned, was asked why, yesterday, in his deposition concerning the contract for the freight of the slaves made in the house of Gaspari, with his assistance as interpreter, he had not mentioned that there was also present on that occasion the captain of the French brig-of-war?—At the moment I did not remember; but I believe that I told you that I was acting as interpreter for the freight of certain passengers, knowing them to be slaves, when certainly there was present not only the captain of the said French brig-of-war, but also I think the surgeon and another officer of the same vessel. Indeed, on this occasion he gave me this visiting-card, in order to remind me to present his compliments to Mr. Brest, the French Consul-General at Milos. [He here presented the visiting-card—"Annibal Cunéo d'Ornani, Capitaine de Corvette." ]—On the back of this card was written, "Commandant le brig le '*Palinure*,' se rappelle au bon souvenir de Mr. Brest et de toute son aimable famille."

This being read to him, he confirms it.

Dr. Corbeau being called, and being shown this visiting-card, recognized it as that of Mr. Annibal Cunéo d'Ornani, commanding the French brig-of-war the "*Palinure*," stationed at Tunis.

(Signed) WILLIAM REYNOLDS.

Ninth Enclosure in No. 57.

*Sir E. Lyons to Mr. Païcos.*

MONSIEUR LE SECRETAIRE D'ÉTAT,

*Athens, February 13, 1841.*

I HAVE the honour to enclose, for the information of His Hellenic Majesty's Government, a letter addressed by the resident of Her Majesty's Lord High Commissioner in the Ionian Islands at Cephalonia to his Excellency's Secretary, relative to the detention of a Greck brig named "*Miltiades*," in consequence of her having African slaves on board.

Sir Howard Douglas, in communicating this letter to me, states that he is advised by the legal authority whom he has consulted, that he can do no more than place the poor Africans at the disposal of the Ionian Government, and dismiss the brig with its master and crew; and His Excellency informs me that the brig has in consequence been placed at the disposal of His Hellenic Majesty's Consul, Mr. Pizzoli, who has proceeded to Cephalonia on this account; and that he trusts that the Government of His Hellenic Majesty may be enabled to deal with the parties implicated in this abominable traffic conformably with their deserts.

I have, &c.

(Signed) EDMUND LYONS.

*Monsieur Païcos,*  
 &c. &c.

Tenth Enclosure in No. 57.

*M. Païcos to Sir E. Lyons.*

MONSIEUR LE CHEVALIER,

*Athènes, ce 9 (21) Février, 1841.*

LES consuls du Roi à Corfoù et à Cephalonie m'avaient déjà fait connaître tout ce qui concernait le bric Grec le "*Miltiade*," arrêté au port de cette dernière île par ce qu'il avait des Africains esclaves à son bord.

Je vous remercie néanmoins pour les renseignemens que vous voulez bien me donner sur ce même sujet par votre office du 13 de ce mois. En même tems j'ai l'honneur de vous annoncer que le Ministère avait transmis dès le 6 (18) Janvier dernier à ces consuls aux îles susmentionnées le même ordre de faire mettre immédiatement en liberté les noirs se trouvant à bord du "*Miltiade*," attendu que l'esclavage est défendu aussi par les lois Grecques.

Considérant de plus que la loi existant à cet égard n'avait pas de sanction pénale, et qu'elle n'était pas complète, le Gouvernement s'est empressé de soumettre à la délibération du conseil d'état un nouveau projet de loi, par lequel tout commerce et transport d'esclaves en général est sévèrement défendu aux sujets de ce royaume.

Agréer, &c.  
(Signé)

A. PAICOS.

*Monsieur le Chevalier Edmund Lyons,*  
&c. &c. &c.

(Translation.)

M. LE CHEVALIER,

*Athens, February 9 (21), 1841.*

HIS Majesty's Consuls at Corfu and Cephalonia had already informed me of everything concerning the Greek brig "*Miltiades*," detained at the latter island for having African slaves on board.

I thank you, nevertheless, for the information which you obligingly give me on the same subject by your note of the 13th instant. At the same time I have the honour of announcing to you that on the 6th (18th) of February, the Ministry had transmitted to the consuls at the above-mentioned islands the same orders for the immediate liberation of the negroes on board the "*Miltiades*," seeing that slavery is also forbidden by the Greek law.

Considering, moreover, that the existing law in this respect had not the sanction of penalties, and that it was incomplete, Government has hastened to submit to the consideration of the council of state a new draft of law, by which all trade in and carrying of slaves in general is strictly forbidden to the subjects of this kingdom.

Accept, &c.  
(Signed)

PAICOS.

No. 58.

*Sir E. Lyons to Viscount Palmerston.**Athens, March 8, 1841.**(Received April 6.)*

MY LORD,

WITH reference to my Despatch of the 22nd ultimo, I have the honour to inform your Lordship that I stated to Monsieur Païcos, on the 24th ultimo, that Her Majesty's Government could not be expected to believe that His Hellenic Majesty's Government was sincerely desirous of putting an end to the Slave Trade carried on in Greek vessels until the Minister of Marine and the consuls in Barbary and Turkey respectively had definite and positive instructions to that effect. I regret, however, to have to report to your Lordship that my observations have remained unattended to up to the present moment, and that no measures of the kind, that I can hear of, have hitherto been taken to put a stop to this inhuman traffic.



It appears by a letter that I have received, whilst writing this Despatch, from Her Majesty's Lord High Commissioner in the Ionian Islands, that the Greek consul there has been asserting that from the moment the 14 African negro slaves, shipped in the bay of Tunis on board the Greek brig "*Miltiades*," were covered by the Greek flag, they were free and well treated: an assertion which Sir Howard Douglas says is directly at variance with the facts of the case.

I have, &c.  
(Signed) EDMUND LYONS.

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

No. 59.

*Sir E. Lyons to Viscount Palmerston.*

*Athens, March 22, 1841.*

*(Received April 13.)*

MY LORD,

I HAVE the honour to transmit to your Lordship herewith copies of a letter and of its enclosures which I addressed to Monsieur Païcos on the 17th instant, refuting the official assertion of the Greek consul at Corfu that the negroes on board the Greek brig "*Miltiades*," in Cephalonia, were not treated as slaves whilst they were under the Greek flag.

With reference to my Despatches of the 22nd of February and the 8th of March of this year, I regret to state that the penal law therein mentioned has not yet been published, although two months have nearly elapsed since it passed through the council of state.

In hopes of being able to make a satisfactory report to your Lordship on this subject, I have just sent to the Foreign Office to ask for information, and I cannot learn that the Greek Government has taken any efficient measures to show its disavowal of this horrible traffic.

I have, &c.  
(Signed) EDMUND LYONS.

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

First Enclosure in No. 59.

*Sir E. Lyons to M. Païcos.*

MONSIEUR LE SECRETAIRE D'ETAT,

*Athens, March 17, 1841.*

I HAVE the honour to transmit to you herewith, for the information of His Hellenic Majesty's Government, copies of a letter and of its enclosures, which I have received from Her Britannic Majesty's Lord High Commissioner in the Ionian Islands, respecting the African slaves who, in the beginning of January last, were found secreted in the hold of the Greek brig "*Miltiades*" in the harbour of Argostoli in Cephalonia.

It will not escape your observation, Monsieur le Secrétaire d'Etat, that the effect of the letter of His Hellenic Majesty's Consul at Corfu is to impugn the validity of the official reports which the Lord High Commissioner received from British officers of rank, and upon which his Excellency had acted; and you will no doubt observe that the consul, in his strange attempt to vindicate the conduct of the master of the Greek brig, casts unsupported censure upon a Dutch consul and upon the French and Piedmontese passengers in the brig, who, in the interest of humanity, gave the information which has rescued 14 of their fellow-creatures from pining away their lives as slaves in a foreign land.

I have, &c.  
(Signed) EDMUND LYONS.

*Monsieur Païcos,*  
&c. &c. &c.

Second Enclosure in No. 59.

*Sir Howard Douglas to Sir E. Lyons.*

SIR,

*Corfu, March 2, 1841.*

HIS Hellenic Majesty's consul at this place (Mr. Pezzoli) having, in a letter addressed to my Secretary, copy herewith enclosed, asserted, that from the moment the fourteen African negro slaves, shipped in the Bay of Tunis on board the Greek brig "*Miltiades*," Captain E. Russi, were covered by the Greek flag they were free and well treated, and this assertion being at variance with all the previous information, I directed that the letter in question should be referred to my resident in Cephalonia, copy of whose report in reply to that reference I think it right to transmit to you for the information of the Greek Government.

*Sir Edmund Lyons,*  
*&c. &c. &c.*

I have, &c.  
 (Signed) HOWARD DOUGLAS.

Third Enclosure in No. 59.

*The Greek Vice-Consul to the Secretary of the Lord High Commissioner.*

(Translation.)

MOST ILLUSTRIOUS SIR,

*Cephalonia, January 18 (30), 1841.*

THE facility and condescension which His Excellency the Lord High Commissioner, together with your Illustrious Lordship, procured for me from the Honourable Resident in bringing about the liberation of the Greek brig "*Miltiades*" makes it my duty to express to you my thanks, and to request you at the same time to present them on my part to His Excellency.

It is the more gratifying to me to fulfil this duty, as I at the same time have the satisfaction of assuring his Excellency that it appears from the examinations of all the passengers who were on board the abovementioned vessel, that the thirteen negroes were free, taken care of, and well treated from the moment they went on board the Greek vessel. The negroes themselves, in the presence of the health inspector, Mr. Reynolds, have unanimously declared to that effect.

It appears that a rancorous feeling of some one among the French passengers towards the captain had induced the said passengers to exaggerate, without any reason, in their first deposition, the conduct of the crew and captain of the vessel. The latter is above all guilty of irregularity in respect of his clearances, partly perhaps owing to the neglect of the Dutch consular agent in Tunis, by whom they were despatched; but he will, nevertheless, on his arrival in Greece, be subject, in consequence thereof, to the penalties established by law.

I avail myself, &c.  
 (Signed) F. PEZZOLI,  
*Greek Vice-Consul.*

*The Most Illustrious Signore J. Fraser,*  
*&c. &c. &c.*

Forth Enclosure in No. 59.

*Colonel Sutherland to Mr. Fraser.*

SIR,

*Cephalonia, February 25, 1841.*

I HAVE the honour to acknowledge the receipt of your communication of the 11th instant, with its Enclosure (herewith returned) to your address under date of 18th (30th) ultimo, from the Signor Pezzoli, His Hellenic Majesty's Consul at Corfu, relative to the fourteen African negro slaves shipped in the Bay of Tunis on board of the Greek brig "*Miltiades*," Captain E. Russi, and afterwards landed in this port.

I must confess that it was with the utmost astonishment I read the paragraph

in which Signor Pizzoli ventures to assert that from the moment they were covered by the Greek flag those negroes were free, because, so far from such a supposition being in the slightest degree countenanced by any of the examinations entered into, the very contrary is clearly and incontrovertibly established by the concurrent testimony and depositions already forwarded to you of the captain, clerk, and passengers of the brig, whether Franks, Greeks, Turks, or the negroes themselves, whether taken by the Incaricato di Sanità or by the Signor Pizzoli himself, all calling, designating, and speaking of them as slaves; and you will perceive from the accompanying further report from the Incaricato di Sanità, and depositions of the negroes, now taken through an interpreter, who thoroughly understands the language of the negroes as well as the English, that these unfortunates were brought *bound* alongside of the brig for embarkation, and still bear the marks of the cords, loosed (*sciolti*) to enable them to get up the side; and although permitted to go and remain on deck during the day time, whilst the vessel was at sea, they were, both at the beginning and end of the voyage, when in the vicinity of land, *closely confined to the hold*, from whence they were only allowed to issue to *satisfy the calls of nature, one at a time*, escorted by some of the crew—even this indispensable indulgence being denied to them on approaching this island, as they were not suffered to quit the hold under any pretext after their arrival in the Port of Argostoli, one of them having been kicked by a sailor of the crew for urging the torture he was undergoing from such a call in support of his demand to go on deck for a few moments. Yet this is what I presume the Signor Pizzoli asserts is being “*liberi, sciolti, e ben trattati!*” although to any other person it would convey a quite contrary impression. Finally, that the negroes did not consider themselves free (“*liberi*”), but slaves, on their arrival here, is evident from the formal claim and demand they unanimously made when once on the Ionian soil, in the lazaretto, before three of the judges of the land, for their *liberty*.

I abstain from any observation on the aspersion cast by the Signor Pizzoli on the motives of the French passengers, as their conduct throughout the affair needs no other explanation than the indignation that must be naturally felt by every well-constituted mind against the iniquity of the traffic which the captain and crew of the Greek brig “*Miltiades*” were aiding and abetting, if not actually engaged in.

I have, &c.  
(Signed) W. SUTHERLAND.  
Col. and Resident.

J. Fraser, Esq.,  
&c. &c. &c.

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Fifth Enclosure in No. 59.

Mr. Reynolds to Colonel Sutherland.

SIR,

Health Office, Cephalonia, February 25, 1841.

IN reply to the observations contained in Mr. Pezzoli, the Greek Consul's communication of the 30th ultimo to his Excellency the Lord High Commissioner, that it had been stated in my presence by the black slaves found on board the Greek brig “*Miltiades*,” Captain E. Russi, that they had been, from the moment they came on board in Tunis, *liberi, sciolti, e ben trattati*, and in which letter Mr. Pezzoli endeavours to confute the fact (notwithstanding it was so clearly proved by the bill of lading, in Greek, delivered to Mr. Pezzoli, together with the other papers, both in original and duplicate), that they were slaves, I have the honour to rejoin that they certainly stated through their interpreter, and made signs to the effect, that, although they had been brought on board tied (marks of which they showed Mr. Pezzoli on their arms), that they had been kept in the hold of the vessel “*sciolti*,” or “*untied*,” but as to their being “*liberi*,” I cannot change the opinion I expressed to Mr. Pezzoli on that occasion, when he exultingly turned to me and said, “There, you see they were *liberi*, or free,” and which opinion was that I could not consider men free who were kept confined in the hold of a vessel, and only permitted to come on deck by one at a time, to fulfil the calls of nature, but never otherwise; a circumstance, this, confirmed by all the passengers, Greeks and

Turkish, as well as the Franks, and also by the captain and crew, but for which there could have been no necessity whilst at sea, where they could not escape: and as to keeping them *tied* in the hold, such would not have been practised even towards animals, and is not even adopted on board regular slavers: whilst, as to their being "*ben trattati*," I do not consider being allowed barely a "*quantum sufficit*" (to keep nature alive) of the coarsest food (as appears by the evidence was the case here) being "*ben trattati*."

As to Mr. Pezzoli's other assertions, I can only add that he himself acknowledged to me that in no one case had any witness deviated one iota from what he had previously deposed before me; but it was evident to me, from the first moment of Mr. Pezzoli's arrival in Cephalonia, that his view, intention, and determination was to gloss over and palliate as much as he could the captain's conduct in carrying these slaves, and make it appear that the only fault attributable to the captain was his having concealed these 14 slaves on board when he gave his "*costituto*" at the health office.

Whilst in confutation of his remark that the evil dispositions of the French and Piedmontese passengers towards the Greeks has been the cause of all this, I may be permitted to observe, that (had not the bills of lading been sufficient) the old proprietor of the vessel, Giorgio Sacali's constantly and invariably using the term "*sclavus*," or "*slaves*," when speaking of these unfortunate beings, either to Mr. Pezzoli or to me, is, I should think, sufficient evidence to controvert Mr. Pezzoli's opinion and assertion, and triumphantly prove they were considered by all on board, what they really are—slaves; and that they *all* also considered themselves *still so*, is most satisfactorily proved by the *procès-verbal* of the 20th ultimo, which I had the honour to transmit you in my letter of the 21st same; in which letter I lay particular emphasis on the fact of three of our judges having been accidentally present at the scene of their demanding their liberty, and affixed their signatures to the document (as evidence); but in order to make the matter beyond a doubt, I have again this day taken their deposition (with the assistance of a Maltese, as interpreter, who seems to understand them very well), and from which you will clearly perceive that they were kept, considered, and treated as slaves, and that one of them got (even in this port of Argostoli) ill-treated and kicked for trying to come on deck without leave.

There is, however, one point in Mr. Pezzoli's letter to his Excellency, to which I cannot fail of calling your special attention, viz., the art with which he tries to fix the culpable irregularity of the whole transaction on the Dutch Consul, for not having inserted these slaves in the bill of health, whilst, as they were taken on board at Goletta (some distance from Tunis), after they had got their clearance from him, it is possible, and even probable, that he is at this very moment ignorant that one single soul more than he gave papers for had been received; whereas the real truth is that the whole fault and blame is to be attributed to the Mr. Gaspari, the Consular Agent at Goletta, who makes such a conspicuous figure throughout the whole business, both as Consular Agent at Goletta and as being the identical person who contracted for the freight, and afterwards embarked the 13 male black slaves, and whose paramount duty it was to have made an annotation to that effect on the back of the bill of health (certainly irregularly given by a Dutch Consul to a Greek vessel), and who ought also most certainly to have separately inserted in the same "*ritocco*" on the back of this same bill of health, also the names of the 13 other passengers and the black female slave, whom he embarked or permitted to embark at Goletta; but from his not doing so he gives room for suspecting that he either smuggled them away, or had some other reason for not inserting them, as before said, in the bill of health.

Besides this Mr. Pezzoli most carefully conceals from his Excellency what (in my humble opinion) gives to Mr. Gaspari's conduct in this business the worst colour under which it appears, and which I suspect is Mr. Pezzoli's reason for trying to make it appear that the blacks were NOT considered as slaves on board, and that the captain was therefore only responsible for the irregularity of his papers; a fault originating, as Mr. Pezzoli wants to show, with the Dutch Consul, notwithstanding it was clearly proved to have taken place after the vessel had left Tunis, and lay at Goletta, and when, if it was a case of omission, the fault or negligence is attributable to nobody but MR. GASPARI, and *this is that Mr. Gaspari* who turns out, by reference to the book of

printed regulations given by the Greek Government to its Consuls, to be either *His Hellenic Majesty's Consul*, or *Vice-Consul*, or *Consular Agent at Goletta*.

I have, &c.

(Signed) W. L. REYNOLDS,  
*In charge of Health Office Department.*

*Colonel Sutherland,*  
&c. &c. &c.

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Sixth Enclosure in No. 59.

*Depositions of the Negroes on board the Greek brig in Cephalonia.*

*The Inspector of the Health Office,*  
*Cephalonia, February 25, 1841.*

(Translation.)

It being necessary to ascertain in what light the black slaves were considered whilst on board the Greek vessel, Emmanuel Russi master, the undersigned sent for them and questioned them, by means of the interpreter, Nicola Benelli, of Malta, whether they were treated as slaves on board the said vessel or as freemen during the voyage; and whether whilst on board they were entirely free and at liberty to walk about at their own pleasure, or whether they were kept bound on board; and also, whether they were brought on board bound with cords.

The negro Murgia replied:—

“We were purchased nearly three months before being embarked, and I cost 220 piastres. We were taken on board in a launch, and bound with cords, and we were unbound in order to enable us to get on board; we were then put down into the hold, from whence we were not allowed to come out, excepting for the purpose of satisfying the calls of nature, and then we were taken on deck one by one, and the hatches were only just open sufficiently to allow the necessary quantity of air to come in.”

Question.—To say frankly whether, when he went to satisfy the calls of nature, he was obliged to ask permission of some one, and whether on such occasions he was watched by some one, or not?

Reply.—We were obliged to ask permission of some one, and then we were escorted by some one of the crew so long as we were upon deck; that is to say, so long as the vessel was near the shore or in harbour; and from the moment we were in sight of this island we were no longer allowed to go upon deck. Whilst we were at sea we were allowed to stay upon deck and go wherever we pleased; however, after arriving here we were no longer allowed to go upon deck during the day-time, even for the purpose of satisfying the calls of nature.

Question.—Whether whilst he was on board he had been beaten or ill-treated?

Reply.—No, sir; we were never ill-treated, excepting upon our arrival here, when we were shut down in the hold.

*Deposition of the Negro Selim.*

Question.—I was a slave in Tunis; I was embarked, bound, in a large boat, and carried on board the vessel, where I was unbound and put down into the hold. During the voyage we were free, that is, whilst we were at sea, but when we were near the shore then we were no longer allowed to go upon deck, excepting at night to satisfy the calls of nature; and upon our arrival in this harbour we were put down into the hold and not allowed to go out; whenever we went upon deck, when near the land, we were escorted by some of the crew.

*Deposition of the Negro Ali.*

Questioned as above.

Reply.—I was carried alongside from Tunis, bound; I was then unbound and embarked, and remained unbound during the voyage; that is to say, whilst out of sight of land. When we were near the shore we were no longer allowed to go upon deck, excepting at night to satisfy the calls of nature, and then under escort. After our arrival here we were no longer allowed to leave the hold, which was kept shut.

*Deposition of the Negro Nassar.*

Questioned as above.

Reply.—I was a slave at Tunis; I was embarked bound; once on board, and out of sight of land, we were allowed to walk about upon deck; but when we were near the land we were kept down in the hold, and only at night allowed to go upon deck to satisfy the calls of nature, one by one, and always escorted. After arriving in this harbour we were no longer allowed to go upon deck at all.

*Deposition of the Negro Messaut.*

Questioned as above.

Reply.—I was carried alongside the vessel, bound; I was then unbound, embarked, and placed in the hold; so long as we were at anchor, or in sight of land, we were not allowed to walk about upon deck, but when at sea we were free; when we approached the land we were only allowed at night to satisfy the calls of nature, and then one by one, and always under escort; and the moment we arrived here the captain shut us up in the hold, and no longer allowed us to go out.

*Deposition of the Negro Abdallah.*

Questioned as above.

Reply.—I was taken on board the Greek vessel, bound; whilst we were at anchor, or near the land, we were kept concealed in the hold, and only at night, one by one, and under escort, allowed to go upon deck to satisfy the calls of nature. On arriving here they kept us entirely down in the hold, but at sea we were allowed to walk about upon deck.

*Deposition of the Negro Mahmet.*

Questioned as above.

Reply.—I was carried alongside the vessel, bound; I was then unbound, taken on board, and put down into the hold; whilst we were at anchor, or near the land, we were only allowed to go upon deck at night, one by one, and under escort, to satisfy the calls of nature; at sea we were allowed to walk about; after arriving here we were no longer allowed at all to leave the hold.

*Deposition of the Negro Ali.*

Questioned as above.

Reply.—I was a slave in Tunis; I was taken alongside the Greek vessel, bound; I was then unbound, put on board, and placed in the hold. During the voyage, whilst out of sight of land, I was allowed to walk about whenever I liked; when we were at anchor, or near the land, we were kept shut up in the hold, and only allowed at night to go upon deck, one by one, and under escort, to satisfy the calls of nature; and after arriving here we were no longer allowed at all to quit the hold.

*Deposition of the Negro Abdallah.*

Questioned as above.

Reply.—I was a slave at Tunis, and was taken alongside the Greek vessel, bound; I was then unbound and taken on board, and put down into the hold; whilst out of sight of land we were allowed to walk about whenever we liked, but when at anchor, or near the land, we were only allowed at night, and one by one, and under escort, to satisfy the calls of nature; and after arriving here we were kept down in the hold entirely.

*Deposition of the Negro Saïd.*

Questioned as above.

Reply.—I was a slave at Tunis; as such, I was bound and carried alongside the Greek brig, and taken on board; so long as we were out of sight of land we were free, and allowed to walk about wherever we liked, but when at anchor, or near the shore, we were concealed in the hold. Upon our arrival here, wishing to leave the hold in order to satisfy the calls of nature, one of the crew would not allow me to go upon deck, and kicked me back into the hold.

*Deposition of the Negro Messaut Berna.*

Questioned as above.

Reply.—I was a slave at Tunis; I was put into a boat, bound, and carried alongside the Greek brig: I was then unbound, taken on board, and put into the hold: at sea we were allowed to walk about wherever we liked, but when we were at anchor, or near the land, they kept me, as well as the others, concealed in the hold, and only allowed us, one by one, and under escort, to go upon deck at night to satisfy the calls of nature. After our arrival they did not allow us to leave the hold at all.

*Deposition of the Negro Abdallah.*

Questioned as above.

Reply.—I was a slave at Tunis, and there I was taken alongside the Greek brig bound; I was then unbound, taken on board, and placed in the hold. Whilst we were at anchor or near the land we were kept in the hold, and only allowed at night, one by one, and under escort, to go upon deck to satisfy the calls of nature. At sea we were allowed to walk about wherever we pleased, and, on arriving here, we were put down into the hold and not allowed to move out.

*Deposition of the Negro Zochar.*

Questioned as above.

Reply.—I was a slave at Tunis; I was bound and carried alongside the Greek brig; I was then unbound, taken on board, and put into the hold. Whilst at anchor, or near the land, we were only allowed at night, one by one, to satisfy the calls of nature; at sea, however, I was permitted to walk about: after our arrival here we were all put down into the hold, and no longer allowed to go upon deck at all.

his  
NICHOLAS X BENELLI.  
mark.

(L. S.)

(Signed)

W. L. REYNOLDS,  
*Inspector of the Health Office.*

*Cephalonia, February 25, 1841.*

No. 60.

*Viscount Palmerston to Sir Edmund Lyons.*

*Foreign Office, April 15, 1841.*

Circular sending Treaty with the Argentine Confederation.

(See No. 1.)

No. 61.

*Viscount Palmerston to Sir Edmund Lyons.*

SIR,

*Foreign Office, April 20, 1841.*

I HAVE received your Despatch of the 22nd January last, enclosing a copy of the answer which the Greek Government had returned to the representation which, in pursuance of the instructions contained in my Despatch of last year, you had addressed to that Government respecting the Slave Trade which is carried on under the Greek flag.

I have to desire that, in return to the intimation which, in the above-mentioned answer, the Government of Greece have made to you of their having prepared a project of law, prohibiting the Slave Trade of Greece, you will present to that Government a note, stating that Her Majesty's Government regret that they cannot consider the mere issuing of edicts as by any means sufficient to rescue the Greek name from the reproach attaching to the prevalence of Slave Trade under the flag of Greece. But Her Majesty's Government trust that the edicts

so issued will be followed up by vigorous execution, and that an example will be made of the parties who are guilty of these disgraceful practices.

I have, &c.

(Signed) PALMERSTON.

*Sir Edmund Lyons,*  
&c. &c. &c.

No. 62.

*Viscount Palmerston to Sir Edmund Lyons.*

*Foreign Office, April 22, 1841.*

Circular sending Convention with Hayti.

(See No. 2.)

No. 63.

*Viscount Palmerston to Sir Edmund Lyons.*

*Foreign Office, May 11, 1841.*

Circular.—Proposed Instruction to Grecian Functionaries in Slave-holding Countries on the hiring, maintaining, and purchase of Slaves.

(See No. 5.)

No. 64.

*Sir E. Lyons to Viscount Palmerston.*

*Athens, April 13, 1841.*

(Received May 11.)

MY LORD,

IN my Despatch of the 22nd ultimo I had the honour of transmitting to your Lordship copies of a Letter and its enclosures which I had addressed to M. Païcos, refuting the assertion of the Greek Vice-Consul at Corfu, that the negroes on board the Greek brig "*Miltiades*" were not treated as slaves whilst they were under the Greek flag.

On the 25th ultimo M. Païcos replied to me in the Letter of which I have the honour to enclose a copy, and in which his Hellenic Majesty's Government approved the conduct of M. Pizzoli. I forwarded that Letter to Sir Howard Douglas, and I now do myself the honour of transmitting to your Lordship copies of his Excellency's reply and its enclosures, together with a copy of the Letter in which I enclosed copies of them to M. Païcos.

I have, &c.

(Signed) EDMUND LYONS.

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

First Enclosure in No. 64.

*M. Païcos to Sir E. Lyons.*

MONSIEUR LE CHEVALIER,

*Athènes, ce 13 (25), Mars, 1841.*

J'AI eu l'honneur de recevoir votre lettre du 17 de ce mois et des pièces qui y étaient annexées, et qui se rapportent à l'affaire du brick Grec le "*Miltiades*."

Je vous remercie pour cette communication, puisque je profiterai des détails contenus dans ses annexes, pour inviter le Vice-Consul de sa Majesté à Corfù à éclaircir encore certains faits se rattachant à l'affaire dont il s'agit, et celui de Goulette, le Sr. Gaspari, à se justifier sur la circonstance qu'il n'aurait fait aucune mention des nègres se trouvant à bord du brick le "*Miltiades*."



Quant à M. Pezzoli, je ne pourrais pas croire qu'il ait voulu attaquer la validité des rapports officiels adressées au Lord Haut Commissaire par les officiers Anglais compétens, puisqu'il ne connaissait pas ni ne pouvait connaître ces rapports. M. Pezzoli aurait au contraire exprimé sa propre conviction, en suite de laquelle il a dû faire aussi tous ses efforts pour défendre le capitaine Grec et disculper sa conduite.

Au reste, il ne pourrait plus être donné à cette affaire aucune autre suite, si ce n'est de poursuivre le capitaine pour certaines inexactitudes que M. Pezzoli lui-même a observées dans ses papiers, attendu que la loi récemment promulguée contre la traite des esclaves ne saurait avoir un effet retroactif.

Agréé, &c.

(Signé)

A. PAICOS.

*Monsieur le Chevalier Ed. Lyons,*

&c.

&c.

&c.

(Translation.)

SIR,

*Athens, 13th (25th) March, 1841.*

I HAVE had the honour of receiving your Letter of the 17th instant, together with the documents annexed thereto, relative to the affair of the Greek brig "*Miltiades*."

I thank you for that communication, and will profit by the details contained in the said documents by requesting his Majesty's Vice-Consul at Corfu to explain further certain facts connected with the affair in question, and also his Majesty's Vice-Consul at Goulette, M. Gaspari, to explain as to the circumstance of his not having mentioned in any way that there were negroes on board the brig "*Miltiades*."

With regard to M. Pezzoli, I cannot believe he intended to doubt the validity of the official reports addressed to the Lord High Commissioner by the competent English officers, as he neither did nor could know of these reports. M. Pezzoli would, on the contrary, have expressed his own conviction, after which it was also his duty to make every effort to defend the Greek captain and to exculpate his conduct.

For the rest, no other proceedings can be had in this affair, unless the captain were to be prosecuted for certain informalities which M. Pezzoli himself noticed in his papers, supposing the law recently promulgated against the Slave Trade were not to have a retroactive effect.

Accept, &c.

(Signed)

A. PAICOS.

*Sir Edmund Lyons,*

&c.

&c.

Second Enclosure in No. 64.

*Sir E. Lyons to M. Paicos.*

MONSIEUR LE SECRETAIRE D'ETAT,

*Athens, April 13, 1841.*

I LOST no time in communicating to Her Majesty's Lord High Commissioner in the Ionian Islands your letter to me of the 13th (25th) ultimo, approving the letter addressed to his Excellency on the 18th (30th) of January, by M. Pezzoli, His Hellenic Majesty's Vice-Consul at Corfu, relative to the African slaves on board the Greek brig "*Miltiades*," which was driven by stress of weather into the port of Argostoli, in Cephalonia.

I have now the honour to enclose copies of his Excellency's reply and its enclosures, from which you will perceive that M. Pezzoli has permitted himself to state facts with so little regard to accuracy, that it will hereafter be impossible for the officers of the Ionian Government to transact with him even the not very important duties of a Vice-Consul in that spirit of confidence and respect which is indispensable to a proper understanding between the two Governments.

I have, &c.

(Signed)

EDMUND LYONS.

*Monsieur Paicos,*

&c.

&c.

Third Enclosure in No. 64.

*Sir Howard Douglas to Sir E. Lyons.*

SIR,

*Corfu, April 5, 1841.*

IN reply to your Excellency's letter of the 31st of March, with its enclosures, acquainting me with the view taken by His Hellenic Majesty's Government of the matter of the negroes found secreted on board the Greek brig "*Miltiades*," I have the honour to inform your Excellency that the Greek Consul at Corfu, having submitted to me the depositions in the case taken by him, I caused them to be referred to the competent authorities in Cephalonia, and have now the honour to transmit to your Excellency a copy of the observations made upon M. Pezzoli's papers, both by the resident and functionary in charge of the Sanità Department in that island.

From these papers your Excellency will perceive that M. Pezzoli has permitted himself to state the facts with so little regard to accuracy, that it will hereafter be impossible for the officers of this Government to transact with him even the not very important duties of a Vice-Consul, in that spirit of confidence and respect which is indispensable to a proper understanding between the two Governments.

Therefore, unless I hear from your Excellency that the Greek Government, taking a proper view of the subject, shall render such a step unnecessary, it will become my duty to lay a statement of all which has taken place before the Ionian Government, submitting for their consideration the expediency of withdrawing the exequatur granted to M. Pezzoli, as his Hellenic Majesty's Vice-Consul.

I have, &amp;c.

(Signed) HOWARD DOUGLAS.

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

Fourth Enclosure in No. 64.

*Colonel Sutherland to Mr. Fraser.*

MY DEAR SIR,

*Cephalonia, March 26, 1841.*

I FEEL obliged by your attention in sending the Signor Pezzoli's last paper, herewith returned, on the subject of the slaves, for my perusal.

I showed it to Mr. Reynolds, who has furnished me with the enclosed somewhat unqualified comments on the subject, rendering unnecessary any additional observations from myself, further than that it appears rather inconsistent in the Signor Pezzoli to designate in almost all his questions his "*liberi, sciolti, e ben trattati*" pets as slaves.

I have, &amp;c.

(Signed) WILLIAM SUTHERLAND.

*J. Fraser, Esq.,*  
&c. &c.

Fifth Enclosure in No. 64.

*Mr. Reynolds to Colonel Sutherland.*

SIR,

*Sanità, Cephalonia, March 25, 1841.*

HAVING caused the depositions taken by M. Pezzoli, the Greek Consul, relative to the fourteen black slaves found on board the vessel of Captain E. Russo, to be carefully translated for me into Italian, I have the honour to make the following observations on them:—

1st. I was not present at the regular taking down in writnig by M. Pezzoli of the depositions of all the witnesses (for I had not time to lose); I only heard him ask an occasional question, whenever I happened to go to him.

2nd. The very depositions (taken by him) of the captain, scrivano, and proprietor, all concur in proving the fact of the slaves being on board, although

the queries are put with all possible art, with a view of making it appear they were merely passengers, notwithstanding which, Mr. Pezzoli himself, in most of the queries to the other passengers, calls them in his questions "slaves."

3rd. The Greek and Turkish passengers, knowing they were to continue the rest of the voyage in the vessel, would not naturally say anything to offend the captain, whilst it is really possible they might not have seen any actual violence to the slaves, as there was no one else in the hold but them; but that they (the slaves) were kept prisoners there, all their depositions concur in proving.

4th. The barefaced distortion of truth in the last act of the depositions, where M. Pezzoli states they were brought into my office, and in my presence stated, by means of one of them (who spoke a little Greek), that they were free on board, is too glaring to be passed over in silence. They certainly were brought into my office (where, however, I cannot call to mind seeing Mr. Caruso, and in fact I am convinced he was not in the room, although he unblushingly affixes his name to the same untruth as M. Pezzoli); and they certainly were asked by M. Pezzoli, through the interpretation of a Maltese (though not one of the slaves, as M. Pezzoli states, for at that time not one of them could speak a word of Greek, notwithstanding the fertility of M. Pezzoli's invention) whether they were kept *tied* in the hold or not; and to this they answered they were left *untied*. Whereon he made the triumphant observation I quoted in my last letter on this subject, dated 26th January, 1841—"There, you see, they were *free*;" and to which I replied, as I have quoted in said letter: but M. Pezzoli most carefully keeps concealed that on this occasion they all showed *him*, as well as every one present, the marks left on their arms by being brought on board *tied slaves*, a fact they all agreed in, but of which M. Pezzoli takes no notice.

There were numerous credible witnesses present in my office on this occasion, and the man who interpreted is, I believe, still here; but had I conceived it possible that a man holding a situation of such consequence could have affixed his name to so cool and deliberate a falsehood, I should certainly have guaranteed myself by calling upon the persons present to affix their signatures to a procès verbal which I would soon have extended.

I have, &c.

(Signed) W. J. REYNOLDS,  
*Incaricato di Sanità.*

*Colonel Sutherland,*  
&c. &c.

No. 65.

*Sir E. Lyons to Viscount Palmerston.*

*Athens, April 22, 1841.*

*(Received May 11.)*

MY LORD,

I HAVE at length the satisfaction of transmitting to your Lordship a copy of a Letter from M. Païcos, in which he states that his Hellenic Majesty's Government has published a law against Slave Trade, and requests the co-operation of the agents of foreign Governments in places where no Greek agent resides. I have likewise the honour to transmit a copy and a translation of the law.

In my answer to M. Païcos I express in general terms satisfaction at the measure, and assure him of the co-operation of British agents; but I shall forbear to give any opinion on the law itself until I hear from your Lordship.

I have not failed to communicate to Mr. Macaulay, the United States Consul at Tripoli, who first gave me the means of taking this question up with effect, the result of his philanthropic exertions.

I have, &c.

(Signed) EDMUND LYONS.

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

First Enclosure in No. 65.

*M. Paicos to Sir E. Lyons.*

MONSIEUR LE CHEVALIER,

*Athènes, ce 2 (14) Avril, 1841.*

LE Gouvernement du Roi vient de promulguer une loi qui confirme la sévère prohibition aux sujets Grecs de tout commerce ou transport d'esclaves (tant blancs que noirs), et prescrit d'une manière précise les peines aux quels s'exposeraient les contrevenans.

Les mesures les plus rigoureuses seront prises dans cette circonstance par les autorités du royaume et les agens du Gouvernement à l'extérieur; mais afin que leur action puisse se faire sentir, même dans les endroits où il n'y aurait pas d'autorités Grecques, une clause de cette loi autorise les Consuls et agens consulaires de toute puissance étrangère à mettre immédiatement en liberté tout esclave trouvé à bord d'un bâtiment Grec.

En vous communiquant, Monsieur le Chevalier, cette mesure, je viens vous demander de vouloir bien la porter à la connaissance de votre Gouvernement, qui s'empressera, je ne le doute pas, de prêter ainsi sa co-opération au succès d'une mesure dictée par l'humanité et la morale.

Le Gouvernement de sa Majesté désirerait en outre que dans le cas ci-dessus de l'absence d'un agent Grec, les instructions, que je vous prie de faire donner à ceux de votre Gouvernement, leur prescrivissent de prêter aussi aide et facilité aux marins qui dénonceraient des faits s'y rapportant, et de référer au Gouvernement du Roi tout cas dont ils pourraient avoir connaissance, afin de le remettre à même de sevir contre les coupables.

Agréez, &c.  
(Signé)

A. PAICOS.

*Monsieur le Chevalier Ed. Lyons,*  
&c. &c. &c.

(Translation.)

SIR,

*Athens, 2 (14) April, 1841.*

THE Government of the King has just promulgated a law which confirms the strict prohibition to Greek subjects from all trade in or transport of slaves (either white or black), and specifies in a particular manner the penalties to which its infractors would expose themselves.

The most rigorous measures will be adopted in such cases by the authorities of the kingdom, and the agents of the Government abroad; but in order that their effect may be felt even in places where there are no Greek authorities, a clause in this law authorises Consuls and consular agents of all foreign powers to set at liberty immediately any slave found on board a Greek vessel.

In acquainting you, Sir, with this measure, I request you will make it known to your Government, which I doubt not will hasten to lend in this manner its co-operation for the success of a measure dictated by humanity and morality.

His Majesty's Government are desirous, moreover, in the case above mentioned of the absence of a Greek agent, that the instructions which I beg you will recommend to be sent to those of your Government shall direct them also to render assistance to sailors who may denounce facts relative to the subject in question, and to refer to the Government of the King all cases that may come to their knowledge, in order to enable it to proceed against the guilty parties.

Accept, &c.  
(Signed)

A. PAICOS.

*Sir Edmund Lyons,*  
&c. &c.

Second Enclosure in No. 65.

*Traduction du Grec.*

*Loi contre le Commerce des Esclaves.*

OTHON, &c. &c.

*Athènes, le 1 (13) Mars, 1841.*

DANS l'intention de régler définitivement et de rendre, par une pénalité  
CLASS D.

spéciale, plus efficace la prohibition du commerce des esclaves (*la traite*), que réprouve la philanthropie, sur la proposition de notre Ministre des Affaires Etrangères, et ayant entendu l'opinion du Conseil d'Etat, nous avons résolu et ordonnons—

Art. 1. Le commerce des esclaves, connu sous le nom de *la traite*, continuera d'être défendu à tous nos sujets.

2. Quiconque transgressera cette défense sera puni, si, selon le Code Pénal, il est considéré comme coupable, de dix à quinze ans de travaux forcés, et s'il n'est que complice, de la peine portée par l'Art. 71 du Code Pénal; s'il n'y a eû qu'une simple tentative d'effectuée, seront appliquées les dispositions du même Code relatives aux actes de tentative.

3. Quant à tout bâtiment Hellénique sur le quel serait effectué soit un transport, soit une tentative de transport d'esclaves destinés au commerce de la traite, le capitaine et tout l'équipage seront condamnés, s'ils ont sciemment contribué à ce transport, le premier aux peines portés par le précédent Article 2 contre les coupables au premier chef, peines qui, en cas de simple tentative, seront modifiées aux termes de la loi pénale relative aux simples actes de tentative, et il sera en outre éternellement privé du droit de commander un bâtiment; les gens composant l'équipage, s'ils ne se sont rendus coupables d'aucun acte de nature à les faire considérer comme coupables au premier chef, seront condamnés aux peines portées contre les complices, les quelles, en cas de simple tentative, seront aussi modifiées selon les termes de la loi pénale ayant trait aux actes de tentative.

4. Seront exempts pourtant des peines portées par le précédent Art. 3, les gens de l'équipage, le capitaine excepté, qui, avant le départ du navire, feraient connaître au Consul Hellénique, ou en l'absence de celui-ci au Consul d'une des Puissances qui réprouvent le commerce de la Traite, toutes les circonstances de la transgression aux défenses ci-dessus dont ils auraient connaissance. Si les gens de l'équipage prouvent qu'il ne leur a pas été possible de faire leur dénonciation dans le port d'où le navire est parti, ils seront exemptés de la condamnation en dénonçant la transgression au commandant du premier bâtiment de guerre qui visiterait le navire faisant la traite, ou à l'autorité consulaire dans le premier port où aborderait le navire. Dans ce dernier cas, la dénonciation ne pourra être prise en considération, si elle n'a eu lieu qu'après le débarquement et la livraison des esclaves, tandis qu'il serait prouvé qu'elle aurait pu avoir lieu avant. Les gens de l'équipage, en faisant cette dénonciation, seront dégagés d'une part de toutes leurs obligations envers le capitaine, et d'autre part conserveront le droit de recevoir de ce dernier la solde convenue, comme si le voyage avait été entièrement achevé; en outre le capitaine sera tenu de leur fournir les frais de leur retour en Grèce. Nos Consuls sont en devoir de leur fournir à cet effet aide et protection.

5. Le propriétaire du navire, si le transport des esclaves a eû lieu de son consentement, outre les peines portées par le précédent Article 2, sera déclaré incapable de commander un navire.

6. Quant à tout navire qui aura transporté des esclaves s'il n'est pas prouvé que le transport avait pour but la mise en liberté des esclaves, le capitaine sera puni d'un emprisonnement de trois à cinq ans, et les matelôts d'un emprisonnement de six mois à deux ans.

Le propriétaire du navire, si le transport des esclaves a eû lieu, lui, en ayant connaissance, sera puni des mêmes peines que le capitaine. Les gens de l'équipage qui, aux termes et dans le délai désignés au précédent Article 4, dénonceront le transport aux autorités compétentes, seront exempts de toute peine, et auront droit aux avantages mentionnés au même Article.

7. Les crimes et délits commis contre les esclaves sur le navire seront punis aux termes de la loi pénale.

8. Les Consuls, Vice-Consuls, et Agens Consulaires Helléniques, pour l'exécution de la présente loi, sont considérés comme juges instructeurs, et ont le droit de commencer et de poursuivre l'instruction sans qu'il soit besoin de l'ordre préalable des procureurs du Roi.

9. L'autorité à la quelle est dénoncé le commerce ou le transport des esclaves, ou qui en aura connaissance par tout autre moyen, est tenue si c'est une autorité Hellénique, et est en droit si c'est une autorité étrangère, de mettre sur le champ les esclaves en liberté.

10. Nos Ministres de la Justice et de la Marine sont chargés de la publication et de la mise à exécution de la présente loi.

(Signés)

OTHON.

KRIEZIS.

PAICOS.

THEOCHARIS.

TISSAMENOS.

HESS.

Third Enclosure in No. 65.

*Translation from the Greek.*

*Law against the Slave Trade.*

OTHO, &c. &c.

*Athens, 1 (13) March, 1841.*

WITH a view to regulate definitively, and to render more efficacious by special penalties, the prohibition of the traffic in slaves (*la traite*), which philanthropy forbids, on the proposition of our Minister for Foreign Affairs, and having heard the opinion of the Conseil d'Etat, we have resolved and command—

Art. 1. The traffic in slaves, known by the name of "*la traite*," shall continue to be prohibited to our subjects.

2. Whoever shall transgress this prohibition, if found guilty according to the Penal Code, shall be punished with from ten to fifteen years' hard labour; and if only an accomplice, with the punishment ordained by Article 71 of the Penal Code; if there shall have been only a simple attempt, the provisions of the Code relative to attempts shall be applied.

3. With regard to every Greek vessel on board of which the transport, or attempt to transport, slaves destined for the Slave Trade shall be effected, the captain and all the crew shall be condemned, if they have knowingly contributed thereto, the first to the punishment ordained by the preceding Article II., for principals; which punishment, in cases of simple attempt, shall be modified according to the terms of the penal law relative to simple acts of attempt, and he shall moreover be for ever deprived of the right to command a vessel: the persons composing the crew, if they have not been guilty of any act of a nature to cause them to be considered as principals, shall be condemned to the punishment ordained for accomplices, which in cases of simple attempt shall also be modified according to the terms of the penal law relative to acts of attempt.

4. Individuals of the crew, however, except the captain, who before the departure of the vessel shall make known to the Greek Consul, or in his absence to the Consul of one of the Powers which forbid the Slave Trade, all the circumstances which they shall know relative to the transgression of the above-mentioned prohibition, shall be exempt from the punishments ordained in the preceding Article. If the individuals of the crew prove that it was not possible for them to make such denunciation in the port whence the vessel sailed, they shall be exempt from condemnation if they denounce the transgression to the commander of the first vessel of war which shall visit the slave-trading vessel, or to the consular authorities in the first port at which the vessel shall touch. In this latter case the denunciation shall not be taken into consideration if made after the disembarkation and disposal of the slaves, if it shall be proved that it might have been made before. The individuals making the denunciation shall on the one hand be freed from all their obligations towards the captain, and on the other shall preserve their right to receive from the latter the pay agreed upon, as if the voyage had been entirely finished; besides which the captain shall be bound to furnish the expense of their return to Greece. Our Consuls are to give them aid and protection to this effect.

5. The owner of the vessel, if the transport of the slaves has taken place with his consent, shall be declared incapable of commanding a vessel, besides the punishment ordained by the second Article.

6. With respect to every vessel which shall have transported slaves, if it is not proved that the transport had for its object the liberation of the slaves, the

captain shall be punished with imprisonment from three to five years, and the sailors with imprisonment from six months to two years.

The owner of the vessel, if the transport of slaves took place with his knowledge, shall undergo the same punishment as the captain. The individuals of the crew who shall denounce the transport to the proper authorities in the terms and within the time stated in the preceding Article, shall be exempt from all punishment, and shall have a right to the advantages mentioned in that Article.

7. The crimes and offences committed against the slaves on board ship shall be punished according to the terms of the penal law.

8. The Consuls, Vice-Consuls, and Consular Agents of Greece are considered, in respect to the execution of the present law, as *juges instructeurs*, and shall have the right of commencing and pursuing the investigation without requiring the previous order from the Attorney-General.

9. The authority to whom the trade in or transport of slaves shall be denounced, or who shall have cognizance thereof by any other means, shall be bound if he be a Greek authority, and shall have the right if he be a foreign authority, to set the slaves immediately at liberty.

10. Our Ministers of Justice and Marine are charged with the publication and execution of the present law.

(Signed)

OTHO.

KRIEZIS.

PAICOS.

THEOCHARIS.

TISSAMENOS.

HESS.

Fourth Enclosure in No. 65.

*Sir E. Lyons to M. Paicos.*

MONSIEUR LE SECRETAIRE D'ETAT,

*Athens, April 22, 1841.*

I HAVE already had the satisfaction of forwarding to Viscount Palmerston a copy of the letter of the 14th instant, in which you do me the honour of informing me that His Hellenic Majesty's Government has published a law against the Slave Trade; and I will avail myself of the earliest opportunity which may offer, for engaging, in compliance with your request, the co-operation of the agents of the British Government in those places where no Greek agent resides.

I have, &c.

(Signed)

EDMUND LYONS.

*Monsieur Paicos,*  
*&c. &c.*

No. 66.

*Sir E. Lyons to Viscount Palmerston.*

*Athens, May 10, 1841.*

*(Received June 8.)*

MY LORD,

I HAVE the honour to enclose a copy of a Letter, in which, in obedience to your Lordship's Despatch of the 19th of March, I transmitted to M. Paicos copies of the documents relating to the discovery of slaves on board the Greek brig "*Miltiades*" at Cephalonia, and expressed to him the confident hope of Her Majesty's Government, that the Greek Government would, for its own honour, punish the guilty parties, and take the most effectual measures for preserving the Greek flag from the disgrace of being made subservient to Slave Trade.

I further stated to M. Paicos, in the same letter, that as His Hellenic Majesty's Government had since published a law prohibiting Slave Trade, I should have considered myself justified in abstaining from making this communication, had not the circumstances relating to the conduct of M. Pizzoli, the Greek Vice-Consul at Corfu, rendered it important that His Hellenic Majesty's Government should be in possession of the documents referred to.

M. Païcos has not acknowledged the receipt of this letter, but in reply to my letter of the 13th of April, stating that the withdrawal of M. Pizzoli's exequatur was contemplated at Corfu, he informs me, in a letter of which I have the honour to enclose a copy, that M. Pizzoli has obtained leave of absence to come to Greece, and that the Government will inquire into the affair.

I have, &c.

(Signed)

EDMUND LYONS.

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

First Enclosure in No. 66.

*Sir E. Lyons to M. Païcos.*

MONSIEUR LE SECRETAIRE D'ETAT,

*Athens, April 28, 1841.*

HER MAJESTY'S Lord High Commissioner in the Ionian Islands having transmitted to Her Majesty's Government copies of the documents relating to the discovery of slaves on board the Greek brig "*Miltiades*," at Cephalonia, I was instructed by Viscount Palmerston, Her Majesty's Principal Secretary of State for Foreign Affairs, in a Despatch dated the 19th of March, to communicate these papers to the Greek Government, and at the same time to express the confident hope of Her Majesty's Government, that His Hellenic Majesty's Government would, for its own honour, punish the guilty parties, and take the most effectual measures for preserving the Greek flag from the disgrace of being made subservient to Slave Trade.

As, however, His Hellenic Majesty's Government has published a law prohibiting the Slave Trade, I should have considered myself justified in abstaining from making this communication, had not the subsequent conduct of the Greek Vice-Consul at Corfu rendered it important that His Hellenic Majesty's Government should be in possession of the papers referred to.

I have now the honour to transmit them to you, Monsieur le Secrétaire d'Etat, and to request you to retain them as long as they can be of any use, and afterwards to return them to me.

I have, &c.

(Signed)

EDMUND LYONS.

*Monsieur Païcos,*  
&c. &c.

Second Enclosure in No. 66.

*M. Païcos to Sir E. Lyons.*

MONSIEUR LE CHEVALIER,

*Athènes, le 18 (30) Avril, 1841.*

J'AI eu l'honneur de recevoir votre Lettre d'office en date du 13 de ce mois, ainsi que les pièces y annexées. Le Gouvernement du Roi se fera un devoir d'examiner la conduite de M. Pizzoli par rapport à l'affaire du brick "*le Miltiade*," et comme il va se rendre bientôt en Grèce en vertu d'un congé qu'il a obtenu à cet effet depuis quelque tems, les autorités Ioniennes ne seront pas en attendant en relation avec M. Pizzoli pendant l'absence de ce fonctionnaire de son poste.

Agréez, &c.

(Signé)

A. PAICOS.

*Monsieur le Chevalier Edmund Lyons,*  
&c. &c. &c.

(Translation.)

SIR,

*Athens, 18th (30th) April, 1841.*

I HAVE had the honour to receive your Letter of the 13th instant, together with the documents annexed to it. The Government of the King will



make a point of investigating the conduct of M. Pezzoli relative to the affair of the brig "*Miltiades*," and as he will soon be in Greece upon leave that he obtained for the purpose some time since, the Ionian authorities will not, in the mean time, communicate with M. Pezzoli during the absence of that functionary from his post.

Accept, &c.

(Signed) A. PAICOS.

*Sir Edmund Lyons,*  
&c. &c.

No. 67.

*Viscount Palmerston to Sir E. Lyons.*

SIR,

*Foreign Office, June 10, 1841.*

I HAVE received your Despatch of the 22nd of April, 1841, transmitting a Copy and Translation of a law recently published in Greece against Slave Trade; and a copy of a Note from the Greek Minister, expressing the hope of the Greek Government that British Agents will be instructed to render their assistance for furthering the execution of that law. And I have to desire that, in reply, you will express to the Government of the King of Greece the hope of Her Majesty's Government that this law will be faithfully executed; and that you will instruct all British Consular Agents in Greece to give their best assistance towards carrying it into effect.

I am, &c.

(Signed) PALMERSTON.

*Sir Edmund Lyons,*  
&c. &c.

No. 68.

*M. Tricoupi to Viscount Palmerston.*

*16, Park Square East, ce 7 (19) Juin, 1841.*

*(Received June 21.)*

MY LORD,

D'APRES les instructions qui m'ont été adressées d'Athènes, je me fais un devoir de transmettre ci-joint à votre Excellence copie d'une loi promulguée dans le mois de Mars dernier en Grèce, qui confirme la prohibition de la traite des noirs, et inflige des peines à ceux des marins Grecs qui se livreraient à ce trafic infamant.

Le concours des autorités étrangères étant réclamé par les articles 4 et 9 de cette loi, en cas d'absence de Consuls Helléniques, je prie votre Excellence de vouloir bien faire prendre par qui de droit les mesures nécessaires, afin que les vues philanthropiques du Gouvernement du Roi puissent être convenablement secondées.

Je saisis, &c.

(Signé) S. TRICOUPI.

*A son Excellence Lord Palmerston,*  
&c. &c. &c.

(Translation.)

MY LORD,

ACCORDING to instructions which have been addressed to me from Athens, I transmit herewith to your Excellency a copy of a law promulgated in Greece in the month of March last, which confirms the prohibition of the Slave Trade, and inflicts punishment on those Greek mariners who shall engage in this degrading traffic.

The assistance of foreign authorities being asked by the 4th and 9th articles of this law, in case of the absence of the Greek Consuls, I beg your Excellency to cause the proper persons to take the necessary measures, in order that

the philanthropic measures of His Majesty's Government may be properly seconded.

I take, &c.,  
(Signed) S. TRICOUP1.

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

Enclosure in No. 68.

Law of the 1 (13) March, 1841.

(See page 49.)

No. 69.

*Sir E. Lyons to Viscount Palmerston.*

*Athens, June 8, 1841.*  
(Received July 5.)

MY LORD,

I HAVE the honour to transmit to your Lordship a copy of a letter which I have addressed to M. Païcos, in obedience to the instructions contained in your Lordship's Despatch of April 20, 1841, expressing the hope of Her Majesty's Government that the Greek Government would follow up the edicts it proposed to issue against Slave Trade by vigorous execution, and make an example of the parties guilty of such disgraceful practices.

I have also the honour to transmit to your Lordship a copy of a note, in which, in obedience to the instructions contained in your Lordship's Despatch of the 11th ultimo, I have sent to M. Païcos a copy of the Circular addressed by your Lordship to British functionaries in slave-holding countries, on the impropriety of their being concerned in holding or dealing in slaves, and have suggested the propriety of similar instructions being given to Greek functionaries in those countries.

I have, &c.,  
(Signed) EDMUND LYONS.

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

First Enclosure in No. 69.

*Sir E. Lyons to M. Païcos.*

*Athens, June 7, 1841.*

MONSIEUR LE SECRETAIRE D'ÉTAT,

HER MAJESTY'S Government have had under their consideration the answer which you did me the honour, on the 21st of January last, to return to the representations which I had addressed to you, by order of Her Majesty's Government, respecting the Slave Trade carried on under the Greek flag; and in reply to the intimation contained in the above-mentioned answer that His Hellenic Majesty's Government had prepared a project of law, prohibiting the Slave Trade of Greece, I am instructed by Viscount Palmerston to state that Her Majesty's Government regret that they cannot consider the mere issuing of edicts as by any means sufficient to rescue the Greek name from the reproach attaching to the prevalence of Slave Trade under the flag of Greece, but that Her Majesty's Government trust that the edicts so issued will be followed up by vigorous execution, and that an example will be made of the parties who are guilty of these disgraceful practices.

I have, &c.,  
(Signed) EDMUND LYONS.

*Monsieur Païcos,*  
&c. &c.

Second Enclosure in No. 69.

*Sir E. Lyons to M. Paicos.*

MONSIEUR LE SECRETAIRE D'ETAT,

*Athens, June 8, 1841.*

HER MAJESTY'S Government has been informed that persons appointed by European Governments to reside as Ministers, or Consuls, or agents in slave-holding countries, are sometimes in the habit of hiring and maintaining slaves, and of engaging in undertakings in which slave property is concerned.

As by such practices the functionaries in question give an indirect sanction to slavery, and appear to countenance measures which tend to create a demand for slaves, Her Majesty's Government has addressed to all British functionaries in slave-holding countries the circular letter, of which, with its enclosure, I do myself the honour to transmit to you copies herewith; and as Her Majesty's Government think it very important that the opinion of the Greek Government should be expressed upon this subject in such a manner as to afford additional discouragement to the Slave Trade, Her Majesty's Government think that much good would be effected in this respect if the Greek Government would address to its agents in slave-holding countries instructions similar to those contained in the enclosed circular; and I have, therefore, the honour, in obedience to instructions from Viscount Palmerston, Her Majesty's Principal Secretary of State for Foreign Affairs, to address this note to the Greek Government, for the purpose of engaging them to do so.

I have, &amp;c.

*Monsieur Paicos,*  
&c. &c.

(Signed) EDMUND LYONS.

No. 70.

*Viscount Palmerston to M. Tricoupi.*

SIR,

*Foreign Office, July 7, 1841.*

I HAVE received your letter of the 19th ultimo, enclosing a translation of a law promulgated by the Greek Government against the Slave Trade, and requesting that British agents may be instructed to assist in carrying it into effect; and I have, in reply, to acquaint you that Her Majesty's Consuls in the Mediterranean Seas and throughout the Levant will be instructed to give their best assistance for this purpose.

I am, &amp;c.

*Monsieur Tricoupi,*  
&c. &c.

(Signed) PALMERSTON.

No. 71.

*Sir E. Lyons to Viscount Palmerston.**Athens, June 12, 1841.*

MY LORD,

*(Received August 9.)*

WITH reference to my Despatches of this year, dated the 22nd of March and the 10th of May, I have the honour to transmit to your Lordship a copy of a letter from M. Paicos to me, as well as a copy of a letter enclosed in it, in which M. Pezzoli, the Greek Vice-Consul at Corfu, explains the assertions relative to the treatment of the negroes on board the Greek brig "*Miltiades*," which had given offence to the Ionian authorities.

I have also the honour to transmit a copy of a letter, in which I informed M. Paicos, that, as M. Pezzoli had also addressed a communication to the Lord High Commissioner's secretary, declaring that he had no intention to offend the authorities in Cephalonia, or to impugn the correctness of their statements, I was authorised to state that the Ionian Government had no desire to pursue the matter further.

I have, &amp;c.

(Signed) EDMUND LYONS.

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

First Enclosure in No. 71.

*M. Pacos to Sir E. Lyons.*

MONSIEUR LE CHEVALIER,

*Athènes, ce 10 (22) Mai, 1841.*

J'AI eu l'honneur de vous annoncer par ma lettre en date du 18 (30) Avril que le Vice-Consul du Roi à Corfu, M. Pezzoli, devait bientôt se rendre à Athènes en vertu d'un congé qui lui avait été accordé, et que le Ministère aurait ainsi l'occasion de l'appeler à donner, autant verbalement que par écrit, tous les éclaircissemens nécessaires sur la circonstance qui a pû donner lieu à quelquemécontentement contre lui de la part des autorités Ioniennes.

A son arrivé à Athènes, M. Pezzoli a appris avec surprise que sa conduite dans l'affaire du "*Miltiade*" avait pû être mal interprétée, et s'est empressé de déclarer qu'il n'a jamais été dans son intention de mettre en doute l'exactitude et la véracité des rapports du resident de Sa Majesté Britannique à Cephalonie.

J'ai l'honneur de vous communiquer ci-joint copie de la lettre que M. Pezzoli vient de m'adresser à ce sujet, et je suis persuadé que les explications qu'elle contient sont de nature à éclaircir tout mal-entendu et à faire disparaître en effet tout sujet de mécontentement de la part des autorités Ioniennes envers ce fonctionnaire.

Agréez, &amp;c.

(Signé) A. PAICOS.

*Monsieur le Chevalier Edmund Lyons,*  
 &c.            &c.            &c.

(Translation.)

SIR,

*Athens, May 10 (22), 1841.*

I HAD the honour to acquaint you in my Letter of the 18th (30th) of April, that His Majesty's Vice-Consul at Corfu, M. Pezzoli, was expected soon at Athens, upon leave which had been granted him, and that the Government would then take occasion to call upon him to give, both verbally and in writing, every necessary explanation as to the circumstance that can have occasioned dissatisfaction towards him on the part of the Ionian authorities.

On his arrival at Athens, M. Pezzoli learnt, with surprise, that his conduct in the affair of the "*Miltiades*" had been misconstrued, and hastened to declare that it had never been his intention to cast a doubt upon the correctness or truth of the reports of Her Britannic Majesty's Resident at Cephalonie.

I have the honour to send herewith a copy of the letter which M. Pezzoli has just addressed to me on the subject, and I am persuaded that the explanations it contains are such as to clear up all misunderstanding, and to dispel, in fact, all subject of dissatisfaction on the part of the Ionian authorities towards this functionary.

Accept, &amp;c.

(Signed) A. PAICOS.

*Sir Edmund Lyons,*  
 &c.            &c.

Second Enclosure in No. 71.

*M. Pezzoli to M. Paicos.*

MONSEIGNEUR,

*Athènes, ce 3 (15) Mai, 1841.*

EN réponse à la Dépêche ministérielle en date de ce jour, par laquelle je suis invité à m'expliquer clairement sur les expressions de ma lettre du 18 (30) Janvier passé, à l'égard des nègres trouvés à bord du brick Grec "*Miltiade*," et pour lesquelles le Gouvernement Ionien a manifesté son mécontentement, je déclare positivement que dans tout le contenu de la lettre susmentionnée, il n'y a eu de ma part la moindre intention ni de mettre en doute l'exactitude et la véracité des rapports de l'honorable Résident de Cephalonie, et des autres autorités de cette île, dans la circonstance dont elle concerne, ni

CLASS D.

celle de détourner d'aucune manière la vérité. D'ailleurs les examens faits aux passagers qui se trouvaient à bord du brick, confirmés par moi, expliquent les faits assez clairement pour rendre impossible même le voulant de les couvrir en leur donnant un différent aspect. Par les expressions qui se trouvent dans ma dite lettre, "*liberi, sciolti, e ben trattati*," j'ai entendu expliquer que les nègres, du moment où ils se trouvèrent à bord du brick "*Miltiade*" ne furent point tenus en chaîne et battus durant la traversée, ainsi qu'il avait été d'abord déclaré le contraire par deux passagers Français embarqués à Tunis, qui avaient eu querelle avec le propriétaire du navire pendant le voyage, et que les dépositions des autres passagers, au nombre de 25 ou 30, ont ensuite désavoués : l'expression "*ben trattati*" est relative à leur condition. Je n'ai non plus eu l'intention de couvrir la conduite condamnable du capitaine. La faute grave de s'être prêté au transport d'esclaves était assez évidemment prouvée par les dites déclarations, et la plainte que j'ai portée contre lui au royal Ministère justifie ma conduite à l'égard des infractions qu'il avait commises aux lois maritimes.

Je déclare en outre positivement que dans toutes mes démarches je n'ai point eu la moindre idée d'offenser la délicatesse des autorités Ioniennes, pour lesquelles je professe toute l'estime et le respect bien mérités, et il m'est bien pénible d'apprendre que l'on ait pu donner lieu à des doutes sur mes sentimens à leur égard ; et même pour en mieux donner toute l'assurance je me propose de faire parvenir de ma part aussi directement à son Excellence le Lord Haut Commissaire, mes explications en adressant à l'Honorable M. Fraser, secrétaire de son Excellence, la lettre dont j'ai l'honneur de soumettre ci-jointe copie à votre Excellence.

Dans l'espoir que les explications que je viens de soumettre à votre Excellence seront suffisantes pour éclaircir tout mal-entendu, et pour faire disparaître tout sujet de mécontentement de la part des autorités Ioniennes, ce que je désire bien sincèrement,

Je suis, &c.

(Signé) V. PEZZOLI, *Vice-Consul*.

*Son Excellence Monsieur A. Païcos,*  
&c.                    &c.                    &c.

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(Translation.)

MY LORD,

*Athens, May 3 (15), 1841.*

IN reply to a ministerial Despatch dated yesterday, by which I am called upon to explain clearly the expressions contained in my letter of the 18th (30th) of January, on the subject of the negroes found on board the Greek brig "*Miltiades*," and respecting which the Ionian Government has stated its dissatisfaction, I positively declare that, in the whole contents of the above-mentioned letter, I had not the least intention either to throw a doubt upon the exactness or veracity of the reports of the honourable Resident of Cephalonia, and the other authorities of that island, as to the circumstance to which it relates, or to disguise the truth in any manner whatever. Moreover, the examinations of the passengers who were on board the brig, and which were confirmed by me, explain the facts with sufficient clearness to prevent even a desire to conceal them by giving them a different aspect. By the expressions in my before-mentioned letter, viz., "*liberi, sciolti, e ben trattati*," I meant to say that the negroes, from the moment they were on board the brig "*Miltiades*," were not kept in chains and flogged on the passage, as the contrary had been declared by two French passengers who embarked at Tunis, and had quarrelled with the owner of the vessel on the voyage, which depositions the other passengers, to the number of 25 or 30, afterwards disavowed : the expression "*ben trattati*" is relative to their condition. Neither was it my intention to conceal the culpable conduct of the captain. The serious charge of assisting in the transport of slaves was sufficiently proved by the said declarations ; and the complaint I made against him to the Government will justify my conduct as to the infractions he had committed of the maritime laws.

I moreover positively declare, that in all my dealings I have never had the least idea of offending the delicacy of the Ionian authorities, for whom I profess all the esteem and respect they well deserve, and it is very painful to me to

learn that any doubts should have arisen as to my sentiments on this point ; and in order to make the matter still more certain, I propose moreover to send direct to his Excellency the Lord High Commissioner my explanations in a letter to the Honourable Mr. Fraser, his Excellency's secretary, of which I have the honour to submit herewith a copy to your Excellency.

In the hope that the explanations I now submit to your Excellency will suffice to explain away all misunderstandings, and to dispel all cause of dissatisfaction on the part of the Ionian authorities, which I most sincerely desire,

I have, &c.,

(Signed)

V. PEZZOLI, *Vice-Consul.*

*His Excellency Monsieur A. Païcos,*  
&c. &c. &c.

Third Enclosure in No. 71.

*Sir E. Lyons to M. Païcos.*

MONSIEUR LE SECRETAIRE D'ETAT,

*Athens, June 11, 1841.*

I LOST no time in forwarding to Her Majesty's Lord High Commissioner in the Ionian Islands, copies of the Letter which you did me the honour to address to me on the 22nd ultimo, and of the Letter enclosed in it, in which Mr. Pizzoli explains the assertion relative to the treatment of the negroes on board the Greek brig "*Miltiades*," which had given offence to the Ionian authorities.

The Lord High Commissioner states to me in reply, that as Mr. Pizzoli has likewise addressed a communication to his Excellency's secretary, declaring that he had no intention to offend the authorities in Cephalonia, or to impugn the correctness of their statements, the Ionian Government has no desire to pursue the matter further.

I have, &c.

(Signed)

EDMUND LYONS

*Monsieur Païcos,*  
&c. &c.

No. 72.

*Sir E. Lyons to Viscount Palmerston.*

*Athens, June 19, 1841.*

*(Received August 9.)*

MY LORD,

I HAVE the honour to enclose to your Lordship a copy of the answer of M. Païcos to the Note dated on the 8th instant, in which, in obedience to the instruction contained in your Lordship's Despatch of the 11th ultimo, I invited the Greek Government to issue instructions to Greek functionaries in slave-holding countries similar to those contained in the Circular addressed by your Lordship to British functionaries in those countries.

I have, &c.

(Signed)

EDMUND LYONS.

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

Enclosure in No. 72.

*M. Païcos to Sir E. Lyons.*

MONSIEUR LE CHEVALIER,

*Athènes, ce 6 (18) Juin, 1841.*

J'AI eu l'honneur de recevoir la Lettre d'office que vous m'avez écrite en date du 8 Juin, N. S., pour me communiquer copie de la Circulaire que le Gouvernement de Sa Majesté Britannique a cru convenable d'adresser à quelques uns de ses employés relativement à la question de l'esclavage, et pour engager celui du Roi à agir de la sorte.

En vous remerciant de cette communication, je suis bien aise de pouvoir en même tems vous assurer, Monsieur le Chevalier, que non seulement le Gouverne-

ment Royal a déjà émis, concernant la prohibition de l'esclavage, une loi, portant une forte sanction pénale, mais il a déjà appelé, par une Circulaire, toute l'attention de ses fonctionnaires à l'étranger.

Agréez, &c.  
(Signed) A. PAICOS.

*Monsieur le Chevalier Edmund Lyons,*  
&c. &c. &c.

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(Translation.)

SIR,

*Athens, 6 (18) June, 1841.*

I HAVE had the honour to receive the Official Letter which you addressed to me on the 8th of June, N. S., in order to communicate to me a copy of the Circular, which Her Britannic Majesty's Government has thought proper to address to some of its employés, relative to the question of slavery, and to induce that of my Sovereign to do the like.

In thanking you for that communication I am very glad to be able at the same time to assure you, that not only has the Royal Government passed a law concerning the prohibition of slavery, which is subject to a heavy penalty, but has already, by means of a Circular, called all the attention of its functionaries abroad to the subject.

Accept, &c.

*Sir Edmund Lyons,*  
&c. &c.

(Signed) A. PAICOS.

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No. 73.

*Sir E. Lyons to Viscount Palmerston.*

MY LORD,

*Athens, August 13, 1841.*

I HAD the honour to receive your Lordship's Despatch of the 10th of June on the 8th instant, and in obedience to the instructions contained in it, I have addressed a Note to the Greek Government (a copy of which is enclosed) expressing the hope of Her Majesty's Government, that the law lately published in Greece against Slave Trade will be faithfully executed, and I have desired all British Consular Agents in this country to give their best assistance towards carrying it into effect.

I have the honour to transmit to your Lordship herewith No. 26 of the Government newspaper, which contains a Circular on this subject, issued by the Departments of Justice and of the Marine.

I have, &c.

(Signed)

EDMUND LYONS.

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

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First Enclosure in No. 73.

*Sir E. Lyons to M. Mavrocordato.*

*Athens, August 13, 1841.*

MONSIEUR LE PRESIDENT,

HER MAJESTY'S Government having had under their consideration the law lately published in Greece against Slave Trade, as well as M. Paicos' Letter to me of the 24th of April, expressing the hope of His Hellenic Majesty's Government that British agents would be instructed to render their assistance for furthering the execution of it, I am desired to express to the Government of the King of Greece the hope of Her Majesty's Government that the law will be faithfully executed, and also to instruct all British Consular Agents in Greece to give their best assistance towards carrying it into effect.

I have, &c.

(Signed)

EDMUND LYONS.

*His Excellency Monsieur A. Mavrocordato,*  
&c. &c. &c.

## Second Enclosure in No. 73.

*Instructions aux Marins, explicatoires de la loi sur la Traite ou Commerce des Esclaves.*

*Ministres de la Justice et de la Marine,  
Athènes, le 18 (30) Juillet, 1841.*

QUOIQUE, par la déclaration qui proclame libre tout homme qui foule le sol Hellénique, l'esclavage se trouve aboli dans le royaume, et quoique le commerce des esclaves y ait été interdit, il a existé jusque dans ces derniers tems les hommes qui, en vue d'un gain sordide, et au mépris des sentimens les plus honorables, se sont livrés au trafic de la traite: le Gouvernement, voulant anéantir définitivement ce honteux commerce, a rendu la loi du 1<sup>er</sup> (13) Mars, 1841, qui condamne non seulement quiconque prendra part à la traite, mais encore quiconque aidera par son concours au transport des esclaves d'un pays à un autre, à des peines proportionnées à sa culpabilité; voulant ainsi contraindre, par une pénalité expresse, tous ceux qu'une simple interdiction n'y a pas décidé à abandonner cet inhumain trafic. L'intention de cette loi, qui a été publiée par le N<sup>o</sup> 7 du journal officiel de cette année, est :

1<sup>o</sup>. D'éloigner tout sujet Hellénique de prendre une part quelconque à la Traite ou commerce des esclaves.

2<sup>o</sup>. Attendu que la traite s'opère habituellement au moyen du transport par mer des esclaves d'un pays à un autre où l'esclavage est toléré, d'empêcher tout navire Grec de s'employer à ce transport.

3<sup>o</sup>. Attendu qu'en outre le simple transport d'esclaves non destinés à être revendus, mais seulement à appartenir à un autre maître, concourt aussi à la perpétuation de l'esclavage, cette loi a voulu aussi interdire ce transport aux navires Grecs.

La loi punit non seulement l'acte accompli de la traite c'est à dire l'achat, la vente, ou le transport des esclaves, mais encore le fait seul de leur réception à bord des navires. Ainsi tout capitaine, qui sans y être contraint par des circonstances indépendantes de la volonté, consentira à recevoir à son bord, pour les transporter ailleurs, des hommes destinés à l'esclavage, sera puni comme le marchand même, sauf que les peines seront plus légères à son égard.

La loi punit tout sujet Hellénique selon le degré de complicité dont il sera reconnu coupable, dans l'un des cas sus-mentionnés. Mais elle concerne surtout les navires et les marins, attendu qu'ils sont les organes ordinaires de la traite et du transport des esclaves. Le capitaine, le propriétaire, et jusqu'au dernier homme de l'équipage d'un navire, en tant qu'ayant volontairement contribué à la traite, sont punis par les travaux forcés, l'emprisonnement, et l'amende. Quant aux capitaines et propriétaires de navires, ils sont en outre privés à perpétuité du droit de commander un navire. Toutefois la législature, sévère à l'égard de ceux qui ont persisté dans la contravention à la loi, se montre indulgent à l'égard de ceux qui, momentanément entraînés, se sont repentis à tems, et ont par suite de leur repentir empêché l'accomplissement de l'acte de la traite. Le capitaine seul, en tant que plus capable que les autres d'apprécier la gravité de l'acte qu'il accomplit, n'a pas droit à cette indulgence. Aussi doit il non seulement refuser de prendre aucune part à la traite, mais encore en éloigner tous ceux qui servent sous ses ordres. Tous les autres individus faisant partie de l'équipage sont admissibles à réclamer l'indulgence de la loi pour s'être repentis à tems, circonstance que la loi détermine de la manière suivante :—

1<sup>o</sup>. Toutes les fois qu'avant le départ du port où le navire aura embarqué les esclaves ou aura conclu pour leur embarquement, on aura dénoncé ce dont on aura eu connaissance au sujet de la traite à l'autorité consulaire Hellénique.

Si dans le pays ne se trouve point d'autorité consulaire Hellénique, cette dénonciation a la même valeur ayant été faite au consulat d'une autre puissance reprochant aussi le commerce de la traite, particulièrement aux consulats d'Angleterre, de France, de Russie, d'Autriche, de Prusse, et des Etats-Unis d'Amérique.

2<sup>o</sup>. Quand, n'ayant pu, par suite d'un empêchement supérieur, faire la dénonciation dans le port de départ, l'aura faite au commandant du bâtiment de guerre qui visitera le premier le navire portant les esclaves.



3°. Quand il n'aura pas été possible de faire la dénonciation dans le port de départ, et qu'aucune visite par un bâtiment de guerre n'aura eu lieu pendant le trajet, elle pourra être faite aux autorités consulaires du premier port où le navire faisant la traite touchera.

Si la dénonciation n'a lieu qu'après le débarquement des esclaves, le dénonciateur évite aussi les poursuites, en tant qu'il n'est pas prouvé qu'il aurait pu dénoncer avant le débarquement et qu'il a négligé de le faire.

Ceux qui feront les dénonciations à tems, et selon les circonstances ci-dessus mentionnées, non seulement seront libérés de toute poursuite, mais jouiront encore des avantages suivans :

Leurs obligations envers le capitaine cessent d'être en vigueur, et ils ne sont point tenus de servir à son bord jusqu'au terme de leur engagement, en outre ils conservent le droit de recevoir, non seulement leur solde tout entière, comme si le voyage était fini, mais encore les moyens de rentrer en Grèce, s'ils se trouvent à l'étranger quand ils dénonceront la traite.

Le refus des capitaines à se conformer à ces obligations n'est pas à craindre. Les Consuls, qui sont obligés par la loi à fournir aux marins tout concours et toute protection, seront toujours prêts à accorder aide à quiconque le réclamera d'eux, et à s'occuper activement de l'exécution des volontés de la loi.

La loi, ainsi qu'il a été dit plus haut, interdit et punit, non seulement le commerce de la traite, mais encore le simple transport des esclaves; et dans ce second cas admet aussi le repentir, et concède la même impunité et les mêmes avantages que dans le premier cas aux dénonciateurs du fait de transport d'esclaves. Le tems, le mode, et toutes les circonstances de la dénonciation sont les mêmes ici que lorsqu'il s'agit de la traite proprement dite.

Tel est le but et telles sont les dispositions de la loi qui interdit le commerce des esclaves. Est condamné et puni toute part prise soit à l'achat, soit à la vente des esclaves, ainsi que tout transport d'esclaves effectué par des navires Grecs, soit en vue d'un gain, soit en vue de favoriser le maintien de l'esclavage.

Dans un cas seulement le transport des esclaves demeure impuni, c'est quand il a pour but leur mise en liberté, ainsi que l'exprime l'article 6 de la loi. Mais dans le cas où un capitaine aura acheté ou embarqué des esclaves à son bord, dans l'intention de les affranchir, il ne suffit pas qu'il allègue cette intention, pour éviter les poursuites; si son navire est trouvé portant des esclaves, il est tenu selon la loi de prouver que tel était réellement son but.

La déposition et l'aveu de ceux qui transportent les esclaves peuvent en certains cas servir de preuves, mais la plus certaine de toutes les mesures à prendre pour éviter les poursuites est :

1°. Que le capitaine informe de son projet, et avant son départ l'autorité consulaire dans le port où il opérera l'embarquement des esclaves, et qu'il en reçoive une copie officielle de sa déclaration, qu'il possédera à son bord pour sa justification.

2°. Qu'il reçoive de l'autorité locale du lieu où il mettra les esclaves en liberté, ou, si c'est en pays étranger, de l'autorité consulaire, un certificat de l'accomplissement de cet acte philanthropique. C'est ainsi qu'il peut éviter le danger d'être poursuivi, danger d'autant plus imminent que, selon l'esprit de la loi, le seul fait de la présence des esclaves dans un navire est un motif suffisant de poursuites, qui ne se dégage de son caractère criminel que lorsque le prevenu peut prouver sa bonne intention.

L. MELAS, *le Ministre de la Justice.*  
KRIESIS, *le Ministre de la Marine.*

(Translation.)

*Instructions to Shipmasters and others, explanatory of the Law against Slave Trade.*

*Departments of Justice and Marine,  
Athens, 18th (30) July, 1841.*

ALTHOUGH slavery is abolished throughout the kingdom by the declaration which proclaims every man who touches Grecian soil to be free, and although the trade in slaves is interdicted, there have been found men up to the latest period, who, tempted by sordid gain, and in contempt of the most honourable

sentiments, have abandoned themselves to the pursuit of that trade. The Government, desirous of completely abolishing this disgraceful traffic, has passed the law of the 1st (13th) March, 1841, which condemns not only all who engage in the trade, but, moreover, all who may give assistance in the transport of slaves from one country to another, to penalties proportioned to their culpability; wishing thus to compel, by an express penalty, those who, by a simple interdiction, had not been decided to abandon this inhuman traffic. The intention of this law, which was published in No. 7 of the Official Journal of this year, is:—

1st. To deter all Greek subjects from engaging in any manner whatever in the Slave Trade.

2nd. Considering that the trade is commonly carried on by means of the transport by sea of slaves from one country to another where slavery is tolerated, to prevent all Greek vessels from engaging in such transport.

3rd. Considering, moreover, that the simple transport of slaves, not destined to be resold, but only to belong to another master, tends also to the perpetuation of slavery, this law is intended likewise to interdict such transport in Greek vessels.

The law punishes not only the actual fact of slave trading, that is to say, the purchase, sale, or transport of slaves, but also the simple fact of their reception on board ship. Moreover, any captain who, without being compelled by circumstances independent of will, shall consent to receive on board his vessel, for transport, persons destined for slavery, will be punished as well as the dealer himself, excepting that the penalties in his case will be lighter.

The law punishes all Greek subjects according to the degree of complicity of which they shall be found to be guilty, in any of the cases above-mentioned. But it applies above all to shipping and crews of vessels, as being the usual organs of the Slave Trade and of the transport of slaves. The captain, the owner, and even the lowest man of the crew of a ship, having voluntarily assisted in the trade, will be punished by forced labour, imprisonment, and fine. As regards the captains and owners of vessels, they will be, moreover, deprived for ever of the right of commanding a vessel. Nevertheless the legislature, severe against those who have persisted in the contravention of the law, is indulgent to such as, momentarily carried away, have repented betimes, and, in consequence of their repentance, have prevented the accomplishment of the act of slave trading. The captain only, as being more capable than the others of judging of the gravity of the act he commits, has no right to such indulgence. Moreover, he should not only refuse to engage in any way in the trade, but should likewise deter all who serve under his orders. All the other individuals forming part of the crew have a claim upon the indulgence of the law, if repenting in time, a circumstance which the law determines in the following manner:—

1st. Whenever previously to the departure from a port where the vessel shall have embarked slaves, or shall have engaged to embark them, they shall denounce whatever they know relative to the trade, to the Greek consular authority.

In case there be no Greek consular authority in the country, such denunciation will be of equal value if made to the Consulate of any other power by which the Slave Trade is reprobated, particularly those of England, France, Russia, Austria, Prussia, and the United States of America.

2nd. Whenever, it having been impossible, owing to difficulties interposed by superiors, to make the denunciation at the port of departure, it shall have been made to the commander of the vessel of war who shall first visit the vessel carrying slaves.

3rd. Whenever it shall not have been possible to make the denunciation at the port of departure, and no visit by a vessel of war shall have taken place during the passage, it can be made to the consular authorities of the first port at which the slave-trading vessel may touch.

In case the denunciation only takes place after the landing of the slaves, the denunciator avoids prosecution, inasmuch as it is not proved that he could have denounced before the landing, and that he neglected to do so.

Such persons as shall make denunciations in time, and under the circumstances above-mentioned, will not only be relieved from all prosecution, but will, moreover, enjoy the following advantages:—

Their engagements with the captain cease to be binding, and they are not bound to serve on board until the end of their engagement, besides which they

reserve the right of receiving, not only their wages without reduction, as if the voyage were finished, but, moreover, the means of returning to Greece, in case they be in a foreign country on making the denunciation.

The refusal of captains to conform to these obligations is not to be feared. The consuls, who are obliged by law to render every assistance and protection to seamen, will be always ready to give such assistance to whoever may claim it of them, and to engage actively in the execution of the intentions of the law.

The law, as above stated, interdicts and punishes not only the Slave Trade, but, moreover, the simple transport of slaves; and in this last case admits also of repentance, and concedes the same impunity and the same advantages as in the first case to the denunciators of the fact of the transport of slaves. The time, the manner, and all the circumstances of the denunciation, are the same in these cases as in that of the Slave Trade itself.

Such is the object and such are the provisions of the law which interdicts the trade in slaves. All persons taking part either in the purchase or sale of slaves are by it condemned and punished, as well as all transport of slaves in Greek vessels, either for purposes of gain or of favouring the continuance of slavery.

In one case only the transport of slaves is unpunishable—namely, when the object is to place them at liberty, as expressed in the 6th Article of the law. But in case of a captain purchasing or shipping slaves on board his vessel, with the intention of liberating them, it is not sufficient that he allege such intention, in order to avoid prosecution. If his vessel is found with slaves on board, he is bound by law to prove that such was really his object.

The deposition and avowal of those who transport slaves may, in certain cases, serve as proof; but the most certain of all the steps to be taken to avoid prosecution is—

1st. For the captain to give information of his project, previously to his departure, to the Consular authority at the port where the embarkation of slaves shall take place; and to receive an official copy of his declaration, which he shall keep on board for his justification.

2nd. That he receive from the local authority of the place where he shall set the slaves at liberty, or, if in a foreign country, from the Consular authority, a certificate of the accomplishment of such philanthropic act.

By these means he may avoid the danger of prosecution—a danger the more imminent, as, according to the spirit of the law, the simple fact of the presence of slaves on board a vessel is sufficient motive for prosecution; and will not lose its criminal character until the accused can furnish proof of his good intention.

(Signed) L. MELAS, *Minister of Justice.*  
KRIESIS, *Minister of Marine.*

No. 74.

*Viscount Palmerston to Sir E. Lyons.*

SIR,

*Foreign Office, August 26, 1841.*

I HAVE received your Despatch of the 19th of June, 1841, enclosing a copy of the reply returned by M. Païcos to the note which you addressed to the Greek Government, inviting them to issue instructions to their functionaries in slave-holding countries, prohibiting them from being, directly or indirectly, interested in slave property.

I have to instruct you to present a note to M. Païcos, pointing out that this answer entirely evades the request made by Her Majesty's Government; and you will state that you are instructed to repeat that request, and to express the earnest hope of Her Majesty's Government that the Government of Greece will not object to do what Her Majesty's Government thus asks, and which has been consented to by the Governments of Belgium, Hanover, Naples, Portugal, Sardinia, and Sweden.

I am, &c.

(Signed) PALMERSTON.

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

No. 75.

*Sir E. Lyons to the Earl of Aberdeen.**Athens, September 21, 1841.**(Received October 14.)*

MY LORD,

I HAVE the honour to transmit to your Lordship a copy of a Note, in which, in pursuance of the instructions contained in Viscount Palmerston's Despatch to me of the 26th of August, I pointed out to the Greek Government the evasive nature of its reply to the request which I had made to it, by his Lordship's desire, that it would prohibit its functionaries in slave-holding countries from being interested in slave property; and renewed that request on the part of Her Majesty's Government.

I have, &amp;c.

(Signed)

EDMUND LYONS.

*The Right Hon. Earl of Aberdeen, K.T.,*  
 &c. &c. &c.

Enclosure in No. 75.

*Sir E. Lyons to M. Rizo.**Athens, September 20, 1841.*

MONSIEUR LE SECRETAIRE D'ETAT,

I HAVE communicated to Her Majesty's Government the reply which M. Païcos did me the honour, on the 6th (18th) of June, to return to the note which I addressed to His Hellenic Majesty's Government on the 8th of June, requesting it to issue instructions to its functionaries in slave-holding countries, prohibiting them from being, directly or indirectly, interested in slave property. I am desired to point out to His Hellenic Majesty's Government that this answer entirely evades the request made by Her Majesty's Government, and to state that I am instructed to repeat that request, and to express the earnest hope of Her Majesty's Government that the Government of Greece will not object to do what Her Majesty's Government thus asks, and which has been consented to by the Governments of Belgium, Hanover, Naples, Portugal, Sardinia, and Sweden.

I have, &amp;c.

(Signed)

EDMUND LYONS.

*Monsieur Rizo,*  
 &c. &c.

No. 76.

*The Earl of Aberdeen to Sir E. Lyons.**Foreign Office, October 30, 1841.*

Circular sending Papers presented to Parliament.

(See No. 10.)

No. 77.

*The Earl of Aberdeen to M. Tricoupi.**Foreign Office, November 12, 1841.*

Circular sending Papers presented to Parliament.

(See No. 11.)

No. 78.

*The Earl of Aberdeen to Sir E. Lyons.**Foreign Office, December 27, 1841.*

Circular asking for all Laws on Slave Trade.

(See No. 14.)

GREECE. (*Consular.*)

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No. 79.

*Viscount Palmerston to British Consuls and Vice-Consuls.*

Circular as to carrying into effect the Greek Law against Slave Trade.

(See No. 44, p. 18.)

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No. 80.

*Mr. Green to Viscount Palmerston.*

*British Consulate, the Piræus, September 6, 1841.*

*(Received October 11.)*

MY LORD,

I HAVE the honour to acknowledge receipt of your Lordship's Despatch dated the 31st of July, together with its two Enclosures, which have my full attention.

I have, &c.

(Signed)

JOHN GREEN.

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

&c.

&c.

&c.

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MOROCCO. (*Consular.*)

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No. 81.

*Viscount Palmerston to British Consul and Vice-Consul.*

*Foreign Office, May 3, 1841.*

Circular on holding or being interested in Slave Property.

(See No. 43.)

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No. 82.

*Mr. T. R. Drummond Hay to Viscount Palmerston.*

*British Consulate-General, Tangier, May 31, 1841.*

(Received June 14.)

MY LORD,

I HAVE the honour to acknowledge receipt of your Lordship's Despatch of the 8th instant, and shall forward, according to your Lordship's instructions, a copy of the Memorial from the General Anti-Slavery Convention to the British Vice-Consuls in this country.

I have, &c.

(Signed)

T. R. DRUMMOND HAY,

*Acting Consul-General.*

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

&c.

&c.

&c.

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No. 83.

*Viscount Palmerston to British Consuls and Vice-Consuls.*

*Foreign Office, July 31, 1841.*

Circular instruction, as to execution of the Greek Law against Slave Trade.

(See No. 44.)

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No. 84.

*Mr. Consul-General Hay to Viscount Palmerston.*

*British Consulate-General, Tangier,*

*August 18, 1841.*

MY LORD,

I HAVE the honour to acknowledge receipt of your Lordship's Despatch, dated the 31st ultimo, which conveys to me copies in triplicate of a letter from the Greek Minister at the Court of London, accompanying a translation of a law promulgated by the King of Greece on the 13th of last March, prohibiting the trade in slaves and assigning penalties for offences committed in contravention of that law. I have received therewith also, in triplicate, a copy of a Despatch and its enclosures from Her Majesty's Minister in Greece, upon the same subject.

I shall not fail to give my best assistance, as called on by your Lordship, towards carrying the said law into effect, if ever an occasion present itself; and, according to your Lordship's instruction, will forward one set of the said enclosures to each of my Vice-Consuls at Mogador and Tetuan.

I have, &c.

(Signed)

T. R. DRUMMOND HAY.

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

&c.

&c.

&c.

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No. 85.

*The Earl of Aberdeen to Mr. Hay.**Foreign Office, October 30, 1841.*

Circular sending papers presented to Parliament.

(See No. 10.)

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No. 86.

*Viscount Palmerston to Mr. Hay.**Foreign Office, December 27, 1841.*

Circular asking for all laws on Slave Trade.

(See No. 14.)

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PALESTINE. (*Consular.*)

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No. 87.

*Viscount Palmerston to Mr. Young.*

*Foreign Office, May 8, 1841.*

Circular on holding or being interested in slave property.

(See No. 43.)

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No. 88.

*Viscount Palmerston to Mr. Young.*

*Foreign Office, July 31, 1841.*

Circular Instruction, as to the execution of the Greek law against Slave Trade.

(See No. 44.)

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No. 89.

*Mr. Young to Viscount Palmerston.*

*Jerusalem, July 8, 1841.*

*(Received Sept. 9.)*

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Circular Despatch of the 8th of May, transmitting to me the copy of a Memorial from the General Anti-Slavery Convention.

Whenever a fitting occasion presents itself in my intercourse with the natives, I never lose the opportunity to state how much the British Government is opposed to every species of traffic in slaves; and in the year 1839 I took occasion to address each of the Consular Agents within my jurisdiction on the subject, as I had the honour to apprise your Lordship in my Despatch dated the 14th of March, 1839, and of which your Lordship, in reply, was pleased to approve.

I have, &c.

(Signed)

W. T. YOUNG.

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

&c.

&c.

&c.

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## PERSIA.

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No. 90.

*Viscount Palmerston to Sir John M<sup>r</sup> Neil.*

SIR,

*Foreign Office, July 9, 1841.*

HER MAJESTY'S Government being anxiously desirous to see the Slave Trade put down, and the condition of slavery abolished, in every part of the world, I have to instruct you to collect and transmit to me all the information you can procure upon the present state of the Slave Trade and of slavery in the dominions of the Shah of Persia, and in the adjoining and neighbouring countries.

It is well known that in countries where the Mohammedan religion prevails Slave Trade and the condition of slavery are in unison with the habits, opinions, and prejudices of the people; and instead of being there viewed with the same feelings of disgust which such things excite among Christian nations, they are deeply interwoven with the civil institutions of those countries.

Hence it follows that Her Majesty's Government cannot hope or expect that by any influence they may possess, nor by any arguments they can use, they can be able at once to persuade Mohammedan nations to adopt the notions of Christendom on these matters; but, nevertheless, Her Majesty's Government conceive that much good may be accomplished in these respects even in Mohammedan countries by steady perseverance, and by never omitting to take advantage of favourable opportunities to press upon Mohammedan rulers the wishes of the British Government on these points.

You will accordingly take an early opportunity of expressing to the Shah of Persia the strong desire which is felt on this matter by Her Majesty's Government, and you will represent to him that he would be doing a thing extremely acceptable to the British Government and nation if he would issue a Decree, prohibiting for the future the importation of slaves of any kind into Persia, and making it penal for a Persian to purchase slaves.

The Persian Government has of late years justified its hostilities against the Affghans and the Tourkmans upon the ground that those nations have been in the habit of carrying off Persian subjects as slaves, and the British Government has been useful in persuading the Affghans to agree to give up that practice; but the Shah cannot reasonably object to order his subjects to abstain from encouraging against neighbouring nations those acts of violence and rapine from which he has felt it right to protect his own people even by the extremities of war; and the Shah would be still more fortified in reason in resisting and in punishing offences of this kind when committed by other nations, if he were effectually to prevent his own subjects from purchasing slaves who must have been made slaves by acts of violence or treachery in other countries. You will also urge the Shah to extend his prohibition to the importation of slaves by sea as well as by land; and to the importation of slaves from Africa and India, as well as from the countries bordering upon Persia.

You will say to the Shah that every State in Europe and in America has now by law prohibited the Slave Trade, and that the greater number of these States have abolished the condition of slavery within their territories; that these principles are rapidly spreading even in Mohammedan nations, and that the Imaum of Muscat and the Bey of Tunis have issued laws against Slave Trade.

You will further say that it would be highly agreeable to the British Government and nation if the Shah would issue some edict encouraging and exhorting his subjects to set free such of their slaves as may be most deserv-

ing of such favour, and pointing out to his subjects that such acts of benevolence and mercy could not fail to obtain the favour of Heaven for those who do them.

I have, &c.

(Signed) PALMERSTON.

*Sir John M'Neil, G.C.B.,*  
&c. &c.

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No. 91.

*The Earl of Aberdeen to Sir John M'Neil.*

*Foreign Office, December 27, 1841.*

Circular for all laws on Slave Trade.

(See No. 14.)

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**SYRIA. (Consular.)**

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No. 92.

*Viscount Palmerston to British Consuls and Vice-Consuls.*

*Foreign Office, May 8, 1841.*

Circular Instruction on holding or being interested in slave property.

(See No. 43.)

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No. 93.

*Viscount Palmerston to British Consuls and Vice-Consuls.*

*Foreign Office, July 31, 1841.*

Circular Instruction as to the execution of the Greek law against Slave Trade.

(See No. 44.)

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## TURKEY.

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No. 94.

*Viscount Ponsonby to Viscount Palmerston.*

*Therapia, December 27, 1840.*

*(Received February 8, 1841.)*

MY LORD,

I HAVE paid the greatest attention to your Lordship's several instructions on the subject of slavery in Turkey, with the hopes of arriving at some result that would afford a chance of obtaining in any degree the object your Lordship so earnestly desires to accomplish. I have mentioned the subject, and I have been heard with extreme astonishment, accompanied with a smile, at a proposition for destroying an institution closely interwoven with the frame of society in this country, and intimately connected with the law and with the habits, and even the religion, of all classes of the people, from the Sultan himself down to the lowest peasant.

The Sultans, for some centuries past, have never married, and the imperial race is perpetuated by mothers who are slaves.

In all other families slaves may be, and often are, the mothers of legitimatised children, who are in all respects as much esteemed as those of legal wives.

The admirals, the generals, the ministers of state, in great part have been originally slaves. In most families a slave enjoys the highest degree of confidence and influence with the head of the house.

To carry what your Lordship desires into execution it will be necessary to limit the law of succession to the Crown and alter the policy that has so long guided the Sultans in that respect, and also to change fundamentally the political and civil institutions and laws and the domestic arrangements of the people. Universal confusion would perhaps be the consequence of such violent changes, and probably those persons intended to be most benefited by them would be the greatest sufferers.

The slaves are generally well protected against ill-treatment by custom and the habits of the Turks, and by the interests of masters and their religious duty, and perhaps slaves in Turkey are not to be considered worse off than men everywhere else who are placed by circumstances in a dependent situation; whilst on the other hand they may attain, and constantly do enjoy, the highest dignities, the greatest power, and largest share of wealth of any persons in the empire.

I think that all attempts to effect your Lordship's purpose will fail, and I fear they might give offence if urged forward with importunity. I was asked, "What would the English Government think of the Sublime Porte if it was to call upon the Sovereign of England and the people of England to alter the fundamental law of their country, and change its domestic habits and customs in order to please the taste of the Turks?"

I could perceive, in spite of the good-humoured politeness with which this question was asked, that there was something like wounded feeling in the speaker.

The Turks may believe us to be their superiors in the sciences, in arts, and in arms; but they are very far from thinking our wisdom or our morality greater than their own.

I have, &c.

(Signed)

PONSONBY.

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

&c.

&c.

&c.

## TURKEY.

No. 95.

*Viscount Palmerston to Viscount Ponsonby.**Foreign Office, April 15, 1841.*

Circular sending Treaty with the Argentine Confederation.

(See No. 1.)

No. 96.

*Viscount Palmerston to Viscount Ponsonby.**Foreign Office, April 22, 1841.*

Circular sending Convention with Hayti.

(See No. 2.)

No. 97.

*Viscount Palmerston to Lord Ponsonby.*

MY LORD,

*Foreign Office, June 23, 1841.*

I HEREWITH transmit to your Excellency copies of two Despatches which I have received from Sir Thomas Reade, Her Majesty's Consul-General at Tunis, stating the steps which the Bey of Tunis has taken against Slave Trade and slavery, and a copy of the answer which by the Queen's commands I have returned to the intimation given in that Despatch.

I have, &amp;c.

(Signed) PALMERSTON.

*Viscount Ponsonby,*  
&c. &c.

Enclosures in No. 97.

1. *Sir T. Reade to Viscount Palmerston.**Tunis, April 30, 1841.*2. *Sir T. Reade to Viscount Palmerston.**Tunis, May 12, 1841.*

(See Nos. 129 and 130.)

No. 98.

*The Earl of Aberdeen to Mr. Bankhead.**Foreign Office, October 30, 1841.*

Circular sending Papers presented to Parliament.

(See No. 10.)

No. 99.

*The Earl of Aberdeen to Mahomed Fuad Effendi.**Foreign Office, November 12, 1841.*

Circular sending Papers presented to Parliament.

(See No. 11.)

No. 100.

*The Earl of Aberdeen to Sir Stratford Canning.**Foreign Office, December 27, 1841.*

Circular asking for all Lawson Slave Trade.

(See No. 14.)

**TURKEY. (Consular.)**

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No. 101.

*Viscount Palmerston to British Consuls and Vice-Consuls.*

*Foreign Office, May 8, 1841.*

Circular as to holding or being interested in Slave Property.

(See No. 43.)

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No. 102.

*Mr. R. W. Brant to Viscount Palmerston.*

*British Consulate, Smyrna, June 25, 1841.*

MY LORD,

(Received July 31.)

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 8th ultimo, accompanying the copy of a Memorial from the General Anti-Slavery Convention, and acquainting me that Her Majesty's Government concurs in the sentiments therein expressed, and especially in the opinion that it would be unfitting that any British officer should either directly or indirectly hold or be interested in slave property.

I beg to assure your Lordship that I am not, nor do I believe that any officer within the jurisdiction of this Consulate is, interested in slave property.

I shall not fail, my Lord, to forward, as directed, the two copies of the Memorial sent me, with suitable instructions, to the Vice-Consuls.

I have, &c.

(Signed)

R. W. BRANT, *Consul.*

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

&c.

&c.

&c.

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No. 103.

*Mr. James Brant to Viscount Palmerston.*

*Erzerroom, June 30, 1841.*

(Received July 30.)

MY LORD,

I HAVE the honour to acknowledge your Lordship's Despatch of the 8th ultimo, transmitting copies of a memorial to Her Majesty's Government from the General Anti-Slavery Convention. I shall, as instructed, transmit copies of the same to the Vice-Consuls of Trebizond Batoom, Samsoun, and Moossul; but I may be permitted to observe, that, although slavery certainly exists in these countries, no Christian is allowed to purchase or own a slave.

On one occasion some years since I subscribed and assisted the Greeks at Trebizond to release from slavery a Greek woman taken at Scio, and restored her to her family.

About three years since, the then Russian Consul here purchased a negro slave, whom he took with him to Russia: beyond these instances I never heard of either European or native Christian purchasing or owning a slave.

I have, &c.

(Signed)

JAMES BRANT.

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

&c.

&c.

&c.

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No. 104.

*Mr. Kerr to Viscount Palmerston.**Adrianople, June 30, 1841.**(Received July 31.)*

MY LORD,

I HAVE had the honour of receiving your Lordship's Despatch of the 8th of May, transmitting to me copy of a memorial from the General Anti-Slavery Convention, of the 20th of June, 1840, and at the same time instructing me that Her Majesty's Government concurs in the sentiments expressed in that memorial, and especially in the opinion that it would be unfitting that any officer holding an appointment under the British Crown should, either directly or indirectly, hold or be interested in slave property.

The second copy of the memorial which your Lordship sends me I will immediately transmit to the British Consular Agent at Enos, with suitable instructions.

I have, &c.  
(Sined) JOHN KERR.

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

No. 105.

*Mr. Blunt to Viscount Palmerston.**Salonica, July 8, 1841.**(Received July 31.)*

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, dated the 8th of May, with a copy of a memorial, dated the 20th of June, 1840, from the General Anti-Slavery Convention, and acquainting me with the entire concurrence of Her Majesty's Government in the sentiments expressed in that memorial, and especially to that part of it having reference to persons holding appointments under the British Crown.

I have, &amp;c.

(Signed) CHARLES BLUNT.

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

No. 106.

*Viscount Palmerston to British Consuls and Vice-Consuls.**Foreign Office, July 31, 1841.*

Circular as to execution of the Greek Law against the Slave Trade.

(See No. 44.)

No. 107.

*Mr. Cartwright to Viscount Palmerston.**Constantinople, July 14, 1841.**(Received August 6.)*

MY LORD,

I HAVE had the honour of receiving your Lordship's Despatch of the 8th of May, enclosing a copy of a memorial addressed to your Lordship by the General Anti-Slavery Convention.

Your Lordship has been pleased to acquaint me that her Majesty's Government concurs in the sentiments expressed in that memorial, and I shall not fail to be mindful that it would be unfitting for any officer holding an appoint-

ment under the British Crown to be interested either directly or indirectly in slave property.

I have &c.  
(Signed) JOHN CARTWRIGHT,  
*Consul-General.*

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

No. 108.

*Mr. Sandison to Viscount Palmerston.*

*Brussa, August 17, 1841.*

*(Received September 20.)*

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 8th of May last, transmitting a copy of a Memorial from the General Anti-Slavery Convention; and I notice, for my guidance, the concurrence of Her Majesty's Government in the sentiments expressed in that Memorial, especially as regards any officer holding an appointment under the British Crown.

An offer was made to me, soon after my arrival here, by authority of the Governor, and as the only Christian to whom it was permitted, to select any slaves belonging to the slave-merchants of the city for purchase or hire. I declined the offer, and have never had a slave in my service.

With regard to the traffic in this district, I should not fail to report to your Lordship any case of British subjects discovered to be concerned in the criminal practice.

The state of slavery which exists here is in its mildest form, as common throughout Turkey. Some of the richer Mussulmans purchase either African blacks, or Circassians and Georgians, who are placed on the footing of members of their families, or domestics. They are sometimes, but rarely, resold; and I have never heard of their being treated with inhumanity as slaves, nor does their caste or colour depress them in society.

I have, &c.  
(Signed) D. SANDISON, *Consul.*

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

No. 109.

*Mr. Cartwright to Viscount Palmerston.*

*Constantinople, September 15, 1841.*

*(Received November 2.)*

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 31st of July last, with the several Enclosures therein referred to, relating to a law promulgated by the King of Greece on the 13th of March, 1841, prohibiting the trade in slaves; and I will not fail to attend to your Lordship's instructions to give my best assistance towards carrying that law into effect, in conformity with the desire expressed by the Greek Government.

I have, &c.  
(Signed) JOHN CARTWRIGHT,  
*Consul-General.*

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



## TRIPOLI. (*Consular.*)

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No. 110.

*Colonel Warrington to Viscount Palmerston.*

*Tripoli, December 11, 1840.*

*(Received January 14, 1841.)*

MY LORD,

I HAVE the honour to acknowledge your Lordship's Despatch of the 22nd of October, and I have to assure you I shall strictly conform to your Lordship's orders.

Forwarding this interesting subject with the Arab Sheikhs requires much prudence and caution, otherwise I might do mischief instead of good.

Should I be fortunate enough to effect peace between the Turks and Arabs, most probably I shall see Abgelleel, in whose possession I may say is the key to the interior of Africa.

I know he is disposed to favour the abolition of slavery, and to direct the mind to commercial labour; and, in my humble opinion, much might be done by his medium.

I have, &c.

(Signed) H. WARRINGTON.

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

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No. 111.

*Viscount Palmerston to Colonel Warrington.*

*Foreign Office, May 8, 1841.*

Circular against holding or being interested in Slave Property.

(See No. 43.)

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No. 112.

*Colonel Warrington to Viscount Palmerston.*

*Tripoli, April 9, 1841.*

*(Received May 11.)*

MY LORD,

I HAVE the honour to inform your Lordship that a very large caravan is just arrived in Bengazi, from Wadey, with numerous black slaves.

I am sorry to add that 800 of them perished on the Desert from starvation, not having provided a sufficient supply of provisions for them.

I lament to say that, the demand for slaves being so great, the price of the survivors covered the great loss by the mortality. Unfortunately the traders in this horrid traffic derive such great profits, which prevent them pursuing a more honourable commerce, thereby injuring the Christian merchants, who are anxious to trade with the interior.

Whenever I can see the great Sheikh Abgelleel, I shall have some conversation with him on the subject of slavery, as, by his medium, the outlet of this traffic may be effectually closed in this quarter; and, indeed, there is more to be

done towards the abolition of slavery and the prosecution of lawful commerce by his means than is generally known.

I have, &c.

(Signed)

H. WARRINGTON

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

No. 113.

*Viscount Palmerston to Colonel Warrington.*

SIR,

*Foreign Office, May 18, 1841.*

I HAVE received your Despatch of the 9th of April last, giving an account of Slave Trade carried on from Tripoli, with the interior of Africa.

I have to desire that you will strongly urge the Sheikh Abgelleel to put an end to this trade.

You will represent to him that it prevents other commerce which would enrich and civilise the country; and that the continuance of these practices within the range of his influence must tend to indispose Great Britain towards him; whereas it is clearly his interest on every account, political and commercial, to conciliate the good opinion and good will of the English nation.

I am, &c.

(Signed)

PALMERSTON.

*Colonel Warrington,*  
&c. &c.

No. 114.

*Colonel Warrington to Viscount Palmerston.*

*Tripoli, June 14, 1841.*

*(Received July 7.)*

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 8th ultimo, with Enclosure from the General Anti-Slavery Convention, and for the honour of this consulate, I say no such circumstance ever has, or ever will take place, I may venture to assert.

I have, &c.

(Signed)

H. WARRINGTON.

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

No. 115.

*Viscount Palmerston to Colonel Warrington.*

*Foreign Office, July 31, 1841.*

Circular as to execution of the Greek Law against Slave Trade.

(See No. 44.)

No. 116.

*Colonel Warrington to Viscount Palmerston.*

*Tripoli, July 1, 1841.*

*(Received August 9.)*

MY LORD,

I HAVE the honour to acknowledge your Lordship's Despatch of the 18th of May.

Abgelleel is now on his road from Mourzouk to Benoleed.

I consider the subject on which I have to communicate of that important and delicate nature, that it ought to be discussed in a personal interview. I have therefore written to Abgelleel to obtain a meeting, as your Lordship will find by the enclosed copy of my letter.

If your Lordship would allow me to ask the Commander-in-Chief to send a small vessel to take me to the Syrtis, I think it would facilitate the object of the communication. There is such a decided hostility to all civilization and good feeling on the part of Askar Ali, that the journey by land is impossible during his reign here.

Abgelleel is a reasonable intelligent person, and I am sanguine there will be no difficulty to get him not to allow the traffic of slavery through the extensive territory he commands. I am persuaded he will use his influence (which is very great) with numerous Sovereigns of the interior to abolish slavery and to promote commerce generally; but unless the produce of the interior can be secured from molestation and robbery by the local authority here, the necessary confidence could not be established, and of course there would be no outlet for embarkation.

I have, &c.

(Signed) H. WARRINGTON.

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

Enclosure in No. 116.

*Colonel Warrington to Sheikh Abgelleel.*

THE British Consul-General to his good and worthy friend Abgelleel, saluting.

We have pleasure to inform you that Mr. Gagliuffi is still in Constantinople, but we expect his return very soon, when he will repair to his post at Mourzouk as British Vice-Consul. We are particularly anxious to see you, and to have some conversation on the commercial resources of the interior. We are aware of your influence and of your liberal and enlightened mind, and we are persuaded we could suggest a plan which would tend to enrich and civilise the interior, and to prove to you it is clearly your interest, on every account, political and commercial, to conciliate the good opinion and good will of the English nation.

This is a subject of too much importance, and too extensive, to be discussed in this letter, but if you will inform us when you visit the district of the Syrtis, we will endeavour to pay you a visit.

After your perusing the above it will appear to you clearly we have full powers from our superiors to communicate with you on the subject alluded to; and we again assure you that you have an opportunity of making the powerful nation of England your friend.

Waiting your answer when you will be near the Gulf of Syrtis, we wish you health and every blessing of your old and sincere friend the Agent and Consul-General of England.

(Signed) HANMER WARRINGTON.

*The Sheikh Abgelleel,*  
&c. &c.

No. 117.

*Colonel Warrington to Viscount Palmerston.*

*Tripoli, July 20, 1841.*

*(Received September 6.)*

MY LORD,

I HAVE the honour to refer your Lordship to the enclosed copy of a Despatch I received from Mr. Vice-Consul Wood.

The honourable pursuits of commerce in this country appear to be superseded by the demon of avarice, regardless of every sentiment of humanity, as long

as they gain in the traffic of the flesh and blood of our fellow-creatures. May God forgive and avert the mind of man from such scenes of horror!

I have, &c.

(Signed)

HANMER WARRINGTON.

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

Enclosure in No. 117.

*Mr. Wood to Colonel Warrington.*

*British Vice-Consulate, Bengazi,*  
*June 22, 1841.*

SIR,

I HAVE the honour to acknowledge receipt of your Despatch of the 14th instant, enclosing, by Viscount Palmerston's orders, some observations from the Anti-Slavery Convention, which, as you justly remark, never have or ever will be applicable to me.

Indeed I must confess it has often been to me a subject of deep regret to witness this inhuman traffic carried on here, and which, I am sorry to say, has increased to a great extent during the present year, a circumstance perhaps to be attributed to the unsettled state of the country in your neighbourhood, owing to which the commerce between Tripoli and Fezzan has been entirely intercepted, and has now taken this direction, where, on account of our vicinity to the Levant, they find, I presume, greater facility in exporting them than at your port.

Upwards of 2000 have already, this year, been brought in from the interior in the most miserable and wretched state, the greater part of them having barely sufficient to cover their nakedness.

A kaffle, a short time ago, bringing 900 of those unfortunate people from Wadey, lost no less than 300 on their way, having died chiefly from hunger and thirst, added to other privations to which they were subject on the road.

The slaves brought here formerly used to come from Fezzan, but now a great number are sent from Wadey, owing, I understand, to the existing hostilities between the Sultan of that country and that of Darfoor, which prevents them taking any longer the route by Egypt. This, no doubt, tends also in some degree to increase the traffic at this port. The slaves from Wadey, generally speaking, arrive in a much worse condition than those from Fezzan, and suffer more owing to the want of water and the long tract of desert they have to cross.

A report having been in circulation regarding the Sultan's intention of abolishing slavery throughout the Ottoman dominions, and which has lately gained ground since the news of what has taken place at Tunis was known here, this rumour has created the greatest alarm amongst those concerned in this traffic, so much so that they have ever since been most active in shipping off their slaves for Constantinople, Smyrna, and other places on the Levant, with the view of disposing of them before any change actually takes place. In fact 1270 slaves have been embarked at this port within the last two months, the traffic in question being confined to vessels under the Turkish flag. It is true Greek ships used formerly to be engaged in their exportation, but have discontinued since the new law was issued by the King of Greece, prohibiting his subjects from engaging therein under heavy penalties.

The Local Government derives a large amount from this branch of revenue, as the owners pay on exporting them a custom duty of five dollars each slave, besides other two dollars on entering the town, producing in the present year upwards of 14,000 dollars.

I have, &c.

(Signed) T. WOOD.

*Colonel Warrington,*  
&c. &c.

*Colonel Warrington to Viscount Palmerston.*

MY LORD,

Tripoli, September 1, 1841.

ON the 1st of July I had the honour to enclose to your Lordship a copy of a Letter to the Sheikh Abgelleel, inviting him to name a place to enable me to meet him, and discuss a measure for the civilisation of the interior, and for the promotion of commercial purposes.

In that discussion I intended that the abolition of slavery, to the extent of his power and influence, should form the principal feature of the negotiation. I have received a verbal communication from Abgelleel, lamenting that he cannot meet me during the time Askar Ali remains, but the moment another Pacha is appointed he will come down nearly to Tripoli.

That he would have written, but no courier could be found to convey the letter, owing to the awful cruelties committed by Askar Ali on such persons.

I have, however, received a letter from Sheikh En Nerser, brother to Abgelleel, who commands in Beneled; Enclosure No. 1.

It will show how friendly disposed and how ready they are to meet our wishes.

The abolition of slavery, opening commerce with the interior, and the ultimate civilisation of those unfortunate people, appear to me most important objects to attain.

Your Lordship is aware that the Turks have ruined this country, and the only trade, I may say, carried on with the interior, is slavery, which has increased to an alarming degree.

Had the Convention of 1838 been observed it would have been otherwise, but its operation has caused extra duties and impositions which really amount to the abolition of trade.

The unprecedented state of distress here is dreadful. Stripped of their last baracan, they perish with hunger, not having the means to purchase food.

As long as the Turks pursue such fatal and blind policy, injurious to all parties, nothing can be done unless England would make a Treaty with Abgelleel to accomplish these three great points, and to secure a port in this Regency where the produce of the interior might be brought, without nearly the certain danger of life and property.

At present the iron hand of bigotry grasps at everything to the entire exclusion of the Christians, and in open violation of the Convention of 1838.

Certainly great advances may be made towards attaining the three objects, and your Lordship's extensive mind and political knowledge best know if the impediments can be removed. I am sanguine Abgelleel will meet the wishes of England with all good faith.

I have, &amp;c.

(Signed)

HANMER WARRINGTON.

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

&amp;c.

&amp;c.

&amp;c.

(Translation.)

Enclosure in No. 118.

*Sheikh il Nursur to Colonel Warrington.*

Beneled, August 24, 1841.

AFTER having sent different times to you asking the news from the sea, we are informed that a new Pacha has arrived, and that the first is gone, and we are in doubts if it is true or not; if it is really the case we shall come forward through your mediation, and everything shall be arranged, and whatever is done by you during our absence we shall be satisfied, as we have no other friend in Tripoli but yourself, and nothing shall be done unless by you; if you are not pleased with the new Pacha we shall have nothing to say to him. You will oblige us by the bearer of this letter to inform us of the real truth, and of the name of the new Pacha who has arrived in Tripoli: we

are very anxious to hear from you, as we must inform our brother, Sheikh Abgelleel: anything we can do for you we shall always be most happy.

From your friend,

(Signed)

SAFE IL NURSUR.

*Colonel Warrington,*  
&c. &c.

No. 119.

*Colonel Warrington to Viscount Palmerston.*

*Tripoli, September 3, 1841.*

(*Received October 10.*)

MY LORD,

WHEN I had the honour to address your Lordship on the 1st instant, suggesting measures to induce Abgelleel to use his power and influence to abolish slavery and to promote commerce and civilisation, I omitted to state the advantages which would arise if he had a port on this coast for the exportation of the interior produce.

In the first place, it would ensure fidelity in the performance of his engagement; secondly, he would willingly be tributary to the Sultan, who would derive revenue and advantages hitherto unknown, and this poor devoted country would once more be restored to tranquillity. The port of Bengaze I should think the most desirable, and as the Sultan would not only get an increase of revenue, but the allegiance of the country, reason tells me it would be beneficial to all parties.

The three points alluded to I assure you, my Lord, have caused in my mind a most lively interest; but should my enthusiasm carry me beyond the bounds of propriety and reason, I hope my zeal will plead my pardon in your Lordship's eyes.

I have, &c.

(Signed)

HANMER WARRINGTON.

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

No. 120.

*Colonel Warrington to Viscount Palmerston.*

*Tripoli, September 17, 1841.*

(*Received October 14.*)

MY LORD,

I HAVE the honour to acknowledge your Lordship's Despatch of the 31st of July, and the law promulgated by the King of Greece on the 13th of March last, prohibiting the trade in slaves, and assigning penalties for the offences committed in contravention of that law.

Your Lordship may believe that every attention and exertion shall be evinced on my part to give full effect to the glorious object.

I fear as long as Turkish vessels prosecute the trade in slaves there will be no diminution of the revolting traffic on this coast.

I have, &c.

(Signed)

HANMER WARRINGTON.

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

No. 121.

*The Earl of Aberdeen to Colonel Warrington.*

*Foreign Office, October 30, 1841.*

Circular transmitting Papers presented to Parliament.

(See No. 10.)

No. 122.

*Colonel Warrington to the Earl of Aberdeen.**Tripoli, October 23, 1841.**(Received November 10.)*

(Extract.)

I HAVE the honour to inform your Lordship that Her Majesty's brig "Savage" arrived here on the 29th ultimo to take me to the Syrtis.

On the 1st instant, not knowing where Abgelleel was, I addressed No. 1 to him.

No. 2 I also wrote to his brother, Safe il Nurser, at Beneleed, which was sent off by courier.

No. 3 is the answer of Safe il Nurser, received on the 21st instant, by which it will appear a further delay will take place before I can see Abgelleel. The "Savage" will therefore return to Malta, but I hope the commander-in-chief will allow her again to come over.

I addressed No. 4 to Askar Ali Pacha, assigning reasons for visiting the interior.

When I receive an answer to No. 4, a copy shall be sent your Lordship; but I think the Pacha will grant the pass, and I shall then see whether it is most advisable to go direct by land or by the Syrtis.

First Enclosure in No. 122.

*Colonel Warrington to Sheikh Abgelleel.**Tripoli, October 1, 1841.*

NEARLY four months since we had the pleasure to write to you to ascertain when you would be in the neighbourhood of the Syrtis, as we particularly wished to see you, and have some conversation on a subject of the greatest importance to your interest, and to the general wealth and prosperity. We are aware of your influence, and of your liberal and enlightened mind; and we are convinced we could suggest a plan which would tend to enrich and civilise the interior, and to prove to you it is clearly your interest on every account, political and commercial, to conciliate the good opinion and good will of the English nation.

This is a subject too important and too extensive to be discussed by letter. I therefore propose to visit you. I mentioned that I had full power from my superiors to make known and discuss the subject to which I again allude; and I assure you that you have still the power of making the great and powerful nation of England your friend.

An English vessel of war is now here ready to convey me to the Syrtis whenever I hear from you. Your friend Gagliuffi is not yet arrived from Constantinople, but is expected; and I hope to see him, that he may accompany me to the Syrtis.

I send this letter open to your brother, our friend Safe il Nurser, so that he may write to say when you are likely to be in the Syrtis. I know you have the greatest confidence in my great nation, and in myself also; and I assure you that our words are truth, and as sacred as our religion. Therefore let no doubt arise to induce you to think otherwise.

Yours, &amp;c.

(Signed) H. WARRINGTON.

*The Sheikh Abgelleel,*  
 &c. &c.

Second Enclosure in No. 122.

*Colonel Warrington to Sheikh Safe il Nurser.**Tripoli, October 1, 1841.*

THE enclosed Letter to your brother is left open for you to read and to forward.

Be kind enough to inform me when it is probable your brother may be in

the Syrtis, as I may have the advantage of being conveyed there in a ship of war which is now here.

Write by return of the courier, and it will give me pleasure to hear of your health and prosperity; and, offering my services, believe me with sincerity your friend,

(Signed) H. WARRINGTON.

*The Sheikh Safe il Nurser,*  
&c. &c.

(Translation.)

Third Enclosure in No. 122.

*Sheikh Safe il Nurser to Colonel Warrington.*

YOUR courier is arrived with the last Letters, and we have forwarded them, as well as the others, to have the news in return; and since writing we received a courier from Abgelleel, giving us an account of Buseif and the tribes of the West, who made war on us, and afterwards were obliged to sue for peace, and those who remained alive were forgiven, and peace made; and they became subjects of ours, and the whole tribe. Your Letter by the first courier was forwarded to Abgelleel without our knowing the contents, and the last was sent also.

You will soon hear from him on the subject you wish, and, please God, all you wish will be done; and anything coming from you we will always agree to, and we hope you are always working for us, as, after a long friendship, it is bad to desert a friend; and do not neglect to write, and to give us all the news.

We have, &c.

(Signed) SAFE NURSER BEN GAID.

*Colonel Warrington,*  
&c. &c.

Fourth Enclosure in No. 122.

*Colonel Warrington to Askar Ali Pasha.*

YOUR HIGHNESS,

*Tripoli, October 21, 1841.*

YOU are aware that the British Government appointed Mr. Gagliuffi Vice-Consul and Commercial Agent to Fezzan, and that Her Majesty's Ambassador at Constantinople obtained from the Sultan a firman approving of the appointment, and ordering all in authority, and all his subjects, to aid and assist Mr. Gagliuffi to the utmost of their power. Circumstances have caused great delay; and as the present season is so favourable to visit the interior, it is my intention to go to Fezzan myself, and to make the necessary arrangements for establishing a Vice-Consul, and promoting commerce for the general good; and your Highness may believe me, as far as my influence extends, the interest of the Sultan will not be forgotten.

Under these circumstances, and as the object is so laudable in itself, I hope your Highness will give me your firman or passport for my safety through those districts under your immediate power and control.

I have, &c.

(Signed) H. WARRINGTON.

*His Highness Askar Ali Pasha,*  
&c. &c. &c.

No. 123.

*Colonel Warrington to the Earl of Aberdeen.*

*Tripoli, October 24, 1841.*

*(Received December 5.)*

MY LORD,

YESTERDAY I had the honour to address your Lordship, informing you of the steps taken to open a communication with Abgelleel; since which I have received the Letter, Enclosure No. 1, from Askar Ali Pacha.



Her Majesty's brig "Savage" being under sail, I sent a copy, and the Letter, Enclosure No. 2, for the information of the Admiral.

All I asked of the Pacha was a pass through the territory under his control, and no responsibility whatever on what might happen beyond the extent of his power. I am sorry to add he appears to do all he can to frustrate the object of the appointment of a Vice-consul at Mourzouk, and to prevent the great commercial resources of the interior being available.

It appears to me, my Lord, that we can hold communication with any territory not under his authority without affording him just cause of complaint, particularly so as the French lately had direct communication with Abgelleel on the sulphur affair; therefore, should the Admiral send the "Savage" back, I will proceed in her to the Syrtis, and will find my way to Abgelleel in the best manner I can.

I have, &c.

(Signed)

H. WARRINGTON.

*The Right Hon. Earl of Aberdeen, K. T.,*  
&c. &c. &c.

(Translation.)

First Enclosure in No. 123.

*Askar Ali Pasha to Colonel Warrington.*

SIR,

October 23, 1841.

WE acknowledge the receipt of your letter, and, having read its contents, we have to say, in answer, that, as to your intention of proceeding to Fezzan, we are very sorry, notwithstanding the friendship we profess to you, to be unable for the present to agree to your wishes, owing to the inconveniences and disorders committed still by the rebel Arabs in those parts.

And as you, Sir, as the representative of Great Britain, with which there is no doubt of the good harmony and friendship actually existing between your government and ours, we must in consequence, in discharge of our duty, declare to you, if you come to the resolution of taking such a disastrous and dangerous journey, we do not intend taking upon ourselves any responsibility of whatever may happen to you.

Saluting you, we have, &c.

(Signed)

ASKAR ALI PACHA.

*Colonel Warrington,*  
&c. &c.

Second Enclosure in No. 123.

*Colonel Warrington to Commander Bowker.*

SIR,

Tripoli, October 23, 1841.

I HAVE the honour to enclose you, for the information of his Excellency the Commander-in-Chief, a copy of a letter I have just received from Askar Ali Pacha, and to acquaint you that I shall be ready to embark on board the brig "Savage" the moment she returns from Malta, to proceed forthwith to the Syrtis.

I have, &c.

(Signed)

H. WARRINGTON.

*Commander Bowker,*  
*Her Majesty's Brig "Savage."*

No. 124.

*Colonel Warrington to the Earl of Aberdeen.*

Tripoli, November 2, 1841.

(Received December 5.)

MY LORD,

I HAVE the honour to inform your Lordship that the Sheikh Abgelleel is returned to Mourzouk, 700 miles off, which, added to the bad feeling of Askar Ali Pacha, renders it impossible to visit him at the present time.

For further particulars your Lordship will be pleased to refer to the enclosed Letter addressed to Admiral Sir John Ommanney.

I have, &c.

(Signed) H. WARRINGTON.

*The Right Hon. Earl of Aberdeen, K.T.,*  
&c.                    &c.                    &c.

Enclosure in No. 124.

*Colonel Warrington to Sir John Ommanney.*

SIR,

*Tripoli, November 2, 1841.*

I HAVE the honour to acknowledge your Excellency's Despatch of the 27th ultimo.

When I addressed you on the 23rd ultimo I was in full belief that I should have heard from Abgelleel before Her Majesty's brig "Savage" returned from Malta, which, I am sorry to say, is not the case. My wish to go to Benoleed, where Safe il Nurser is, was my first object, and Zafran, in the Syrtis, is the nearest port, distant six days, being two days more than from Tripoli. The Pacha Askar has gained some advantages in the vicinity of Zafran, which would now render the communication difficult, especially when we see the Pacha is so hostile to it. It is true Safe il Nurser would send horses, camels, &c., for me; but then he would conceive the British flag would be responsible; and of course it is my duty to avoid compromising it in any way. The lower part of the Syrtis is under the control of Abgelleel, but then the difficulties and distance renders a journey impracticable.

I should have been ready to embark for the Syrtis on the return of the brig, had these circumstances not occurred; but now I should consider myself highly culpable if I were to embark under the belief, if not a certainty, that I should return to Tripoli without having been able to accomplish the object.

The fact is, your Excellency, this Pacha is a perfect fanatic, and his hatred to Christianity is beyond all bounds: and I much fear that during his reign no advancement can be made in commerce, civilization, or the bettering the condition of the suffering slave, all of which, I pledge my word, will be soon or late effected.

I have explained our position to Lieutenant Commanding Bowker, and, under the existing circumstances, he coincides with me, that it would be folly to detain the "Savage," without even a probability of success, at the present time.

I also now hear that Abgelleel is returned to Mourzouk, owing to his son having been killed.

I have, &c.

(Signed) H. WARRINGTON.

*Rear-Admiral Sir John Ommanney, K.C.B.*  
&c.                    &c.                    &c.

No. 125.

*The Earl of Aberdeen to Colonel Warrington.*

*Foreign Office, December 27, 1841.*

Circular for all laws upon Slave Trade.

(See No. 14.)

**TUNIS.** (Consular.)

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No. 126.

*Viscount Palmerston to Sir Thomas Reade.*

*Foreign Office, March 18, 1841.*

I HEREWITH transmit to you a copy of a communication received at this office from the Colonial Department, reporting the circumstances under which the Greek brig "*Miltiades*," with 14 negro slaves on board, has been detained at the port of Argostolo, in Cephalonia.

From these Papers you will perceive, that, upon the examination of the persons on board the "*Miltiades*," it appeared that the contract for the freight of 13 of these slaves was made at the house of one Gaspari, who is stated to be employed as British Vice-Consul, or agent, at Goletta, in the bay of Tunis.

It appears further, that Gaspari was present at this transaction, that he was even proposed as a guarantee for the embarkation of the slaves, and must have known of their embarkation.

I have therefore to desire that you will desist from employing M. Gaspari any longer as British Vice-Consul or agent, and that you will, at the same time, let him know the reason why he is discharged from this employment.

I have, &c.

(Signed) PALMERSTON.

*Sir Thomas Reade,*  
 &c. &c.

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Enclosure in No. 126.

*Mr. Stephen to Viscount Palmerston.*

*February 19, 1841.*

(See p. 24.)

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No. 127.

*Sir Thomas Reade to John Backhouse, Esq.*

*Tunis, February 27, 1841.*

(Received April 6.)

SIR,

I HAVE the honour to inform you that I have received a letter from Major Fraser, the secretary of the Lord High Commissioner of the Ionian Islands, copy of which is enclosed, stating that a Greek brig had lately been forced into the port of Cephalonia on her voyage from this place to Candia; That the Sanità authorities there discovering that there were negro slaves secreted on board, she was consequently detained.

I have called upon M. Gaspari, the agent of all the consulates here, stationed at the Goletta, from whence all ships take their departure, to give me every information in his power regarding this case; and he informs me that it is not true, as stated by the captain of the brig, that the arrangement between the captain and the slave-merchant here was made in his office in the presence of an officer commanding a French corvette; and that he knows nothing whatever regarding the embarkation of these slaves.

It appears that this vessel was furnished with papers by the Tuscan consu-

late, nominally under Russian Protection; and, as I have had the honour before of reporting to you, that it is from the Tuscan consulate alone that ships with slaves on board have received their papers, except in one solitary instance of a Sardinian vessel, which I mentioned in my Despatch, dated the 29th of June last, in which Despatch I likewise stated that Mr. Gaspari had informed me that he had received orders from the Tuscan Consul *not to place any more blacks upon ships' papers* furnished by that consulate, but that he received no further instructions whatever; and, therefore, it appears very clear to me, that the mere order not to place the names of blacks in the papers is not sufficient to check this infamous traffic. I myself have given directions to Mr. Gaspari, from the first, that he was not upon any account whatever to place confidence in the assertions of the captains, of Greek vessels or others, furnished with papers from the British Consulate, "that they had not slaves on board," but that he was himself to visit the vessels strictly, upon their departure, to put it beyond a doubt that no slaves were absolutely embarked, and that, if he had any reason to suspect that any were secreted on board, or that it was the intention of the captain to take them on board after sailing from the Goletta, he was upon no account whatever to permit the vessel to sail, but to bring the captain to me immediately; and unless similar orders are given to Mr. Gaspari from every Consulate here, I fear that slaves will continue to be conveyed from this in Greek vessels, except such as are provided with papers from the British Consulate. If Mr. Gaspari had been furnished with such instructions it is impossible that the slaves in question could have been embarked on board the Greek brig named in Major Fraser's letter.

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

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

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Enclosure in No. 127.

*The Secretary of the Lord High Commissioner to Sir T. Reade.*

SIR,

*Corfu, January 22, 1841.*

A BRIG called the "*Milziade*," under Greek colours and bound from Tunis to Candia, was lately driven into the harbour of Cephalonia. The Sanità authorities there discovering that there were negro slaves secreted on board, she was detained, and the circumstance reported to me for the information of the Lord High Commissioner.

From the proceedings in this case it appears that the arrangement between the captain of the brig and the slave-merchant at Tunis was actually made in the office of Signor Gaspari, who is employed by you and several other consuls as agent at the Goletta, and in the presence of the officer commanding a French corvette.

I have therefore been directed by the Lord High Commissioner to inform you of this circumstance, in order that you may take such measures as you may think proper in regard to Mr. Gaspari.

I have, &c.  
(Signed) J. FRASER,  
*Secretary to the Lord High Commissioner.*  
(A true copy.) (Signed) T. READE.

*Sir Thomas Reade,*  
&c. &c.

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No. 128.

*Viscount Palmerston to Sir T. Reade.*

*Foreign Office, May 8, 1841.*

Circular against holding or being interested in Slave Property.

(See No. 43.)

*Sir Thomas Reade to Viscount Palmerston.*

*Tunis, April 30, 1841.*

*(Received June 8.)*

MY LORD,

I HAVE long been seeking a favourable opportunity to converse with his Highness the Bey upon the subject of slavery existing in this Regency, in order to induce him to put some sort of check upon it, however trifling in the first instance; and I have used every possible influence which I possess with the principal Moors about the Bey to persuade them to render me some assistance in the object I had in view; but seeing all my exertions thrown away in my recourse to these Moors, and finding yesterday a good opening for mentioning the subject myself personally to his Highness, I did not fail to avail myself of it.

I explained to his Highness that most of the European Powers had come to a fixed resolution to omit no means or efforts to put a final stop to the infamous traffic of dealing in slaves; and I was proud to say that Great Britain had ever been the foremost to bring about this most humane and desirable object, to obtain which she had made greater sacrifices than any other nation.

I stated to his Highness that it was a subject of the deepest regret to my Government to find that such facilities had hitherto existed in transporting slaves from this Regency to the other Turkish possessions; and I ventured to assure his Highness that, if he could find any possible method of checking it, it would, I was convinced, be truly gratifying not only to the British Government itself, but to the British nation generally; and it is with the highest satisfaction that I now have the honour to inform your Lordship that his Highness, after having listened most attentively to my suggestions, said, "I will immediately comply with your wishes, and do everything in my power to put a stop not only to the exportation of slaves, but to slavery altogether."

It is impossible for me to express to your Lordship the feelings of unbounded gratification which I felt at the moment his Highness replied to me; and in offering my sincere acknowledgments to him for the prompt and noble manner with which he had met my views, I assured him that I could likewise venture to offer to him, in anticipation, the same feelings of satisfaction on the part of your Lordship.

After leaving the palace of the Bey, I had not returned to my house more than two hours when I received a letter from his Highness on the subject; and I beg leave to enclose a copy of it, with its translation, as well as a copy of my answer in acknowledging the receipt of it.

Your Lordship will perceive that his Highness has not only prohibited the exportation of slaves, but has also liberated every slave in his own establishment, and has promised to use every possible means in his power to put an end to slavery altogether.

It is a Letter, I conceive, which does the greatest honour to the Bey, for I look upon it as the death-blow to slavery in this Regency; and when it is considered how obstinately his Highness would have been opposed, had he previously communicated his intentions, in however slight a degree, to the principal Moors about him, many of whom possess immense property in slaves, or possibly in the case of his having referred the question to the Ottoman Porte, he merits, in my opinion, every possible encomium that can be bestowed upon him.

I cannot conclude without informing your Lordship how much I am indebted to the Chevalier Raffo for the warm and effective assistance I received from him upon the occasion. In fact, he seconded and supported my suggestions in the most ample manner; and I have now only to trust that my conduct on this occasion will meet with your Lordship's approbation.

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

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

&c.

&c.

&c.

First Enclosure in No. 129.

(Translation.)

*The Bey of Tunis to Sir T. Reade.*

De la part du serviteur de Dieu, Ahmed Bassa Bey, Prince du Gouvernement Tunisien, à notre Allié le Chevalier Thomas Reade, Consul-Général de Sa Majesté Britannique à Tunis.

ENSUITE de la conversation que nous avons eu au sujet de l'embarquement d'esclaves nègres pour en faire commerce, nous devons vous faire connaître, ô notre ami, que les principes sacrés de la création s'y refusent, et notre cœur bat de pitié toutes les fois que nous en écoutons le récit.

Quant à nous, dans notre individuel, nous n'avons pas même un esclave selon les lois qui regardent la servitude des esclaves, qu'on vend et qu'on achète comme s'ils étaient des animaux; parceque dans notre religion les restrictions à ce sujet sont si sévères, qu'il se rend très difficile d'en maintenir les conditions.

Nous sommes du nombre de ceux qui admirent les opinions du Gouvernement Anglais à ce sujet; et la nôtre à ce propos est en accord avec celles de notre ami, le parfait, le politicien, le Ministre, Lord Palmerston, et je la regarde comme un effet de sa perfection et de la bonté de sa morale.

Nous défendons donc à présent l'exportation d'esclaves de notre Régence pour en faire un commerce.

Nous dirigerons notre attention à affaiblir ce commerce, jusqu'aux dernières limites de nos efforts; et puisse Dieu extirper ce trafic du monde!

Nous en espérons la récompense du Dieu qui nous créa et qui les créa, et qui accorda à tous le don du jugement, Notre désir est que vous fassiez connaître à notre ami le Ministre susdit le contenu de notre présente lettre.

Conservez vous dans la croyance de Dieu!

Ecrit le 9 de Rabih, 1257.  
(29 Avril, 1841.)

(Translation.)

On the part of the servant of God, Ahmed Bassa Bey, Prince of the Government of Tunis, to our Ally Sir Thomas Reade, Her Britannic Majesty's Consul-General at Tunis.

AFTER the conversation we have had on the subject of the shipment of negro slaves for purposes of commerce, we must acquaint you, O friend, that the sacred principles of creation are repugnant to it, and our heart throbs with pity whenever we hear mention made of it.

As for ourselves individually, we have not a single slave, according to the law relative to the servitude of slaves, who are purchased and sold as if they were animals, because in our religion the restrictions on the subject are so severe that it is very difficult to preserve the conditions.

We are of the number of those who admire the opinions of the English Government relative to this subject; and ours are in accordance with those of our friend, the perfect, the politician, and minister, Lord Palmerston; and I look upon them as an effect of his perfection and the goodness of his principles.

We, therefore, from the present time, prohibit the exportation of slaves from our Regency for the purposes of commerce.

We will direct our attention to the means of enfeebling this commerce to the utmost limits of our efforts, and pray God to extirpate it from the world!

We trust that God, who created us and them, and who bestowed the gift of judgment upon all, will reward us for it. We desire you will communicate to our friend, the above-named minister, the contents of this letter.

Continue in the belief of God!

Written on the 9th of Rabih, 1257.  
(29th of April, 1841.)

Second Enclosure in No. 129.

*Sir Thomas Reade to the Bey of Tunis.**Tunis, 30 Aprile, 1841.*

ALTEZZA,

POCHI furono gli avvenimenti della mia vita, che m'inspirarono una gioja eguale a quella da me risentita, alla ricezione della lettera di cui l'Altezza Vostra

mi ha onorato in data di jeri, e non so trovare nessuno che potesse riflettere tanta gloria al suo nome, quanto i sentimenti ivi espressi.

La prontezza colla quale l'Altezza Vostra abbracciò l'idea di proibire l'esportazione di schiavi dal suo regno, e' degna della bontà del suo cuore, delle migliore pagine della storia; corrisponde alle mie nozioni del suo carattere, e prova quanto il suo spirito sia superiore agli elementi su aci regnà.

Possa l'Altezza Vostra promuovere sempre la felicità del suo popolo, compiere tutti i miglioramenti ch' ella ha in vista, e seguire infine l'impulsione del suo cuore, estirpando dai suoi stati il commercio sul genere umano!

L'ammirazione dell' universo ricompenserà l'Altezza Vostra dei suoi sforzi nella causa dell' umanità; e l'approvazione della sua coscienza farà eco alla gratitudine del mondo civilizzato, alle benedizioni di una infelice schiatta.

Gradisca intanto l'Altezza Vostra i miei voti per la sua riuscita in una carriera uguale ai progressi del mondo, e degna del suo genio: e finche Lord Palmerston non mi onori dei suoi comandi speciali sul proposito, mi permetta l'Altezza Vostra di esprimerle tutta la simpatia e la stima, che va ad aggiungersi dalla sua presente misura all' amicizia del Governo di S. M. verso l'Altezza Vostra.

Ho l'onore, &c.

(Firmato) T. READE.

(True Copy.—T. READE.)

(Translation.)

YOUR HIGHNESS,

*Tunis, April 30, 1841.*

FEW events of my life have inspired me with a joy equal to what I felt on the receipt of the letter with which your Highness honoured me, dated yesterday, and I know of nothing that can reflect so much glory upon your name as the sentiments therein expressed.

The promptness with which your Highness embraced the idea of prohibiting the exportation of slaves from your Regency is worthy of the goodness of your heart, and of being recorded in the best pages of history: it agrees with my notions respecting your character, and proves how much your spirit is superior to the elements over which you reign.

May your Highness ever promote the happiness of your people, complete all the improvements you have in view, and finally follow the impulse of your heart, in extirpating from your dominions the trade in the human species!

The admiration of the universe will recompense your Highness for your efforts in the cause of humanity; and the approbation of your conscience will re-echo the gratitude of the world and the blessings of an unhappy race.

Accept, your Highness, in the mean time, my prayers for your rise in a career proportioned to the progress of the world, and worthy of your genius. And until Lord Palmerston shall honour me with his special commands on the subject, permit me, your Highness, to express to you all the sympathy and esteem which your present measure will add to the friendship Her Majesty's Government entertains for your Highness.

I have, &c.

(Signed) T. READE.

No. 130.

*Sir Thomas Reade to Viscount Palmerston.*

*Tunis, May 12, 1841.*

(Extract.)

(Received June 8.)

SINCE my Despatch of the 30th ultimo, I have had a conversation with the Chevalier Raffo, and he has assured me that the Bey, according to his promise, has already issued strict orders prohibiting the exportation of slaves from his dominions, and that His Highness has liberated the whole of the slaves of his own establishment. The Chevalier remarked to me, "That this is only the beginning of the affair: you will see that His Highness will keep his word faithfully, and that, if he had it in his power, he would at once liberate every slave in the Regency. But unfortunately he is not rich enough to do so. He is determined, however, to put an end to the Slave Trade."

No. 131.

*Viscount Palmerston to Sir Thomas Reade.*

(Extract.)

*Foreign Office, June 22, 1841.*

YOUR Despatch of the 12th ultimo has been received and laid before the Queen; and I have received Her Majesty's commands to desire that you will thank His Highness the Bey of Tunis in the most handsome terms for the steps he has taken to abolish Slave Trade and slavery within his regency. You will assure the Bey that nothing could tend to interest the English nation in his favour so strongly as a continuance in this course, and as the complete abolition of slavery in the regency of Tunis.

You will state that His Highness may confidently rely upon the friendship and good offices of England as long as he pursues the wise and prudent course which he has hitherto followed.

No. 132.

*Viscount Palmerston to Sir Thomas Reade.*

SIR

*Foreign Office, June 23, 1841.*

WITH reference to the doubt expressed in your letter of the 27th February last, whether Mr. Nyssen had any authority from the Russian Government to act as Russian Consul at Tunis, I herewith transmit to you, for your information, a copy of a Despatch from Mr. Bloomfield, Her Majesty's acting Minister Plenipotentiary at St. Petersburg, upon this subject.

I have, &amp;c.

*Sir Thomas Reade,*  
&c. &c.

(Signed) PALMERSTON.

Enclosure in No. 132.

*Mr. Bloomfield to Viscount Palmerston, dated May 29, 1841.*

(See Class C, No. 115.)

No. 133.

*Viscount Palmerston to Sir T. Reade.**Foreign Office, July 31, 1841.*

Circular transmitting Greek law prohibiting Slave Trade.

(See No. 44.)

No. 134.

*Sir T. Reade to Viscount Palmerston.**Tunis, June 4, 1841.*

MY LORD,

*(Received August 9.)*

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch dated the 18th of March last, directing me to desist from employing M. Gaspari as my agent at the Goletta, in consequence of his name being implicated in an embarkation of slaves from this place, on board a Greek vessel called the "*Mil-*



*tiades*," and I beg to inform your Lordship that those instructions have been carried into effect.

In communicating them to M. Gaspari, I pointed out to him the absolute necessity which, in my opinion, existed for clearing his name from this improper transaction. But I regret to say that up to this moment, although he denies having had anything to do in it, he has not produced to me any testimony sufficient to exculpate himself; I am of opinion, however, that there was a total want of vigilance on the occasion of the slaves being embarked on board the Greek brig "*Miltiades*;" for if the Tuscan Consul, from whose consulate the vessel was despatched, had given decisive and rigorous orders to M. Gaspari, as mentioned in my Despatch of the 27th of February last, it could not have happened. By this, however, I do not mean to state that M. Gaspari was the less blameable—because I myself, during the two years previous to this transaction, had not failed to call him before me very frequently indeed, to caution, and recommend him, in the strongest manner, to use every means in his power to prevent the embarkation of slaves, and not to shut his eyes upon such proceedings.

In a conversation I have had with the Chevalier Raffo, he informed me that M. Gaspari had applied to the Minister of the Bey, to obtain for him from the merchant who was the proprietor of the slaves embarked in the "*Miltiades*," a certificate stating that he, M. Gaspari, was not implicated in the transaction.

The Minister, in consequence, asked the merchant to furnish a certificate, which he has done; but in place of affording that aid which M. Gaspari sought for, to exculpate himself, it, on the contrary, states decidedly that the slaves were embarked with the knowledge and even by the means of M. Gaspari.

I was so much surprised at this information that I thought it necessary to make inquiries in other quarters, whether slaves had been embarked upon other occasions; and I am informed by a person, who I conceive has good opportunities of obtaining such information, that slaves have frequently been embarked from this for Algiers; and that the Algerine agent nominated by the Bey, stationed here, has kept a regular register of such as have been embarked. I have endeavoured to obtain a certified extract from this agent's register, but have not been able to do so.

My informant, however, says he saw the register, and he recollects the four following instances contained in it:—

No. 1. The French brig schooner "*La Clorinde*," Captain J. P. Asibert, sailed from Tunis the 1st of September, 1839.

No. 2. The Neapolitan tartan "*St. Perasmo*," Captain Arcangelo Scotto, sailed the 25th of September, 1839.

No. 3. The Sardinian brig "*Giulietta*," Captain Pellegro Berlingeri, sailed the 31st of October, 1839.

No. 4. The same brig sailed the 28th of March, 1840.

And he states that the whole of these four vessels are marked in the agent's register as having had slaves on board. This being the case, I much fear that other instances have occurred, and which have been kept from my knowledge by M. Gaspari; for I conceive it to have been impossible that slaves could have been thus conveyed away without his being acquainted with it.

I regret much to add, that I have heard that slaves are admitted into the possessions occupied by the French in the Algerine territory without difficulty; and it is a fact, I believe, which can be depended upon, that a French merchant in this place, named Carcassonne, boasted of having sent slaves for sale to Constantine by land, a short time previous to the regulations lately established by the Bey, reported in my Despatch of the 30th of April ultimo, by which he had gained cent. per cent.

I have, &c.

(Signed)

T. READE.

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

&c.

&c.

&c.

No. 135.

*Sir T. Reade to Viscount Palmerston.**Tunis, August 10, 1841.**(Received September 9.)*

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch dated the 22nd of June, and to inform your Lordship that I lost no time in waiting upon the Bey, to convey Her Majesty's thanks to His Highness, as directed by your Lordship's Despatch.

His Highness, upon receiving the communication, appeared to me to be gratified and pleased beyond measure; and after desiring me to state to your Lordship how deeply sensible he was of the condescension of Her Majesty, he emphatically remarked—"I have had enormous difficulties to encounter in this affair; I am determined, however, to carry it out to the fullest extent; and I trust that in a very short time you will be enabled to report to your Government the result, which I am sure cannot fail to be satisfactory to Her Majesty."

I have no doubt whatever but the Bey will put a total stop to slavery in every shape; but of course it must require some little time, opposed as he is, to bring the matter to a completion.

He has already effectually stopped the exportation of slaves; and he has given notice to the slave-dealers, that after the arrival of some slaves for which they had sent commissions previous to His Highness's first steps, every black person touching his territories should be free. For my own part I beg to assure your Lordship that I shall omit no exertions to carry your Lordship's wishes into effect, and bring the affair to a happy termination.

I have, &amp;c.

(Signed)

T. READE.

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

&amp;c.

&amp;c.

&amp;c.

No. 136.

*Sir T. Reade to Viscount Palmerston.**Tunis, September 7, 1841.**(Received October 14.)*

MY LORD,

IN reference to my Despatch of the 10th of August, I have now the great satisfaction of transmitting herewith the translation of a letter which I received yesterday from his Highness the Bey, by which your lordship will perceive that his Highness has abolished the public slave market, the buildings of which have been pulled down, and also the sale of slaves in any public manner.

This important step, in my opinion, cannot fail to lead, and that in a very short time, to the total and entire destruction of slavery in this regency in conformity with his Highness's promise.

It is impossible for me to express in sufficient terms the indescribable satisfaction I feel in becoming the medium of the humane sentiments of the Bey. At an audience which I had with his Highness this morning, he pointed out to me his expectation of disagreeable opposition to the measures he has adopted, on the part of the Sublime Porte; but that he confidently trusted to the good offices of England to support him: and I therefore hope your Lordship will excuse the liberty I take, by recommending, in the strongest manner possible, the Bey to the most favourable consideration of her Majesty's Government, in case his Highness's suspicions should be realised.

I feel myself thus the more forcibly called upon to solicit it for him upon this occasion, having no doubt that his Highness has undertaken to adopt measures for the entire destruction of slavery in his dominions, from his sincere regard and esteem for the British Government; and it is quite manifest that his exertions have increased in a twofold manner since the arrival of your Lordship's Despatch of the 22nd of June, which holds out so great an encouragement to him.

It is very difficult to describe the sensation which the destruction of the slave market has created in Tunis.

The poor slaves are almost frantic with joy; and although their proprietors seem disposed to remonstrate with, or in some manner oppose the Bey, I feel no doubt whatever, from my knowledge of his Highness's firm character, that he will overcome these remonstrances and opposition without much difficulty.

I beg to enclose copy of the answer which I conceived proper to send to his Highness's letter.

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

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

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First Enclosure in No. 136.

*The Bey of Tunis to Sir T. Reade.*

De la part du Serviteur de Dieu, Ahmed Bassa Bey, &c. &c. &c., à notre Allié le Chev. Thomas Reade, Consul Général du Gouvernement Anglais à Tunis.

Vous savez combien le commerce du genre humain nous pesait, et combien il contrariait nos sentimens; notre pitié envers les pauvres esclaves n'a point cessé d'animer nos sollicitudes pour affaiblir ce commerce, et pour alléger son poids. Nous avons jugé bien d'abolir les ventes dans le marché, où le crieur public les marchandait comme des animaux, dans Tunis notre capitale aussi bien que dans toute la Régence.

Nous avons fait cesser le droit qui nous revenait sur leur vente, et nous l'avons annullée d'entre les rentes de notre Gouvernement.

Nous avons écrit dans ce sens à toutes les parties de la Régence. Dieu sait l'état de ces pauvres gens lorsque le crieur public les exposait en vente dans le marché!—et cela dans le seul objet de rétirer les droits fixés dans leur vente: quoiqu'une rente semblable devrait être méprisée par les gens qui pensent avec humanité.

Cette partie du genre humain devrait cependant jouir plus de considération que le reste des animaux. Celle-ci sera, si Dieu le permettra, une occasion d'élever leur malheureuse situation d'esclaves; en ce que elle ne causera point de perte au capital de leur propriétaire; et que, par la volonté de Dieu, dans peu de tems, la mesure sera au comble par l'abolition de cette espèce de propriété de notre Régence entière. En attendant, notre empêchement de les vendre, notre sympathie à leur état, et l'allègement de leur esclavage, nous y conduira avec l'aide de Dieu. Nous avons participé à vous seul cette nouvelle, connaissant l'accord de vos sentimens avec les nôtres à ce propos.

Conservez vous dans la croyance de Dieu,

12 Regeb. 1257,

(6 Septembre, 1841.)

(Translation.)

(Signé) T. READE.

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(Translation.)

On the part of God's servant, Ahmed Bassa Bey, &c. &c. &c., to our Ally Sir Thomas Reade, Consul-General of the English Government at Tunis.

YOU are aware how painful the trade in the human species was to us, and how contrary it was to our feelings; our pity for the poor slaves has not ceased to excite our solicitude towards weakening that trade, and reducing its weight. We have thought proper to abolish their sale in the market, where the public crier disposed of them as of cattle, in Tunis our capital as well as throughout the Regency.

We have ceased to levy the duty which accrued to us on their sale, and have expunged it out of the revenues of our government.

We have written to that effect to all parties in the Regency. God knows the state of these poor people when the public crier exposed them for sale in the market!—and that for the sole object of deducting the fixed duties upon their sale, although such a revenue ought to be despised by persons of humane sentiments.

This portion of the human species ought nevertheless to enjoy a greater degree of consideration than other animals! The present shall be, God willing, an occa-

sion for raising them above their unhappy condition of slaves, in all such cases as shall occasion no loss to the capital of their owners, and in a short time the measure shall be complete by the abolition of this species of property throughout the whole of our Regency. In the mean time our prohibition of their sale, our sympathy for their condition, and their relief from slavery, will, with God's assistance, further our views. We have acquainted you only with these news, knowing that your feelings accord with ours on this subject.

Continue in the belief of God.

12 Regeb, 1257.

(6th September, 1841.)

(Signed) T. READE.

Second Enclosure in No. 136.

*Sir Thomas Reade to the Bey of Tunis.*

ALTEZZA,

*Tunis, Settembre 7, 1841.*

SE in altra occasione ho appena trovato termini per esprimerle la mia ammirazione, gli atti ch' ella esercita sembrano non tendere che ad aumentare il mio imbarazzo.

Per disposizione di V. A. il negro non è più esportato, il mare più non gem del nefando commercio del genere umano; per suo ordine se ne cessa la vendita pubblica; e per sua promessa, la Reggenza non è lungi dall' essere sgravata dalla schiavitù.

Quanti titoli alla riconoscenza del mondo!

Altezza, l' emancipazione dei negri varrà alla gloria di V. A. più della conquista di un regno.

La debolezza dei negri, o la crudeltà dell' uomo, sigillavano il loro destino e gli riducevano alla condizione di bruti; il costume gli prestava la forza che suole appartenere alla legalità. Ma l' universo vedrà a sua consolazione, che talvolta nasce chi sà corrispondere alle intenzioni del Creatore, rendendo bianchi e neri liberi o schiavi, avanti soltanto quella legge che opprime il colpevole ed assolve l' innocente.

La tromba della maldicenza cesserà avanti tanti tropei. Il filantropo l' ammirava; lo storico comparerà i suoi sforzi all' apatia di altre contrade; il mio governo gliene sarà sempre più riconoscente; il cuore di V. A. brillerà della più pura gioja; e lo schiavo reso al mondo, insegnerà all' innocente sua progenie di benedire quello che ruppe i ceppi che incatenavano lui, i suoi genitori, e la sua stirpe.

Il nome di Sidy Ahmed Bassa Bey gli sarà insegnato dal e mammelle, ed accompagnerà le sue preghiere nella fanciullezza e nella virilità.

Tanti progressi in pochi anni di regno, tante difficoltà ed opposizioni sormontate, devono digià essere di felice augurio al benefico acore di V. A. Ella ha scelto il sentiero che conduce alla pace, all' onore, alla fama di questo mondo, ed alla felicità dell' altro. Possa V. A. tracciarlo per lunghi anni, accompagnato dai caldi voti che formo per la sua miscita.

Aggradisca, &c.

(Firmato)

T. READE.

(Translation.)

*Sir T. Reade to the Bey of Tunis.*

YOUR HIGHNESS,

*Tunis, September 7, 1841.*

IF on other occasions I have with difficulty found words to express my admiration, the acts which your Highness pursues appear to tend only to augment my embarrassment.

In consequence of your Highness's orders negroes are no longer exported; the sea no longer groans under the detestable trade in the human species; the public sale of them has ceased, and, according to your promise, the Regency will ere long be relieved from slavery.

What claims are these to the gratitude of the world!

Your Highness, the emancipation of the negroes will redound more to your glory than would the conquest of a kingdom.

CLASS D.

The helplessness of the negroes, or the cruelty of man, sealed their destiny, and reduced them to the condition of brutes; custom lent a force to that which ought only to belong to what is lawful. But the universe will see for its consolation, that an individual is sometimes found to correspond with the intentions of the Creator, in rendering whites and blacks free or slaves, in furtherance of those laws which oppress the guilty and absolve the innocent.

The voice of malevolence will be stilled before so many trophies. The philanthropist will wonder at them; the historian will compare your Highness's efforts with the apathy of other countries; my Government will be more than ever grateful to you; the heart of your Highness will rebound with the purest joy; and the slave, restored to the world, will instruct his innocent progeny to bless him who broke the chains which bound him, his fathers, and his whole race.

The name of Sidi Ahmed Bassa Bey will be taught him from his infancy, and will be included in his prayers in childhood and in manhood.

Such progress in a reign of a few years, so much difficulty and opposition surmounted, ought certainly to be a happy augury to your Highness's beneficent heart, which has chosen the path to peace, honour, and fame in this world, and to happiness in the next. May your Highness pursue the same path for a length of years, accompanied by my earnest prayers for your welfare.

Accept, &c.  
(Signed) T. READE.

No. 137.

*The Earl of Aberdeen to Sir Thomas Reade.*

*Foreign Office, October 30, 1841.*

Circular sending papers presented to Parliament.

(See No. 10.)

No. 138.

*The Earl of Aberdeen to Sir Thomas Reade.*

*Foreign Office, December 27, 1841.*

Circular asking for all Laws on Slave Trade.

(See No. 14.)

## BOLIVIA.

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No. 139.

*Mr. Wilson to Viscount Palmerston.*

*Sucre, October 1, 1840.*

*(Received March 7.)*

MY LORD,

I HAVE the satisfaction to announce to your Lordship that, on the 25th ultimo, I signed, at this capital, with the Bolivian Plenipotentiary, a Treaty for the Abolition of the Slave Trade of Bolivia; the which, after being approved of, on the 26th ultimo, by the senate and chamber of representatives assembled together in congress, in conformity to the 5th clause of the 38th Article of the Political Constitution of the Republic, was ratified by the Government on the 29th ultimo, that day having been purposely selected for that act in celebration of the birthday of his Excellency the President of the Republic.

I shall transmit this Treaty to your Lordship by the first safe opportunity that may offer.

And, at the time of doing so, shall solicit your Lordship's attention to the few verbal alterations of the British draft, therein introduced at the desire of the Bolivian Plenipotentiary, for the better adaptation of the sense of the text to the English and Spanish languages.

But with a view of preventing any misunderstanding upon this subject, the Bolivian Plenipotentiary and myself agreed upon the following Article, which, as in the case of the Treaty on Slave Trade between Her Majesty and the Argentine Confederation, has been annexed as a Third Additional Article to the Treaty:—

“ If, in the drawing up of this Treaty in the Spanish language, any involuntary error has been made in the translation, the English text is to be adhered to.”

I trust that your Lordship will approve of this proceeding.

The Bolivian Government has promised me immediately to transmit a full power to some proper person resident in London for effecting thereat the exchange of the ratifications.

Herewith are transmitted a copy and translation of a note addressed to me by the Bolivian Minister of Foreign Affairs (and likewise a copy of my reply thereto), stating that the congress, impressed with a sense of the beneficent intentions of Her Majesty in the negotiation of this Treaty, and desirous of giving to Her Majesty a proof of its deference and respect, had, at his, Mr. Linares', request, declared the consideration of the Treaty to be a matter of “urgency,” consequently dispensing with certain ordinary forms which would have delayed the approval thereof several weeks.

I trust that the whole course pursued by me for bringing this negotiation to a successful conclusion will merit the approbation of your Lordship and of Her Majesty's Government.

I have, &c.

(Signed)

BELFORD HINTON WILSON.

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

&c.

&c.

&c.

First Enclosure in No. 139.

*The Bolivian Minister for Foreign Affairs to Mr. Wilson.*

*Palacio de Gobierno en la Ciudad Sucre, à*

*26 de Setiembre, de 1840.*

EL infrascrito Ministro de Relaciones Exteriores tiene la complacencia de poner en conocimiento del Señor Wilson, que habiendo pedido, à nombre de su Gobierno,

se dispensara el Congreso de las formalidades prescritas por su reglamento en el examen y aprobacion del Tratado para la abolicion del Trafico de Esclavos, que el infrascrito tuvo la honra de firmar el 25 del presente con el Señor Wilson, como Plenipotenciario de S. M. la Reyna del Reino Unido de la Gran Bretaña é Irlanda; el Congreso penetrado de las intenciones benéficas de S. M. la Reyna del Reino Unido de la Gran Bretaña é Irlanda y deseando darle una prueba de sus justas consideraciones y respeto, igualmente que darla de su gratitud al Señor Wilson por los nobles oficios que ejerció en favor de los prisioneros Bolivianos de las casasmatas del Peru, y de su amistad por el pueblo Boliviano, tuvo à bien acceder al ruego del infrascrito, y que habiendo declarado urgente la materia, la aprobado el dia de hoy el Tratado, en cuya virtud está dispuesto el Gobierno del infrascrito à ratificarlo el 29, por sen el cumple años de S. E. el Presidente de la Republica.

Renueva el infrascrito al Señor Wilson las seguridades de su estimacion y respeto.

(Firmado) JOSE MA. LINARES.

*Al Señor Plenipotenciario de S.M.B.*

&c.            &c.            &c.

(Translation.)

*Palace of Government, in the City of Sucre,  
September 26, 1840.*

THE undersigned Minister of Foreign Affairs has the satisfaction of acquainting Mr. Wilson that having requested, in the name of his Government, that the Congress would dispense with the formalities prescribed by the rules thereof in the examination and approbation of the Treaty for the Abolition of the Slave Trade, which the undersigned had the honour to sign on the 25th instant with Mr. Wilson, as the Plenipotentiary of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Congress, penetrated with a sense of the beneficent intentions of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and being desirous of giving a proof of its deference and respect for Her Majesty, as also of manifesting its gratitude towards Mr. Wilson for his noble offices of humanity in favour of the Bolivian prisoners confined in the Peruvian casemates, and for his friendship towards the Bolivian nation, deemed fit to accede to the request of the undersigned; and having declared this matter to be urgent, has this day approved of the Treaty: the Government of the undersigned is, in consequence, prepared to ratify it on the 29th, on account of that day being the birth-day of his Excellency the President of the Republic.

The undersigned renews to Mr. Wilson the assurances of his high esteem and respect.

(Signed) JOSE MA. LINARES.

*To the Plenipotentiary of Her Britannic Majesty,*

&c.            &c.            &c.

Second Enclosure in No. 139.

*Mr. Wilson to the Bolivian Minister for Foreign Affairs.*

*Sucre, September 27, 1840.*

THE undersigned Chargé d'Affaires and Plenipotentiary of Her Britannic Majesty has been honoured with the receipt of Mr. Linares' Note, dated yesterday, stating that the Congress of Bolivia had, for the reasons therein set forth, approved, on that day, of the Treaty for the Abolition of the Traffic in Slaves, which the undersigned had the satisfaction to sign with Mr. Linares on the 25th instant; and, finally, announcing that the Bolivian Ratification would be affixed thereto on the 29th instant, in celebration of the birth-day of his Excellency the President of the Republic.

The undersigned justly derives the highest gratification from having it in his power to transmit to his Government so classic a proof as that afforded by the Act recorded in Mr. Linares' Note, of the deference and respect entertained by the Congress and Government of Bolivia towards Her Britannic Majesty; and he will venture to assure Mr. Linares that the step taken by the Government and Congress of Bolivia upon this occasion will be fully appreciated by Her Most Gracious Majesty, as well as by Her Majesty's Government, not only on account of the flattering tribute thereby paid to the beneficent intentions of Her Majesty in the negotia-

tion of the Treaty, but likewise from its furnishing such unequivocal evidence of the sincere and cordial co-operation rendered to Her Britannic Majesty by the Bolivian nation in the glorious undertaking of putting an end to the inhuman traffic in slaves.

The undersigned fully sympathises with the generous motives which impelled his Excellency the President of the Republic to celebrate his birth-day by an act, personally, so creditable to himself, and so becoming the chief magistrate of a Christian and free people.

Finally, the honourable mention of the name of the undersigned in the Note under reply increases the motives of consideration towards Mr. Linares, which he before possessed, for the enlightened efficacy with which, as Plenipotentiary and Minister of Foreign Affairs of the Bolivian Republic, he has successfully brought to a conclusion the negotiations of this Treaty; and in like manner that circumstance augments the debt of gratitude due by the undersigned, personally, to the Congress and Government of Bolivia for the distinguished marks of kindness with which on former occasions, as well as on the present, he has been thereby favoured.

The undersigned avails himself of this opportunity to renew to Mr. Linares the sentiments of his high respect and distinguished consideration.

(Signed) BELFORD HINTON WILSON.

*The Bolivian Minister of Foreign Affairs,*  
&c. &c. &c.

No. 140.

*Mr. Wilson to Viscount Palmerston.*

MY LORD,

*Sucre, October 4, 1840.*

I HAVE the honour to transmit herewith a copy of the 29th number of the official gazette of Bolivia, in which is published a translation, in the Spanish language, of the Apostolical Letter promulgated on the 3rd of December, 1839, by his Holiness the Pope, on the subject of the Slave Trade.

A translation of this letter has now been inserted in public journals of the capitals of the Republics of Peru and of Bolivia, and of the cities of Arequipa and Tacna; and it is most probable that it will also be inserted in a public journal of the city of La Paz.

I have, &c.

(Signed) BELFORD HINTON WILSON.

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

No. 141.

*Viscount Palmerston to Mr. Wilson.*

SIR,

*Foreign Office, March 19, 1841.*

I HAVE received your Despatch of the 1st of October, 1840, stating that on the 25th of the preceding month you had signed with the Bolivian Plenipotentiary a Treaty for the Abolition of the Slave Trade of Bolivia; that the few deviations which you had allowed to be made in it from the British draft consisted only in verbal alterations; and that the Treaty was ratified by the Bolivian Government on the 29th of September, 1840: and I have the satisfaction to acquaint you that Her Majesty's Government approve your conduct in the negotiation of that Treaty.

I am, &c.

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

(Signed) PALMERSTON.

No. 142.

*Viscount Palmerston to Mr. Masterton.*

*Foreign Office, April 15, 1841.*

Circular sending Treaty with Argentine Confederation.

(See No. 1.)



No. 143.

*Viscount Palmerston to Mr. Masterton.**Foreign Office, April 22, 1841.*

Circular sending Treaty with Hayti.

(See No. 2.)

No. 144.

*Viscount Palmerston to Mr. Wilson.**Foreign Office, May 11, 1841.*

Proposed Instructions to Bolivian Functionaries in Slave-holding Countries.

(See No. 3.)

No. 145.

*Mr. Wilson to Viscount Palmerston.**Sucre, November 2, 1840.**(Received June 3, 1841.)*

(Extract.)

I PROFIT by the first safe opportunity that has offered to transmit herewith a Treaty between Her Majesty and the Republic of Bolivia for the Abolition of the Traffic in Slaves, signed by me on the 25th of September last, constitutionally approved of by Congress on the 26th, and ratified by the Government of Bolivia on the 29th of that same month.

I also transmit herewith a copy and translation of the Report of the Committee of the Bolivian Congress upon the Treaty.

Enclosure in No. 145.

Report of the Committee of the Bolivian Congress upon the Treaty between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the Republic of Bolivia, for the Abolition of the Traffic in Slaves; signed at Sucre on the 25th of September, 1840.

(Translation.)

SIR,

Your Commission for Foreign Affairs has had before it, and examined with much satisfaction, the Treaty for the abolition of the barbarous Traffic in Slaves, which the Government has concluded with Mr. Belford Hinton Wilson, as Plenipotentiary of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland. All who possess a true spirit of liberality cannot fail to evince sentiments of gratitude and of respect towards the Illustrious Cabinet of St. James's, for the generous zeal with which it has laboured to vindicate the rights of humanity, which man himself has violated with no less barbarity than arrogance.

"A man proprietor of his fellow-man, a man converted into property!" exclaimed the father of the country to the Legislature of 1826; "an image of the Almighty subjected to the yoke like a brute beast! Let us be told from whence are derived the rights of the usurpers of the liberty of man! The Coast of Guinea has not furnished them to us; for Africa, devastated by fratricide, offers to us nought but crimes!"

Such were the ideas and the sentiments of the immortal Bolivar relative to the infamous system of slavery; and no Bolivian can feel or think differently. It is true that these principles not only form the essential part of our political faith, but are likewise recognised in the 155th Article of the Constitution of the Republic; consequently the convention which you are about to approve of is in fact nothing more than the formal stipulation in a public treaty of a constitutional article. This is the essence of the negotiation, whilst its entire details are merely confined to insure that its operation be not frustrated by the machinations of avarice.

The Slave Trade being proscribed and abolished by the nations of Europe, the infamous speculators therein have had recourse to the flags of the new states of America for the purpose of covering under those flags their criminal traffic, and it has consequently become indispensable for Great Britain, deeply interested in this matter, to conclude treaties with the American Governments conceding to her the right of searching the ships which sail under their respective flags. This right is recognised by the Treaty which the Government has just signed; and although it is mutual to the two high contracting parties, it will not be so in practice, for Bolivia has no navy, neither will she for many years to come possess cruisers wherewith to search British vessels on the coast of Africa. But at all events, so soon as the Republic shall form a navy, this stipulation will become reciprocal.

It being declared by the treaty that the Traffic in Slaves carried on by the subjects of either of the two contracting nations is a crime of piracy, a Mixed Court composed of citizens of the two states, and paid for by both, is established for the adjudication of such cases. It is also stipulated that the captives who may be found on board piratical vessels are to be placed at the disposal of the Government to whom belongs the cruiser that has made the prize: and in respect to this stipulation the Commission repeats that which it before has indicated, namely, that as Bolivia has no cruisers on the coast of Africa she cannot make prizes, and in consequence is under no obligation to aid in the formation of the Mixed Court, nor to incur any expense on account of captured slaves, over whom the Government to whom belongs the capturing cruiser will exercise the right of guardianship, with the object of securing to them in future the enjoyment of their liberty.

By an express stipulation therefore, in the additional Articles, the Republic is exempted from all expenses on this account; and the Government of Her Britannic Majesty binds itself alone to pay all expenses which may be thereon incurred. The literal meaning and intent of this Article is, that Bolivia thereby acquires the right of aiding in the formation and payment of the Mixed Tribunal, without however contracting an obligation to do so. It is therefore just and very honourable to the venerable and enlightened Government of Her Britannic Majesty that, taking upon itself alone the charge of the whole outlay required for the abolition of the Slave Trade, it should at the same time reap the glory of restoring to the enjoyments of social life the unfortunate victims of depravity and avarice. The Commission consequently submits to your examination the following project:—

The Senate and Chamber of Representatives of the Bolivian Nation, assembled together in Congress, decree the following law:

*Sole Article.*—The Treaty for the abolition of the Traffic in Slaves which the Government of the Republic has concluded, on the 25th of September of the present year, with Mr. Belford Hinton Wilson, Plenipotentiary of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, is hereby approved of.

Let this law be communicated to the executive power for its ratification; and in order that it may direct the same to be published and fulfilled.

*City of Sucre, September 26, 1840.*

(Signed)

LOAYZA.

CORDOVA.

BUITRAGO.

OSIO.

CAMACHO.

URQUIDI.

BACAFLO.

JUSTINIANO JIMENES,

*Secretary.*

True Copy of the Report of the Commission.

(Signed)

JOAQUIN DE AGUIRRE,

*Senator Secretary.*

In honour of the Bolivian nation it appears proper herein to record that the Congress, upon the suggestion of the Minister of Foreign Affairs, declared the consideration of this Treaty to be a "matter of urgency," thereby dispensing with the usual formalities requisite in the formation of laws: and immediately upon the presentation, on the 26th instant, of the foregoing report and project of law, both were unanimously approved of and constitutionally sanctioned by Congress.

The ratification to the Treaty was in consequence affixed by the Government on the 29th, to commemorate by so solemn and glorious an act the birth-day of his Excellency the President of the Republic.

No. 146.

*Mr. Wilson to Viscount Palmerston.*Sucre, November 2, 1840.  
(Received June 3, 1841.)

(Extract.)

I HAVE the satisfaction to transmit herewith the Bolivian ratification to the Treaty which I signed with the Bolivian Government in this capital, on the 25th of September last, for the abolition of the Traffic in Slaves.

No. 147.

*Mr. Wilson to Viscount Palmerston.*

Sucre, November 10, 1840.

(Received June 3, 1841.)

MY LORD,

I HAVE the satisfaction of transmitting herewith a copy and translation of a note which, under date of the 6th instant, has been addressed to me by the Bolivian Minister of Foreign Affairs, covering the copy of the project of a law initiated by his Government in the Senate, for carrying into due effect that part of the stipulations of the Treaty on Slave Trade between Her Majesty and the Republic of Bolivia which declares the crime of Slave Trade to be Piracy, and directs the establishment of Mixed Courts of Justice for the trial of such offences.

I likewise herewith forward a copy and translation of that project; and should your Lordship be desirous of procuring any modifications thereof, your Lordship's suggestions would doubtless be favourably considered by this Government, with a view to their adoption; and as the next Congress will not assemble until the 6th of August, 1841, and will remain sitting for two and possibly for three months, such suggestions, if immediately forwarded to Sucre, on the receipt of this Despatch, would probably be received thereat in time to be acted upon prior to the passing of the present project.

I trust that your Lordship will approve of a note, a copy of which is herein enclosed, which I have deemed it but common justice to address to Mr. Linares, expressive of my grateful sense of the earnestness and efficacy of the endeavours of his Government to bring to a successful conclusion its negotiations with me, and more especially the negotiation of the Treaty in question.

I have, &amp;c.

(Signed) BELFORD HINTON WILSON.

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

&amp;c. &amp;c. &amp;c.

First Enclosure in No. 147.

*General Linares to Mr. Wilson.*

(Translation.)

*Palace of Government in Sucre, November 6, 1840.*

THE Undersigned, Minister of Foreign Affairs, has the honour to transmit to Mr. Wilson the copy of a project of law, initiated by his Government, declaring (in conformity with the Treaty for the Abolition of the Traffic in Slaves, concluded on the 25th of last September with the Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland) the said traffic to be a crime of Piracy, and enacting the punishment to which it is to be subjected in this Republic.

The project likewise declares that the port of La Mar is to be the place of residence of the Mixed Tribunal established by the Treaty, for taking cognizance of the causes relative to the Slave Trade.

The Government of the Undersigned has hastened to initiate the project without waiting for the ratification of the Treaty on the part of the Government

of her Majesty, because it does not for a moment doubt that it will be obtained; and because it has wished in this manner to give a proof of his desire to finish, on its part, a work which does so much honour to the Government of Her Majesty.

The Undersigned thinks it proper also to remark to Mr. Wilson that in the project the penalty of death has not been enacted, because the Constitution of the Republic only permits it in cases of treason against the country, rebellion, parricide, and assassination, forbidding it to be applied to other cases; and as, according to the penal laws in force in Bolivia, the greatest punishment next to death is that of ten years' imprisonment with hard labour ("Presidio"): with that, according to the project, the crime of Piracy is to be punished.

The Undersigned renews to Mr. Wilson the sentiments of his distinguished esteem.

(Signed) JOSE MARIA LINARES.

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

Second Enclosure in No. 147.

*Project of Law.*

(Translation.)

THE Senate and Chamber of Representatives of the Bolivian nation decree the following Law.

Article 1.

In conformity with the stipulations of the Treaty for the Abolition of the Traffic in Slaves, concluded between the Republic and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the said traffic is declared to be a crime of Piracy.

Article 2.

Besides the punishments established by the Treaty, the perpetrator of the crime of Piracy shall suffer ten years of imprisonment and hard labour ("Presidio"). The other criminals shall be punished with the same penalty; observing, as to time, the scale and proportion established by the penal code for the class of offence corresponding.

Article 3.

The port of La Mar shall be the place of residence for the Mixed Tribunal established by the said Treaty.

Article 4.

The 174th\* Article of the penal code is abrogated.

Let it be communicated, &c.

A true copy.

(Signed) LINARES.

Third Enclosure in No. 147.

*Mr. Wilson to General Linares.*

*Sucre, November 7, 1840.*

THE Undersigned, Her Britannic Majesty's Chargé d'Affaires, has been honoured by the receipt of the several notes, numbered and dated as in margin, which have been addressed to him by Mr. Linares, upon the subject of the

\* The following is a translation of the 174th Article of the Penal Code of Bolivia, directed to be repealed by the 4th Article of the above Project:—

"Those who shall introduce slaves into Bolivia by sea or land shall suffer two or four years of imprisonment ("reclusion"), and a fine equivalent to the sixth part of the value of the said slaves, they becoming free. Those who shall knowingly purchase slaves thus introduced shall undergo the same punishment, the said slaves becoming free."

negotiations which have been carried on between the Bolivian Minister of Foreign Affairs and the Undersigned subsequent to his arrival at this capital.

Upon the eve of returning to Lima, the Undersigned would be wanting in the discharge of a grateful duty were he not to profit by the present opportunity of offering, through the worthy channel of Mr. Linares, to the Government of the Republic of Bolivia, his most sincere acknowledgments for the enlightened benevolence with which it has more closely cemented the relations of intimate friendship and commerce which, with mutual benefit to both nations, so happily subsist between Great Britain and the Republic of Bolivia.

Above all, the generous interest displayed by Mr. Linares to procure the immediate exchange of the ratifications of the Treaty for the Abolition of the Traffic in Slaves, as well as the measures he has initiated in the senate to give effect to the stipulations of that Treaty, will be fully appreciated, the Undersigned will venture to assure him, by the Government of Her Majesty as a classic proof of the good faith and enlightenment of the Government of His Excellency the President, General Velasco, upon a question of such vital interest to the humanity and to the civilization of whole Christian world.

The Undersigned trusts that Mr. Linares, in laying this note before his Government, will also deign to accept the personal acknowledgments which are due to him for the efficacy and noble frankness which have characterized all his acts with the Undersigned, who gladly seizes this opportunity to renew to Mr. Linares the assurances of his high respect and distinguished consideration.

(Signed) BELFORD HINTON WILSON.

*The Bolivian Minister of Foreign Affairs,*  
&c.            &c.            &c.

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## CENTRAL AMERICA.

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No. 148.

*Viscount Palmerston to the British Consuls.*

*Foreign Office, April 15.*

Circular sending Treaty with the Argentine Confederation.

(See No. 1.)

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No. 149.

*Viscount Palmerston to the British Consuls.*

*Foreign Office, April 22.*

Circular sending Convention with Hayti.

(See No. 2.)

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No. 150.

*Viscount Palmerston to British Consuls and Vice-Consuls.*

*Foreign Office, May 8.*

Circular against holding or being interested in Slave Property.

(See No. 43.)

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No. 151.

*Earl of Aberdeen to British Consuls and Vice-Consuls.*

*Foreign Office, October 30.*

Circular sending Papers presented to Parliament.

(See No. 10.)

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No. 152.

*Earl of Aberdeen to British Consuls and Vice-Consuls.*

*Foreign Office, December 27.*

Circular for all Laws on Slave Trade.

(See No. 14.)

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## CHILE.

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No. 153.

*The Hon. J. Walpole to Viscount Palmerston.*

(Extract.)

*Santiago, October 18, 1840.*

THE Constitutional Congress closed their session and their labours at the accustomed period.

Among those matters which merited the attention of the Lower Chamber, since it had already in the session of 1839 been approved by the Senate, but which has equally shared in its neglect, is the Treaty with Great Britain for the Abolition of the Slave Trade.

I had already received from the late Minister for Foreign Affairs, Don Joaquin Tocornal, divers notices of the intention of the Government, viewing the unproductive progress of the Legislative session, to summon at an early period an Extraordinary Congress, to which, by the constitutional law, it is alone permitted to treat of and to discuss subject-matter submitted by the Government to their consideration, and that, should this intention be realized, the Slave Trade Treaty would be strongly recommended to, and the approbation of it by the Chamber actively promoted by, the Government.

I had also, early in the month of September, received from the present Foreign Minister, in reply to a formal question submitted to him, authority officially to declare to you the intention of this Government to summon the Congress at the commencement of the month of November, and therein to further the conclusion of the Treaty. This has again been confirmed to me by the Minister of Finance, Don Joaquin Tocornal.

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No. 154.

*The Hon. J. Walpole to Viscount Palmerston.*

*Santiago, November 1, 1840.*

*(Received February 16.)*

MY LORD,

I HAVE had the honour to receive your Lordship's Despatch, covering 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)

JOHN WALPOLE,  
*Consul-General.*

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

&c.

&c.

&c.

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No. 155.

*The Hon. J. Walpole to Viscount Palmerston.*

*Santiago, November 14, 1840.*

*(Received February 20.)*

MY LORD,

I HAVE had the honour to receive your Lordship's Despatch, covering an apostolical letter promulgated by His Holiness the Pope on the subject of the Slave Trade.

Your Lordship may rely on my availing myself of the earliest occasion which may offer for the insertion of that paper in the public journal of this city, and that I shall adopt those measures which may appear most suitable for making its contents generally known.

I have, &c.  
(Signed) JOHN WALPOLE,  
Consul-General.

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

No. 156.

*The Hon. J. Walpole to Viscount Palmerston.*

*Santiago, November 20, 1840.*

*(Received February 20, 1841.)*

MY LORD,

I AVAIL myself of the short space allotted to me previous to the sailing of Her Majesty's ship "Actæon" for Panamá, to acquaint your Lordship of the receipt on the 12th instant of your Lordship's Despatch, dated March 4, together with a box containing Her Majesty's ratification of the Treaty for the Suppression of the Slave Trade, as concluded and signed by the respective plenipotentiaries on the 19th of January, 1839, and directing that the same should be exchanged against a similar instrument ratified by the President of this Republic.

In the fulfilment of this latter I foresee no difficulty on the part of this Government; but you will permit me to state that the additional Article, which I had the honour to announce to your Lordship, in my Despatch marked Slave Trade, of September, 1839, as having been insisted on by the Chilian Senate, limiting the duration of the treaty to a period of ten years, has not therein been noticed.

As no mark of disapprobation of the proceeding which I at the same time stated as my intention to adopt in regard to the above provision has reached me, I consulted with my colleague in this transaction on the best mode of supplying this deficiency without having recourse to the inconvenient measure of a new treaty; and, in consequence, it was agreed between us to enter into a convention, the substance of which your Lordship will find in the enclosed paper and its translation, in which are stipulated the duration of the Treaty for ten years, and the prorogation of the term fixed in the original Treaty for the exchange of the ratification.

I apprehend, my Lord, and the Minister for Foreign Affairs is in the same conviction, that the powers of which I already have the honour to be possessed are amply sufficient to authorize me in proceeding to the termination of this negotiation.

I have, &c.  
(Signed) JOHN WALPOLE,  
Consul-General.

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

Enclosure in No. 156.

(Translation.)

*Draft of Convention.*

N. and N., animated always with the most lively desire to co-operate for the abolition of the traffic in slaves in all parts of the world, and to avoid renewed delays in the fulfilment of the obligations which they had mutually resolved to impose on themselves by the Treaty signed on the 19th of January, 1839, which unhappily could not be carried into effect, the period designated for the exchange of the ratifications having expired, have agreed to proceed to the celebration of a convention which may give full force and vigour to all which shall not be expressly altered by it in the stipulations contained in the said Treaty.



For this purpose they have named for their plenipotentiaries N. N. and M. M., who, having mutually communicated their full powers and found them in due form, have regulated and agreed to the following articles:—

Article 1.

The two high contracting parties recognise as valid and subsisting all the obligations which it was their intention respectively to contract by all and each of the articles of the Treaty of the 19th of January, 1839, to co-operate for the effectual and complete abolition of the Slave Trade, and by all and each of the annexes marked A, B, and C, and by the two separate articles thereunto adjoined, which, as therein stipulated, ought and are to be considered as integral parts of the above-mentioned Treaty; all of which is understood to be with the exceptions and modifications which shall hereafter be expressed.

In virtue of this the two high contracting parties agree and stipulate, in the most positive and conclusive manner, that it is their desire to be bound, and they are hereby bound, formally and solemnly, by all and each of the clauses of the Treaty referred to, and of the annexes, and of the separate articles, so far as they may respectively regard them according to, and as they are expressed in, the copy in the Spanish language which shall be ratified simultaneously with the present convention by the President of the Republic of Chile, and in the copy in the English language ratified separately on the by Her  
Majesty the Queen of the United Kingdom of Great Britain and Ireland, the same as if the above-mentioned Treaty formed an integral part of the present Convention, and was inserted word for word in it; saving, however, the exceptions and modifications hereafter expressed.

Article 2.

The above-mentioned Treaty of the 19th of January, 1839, shall be obligatory on the two high contracting parties alone for the term of ten years, reckoned from the date of the exchange of the ratifications of the present Convention; it being well understood that if, previous to the expiration of the said term of ten years, neither of the two high contracting parties shall notify to the other its intention to put an end to the said Treaty, it shall remain in full force and vigour for a period undefined, and it shall alone cease to exist, and shall be considered to terminate at the expiration of one year, reckoned from the date of the notification made by one of the high contracting parties to the other in manifestation of its desire to put an end to the said Treaty.

Article 3.

The before-mentioned Treaty and the present Convention shall be ratified by the President of the Republic of Chili, and the present Convention shall be so by Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the ratification of both shall be exchanged within one year from the date of the present Convention, or before, if possible.

In faith of which, &c.

No. 157.

*Viscount Palmerston to the Hon. John Walpole.*

SIR,

*Foreign Office, March 16, 1841.*

I HAVE received your Despatch of the 20th of November, 1840, enclosing a paper containing the substance of a stipulation which you had consented to enter into with the plenipotentiary of Chile for limiting to a period of ten years the duration of the Treaty already concluded by you and the Chilian plenipotentiary on the 19th of January, 1839.

But I have to refer you to my Despatch of the 22nd August, 1840, giving you instructions for your guidance, if a proposal for such a stipulation should be made to you.

And I herewith send you a duplicate of that Despatch and of its enclosure, to provide for the event of your not having received the originals of those

papers; and I have to acquaint you that, in respect to limiting the duration of the Treaty in question, you are to abide by the instructions contained in that Despatch.

I am, &c.  
(Signed) PALMERSTON.

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

No. 158.

*Viscount Palmerston to British Consuls.*

*Foreign Office, April 15, 1841.*

Circular sending Treaty with the Argentine Confederation.

(See No. 1.)

No. 159.

*Viscount Palmerston to British Consuls.*

*Foreign Office, April 22, 1841.*

Circular sending Convention with Hayti.

(See No. 2.)

No. 160.

*Viscount Palmerston to British Consuls and Vice-Consuls.*

*Foreign Office, May 8, 1841.*

Circular instruction as to holding Slave property.

(See No. 43.)

No. 161.

*The Hon. J. Walpole to Viscount Palmerston.*

*Valparaiso, December 26, 1840*

*(Received May 10, 1841.)*

(Extract.)

In pursuance of the course announced to your Lordship in my Despatch of November 20, and which had been adopted on the arrival of Her Majesty's ratification of the Treaty of 1839, a meeting took place between the Chilian plenipotentiary and myself, during which certain stipulations previously agreed on, assuming the form of a Convention, were signed on the 25th ultimo.

The discussion of the original Treaty and of the present Convention was concluded with the full approbation and sanction of the Congress on the 17th instant.

By the first Article the obligations contracted by the parties to the former Treaty are recognised and confirmed.

The second limits the duration of the Treaty to ten years, and to a subsequent period undefined, provided that one of the contracting parties shall not give notice to the other of its desire to put to it a termination, which shall, however, only take place at the expiration of one year from the date of the notification.

The third Article renews the period originally fixed, but expired, for the exchange of the ratifications of the Treaty, and stipulates for it simultaneously with that of the present Convention within twelve months from the date of this latter.

Governed by a sincere desire correctly to interpret and zealously to execute the purposes of Her Majesty's Government, I trust that the course which I have pursued on this occasion will meet your Lordship's approbation.

Enclosure in No. 161.

*Convencion adicional y explicatoria del Tratado entre Chile y la Gran Bretaña para la Abolicion del Tráfico de Esclavos, firmado en la Ciudad de Santiago el dia 19 de Enero de 1839.*

EL Presidente de la República de Chile, y Su Majestad la Reina del Reino Unido de la Gran Bretaña e Irlanda, animados siempre del mas vivo deseo de cooperar a la Abolicion del Tráfico de Esclavos en todas las partes del mundo, y de evitar nuevas demoras en el cumplimiento de las obligaciones que mutuamente habían resuelto imponerse por el Tratado de diez y nueve de Enero de mil ochocientos treinta y nueve, que desgraciadamente no pudo llevarse a efecto por haber expirado el plazo designado en él para el canje de las ratificaciones; han resuelto proceder al ajuste de una Convencion que dé plena fuerza y valor en todo lo que no fuere alterado expresamente por ella, a las estipulaciones contenidas en el dicho Tratado. A este efecto han nombrado por sus Plenipotenciarios, a saber, la República de Chile a Don Joaquin Tocornal, Ministro del Despacho en el Departamento de Hacienda, y Su Majestad la Reina del Reino Unido de la Gran Bretaña e Irlanda al Honorable Señor Juan Walpole, Cónsul General de Su Majestad Británica en la República de Chile: los cuales, habiéndose comunicado mutuamente sus plenos poderes y halládoslos en debida forma, han ajustado y acordado los siguientes artículos:—

#### Artículo 1º.

Las dos Altas Partes Contratantes reconocen como válidas y subsistentes todas las obligaciones que respectivamente fué su ánimo imponerse por todos y cada uno de los artículos del Tratado de diez y nueve de Enero de mil ochocientos treinta y nueve, para cooperar a la efectiva y completa abolicion del comercio de esclavos, y por todos y cada uno de los artículos de las adiciones marcadas con las letras A, B, y C, y por los dos artículos adicionales separados, que segun lo allí estipulado debían y deben considerarse como partes integrantes del sobredicho Tratado; todo lo cual se entiende con las excepciones y modificaciones que mas adelante se expresarán.

En esta virtud las dos Altas Partes Contratantes acuerdan y estipulan del modo mas positivo y terminante, que es su ánimo obligarse, como de hecho se obligan, formal y solemnemente por todas y cada una de las cláusulas del referido Tratado y de las referidas adiciones y artículos separados, en la parte que respectivamente les toque, segun y como se hallan expresadas en el ejemplar en lengua Castellana que será ratificado por el Presidente de la República de Chile, y en el ejemplar en lengua Inglesa que será ratificado por Su Majestad la Reina del Reino Unido de Gran Bretaña e Irlanda; todo de la misma manera que si el sobredicho Tratado formase parte integrante de la presente Convencion, y estuviere inserto en ella palabra por palabra; salvas empero las excepciones y modificaciones que van a expresarse.

#### Artículo 2º.

El sobredicho Tratado de diez y nueve de Enero de mil ochocientos treinta y nueve será obligatorio para las dos Altas Partes Contratantes por solo el término de diez años, contados desde la fecha del canje de las ratificaciones de la presente Convencion; bien entendido que si ántes de cumplirse el mencionado plazo de diez años, ninguna de las dos Altas Partes Contratantes hubiere notificado a la otra su intencion de poner fin al dicho Tratado, permanecerá en plena fuerza y vigor por un tiempo indefinido, y solo dejará de tener fuerza y vigor y se considerará terminado a la expiracion de un año, contado desde la fecha de la notificacion que una de las dos Altas Partes Contratantes dirijiere a la otra, manifestándole su intencion de poner fin a dicho Tratado.

#### Artículo 3º.

El antedicho Tratado y la presente Convencion serán respectivamente ratificados por el Presidente de la República de Chile, y por Su Majestad la Reina del Reino Unido de la Gran Bretaña e Irlanda; y las ratificaciones de ambos serán canjeadas dentro de un año contado desde la fecha de la presente Convencion.

En fé de lo cual los respectivos Plenipotenciarios han firmado tres ejemplares en lengua Castellana de la presente Convencion, y otros tres en lengua Inglesa, los han sellado con sus armas.

Fecha en la ciudad de Santiago a veinte y cinco dias del mes de Noviembre del año de Nuestro Señor mil ochocientos cuarenta.

(Signed) JOAQUIN TOCORNAL.

JOHN WALPOLE.

(Seal.)

(Seal.)

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(Translation.)

*Convention additional and explanatory of the Treaty between Great Britain and Chile for the Abolition of the Traffic in Slaves, signed in the city of Santiago the 19th day of January, 1839.*

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the President of the Republic of Chile, animated always with the most lively desire to co-operate for the abolition of the Traffic in Slaves in all parts of the world, and to avoid renewed delays in the fulfilment of the obligations which they had mutually resolved to impose on themselves by the Treaty signed on the 19th of January, 1839, which unhappily could not be carried into effect, the period designated for the exchange of the ratifications having expired, have agreed to proceed to the celebration of a convention which may give full force and vigour, in all which shall not be expressly altered by it, to the stipulations contained in the said Treaty. For this purpose they have named for their Plenipotentiaries, to wit, Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Honourable John Walpole, Her Britannic Majesty's Consul-General in the Republic of Chile; and the Republic of Chile, Don Joaquin Tocornal, Minister of State for the Department of Finance; who, having mutually communicated their full powers, and found them in due form, have arranged and agreed to the following Articles:—

#### Article 1.

The two high contracting parties recognise as valid and existing all the obligations which it was their intention respectively to contract by all and each of the Articles of the Treaty of the 19th of January, 1839, to co-operate for the effectual and complete abolition of the Slave Trade, and by all and each of the Annexes marked A, B, and C, and by the two separate additional Articles which, as therein stipulated, ought and are to be considered as integral parts of the above-mentioned Treaty; all of which is understood to be with the exceptions and modifications which shall hereafter be expressed.

In virtue of this the two high contracting parties agree and stipulate in the most positive and conclusive manner that it is their desire to be bound, as they are hereby bound, formally and solemnly by all and each of the clauses of the Treaty referred to, and of the Annexes, and of the separate Articles, so far as they may respectively regard them, according to and as they are expressed in the copy in the English language which shall be ratified by Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and in the copy in the Spanish language which shall be ratified by the President of the Republic of Chile, all in the same manner as if the above-mentioned Treaty formed an integral part of the present Convention, and was inserted word for word in it, saving however the exceptions and modifications which are hereafter expressed.

#### Article 2.

The above-mentioned Treaty of the 19th January, 1839, shall be obligatory on the two high contracting parties only for the term of ten years, reckoned from the date of the exchange of the ratifications of the present Convention; it being well understood that if, previous to the expiration of the said term of ten years, neither of the two high contracting parties shall have notified to the other its intention to put an end to the said Treaty, it shall remain in full force and vigour for a period undefined, and it shall only cease to have force and vigour, and shall be considered as terminated, at the expiration of one year, reckoned from the date of the notification which shall be made by the one to the other of the high contracting parties, in manifestation of its desire to put an end to the said Treaty.

CLASS D.

## Article 3.

The before-mentioned Treaty and the present Convention shall be respectively ratified by Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and by the President of the Republic of Chile, and the ratifications of both shall be exchanged within one year, reckoned from the date of the present Convention, or before, if possible.

In faith of which the respective Plenipotentiaries have signed three copies of the present Convention in the English language, and other three in the Spanish language, to which they have affixed their arms.

Done in the city of Santiago, the twenty-fifth day of November, in the year of our Lord one thousand eight hundred and forty.

(Signed) JOAQUIN TOCORNAL.

JOHN WALPOLE.

(Seal.)

(Seal.)

No. 162.

*The Hon. J. Walpole to Viscount Palmerston.*

*Valparaiso, January 12, 1841.*

*(Received May 10.)*

MY LORD,

THE Despatch of the 26th December, which will accompany this, had scarcely been written, when that from your Lordship of the 22nd of August, 1840, was delivered to me.

Its contents have caused me, I can assure your Lordship, the most serious concern, showing, as it does, my omission in not sufficiently impressing on your Lordship, in my communication of September, 1839, the insuperable nature of the obstacles opposed by the Chilian Senate to the ratification of the Treaty for the Suppression of the Slave Trade in the form in which it was presented for their consideration.

The resolution to fix a limit to treaties of a commercial nature celebrated with foreign powers was announced in 1833 by the actual President of Chile; its extension to all treaties, whatever may be their purpose or object, has been considered in the judgment of the Senate as essential to the national benefit.

It was the conviction of the unchangeable nature of that resolve which induced me to accede, without waiting the further instructions from your Lordship, to the limitation stipulated in the 2nd Article of the Convention, which your Lordship will have received, and thus practically to ensure to Her Majesty's Government the attainment of their purpose—viz. the perpetual abolition of the trade in slaves by Chilian citizens, or by others under the Chilian flag.

The spirit not only of apathy and indifference which generally prevailed throughout the Chamber of Deputies, but that of hostility manifested by a portion of its members, even to the consideration of the Treaty itself, seemed to justify the course which I had pursued.

Nevertheless, these adverse symptoms were not to deter me from executing the directions contained in your Lordship's Despatch, however slight the prospect of success which I might entertain; and, accordingly, after an interview with Don Joaquin Tocornal, from which I derived but little promise, I proceeded to Santiago to confer with the Minister for Foreign Affairs. The result has not been more satisfactory.

I represented to His Excellency the earnest regret that Her Majesty's Government would experience on learning the ultimate decision of the Chambers; their hopes of an unlimited duration being given to the Treaty; I urged with all the energy prescribed the considerations suggested by your Lordship, but without eliciting one spark of hope of a change in a decision, the propriety of which, as His Excellency stated, was not alone that of the Congress, but the popular and almost the universal sense of the country.

In the additional Article, which I then submitted to His Excellency, he saw no cause for alteration, since the Congress would alone observe in it the mode of cancelling the effects of the Limitation Clause, and of thus rendering ineffectual their precautions.

His Excellency added, that although the Government could not influence, they did not participate in the opinion of the Congress, nor could they foresee the period for the termination of the Treaty; but that in contemplation of so unfortunate an event, they would compromise themselves to maintain the law attaching the punishment of piracy to the crime of slave-trading, and to maintain irrevocably that law.

Thus, my Lord, having been baffled in the object proposed, and unauthorised to offer any further stipulations, I abstained therefrom; but I will venture to assure your Lordship that this Government, in furtherance of the views of Her Majesty's Government, and with a desire to promote their complete fulfilment, would cheerfully consent to bind themselves in the most solemn manner never to forego the principles involved in the Treaty, but to adhere inviolably and perpetually to the engagements contracted by the 2nd Article in their most extended sense.

I have, &c.

(Signed)

JOHN WALPOLE,  
*Consul-General.*

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

No. 163.

*Viscount Palmerston to the Hon. John Walpole.*

*Foreign Office, May 11, 1841.*

Circular as to proposed Instructions to Chilian Functionaries in Slave-holding Countries.

(See No. 3.)

No. 164.

*Viscount Palmerston to the Hon. John Walpole.*

SIR,

*Foreign Office, June 8, 1841.*

I HAVE received your Despatch of the 26th of December, 1840, enclosing a Convention signed by you and the Chilian Plenipotentiary on the 25th of November, 1840, limiting to a period of ten years the duration of the Treaty concluded by you with Chile on the 19th of January, 1839, for suppressing the Slave Trade of Chile.

I have also received your Despatch of the 1st of January, 1841, in which you mention the reasons which induced you to agree to this limit to the duration of the Treaty.

But on this subject I have to refer you to my Despatch of the 22nd of August, 1840, stating that Her Majesty's Government consider arrangements such as those contained in that Treaty will be absolutely necessary as long as the condition of slavery anywhere exists: and I have to refer you to my Despatch of the 16th of March, 1841, observing that Her Majesty's Government continue still of that opinion; and I have now to instruct you to say to the Chilian Government, that Her Majesty's Government conceive it would be unadvisable to stipulate that the Treaty with Chile on Slave Trade should have so short a duration as that which is assigned to it by the Convention of the 5th of November, 1840. And you will observe to the Chilian minister, that considering the length of voyage between Chili and Great Britain, and the length of time required for diplomatic communications between the two governments, the Chilian Government must see the grave objections which there are to a Treaty of such a duration.

Mexico, like Chile, at first objected to allow an unlimited duration to its Treaty on Slave Trade. The Mexican Government, however, instead of directly limiting the duration of its Treaty, agreed at last to a stipulation, of which I herewith transmit to you a copy, providing that if it shall be necessary to adopt

new measures for attaining the object of the Treaty, or for remedying inconveniences which shipping might be found to have suffered under it, the parties to the Treaty will consult together for the complete attainment of these objects.

Her Majesty's Government is willing to consent that a similar stipulation to this shall be added to the Treaty with Chile of the 19th of January, 1839.

I have to instruct you, therefore, to endeavour by all the arguments in your power to induce the Chilian minister to agree to ratify the original Treaty of the 19th of January, 1839, annexing thereto an additional article to the effect of that which I enclose, instead of the Convention which you signed on the 25th of November, 1840, and which cannot be ratified by Her Majesty.

(Signed) PALMERSTON.

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

Enclosure in No. 164.

Article 14.

As the principal object of this Treaty, Additional Articles, and three Annexes, which form part of it, is no other than that of preventing the traffic in slaves without any annoyance to the respective merchant-shipping of the two nations, the High Contracting Parties, animated by the same sentiments, agree that if in future it should appear necessary to adopt new measures for attaining the said beneficent object, or for obviating any inconvenience to the aforesaid shipping which experience shall have made known, in consequence of those established in this Treaty, Additional Articles and Annexes proving inefficacious, the said High Contracting Parties will consult together for the complete attainment of the object proposed.

No. 165.

*The Honourable John Walpole to Viscount Palmerston.*

*Santiago, February 21, 1841.*

*(Received June 7.)*

MY LORD,

I HAVE the honour to forward to your Lordship a copy and translation of a note which I received yesterday from the Minister for Foreign Affairs, containing the first official notification of the approbation of the Treaty and Convention relating to the abolition of the Slave Trade by the Congress, and of the disposition of the President to ratify the same.

I have restricted myself to a simple acknowledgment of its receipt.

I have, &c.

(Signed)

JOHN WALPOLE,  
*Consul-General.*

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

Enclosure in No. 165.

*M. Moulton to the Hon. John Walpole.*

(Translation.)

*Santiago, February 20, 1841.*

DESIROUS that no renewed delays should accidentally occur in the publication of the treaties relating to the Slave Trade, and that, if Her Majesty the Queen of the United Kingdom should sanction them, the exchange of the ratifications may be effected within the period stipulated, it has appeared to the President expedient to notify to you their approbation by the Congress without modification or reserve of any sort, and that His Excellency is disposed to ratify them in the same terms.

Thus I act by order of His Excellency, and I profit by this occasion to reiterate to you the sentiments of high consideration with which

I have, &c.

(Signed) MANUEL MOULT,

*The Consul-General of Her Britannic Majesty.*

No. 166.

*The Honourable John Walpole to Viscount Palmerston.*

*Valparaiso, May 15, 1841.*

*(Received September 24.)*

(Extract.)

PREVIOUS to the infliction of severe indisposition, which ultimately compelled me to remove to the more favourable climate of this port for my recovery, and to abstain from all serious occupation, I had an interview with the newly appointed Minister for Foreign Affairs, Don José Miguel Irarrázaval.

In my former Despatch of January the 12th of this year, I had conveyed to your Lordship the sense of the Government at that time in existence, and the declaration of the minister as to the extent to which they could, satisfied of the unconquerable opposition of the Chambers to a treaty unlimited in point of time, venture to compromise themselves; but, seeing nothing in all this so conclusive as to impede my recurrence to the subject at a more favourable opportunity, it formed the principal object of my visit.

I proposed to His Excellency to submit to the consideration of the Legislature the Convention signed in the month of November of the last year, with a view to the limitation clause being expunged.

I reiterated my conviction of the determination of the British Government, founded as it was on the most sound and incontestable objections, to reject the Treaty while its operation should be restricted to any fixed limits: I repeated all that your Lordship had suggested in your last Despatch, and I expressed myself thoroughly persuaded that the Congress about to meet would not interpose a clause so prejudicial to a Treaty having directly for its object the amelioration of an oppressed class of our own species, but from which the state of Chile would also indirectly derive importance, had it been discouraged, and the Treaty in its original form been earnestly supported by the Government.

His Excellency replied, that, although a member of the Senate, and present at the discussion of the Treaty, he had been equally ignorant of its existence as of the nature of the motives which induced the addition of the limitation clause; that no just cause for it offered itself to his mind, and that he should not hesitate in lending his assistance for its abrogation.

I then entreated him to prepare the Chambers for its renewed discussion, and to animate them to the adoption of his own views, by recommending the proposed change to their favourable consideration in the President's opening speech. To this he willingly consented, and voluntarily proposed a similar admission into the memoir which he should also present.

No. 167.

*The Earl of Aberdeen to the Honourable John Walpole.*

*Foreign Office, October 30, 1841.*

Circular sending Papers presented to Parliament.

(See No. 10.)



No. 168.

*The Honourable John Walpole to Viscount Palmerston.**Santiago, June 27, 1841.**(Received November 22.)*

MY LORD,

I HAD last night the honour to receive your Lordship's Despatch, dated August 13th, 1840, together with one copy of two series of Papers relating to the Slave Trade, which had been presented to both Houses of Parliament during the last Session by Her Majesty's command.

I have, &amp;c.

(Signed)

JOHN WALPOLE,

*Consul-General.*

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

No. 169.

*Extract of a Letter from the Hon. John Walpole to Mr. Bidwell.**Santiago (Chile), July 22, 1841.*

AFTER much patient endurance and vexatious discussion I have settled the Slave Trade Treaty in a way which I hope will satisfy Her Majesty's Government, at least for the present.

The Right of Search is limited, not in point of time, but of space, and the portion given is much more extensive than is to be found in the Treaty with Venezuela.

This Government proposed its Fifth Article as a model: I rejected it as inadmissible, and proposed, so far as regarded the coast of Africa, the range stipulated in the Third Article of the Nueva Grenada Counter Project mentioned in Mr. Adams's Despatch of August 29, 1839. This was as strongly resisted by this Government, and after much consideration and many vain attempts to obtain more longitude, I was fain to put up with the Venezuela limits extended to 25 degrees north, and 40 degrees south latitude.

Within this scope are included the whole of the Cape Verd Islands to five degrees south of the Cape of Good Hope, which will also give room, I should hope, to intercept vessels coming round from Mozambique, since I understand they are seldom met with in a more southern latitude.

I hope, shortly, to get it through the Chambers and ratified, or at least an assurance of its being so, and I will lose no time in sending it home.

No. 170.

*The Earl of Aberdeen to the Honourable John Walpole.**Foreign Office, December 31, 1831.*

Circular for all Laws on Slave Trade.

(See No. 14.)

## EQUATOR.

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No. 171.

*Mr. Cope to Mr. Bidwell.*

*Consulate of the Equator, Guayaquil, September 1, 1840.*

*(Received January 2, 1841.)*

SIR,

I HAVE the honour to transmit annexed a translation in the Spanish language, as published in the "Equatorian Gazette" at Quito, of the Apostolical Letter promulgated by his Holiness the Pope, on the 3rd of December, 1839, on the subject of Slave Trade, a copy of which I received in a Despatch from Viscount Palmerston, dated February 20, 1840, with instructions to cause it to be inserted in the public Gazette of the Equator.

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

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

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No. 172.

*Mr. Cope to Viscount Palmerston.*

*Consulate of the Equator, Guayaquil, October 30, 1840.*

*(Received February 20, 1841.)*

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 23rd of April, and of the two copies, which accompanied it, 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.

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

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

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No. 173.

*Viscount Palmerston to Mr. Cope.*

*Foreign Office, April 15, 1841.*

Circular sending Treaty with the Argentine Confederation.

(See No. 1.)

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No. 174.

*Viscount Palmerston to Mr. Cope.*

*Foreign Office, April 22, 1841.*

Circular sending Convention with Hayti.

(See No. 2.)

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No. 175.

*Viscount Palmerston to Mr. Cope.**Foreign Office, May 8, 1841.*

Circular on holding or being interested in Slave Property.

(See No. 43.)

No. 176.

*The Earl of Aberdeen to Mr. Cope.**Foreign Office, October 30, 1841.*

Circular sending printed Papers on Slave Trade presented to Parliament, 1841.

(See No. 10.)

No. 177.

*The Earl of Aberdeen to Mr. Cope.**Foreign Office, December 27, 1841.*

Circular for all Laws upon Slave Trade.

(See No. 14.)

No. 178.

*The Earl of Aberdeen to Mr. Walter Cope.**Foreign Office, December 31, 1841.*

SIR,

By a reference to your Despatch of the 7th of April, 1840, and to the note therein enclosed from the Secretary of State for Foreign Affairs of the Republic of the Equator, I perceive that no difficulty was anticipated either by yourself or by that Minister to the successful termination of the negotiation with which you were charged for concluding with him a Treaty between Great Britain and the Republic of the Equator for the Suppression of the Slave Trade. But I regret to observe that since that period no communication appears to have been received at this office from you upon the subject of this negotiation: and I have therefore to desire that, on receiving this Despatch, you will lose no time in putting yourself again in communication with the Minister of the Republic of the Equator, and that you will use your utmost efforts to conclude this Treaty without any further delay.

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

I am, &c.  
 (Signed) ABERDEEN.



proceed to England as Minister from this Republic, to complete with me the negotiation of the Treaty for the more effectual prevention of the Slave Trade under the Mexican flag.

I have now the honour to acquaint your Lordship that the negotiation of the Treaty is concluded, and that it will be laid before the Chambers as soon as the two copies for signature can be got ready.

The following are the alterations which have been introduced into the Treaty from the form in which it stood when last submitted to your Lordship.

In Article II., instead of the stipulation on the part of Mexico "that within two months after the exchange of the ratifications," a law should be passed imposing the severest punishment on persons taking part in the Slave Trade, the Mexican Government undertakes to procure the enactment of the proposed law "as soon as possible;" because it was considered that perhaps the periods fixed for the despatch of business in the Congress might not admit of the law being passed within two months after the exchange of the ratifications; and also that a stipulation so peremptory in point of time might indispose the Chambers, and create a difficulty with regard to the ratification.

Article 3 has been altered according to the instructions contained in your Lordship's despatch of the 10th of June last; that is to say, the Mexican Government engage to introduce into the Congress a law declaring Slave Trade to be piracy—the stipulation for an additional Convention upon this point being omitted, and instead of it, it is provided that both the high contracting parties shall promulgate or propose in their respective legislatures the most suitable measures for carrying into immediate execution the laws of piracy which are to be applicable to the Slave Trade according to the legislation of the two countries, with respect to the vessels and subjects or citizens of the two nations.

In Article 7 an important alteration has been made, but one to which I hope that your Lordship will not object.

It was signified in your Lordship's despatch of the 10th of June that Her Majesty's Government would agree that Mexican slave vessels captured in the Gulf of Mexico, and to the westward of a certain longitude, should be brought to trial before a Mexican tribunal; while British vessels captured within those confines should be taken to a British possession for trial; it being agreed that both British and Mexican vessels detained to the eastward of the specified degree of longitude should be sent for adjudication to the nearest British possession. This stipulation Señor Cuevas considered would be fatal to the Treaty in the Congress, as not offering sufficient reciprocity; seeing that, by the arrangement therein proposed, Mexican vessels would, in certain cases, be subject to trial by an English tribunal, while in no case would an English vessel be brought to trial before a tribunal of this country.

As I consider Señor Cuevas' apprehension as to the jealousy with which such an arrangement would be viewed by the Chambers to be well founded, I thought it prudent to yield to his opinion upon this point; and, accordingly, instead of the stipulation originally proposed, it has been agreed that vessels detained in conformity with the provisions of the Treaty shall be sent for trial to the nearest possession of the country to which the captured vessel belongs, except there should happen to be slaves on board at the time of capture, in which case the vessel shall be sent or conducted to the nearest possession of either of the contracting parties, or to such place belonging to either of them as the commander of the capturing ship shall think may be soonest reached, in order that the slaves may be there disembarked. The vessel, with her cargo, commander, and crew, to be then sent to the place where she is to be tried, in conformity with the preceding provisions of the same Article.

My reason for hoping that your Lordship will not object to this arrangement, is that it is essentially the same as that contained, with reference to the place of trial, in the Treaty with Venezuela, which has already been ratified by Her Majesty; and, as the circumstances of Venezuela are much the same as those of Mexico, I am inclined to hope that what was approved of with regard to that country will not be held open to objection with regard to this.

As relates to the place of depositing the negroes, it is true that in the Treaty with Venezuela it is agreed that in every case they shall be landed at a British possession, while, according to the proposed Article in the Treaty with Mexico, they may be landed at a place belonging to either country; but there is this difference between Venezuela and Mexico, that in the former republic slavery

is still tolerated, whereas it has long ceased to exist in this country, and consequently there will be no risk that negroes landed in any part of the Mexican territory can be reduced to a state of slavery.

Besides, my Lord, it must be borne in mind that all speculation as to the practical operation of this or that provision of the Treaty with Mexico is perfectly ideal: the Treaty once concluded and ratified, it is not within the bounds of probability that the flag of this republic should ever be used by vessels engaged in slave-trading; even without a treaty it is not known that the Mexican flag has ever been so employed; and once it shall be settled, by the conclusion of the Treaty, that there will be no advantage in adopting for slaving operations the flag of this republic, in preference to the flag of Spain or any other country, I think it may be looked upon as almost a matter of certainty that the provisions of the Treaty for the trial of vessels under Mexican colours, and other measures dependent thereon, will never come into practical execution.

The observations contained in your Lordship's despatch of the 10th of June, relative to the inconvenience of limiting the operation of the Treaty to a term of years, have had due weight with the Mexican Government; and, accordingly, no such limitation will be found in the present Treaty. But as it was considered absolutely necessary, with a view to obtain the ratification of the Chambers, that some provision should be made for a revisal of the Treaty by mutual consent, in case it should be found to cause vexation or annoyance to the trade of this country; instead of the Article whereby the former Treaty was made terminable after eight years at the demand of either of the contracting parties, an Article has been introduced to the following effect:—

“As the principal object of this Treaty, additional articles and annexes, which form a part of it, is no other than that of preventing the traffic in slaves without any annoyance to the respective merchant shipping of the two nations, the high contracting parties, animated by the same sentiments, agree that if in future it should be necessary to adopt new measures for attaining the said beneficent object, or for obviating any inconvenience to the aforesaid shipping which experience shall have made known, in consequence of the measures established by this Treaty, additional Articles and annexes proving inefficacious, the said high contracting parties will consult together for the complete attainment of the end proposed.”

In some other Articles of the Treaty a few verbal alterations have been made, but none of sufficient importance to deserve mention.

In the additional Articles and annexes there will be no alterations save those arising out of alterations in the Articles in the Treaty on which they depend.

I have, &c.

(Signed) R. PAKENHAM.

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

No. 181.

*Viscount Palmerston to Her Majesty's Ministers and Consuls.*

*Foreign Office, April 15, 1841.*

Circular sending Treaty with the Argentine Confederation.

(See No. 1.)

No. 182.

*Viscount Palmerston to Her Majesty's Ministers and Consuls.*

*Foreign Office, April 22, 1841.*

Circular sending Convention with Hayti.

(See No. 2.)

No. 183.

*Mr. Pakenham to Viscount Palmerston.**Mexico, February 25, 1841.**(Received April 26.)*

MY LORD,

IN my Despatch of the 25th of last month, I had the honour to mention that the amended Treaty with this Government for the prevention of the Slave Trade under the Mexican flag was in a state of forwardness.

In the same Despatch I had the honour to explain the alterations which, in order the better to overcome the scruples of the Chambers, it was thought advisable to introduce into this Treaty, from the form in which it stood when last submitted to your Lordship.

The Treaty, which was signed yesterday, I have now the honour to enclose; and I earnestly hope that it will receive your Lordship's approbation.

I have, &amp;c.

(Signed) R. PAKENHAM.

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

&amp;c.

&amp;c.

&amp;c.

No. 184.

*Viscount Palmerston to Mr. Pakenham.**Foreign Office, May 11, 1841.*

Circular relative to proposed Instructions to Mexican Functionaries in Slave-holding countries.

(See No. 3.)

No. 185.

*Viscount Palmerston to Mr. Pakenham.*

SIR,

*Foreign Office, May 26, 1841.*

I HAVE received your Despatch of the 25th of February, 1841, transmitting the Treaty which you have concluded between Her Majesty and the Republic of Mexico for the suppression of the Slave Trade.

Her Majesty's Government highly approve the zeal and the judgment which you have shown in the negotiation of this Treaty; and Her Majesty has commanded that ratifications of this Treaty shall be prepared, to be exchanged against those of the Republic of Mexico.

I am, &amp;c.

(Signed) PALMERSTON.

*Richard Pakenham, Esq.,*

&amp;c.

&amp;c.

&amp;c.

No. 186.

*Mr. Pakenham to Viscount Palmerston.**Mexico, August 14, 1841.**(Received October 7.)*

MY LORD,

I HAVE had the honour to receive your Lordship's Despatches of the 15th and 22nd of April, enclosing copies of the Treaties concluded between Her Majesty and the Argentine Republic, and between Her Majesty and the Republic of Hayti, for the more effectual suppression of the Slave Trade.

I have communicated these Treaties to the Mexican Government.

I have also the honour to acknowledge the receipt of your Lordship's Despatch of the 11th of May. In obedience to the instructions therein contained, I have addressed a note to the Minister for Foreign Affairs, inviting this Government to address to its agents in slave-holding countries instructions similar to those con-

tained in your Lordship's circular letter of the 8th of May, a copy of which accompanies your Lordship's Despatch last referred to.

I have, &c.

(Signed) R. PAKENHAM.

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

No. 187.

*Mr. Pakenham to Viscount Palmerston.*

*Mexico, August 13, 1841.*

*(Received October 11.)*

MY LORD,

I LOST no time in fulfilling the instructions contained in your Lordship's Despatch of the 11th of May, by addressing a note to the Mexican Government, inviting them to issue to their agents in slave-holding countries instructions similar to those set forth in your Lordship's circular letter to the British functionaries in such countries, a copy of which letter accompanied your Lordship's Despatch.

I have the honour to enclose a copy of my note to the Minister for Foreign Affairs upon this subject, and a copy and a translation of the answer returned by Señor Camacho, from which your Lordship will perceive that the Mexican Government accede without hesitation to the wishes of Her Majesty's Government in as far as relates to the issue of the desired instructions; but Señor Camacho has thought proper on this occasion to introduce some observations respecting the existence of slavery in Texas, the spirit and intent of which will at once be apparent to your Lordship, and respecting which I forbear, accordingly, to offer any comment.

I have, &c.

(Signed) R. PAKENHAM.

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

First Enclosure in No. 187.

*Mr. Pakenham to M. Camacho.*

*Mexico, August 9, 1841.*

It would appear from information which has reached Her Britannic Majesty's Government that persons appointed by different governments to reside as ministers, or consuls, or agents in slave-holding countries, are sometimes in the habit of hiring and maintaining slaves, and of engaging in undertakings in which slave property is concerned.

As by such practices the functionaries in question give an indirect sanction to slavery, and appear to countenance measures which tend to create a demand for slaves, Her Majesty's Government has addressed to all British functionaries in slave-holding countries the circular letter, of which a copy is herewith enclosed; and as Her Majesty's Government think it very important that the opinion of the Mexican Government should be expressed upon this subject in such a manner as to afford an additional discouragement to the Slave Trade, Her Majesty's Government think that much good would be effected in this respect, if the Mexican Government would address to its agents in slave-holding countries instructions similar to those contained in the enclosed circular; and the undersigned, &c. has consequently been instructed to address to the Mexican Government a note containing an invitation to the above effect.

In fulfilling the instructions which he has received upon this subject, the undersigned is justified, from the abhorrence on all occasions manifested by the Mexican Government of the trade in slaves, and from the many proofs afforded by the said Government of an earnest desire to co-operate with the Government of England in endeavouring to effect the extinction of that Trade, that his



Excellency the President will gladly embrace the present opportunity to show to the world the determination of this Government not to countenance, however indirectly, any practice tending to encourage the traffic in slaves, or the employment of slave labour.

The undersigned, &c.  
(Signed)

R. PAKENHAM.

*His Excellency D. Sebastian Camacho,*  
&c. &c. &c.

(Translation.)

Second Enclosure in No. 187.

*M. Camacho to Mr. Pakenham.*

SIR,

*Mexico, August 16, 1841.*

I HAVE had the honour to receive your note of the 9th, with its enclosure, the circular letter from the Foreign Office, prohibiting the agents of that department from deriving any advantage from slavery in countries where this disgraceful and infamous traffic is protected; by which note I am also informed of the just desires of your Government, that the Government of Mexico should adopt a similar measure, and address instructions having the same object to their foreign agents.

Accordingly, you may assure Her Majesty's Government that his Excellency the President of the Republic, before whom I have laid your note, entirely agreeing with their sentiments, and influenced by a full conviction that the unjust and barbarous traffic in slaves is as repugnant to humanity as it is a scandal to morality and civilization, has not merely contented himself with accepting and following up their invitation, by causing instructions similar to those contained in the above-mentioned circular to be addressed to our agents abroad, but has also thought it expedient to extend its effects as far as is in his power, by directing that such agents, whenever the occasion presents itself, shall use their advocacy with the governments and authorities of the countries where they reside with the same zeal in behalf of the slaves as they would for their countrymen, in fulfilment of their duty, and in as far as is compatible with the exercise of their functions.

Moreover, as his Excellency the President is always ready to embrace every occasion that presents itself of proving to the whole world that his Government will never consent to countenance, even indirectly, any practice tending to encourage the trade in slaves, or their condemnation to compulsory labour, his Excellency would consider himself false to his principles, and as betraying the generous confidence placed in him by the British Government, if he neglected this opportunity of calling their attention, through you, to their recent recognition of the insurgent department of Texas, where, it is well known, a vast colony of slaves has been settled, and that hateful traffic is in daily activity, since in that country there are no other hands to draw the wealth from its soil; and the hatred of the usurpers against people of colour has been carried to such a pitch, that they have even thundered decrees of proscription against that unhappy race, such as to shock humanity, and to rouse the indignation of every government of enlightened and religious feeling.

In giving utterance to these sentiments, the Government of Mexico are far from making a formal charge against Her Britannic Majesty's Government for having thought proper to acknowledge the independence of Texas. Their sole object has been to promote the good of mankind and the liberty of all men, whatever their origin, in every part of the world; and as such too has been the generous and undeviating purpose of the British Cabinet since they had the glory of leading the van in the abolition of a hateful traffic, it must be believed that if in the acknowledgment of the usurpers of Texas no terms have been imposed on them to assuage the lot of the unfortunate beings who there groan in slavery, it has been because that Cabinet had not been furnished with very correct information; and they, consistently with their principles, will be moved to compassion as soon as they are aware that in this corner of the world there exists a class of beings unprotected and weighed down by the chains of slavery.

Such is the confident hope of the government of Mexico, reserving, however,

their right of acting in this matter as their duty may require: and in making this communication to you by command of my Government,

I have, &c.  
(Signed) SEBASTIAN CAMACHO

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

No. 188.

*Mr. Jolly to Mr. Bidwell.*

*British Consulate, Tampico, August 18, 1841.*

*(Received October 22.)*

SIR,

I HAVE the honour to acknowledge the receipt of your communication of the 15th April, transmitting a copy of a Treaty concluded at Buenos Ayres on the 24th May, 1839, between Her Majesty and the Argentine Confederation, for the abolition of the Slave Trade.

I have, &c.  
(Signed) STEWART L. JOLLY,  
*Acting Vice-Consul.*

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

No. 189.

*Mr. Jolly to Mr. Bidwell.*

*British Consulate, Tampico, August 18, 1841.*

*(Received October 22.)*

SIR,

I HAVE the honour to acknowledge the receipt of your communication of the 22nd April, transmitting a copy of a Convention, concluded at Port-au-Prince on the 23rd December, 1839, by which the Republic of Hayti has acceded to the Conventions for the suppression of the Slave Trade, concluded between his late Majesty and the King of the French, on the 30th November, 1831, and the 22nd March, 1833.

I have, &c.  
(Signed) STEWART L. JOLLY,  
*Acting Vice-Consul.*

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

No. 190.

*The Earl of Aberdeen to Her Majesty's Ministers and Consuls.*

*Foreign Office, October 30, 1841.*

Circular sending Papers presented to Parliament.

(See No. 10.)

No. 191.

*The Earl of Aberdeen to Mr. Pakenham.*

SIR,

*Foreign Office, November 24, 1841.*

I HAVE received your Despatch of the 30th August last, enclosing copy of a note from Señor Camacho, stating that the Mexican Government have prohibited their agents in slave-holding countries from being directly or indirectly interested in slave property; and I have to desire that you will ex-

press to Señor Camacho the cordial thanks of Her Majesty's Government for this communication.

I have, &c.  
(Signed) ABERDEEN.

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

No. 192.

*The Earl of Aberdeen to Mr. Pakenham.*

*Foreign Office, December 27, 1841.*

Circular asking for all Laws on Slave Trade.

(See No. 14.)

No. 193.

*The Earl of Aberdeen to Mr. Pakenham.*

*Foreign Office, December 31, 1841.*

SIR,

WITH reference to your Despatch of the 25th February last, and to the Despatch to you of the 26th of May following, respecting the Treaty for the suppression of the Slave Trade of Mexico, signed by you under the first-mentioned date, I have to state to you that the Mexican ratification of that Treaty has not yet reached this country: and I have to desire that if that ratification shall not have been completed or forwarded to London when you receive this Despatch, you will lose no time in urging the Government of Mexico to consummate this work, by completing, without further delay, and forwarding to London, the ratification referred to, for exchange against that of Her Majesty in London.

I have, &c.  
(Signed) ABERDEEN.

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

## MONTEVIDEO.

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No. 194.

*Viscount Palmerston to Mr. Hood.*

*Foreign Office, April 15, 1841.*

Circular sending Treaty with the Argentine Confederation.

(See No. 1.)

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No. 195.

*Viscount Palmerston to Mr. Hood.*

*Foreign Office, April 22, 1841.*

Circular sending Convention with Hayti.

(See No. 2.)

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No. 196.

*Viscount Palmerston to Mr. Mandeville.*

SIR,

*Foreign Office, April 23, 1841.*

THE enclosed communication from Her Majesty's Chargé d'Affaires at Rio de Janeiro contains a statement that Don F. Rivera, President of Montevideo, has given liberty to all slaves throughout the Oriental Republic, and has caused all those liberated slaves who could serve to be enlisted in a military corps for the defence of that country.

Her Majesty's Government sincerely rejoice that freedom has been conferred upon these persons upon any terms; and I have to desire that you will use your utmost endeavours to prevent the re-establishment of slavery in Montevideo.

I am, &c.  
(Signed)

PALMERSTON.

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

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Enclosure in No. 196.

*Mr. Ouseley to Viscount Palmerston.*

*Rio de Janeiro, February 28, 1841.*

(See Class B., No. 417, p. 614.)

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No. 197.

*Viscount Palmerston to Mr. Hood.*

SIR,

*Foreign Office, April 23, 1841.*

THE enclosed communication from Her Majesty's Chargé d'Affaires at Rio de Janeiro contains a statement that Don F. Rivera, President of Montevideo,  
CLASS D.

has given liberty to all slaves throughout the Oriental Republic, and caused all those liberated slaves who could serve to be enlisted in a military corps for the defence of that country.

Her Majesty's Government sincerely rejoice that freedom has been conferred upon these persons upon any terms; and I have to desire that you will use your utmost endeavours to prevent the re-establishment of slavery in Montevideo.

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

*T. S. Hood, Esq.,*  
 &c. &c. &c.

Enclosure in No. 197.

*Mr. Ouseley to Viscount Palmerston.*

*Rio de Janeiro, February 28, 1841.*

(See Class B., No. 417, p. 614.)

No. 198.

*Viscount Palmerston to Mr. Hood.*

*Foreign Office, May 8, 1841.*

Circular Instruction on holding or being interested in Slave Property.

(See No. 43.)

No. 199.

*Viscount Palmerston to Mr. Mandeville.*

*Foreign Office, May 11, 1841.*

Circular Instruction on proposed Instructions to Montevidean Functionaries in Slave-holding Countries.

(See No. 3.)

No. 200.

*Mr. Hood to Viscount Palmerston.*

MY LORD,

*Montevideo, February 23, 1841.*

I HAVE the honour to enclose, for your Lordship's information, the copy and translation of a circular note, dated the 8th instant, which the Oriental Government of the Uruguay have caused to be directed to the foreign consuls resident in Montevideo, requesting them to recommend to their respective countrymen that, during the present crisis, they should send any slaves they may possess to some foreign country, in order to avoid the possibility of their being taken for the service of arms by the Commander of an armed force which the Minister supposes may come from Buenos Ayres to invade the republic; and also intimating that after a certain period the Government will proceed to adopt other precautionary measures which may seem to it necessary for its security.

The only observation that appears to me necessary to make to your Lordship in this case is, that there are very few slaves belonging to British subjects, and those few are principally confined to household servants. The proposal of the Government is, however, perfectly illusory, since there does not exist any place or country which slaves could be safely removed to for security, nor indeed was this ever the intention of the Government, who only propose this impracticable plan to disarm complaint against a measure which General Rivera has

in contemplation for adopting the identical measure which he alleges his enemies might do, that is to place all the male slave population at the disposal of the Government, which will give him the means of raising three or four thousand black troops, and a considerable sum of money for excusing the rest from military service.

Whatever may be the demerits of this measure, it will certainly have the effect of weakening the security in slave property, and thereby of greatly decreasing the slave importations.

I have, &c.

(Signed)

THOMAS SAMUEL HOOD.

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

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First Enclosure in No. 200.

(Translation.)

*The Montevidean Minister to Mr. Hood.*

*Montevideo, February 8, 1841.*

THE Undersigned Minister Secretary of State in the Department of Foreign Affairs has been ordered by the Government to address himself to Her Britannic Majesty's Consul-General with the object of making known to him that, in the present state of things, the Government is afraid of finding itself soon in a conflict which may be of great consequence to the countrymen of the Consul-General; the Government wishes to prevent this conflict in a manner which may be most conformable to the interests of the republic, and least prejudicial to the subjects of Her Britannic Majesty.

The Consul knows that the country is threatened with an approaching invasion by the Governor of Buenos Ayres; he knows also that this Governor does not consider the means when he thinks that they are conducive to his ends; that he adopts with the greatest indifference the most anarchical and antisocial measures, such as that of provoking the slaves to commit treason upon their masters, and to obtain liberty by taking refuge in his military camps; lastly, the Consul knows that this has been done in Buenos Ayres; the Governor of Buenos Ayres did not publish a decree, but he seduced all the slaves, and his camp of the Santos Lugares became filled in a very few days with slaves of both sexes.

It is this example that makes the Government prudently fear that the same means be employed in the territory of the republic as soon as the Buenos Ayrean forces shall enter it, and with so much more reason since in the territory of the republic there is a considerable number of slaves the greater part of them belonging to subjects of different nations.

The Government is resolved to respect, and to have the private property of all, and particularly of the foreigners resident in the country, respected; but it cannot carry this respect so far as to consent that its enemy should convert it to its own prejudice; it would be gross ignorance to wait until the enemy should begin to do in the territory of the republic what it has done in Buenos Ayres and Cordova before it puts itself on its guard, and on this account it is also resolved to intimate to the owners of slaves that they may take them away from the territory of the republic to any part that is not the enemy's territory within a given time, after which the Government will take such measures respecting slaves as it may consider necessary for its security.

The undersigned Minister trusts, as also does his Government, that the Consul-General of Her Britannic Majesty will duly appreciate the difficult position in which the country is, and that he will persuade himself that it has no other alternative than the one already indicated, nor any other means of conciliating the respect which it wishes to observe towards property with what its own security exacts. If it had found any other means of avoiding this conflict which should be less grievous to private persons and should not compromise its own existence, it would have adopted it, and it is disposed to adopt it if it should present itself to it.

The Government has wished to prevent in time the complaints and reclama-

tions which might have been made on adopting the measure, and has ordered the undersigned to make this known to the Consul beforehand, and in fulfilling this order he has the honour to offer him his most distinguished consideration.

(Signed) FRANCISCO ANTONIO VIDAL.

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

Second Enclosure in No. 200.

*Mr. Hood to the Montevidean Minister.*

*Montevideo, February 12, 1841.*

THE undersigned, Her Britannic Majesty's Consul-General, has the honour of acknowledging the receipt of a "Circular" which his Excellency the Minister for Foreign Affairs addressed to him on the 8th instant, relative to slave property in possession of foreigners, which shall be forwarded for the information of Her Britannic Majesty's Government.

The undersigned, in the meanwhile, considers it his duty to say that he does not fully comprehend what his Excellency intends, because the remedy proposed of sending slaves out of the country is positively impracticable to any but Brazilians, and theirs would be liable to capture if met by British cruisers on the high seas. If, however, it should prove, as it is publicly reported, that the executive intends, by some legislative enactment, to appropriate this class of property to the service of the state, it will follow as a natural consequence that British subjects must be indemnified *in specie* for the full value of their property and the injuries they may thereby sustain.

The undersigned, trusting that the Government will not find itself placed in the situation of danger which it apprehends may justify this measure, salutes his Excellency with his particular consideration and respect.

(Signed) THOMAS SAMUEL HOOD.

*His Excellency the Minister for Foreign Affairs,*  
 &c. &c. &c.

No. 201.

*Mr. Dale to Viscount Palmerston.*

*Montevideo, March 24, 1841.*

MY LORD,

(Received June 14.)

A BRITISH merchant, resident in this city, has applied to me to grant a certificate of nationality to a negro boy, a native of Mosambique, lately arrived from Rio de Janeiro, bringing along with him a document (copy enclosed), granted by Her Majesty's Consul in that city, certifying that the boy had been made free, and that his freedom had been registered in the books of the Consulate.

Whilst in a state of slavery this boy was the property of a British subject, who believed that by giving the negro his freedom and having it duly registered by the British Consul, the individual would, at once, become entitled to British protection; and it is upon this ground that I have been applied to for a certificate of nationality.

Feeling that this case might become a precedent for others of a similar nature, I did not consider myself justified in depending upon my own judgment, and I asked the advice of Mr. Mandeville, by whom I am directed to give the boy my protection in case of need, and recommended to apply to your Lordship for farther instructions.

Perhaps your Lordship may not think it unnecessary that I should state my

belief that there are several British subjects, resident in this province, possessing property in slaves, who would feel much disposed to grant them their freedom upon the condition that the negroes so freed should become entitled to British protection in the manner sought by the present applicant.

I have, &c.

(Signed) JOHN POWNALL DALE.

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

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Enclosure in No. 201.

“ I, ROBERT HESKETH, Her Britannic Majesty’s Consul at Rio de Janeiro, do hereby certify that the black boy Gregorio, a native of Mosambique, has been this day made free, as per declaration, signed in a book in this office, marked ‘ General Register, 6, page 86.’

“ Given under my hand and seal of office, at Rio de Janeiro, this  
27th day of February, 1841,

(Signed) “ ROBERT HESKETH,  
“ *Her Britannic Majesty’s Consul.*”

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No. 202.

*M. Ellauri to Viscount Palmerston.*

*Paris, Mayo 6, de 1841.*

*(Received August 18.)*

CUANDO tuve el honor de recibir, aunque con mucho atraso, la nota de V. E. de 5 de Septiembre del año proximo pasado, me hallaba á mucha distancia de esta capital, privado de los antecedentes respectivos, y en imposibilidad hasta el presente de contestarla como es de mi deber.

Mi Gobierno, al encomendarme las diferentes misiones, que debo desempeñar en Europa, me entregó todos los documentos que pudieran serles relativos. Entre ellos se encuentran no solamente los nuevos, que tuve el honor de anunciar á V. E. en mi oficio de 29 de Julio ultimo concernientes al bergantin Uruguayo “ *Rio de la Plata,*” sino tambien la correspondencia habida entre V. E. y el Señor Giró cuando vino comisionado á esa corte. Por ella se vé con efecto que V. E. rechazó desde entonces toda idea de indemnizacion del citado bergantin y su cargamento, pero es necesario advertir al mismo tiempo que no fué una reclamacion en forma la que el Señor Giró entabló sobre este punto, pues que sus instrucciones solo le prevenian que hiciese una indicacion mas ó menos directa. El la hizo; y no es estraño que se hubiese ceñido á transmitir al Gobierno de la República la respuesta de V. E. En vista de todo esto no es posible que tal negocio se considerase de todo punto concluido, y que mi Gobierno hubiese renunciado al derecho, que no puede negársele, de reclamar del de S. M. lo que contenía mi citado oficio de 29 de Julio, mucho mas apoyándose en nuevos documentos.

Si al dirigirme por primera vez á V. E. sobre este punto puse de manifiesto los embarazos que su estado presentaba para la pronta ratificacion del Tratado sobre Abolicion del Tráfico de Esclavos, esto fue mas por esforzar las razones, en que se apoyaba la pretension, que por confundir dos asuntos, que son entre si enteramente distintos. Esto lo renonoce mi Gobierno, y no ofrece dificultad alguna.

He reputado de mi obligacion anticipar estos esclarecimientos por contestacion á la nota ultima de V. E. mientras llega el caso de entablar en forma, y mas de cerca la reclamacion competente.



Aprovecho, milord, esta nueva oportunidad para reiterar á V. E. el profundo respeto, y distinguida consideracion, con que soy

De V. E.,  
Atento y obsecuente servidor,  
JOSE ELLAURI,  
*Enviado Extraordinario y Ministro Plenipotenciario  
de la República Oriental del Uruguay.*

*Excmo. Señor Visconde Lord Palmerston,*  
&c. &c. &c.

(Translation.)

*Legation of the Oriental Republic of the Uruguay,*

MY LORD,

*Paris, May 6, 1841.*

WHEN I had the honour to receive, though after considerable delay, your Lordship's note of the 5th of September last, I was at a great distance from this capital, and without the papers that related to the subject in question, so that I could not possibly return an answer to it, as was my duty, till this moment.

My Government, on charging me with the different missions I am to execute in Europe, furnished me with all the documents which could have any reference to them. Among them are not only the new ones I had the honour to announce to your Lordship in my letter of the 29th of July last, respecting the Uruguayan brig "*Río de la Platu,*" but also the correspondence which passed between your Lordship and Mr. Giró, when he was deputed to the British court. It appears indeed from the latter that your Lordship repudiated instantly every idea of indemnity for the said brig and her cargo, but it ought to be mentioned at the same time that Mr. Giró's was not a formal reclamation on the subject, inasmuch as he was desired in his instructions only to make a more or less direct indication. With this he complied, and it is not to be wondered at that he confined himself to transmitting your Lordship's answer to the Government of the Republic. Accordingly that transaction cannot be considered as entirely concluded, or as if my Government had renounced the right, which cannot be denied it, of demanding from that of Her Majesty what was set forth in my letter of the 29th of July; so much the rather, as it will be able to produce fresh vouchers.

If, on addressing myself for the first time to your Lordship on this subject, I pointed out the embarrassments which the situation of my Government presented with regard to the speedy ratification of the Treaty for the Abolition of the Slave Trade, it was done merely with the view of giving force to the reasons on which the demand rested, rather than for the purpose of confounding two subjects totally different from each other. This is recognized by my Government, and it does not offer any difficulties.

I have deemed it my duty not to delay this explanation in answer to your Lordship's last note, preparatory to the proper reclamation being presented in form, and more near to the seat of the British Government.

I avail myself, &c.  
(Signed) JOSE ELLAURI,  
*Envoy Extraordinary and Minister Plenipotentiary  
of the Oriental Republic of the Uruguay.*

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

No. 203.

*Viscount Palmerston to M. Ellauri.*

SIR,

*Foreign Office, August 26, 1841.*

I HAVE had the honour to receive the letter which you addressed to me on the 6th May last, relative to the claim for compensation in the case of the slave vessel "*Río de la Plata,*" which you state it is the intention of the

Montevidean Government again to bring forward, with further papers, in support thereof.

Having as yet no information as to the nature of the grounds upon which the payment of compensation in this case will be urged, I can do no more than assure you that on this, as on all other questions, the representations made by the Montevidean Government will meet with due attention from Her Majesty's Government.

I may, however, take this occasion to express the satisfaction with which Her Majesty's Government learn from your note above mentioned, that, although when you first brought forward the claim in the case of the "*Rio de la Plata*," you pointed out the embarrassments experienced by the Montevidean Government in procuring the ratification of the Slave Trade Treaty, you had no intention of confounding these two questions, which you state that the Montevidean Government acknowledge to be totally distinct from each other.

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

I am, &c.  
(Signed) PALMERSTON.

No. 204.

*Viscount Palmerston to Mr. Dale.*

SIR,

*Foreign Office, September 21, 1841.*

THE opinion of Her Majesty's Advocate-General has been asked upon the question, put in your Despatch of the 24th March last, whether a negro made free by a British subject, and having the fact of that freedom registered in the books of a British Consulate, acquires by those circumstances a right to British protection.

And I have to state to you that there does not appear to be any modern law or usage applying to that question; but that by the ancient civil law, which law is established in the state of Montevideo, a slave when manumitted acquired the domicile of the person who granted him the act of manumission: and the Queen's Advocate is therefore of opinion that the slave who, in the instance in question, has been manumitted by a British subject, has thereby acquired the right of a British protection, until he shall have voluntarily domiciled himself elsewhere.

*J. P. Dale, Esq.,*  
&c. &c. &c.

I am, &c.  
(Signed) PALMERSTON.

No. 205.

*Mr. Mandeville to Viscount Palmerston.*

*Buenos Ayres, July 19, 1841.*

*(Received October 7.)*

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 23rd April last, transmitting to me a communication from Her Majesty's Chargé d'Affaires at Rio de Janeiro, containing a statement that General F. Rivera, President of the Republic of the Uruguay, has given liberty to all slaves throughout the Oriental Republic, for the purpose, it appears by this statement, of increasing the military force for the defence of the country.

In obedience to your Lordship's directions contained in this Despatch, I shall not fail to use my best endeavours to prevent the re-establishment of slavery in the territory of that Republic.

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

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

No. 206.

*Mr. Dale to Viscount Palmerston.**Montevideo, July 14, 1841.**(Received October 8.)*

MY LORD,

I HAVE had the honour to receive your Lordship's Despatches of the 15th, 22nd, and 23rd of April, with their various Enclosures.

With reference to the communication made to your Lordship by Her Majesty's Chargé d'Affaires at Rio de Janeiro, stating that Don Frutos Rivera, President of Montevideo, had given liberty to all slaves throughout the Republic of the Uruguay, I believe that it is only necessary for me to inform your Lordship that a measure of this nature was proposed by the Government, but that hitherto even a very greatly modified plan of emancipation has met with so decided an opposition generally, that it has not passed into a law, nor does it appear at all probable that this measure will be carried into effect, excepting as a last and desperate effort to raise troops to resist a foreign invasion, and the danger must be imminent indeed before even General Rivera dare venture upon an expedient so very unpopular.

The ends of justice and humanity would be ill attained by a partial manumission of the slaves, and for such a purpose, nor would it by any means hasten that general abolition of slavery throughout the province which is so sincerely to be wished.

Believing it to be in accordance with the true spirit of your Lordship's instructions, I shall deem it my duty to take the first opportunity to make known to General Rivera the sentiments of Her Majesty's Government on this subject, in the hope that it may produce some influence towards bringing about the adoption of measures tending to the total abandonment of slavery throughout the territory of this Republic.

I have, &amp;c.

(Signed)

JOHN POWNALL DALE,

*Pro Consul-General.**The Right Hon. Viscount Palmerston, G.C.B.,**&c.**&c.**&c.*

No. 207.

*Mr. Mandeville to Viscount Palmerston.**Buenos Ayres, August 5, 1841.**(Received October 28.)*

MY LORD,

I HAVE had the honour to receive your Lordship's Despatch of the 11th May last, acquainting me that Her Majesty's Government had been led to suppose that persons appointed by European Governments to reside as Ministers, or Consuls, or Agents in slave-holding countries are sometimes in the habit of hiring and of engaging in undertakings in which slave property is concerned, and your Lordship had in consequence addressed to all British functionaries in slave-holding countries a circular letter, of which a copy was transmitted to me in this Despatch.

Her Majesty's Government thinking it also important that the opinion of the Montevidean Government should be expressed in such a manner as to afford an additional discouragement to the Slave Trade, is of opinion that much good would be effected if the Montevidean Government would address to its agents in slave-holding countries instructions similar to those contained in the abovementioned circular Despatch from your Lordship to British functionaries therein residing, and your Lordship directed me to address a note to the Montevidean Government inviting them to do so.

I have in obedience to your Lordship's directions addressed a note this day

to the Montevidean Government on this subject, a copy of which I have the honour to transmit to your Lordship.

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

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

Enclosure in No. 207.

*Mr. Mandeville to M. Vidal.*

SIR,

*Buenos Ayres, August 5, 1841.*

IT would appear from information which has reached Her Britannic Majesty's Government, that persons appointed by European Governments to reside as Ministers, or Consuls, or Agents in slave-holding countries, are sometimes in the habit of hiring and maintaining slaves, and of engaging in undertakings in which slave property is concerned.

This has called for severe animadversion on the part of Her Majesty's Government on those functionaries who are capable of entering into such unseemly transactions, and Her Majesty's Government has in consequence addressed to all British functionaries in slave-holding countries a circular Despatch, deprecating in the strongest manner such and similar proceedings. And as Her Majesty's Government think it very important that the opinion of the Montevidean Government should be expressed upon this subject in such a manner as to afford an additional discouragement to the Slave Trade, I have received Lord Palmerston's instructions to invite in the name of Her Majesty's Government the liberal and enlightened Government of the Republic of the Uruguay to address to its agents in slave-holding countries instructions forbidding in the strongest manner any transaction whatever with slaves by which the smallest encouragement can be given to the nefarious traffic in slaves, as it would be unfitting that any officer holding an appointment under a Government which, like that of Montevideo, has abolished the traffic in slaves in its territory, should either directly or indirectly hold or be interested in slave property.

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

*His Excellency Don Francisco Antonio Vidal,*  
&c. &c. &c.

No. 208.

*Mr. Mandeville to Viscount Palmerston.*

*Buenos Ayres, August 10, 1841.*

MY LORD,

*(Received October 28.)*

SINCE writing the Despatch which I had the honour to address to your Lordship on the 19th ultimo, on the subject of a communication from Her Majesty's Chargé d'Affaires at Rio de Janeiro, stating that General Rivera, President of the Republic of the Uruguay, had given liberty to all slaves in that republic, I have received a Despatch from Her Majesty's Acting Consul-General at Montevideo, a copy of which I have the honour to enclose, in answer to one in which I begged of him to acquaint me if any decree exists in the Banda Oriental by which slavery has been abolished in that country.

Mr. Dale informs me, in his letter, that there is no decree by which slavery has been abolished in the republic of the Uruguay. A plan had been brought forward in the month of January last to emancipate slaves in that state, but the measure became so exceedingly unpopular, that for the present it appears to be given up. Mr. Dale, however, acquaints me, that, in a conversation which he had lately had with General Rivera, his Excellency told him

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that he had by no means abandoned the intention of abolishing slavery throughout the republic, and that he hoped to live long enough to carry this intention into effect, although some time would elapse before it could be accomplished.

I have, &c.

(Signed) J. H. MANDEVILLE.

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

Enclosure in No. 208.

*Mr. Dale to Mr. Mandeville.*

SIR,

*Montevideo, August 3, 1841.*

I HAVE had the honour to receive your Despatch of the 28th ultimo, directing me to acquaint you if any decree exists by which slavery has been abolished in the republic of the Uruguay.

In reply I beg leave to inform you that no such decree does exist. It is, however, true that, in the month of January last, a plan to emancipate the slaves in this province was proposed by the Government of Montevideo, but the measure became so exceedingly unpopular that it appears for the present to be given up.

In a conversation I, a few days since, had with General Rivera, his Excellency informed me, that he had by no means abandoned the intention of manumitting the slaves and totally abolishing slavery throughout the republic, and that he hoped to live to carry this intention into effect, though some time must necessarily elapse ere it can be accomplished.

The poverty and sad absence of all proper economy in this Government are the great obstacles to improvement of any description, and particularly to the manumission of the slaves.

I have, &c.

(Signed) JOHN POWNALL DALE.

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

No. 209.

*Mr. Dale to Viscount Palmerston.*

*Montevideo, August 17, 1841.*

*(Received October 29.)*

MY LORD,

I HAVE had the honour to receive your Lordship's Despatch of May 8th, addressed to Mr. Hood.

I beg leave to state to your Lordship, that, considering the present a most favourable moment to urge the Government of Montevideo to ratify the Slave Trade Treaty concluded by Mr. Mandeville in July 1839, I have represented to General Rivera that the immediate ratification of this Treaty cannot fail to be highly agreeable and pleasing to Her Majesty's Government, and that, by no longer delaying the formal exchange of the Treaty, he will stamp his assertion that it is his *wish* to abolish slavery altogether in this province, with a character of sincerity which it cannot possess, so long as an apparent disinclination exists on the part of the Government to put an end to the traffic in slaves.

And I now have the pleasure to inform your Lordship that General Rivera has this day stated to me, and he requests that I will, by this packet, communicate it to Her Majesty's Government, that he is *now* taking the necessary measures for legally ratifying the Treaty, and that he has no doubt it will be ready for exchange in a very short period of time.

There appears to be some difference of opinion as regards the legal mode of

ratification, and I believe it will be considered necessary to call together the Chambers.

Trusting that your Lordship will not disapprove of the steps I have taken to push forward to a conclusion this long-pending Treaty,

I have, &c.,

(Signed) JOHN POWNALL DALE,

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

*Pro Consul-General.*  
&c.

No. 210.

*The Earl of Aberdeen to Her Majesty's Consul.*

*Foreign Office, October 30, 1841.*

Circular sending Papers presented to Parliament.

(See No. 10.)

No. 211.

*Mr. Mandeville to Viscount Palmerston.*

*Buenos Ayres, September 10, 1841.*

*(Received December 6.)*

MY LORD,

SINCE I have been in communication with the Montevidean Government regarding Her Majesty's mediation between it and the Government of Buenos Ayres, I have been constantly urging General Rivera by every means in my power no longer to defer the ratification of the Slave Trade Treaty concluded between Great Britain and that country in 1839; and I have now the satisfaction to inform your Lordship, that Mr. Dale, Her Majesty's Pro-Consul at Montevideo, in a letter of the 28th ultimo, an extract of which I have the honour to enclose, acquaints me that he has received a message from M. Vidal, the Montevidean Minister for Foreign Affairs, begging him to let me know that it is determined to call together the Chambers for the purpose of ratifying the Slave Trade Treaty; and that on or before the 1st of October he will officially notify to me that the Montevidean Government is ready to make the exchange.

I have, &c.

(Signed) J. H. MANDEVILLE.

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

Enclosure in No. 211.

*Extract of a Letter from Mr. Dale, dated Montevideo, August 28, 1841.*

I HAVE this instant, whilst writing, received a message from Mr. Vidal, saying that he requests me to inform you that it is determined to call together the Chambers for the purpose of ratifying the Slave Trade Treaty, and that on or before the 1st day of October he will have the pleasure of officially notifying they are ready to make the exchange.

No. 212.

*The Earl of Aberdeen to Mr. Hood.*

*Foreign Office, December 27, 1841.*

Circular for all Laws upon Slave Trade.

(See No. 14.)

No. 213.

*The Earl of Aberdeen to Mr. Mandeville.*

SIR,

*Foreign Office, December 31, 1841.*

WITH reference to your Despatch of the 19th of June, 1840, and its Enclosure, containing an intimation that upon the next meeting of the Legislative Chambers of the Republic of the Uruguay, the Government would recommend to them to ratify the Treaty signed by you on the 13th of July, 1839, for the suppression of the Slave Trade of the Uruguay, I have to observe, that in that Despatch you give reason to believe that the Treaty might have been submitted to those Chambers for ratification in the month of February last.

By a Despatch under date of the 17th of August last, received from Mr. Dale, acting British Consul at Montevideo, it appears that General Rivera had recently stated to him that he was taking the necessary steps for the ratification of the Treaty, and had no doubt it would shortly be ready for exchange. And by your Despatch of the 10th of September, I am led to hope the same result.

In case, however, that when this Despatch reaches you, the Montevidean ratification of this Treaty shall not have been completed, you will lose no time in pressing again upon the Government of the Republic the ratification of this Treaty; and, on learning that it is completed, you will proceed to exchange the ratification of Her Majesty against it without loss of time.

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

I am, &c.  
(Signed) ABERDEEN.

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## NEW GRANADA.

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No. 214.

*Mr. Adams to Viscount Palmerston.*

*Bogota, October 29, 1840.*

*(Received February 14, 1841.)*

MY LORD,

IMMEDIATELY upon the receipt of your Lordship's Despatch of the 31st December last, I renewed my conferences with the Granadian Plenipotentiary, and explained to him the amended Draft of a Treaty enclosed in that Despatch.

Unfortunately the civil dissensions of the Republic which have brought actual war to the gates of Bogota, have rendered it utterly impossible for this Government, engaged in a struggle for existence, to take the proposal of Her Majesty's Government into consideration; but I can assure your Lordship that I shall anxiously avail myself of the first interval of tranquillity to press these negotiations to a close.

I have, &c.

(Signed) WILLIAM PITT ADAMS.

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

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No. 215.

*Viscount Palmerston to Her Majesty's Chargé d'Affaires and Consuls.*

*Foreign Office, April 15, 1841.*

Circular sending Treaty with Argentine Confederation.

(See No. 1.)

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No. 216.

*Viscount Palmerston to Her Majesty's Chargé d'Affaires and Consuls.*

*Foreign Office, April 15, 1841.*

Circular to Consuls, sending Convention with Hayti.

(See No. 2.)

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No. 217.

*Viscount Palmerston to Her Majesty's Chargé d'Affaires and Consuls.*

*Foreign Office, May 8, 1841.*

Circular to Consuls on holding or being interested in Slave Property.

(See No. 43.)

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No. 218.

*The Earl of Aberdeen to Mr. Stewart.**Foreign Office, October 30, 1841.*

Circular sending Papers presented to Parliament.

(See No. 10.)

No. 219.

*The Earl of Aberdeen to M. Mosquera.**Foreign Office, November 12, 1841.*

Circular sending Papers presented to Parliament.

(See No. 11.)

No. 220.

*M. Mosquera to the Earl of Aberdeen.**2, Chandos-street, Cavendish-square,  
November 16, 1841.**(Received November 17.)*

M. MOSQUERA ha tenido el honor de recibir, y leerá con particular interes, la copia de documentos relativos al Comercio de Esclavos, que di órden de Su Majestad se presentaron à las dos lámara del Parlamento en sus últimas sesiones, y que el Muy Honorable Conde de Aberdeen se ha servido remitir à M. Mosquera en 12 del corriente.

*The Right Hon. the Earl of Aberdeen, K. T.**&c. &c. &c.*

(Translation.)

*November 16, 1841.*

M. MOSQUERA has had the honour to receive, and will read with particular interest, the copy of papers relating to the Slave Trade, which by command of Her Majesty were presented to the two houses of Parliament in the last session, and which the Right Honourable the Earl of Aberdeen transmitted to M. Mosquera on the 12th instant.

No. 221.

*The Earl of Aberdeen to Mr. Stewart.**Foreign Office, December 27, 1841.*

Circular for all Laws upon Slave Trade.

(See No. 14.)

No. 222.

*The Earl of Aberdeen to Mr. Stewart.*

SIR,

*Foreign Office, December 31, 1841.*

I BEG to refer you to the archives of the mission at Bogota, where you will find a correspondence on the subject of a negotiation with which Mr. Adams was charged for a Treaty, a draft of which was sent out to him on the 31st of December, 1839, to be concluded between Great Britain and New Granada, for the suppression of the Slave Trade.

Mr. Adams, in his Despatch of the 29th of October, 1840, stated that the civil war then raging close to the gates of Bogota prevented the Granadian Government from taking at that moment the Treaty into consideration.

Her Majesty's Government hope that tranquillity will now have been restored in the State of New Granada; and I have to instruct you to take the earliest opportunity of pressing the Granadian Government to conclude the proposed Treaty as an act which will be peculiarly satisfactory to Her Majesty's Government and people.

I am, &amp;c.

(Signed) ABERDEEN.

*Robert Stewart, Esq.*  
&c. &c. &c.

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## PERU.

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No. 223.

*Mr. Wilson to Viscount Palmerston.*

MY LORD,

*Sucre, September 12, 1840.*

I HAVE the honour to transmit herewith copy and translation of a Decree issued under date of the 15th of July last, by the Government of Peru, in which it is declared, "that in order to perpetuate the memory of the Proclamation of the Chief of the Republic," namely, General Gamarra, "four slaves resident within the province of Lima, to be selected by lot, shall be solemnly manumitted at the expense of the State."

Insignificant as is this Decree from the very limited benefit to humanity thereby conferred, I have yet deemed it proper to communicate it to your Lordship, as emanating from a Government which in the month of December last sanctioned a law, passed in the previous month of November, under its immediate influence and auspices by the Congress of Huancayo, restoring to a state of slavery, till the age of fifty years, above one hundred thousand children of slaves, born after the 28th of July, 1821, who had by a law, under date of the 12th of August of that same year, been declared to be free upon the attainment of their twenty-first year.

I have, &c.

(Signed) BELFORD HINTON WILSON.

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

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Enclosure in No. 223.

(Translation.)

The citizen Agustin Gamarra, Grand Marshal, Restorer of Peru, well-deserving of the country in an heroic and eminent degree, condecorated with the medals of the Liberating Army, of Junin, Ayacucho, and Ancach, with that of Restorer by the General Congress, Generalissimo of the naval and land forces, President of the Peruvian Republic, &c., &c., &c.

Considering,—

1. That the Republic has fulfilled its constitutional regimen by the assembly of the General Congress, and the proclamation of the President according to the form established by the Charter.

2. That an event of so much importance guarantees internal order, peace, and the prosperity and progress of the nation.

3. That the meeting of the Congress, and the Proclamation referred to in the 1st Article, have taken place in virtue of the free and pacific exercise by the nation of the right of election, according to established forms, thereby confirming the hopes of securing permanent order, and the exercise of public liberty subject to the dominion of the laws.

4. That no demonstration of joy is more philosophical, more suited to a civilized state constituted under a democratical system, and more in unison with the spirit of our peculiar laws, than the manumission of some slaves.

*Decree.*

Art. 1.—In order to perpetuate the memory of the Proclamation of the Chief of the Republic, four slaves resident within the province of Lima shall, by lot, be solemnly manumitted.

Art. 2.—This act of grace shall be enjoyed by such as may be favoured by the lottery, according to the method established by the lottery office.

Art. 3.—The said drawing of lots shall take place after the formation of a register of all the slaves of both sexes of the city and valleys, numbering them according to the order in which they are therein inscribed, and considering each number to represent the name to which it may correspond in the register.

Art. 4.—The drawing of the lots shall be authorised by the prefect of the department, sub-prefect of Lima, intendent of police, and Syndic procurators.

Art. 5.—So soon as the operation shall have been realized, the names of the slaves, to which the numbers drawn shall correspond, shall be published at the place of drawing; and a return thereof shall be officially transmitted to the Treasury, in order that the notary of that office may extend the letter of freedom, a just valuation being previously made by two intelligent persons; one of whom shall be named by the Treasury, and the other by the respective owner; and the value of the slaves shall immediately be paid.

Art. 6.—In the beforesaid letter, the cause of the manumission shall be stated; and by an express clause it shall be declared, that the State renounces the right of ownership in favour of the manumitted slaves.

The Minister of State in the despatch of Government is charged with the execution of this Decree. Given in Lima this 15th day of July, 1840.

(Signed) AGUSTIN GAMARRA.

By order of his Excellency,

(Signed)

MANUEL FERREYROS.

No. 224.

*Viscount Palmerston to Mr. Wilson.*

*Foreign Office, April 15, 1841.*

Circular sending Treaty with the Argentine Confederation.

(See No. 1.)

No. 225.

*Viscount Palmerston to Mr. Wilson.*

*Foreign Office, April 22, 1841.*

Circular sending Convention with Hayti.

(See No. 2.)

No. 226.

*Viscount Palmerston to H. M.'s Chargé d'Affaires and Consuls.*

*Foreign Office, May 8, 1841.*

Circular Instruction as to holding Slave Property.

(See No. 43.)

*Viscount Palmerston to Mr. Wilson.**Foreign Office, May 11, 1841.*

Circular as to proposed instructions to Peruvian functionaries in slave-holding countries.

(See No. 3.)

No. 228.

*Mr. Wilson to Viscount Palmerston.**Arequipa, December 31, 1840.**(Received June 3, 1841.)*

MY LORD,

IN obedience to the directions contained in your Lordship's Despatch of the 20th of February last, I have procured the insertion in a public journal of this capital of the Apostolical letter promulgated on the 3rd of December, 1839, by His Holiness the Pope, on the subject of the Slave Trade; and I herewith transmit a copy of the 403rd number of the "Comercio," in which that letter is inserted.

In consideration of the repeated promises which I, and during my absence in Bolivia Mr. Sealy, had received from the Under Secretary of State that this letter should forthwith be published in the official gazette of Peru, I did not immediately on its receipt procure its publication in any other journal of this capital, well knowing that its publication in the official gazette would produce a better moral effect in this country; but after having been put off from day to day with positive promises, Mr. Melendez, a large slave holder, and President of the Council of State, accidentally in charge of the Executive power, positively refused to allow of this letter being published in the official gazette.

I likewise transmit a copy of the 331st number of the "Comercio," in which had been published a Spanish translation of His Holiness's letter, prior to the receipt by me of your Lordship's beforementioned Despatch.

The letter has also been published at Arequipa.

I have, &amp;c.

(Signed) BELFORD HINTON WILSON.

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

&amp;c. &amp;c. &amp;c.

No. 2.

*Mr. Wilson to Viscount Palmerston.**La Paz de Ayacucho, December 1, 1840.**(Received July 13, 1841.)*

MY LORD,

I HAVE the honour to acknowledge the receipt on this day of your Lordship's Despatch of the 23rd of April last, transmitting to me three copies of a Treaty concluded at Caraccas on the 15th of March, 1839, between Her Majesty and the Republic of Venezuela, for the abolition of the Slave Trade.

I have, &amp;c.

(Signed) BELFORD HINTON WILSON.

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

&amp;c. &amp;c. &amp;c.



have been resorted to for the equally infamous purpose of covering Slave Trade expeditions to the Havana.

Don José del Carmen de Triunfo, Consul-General of New Granada, and Don Ramon Guzman y Quiñones, Consul-General of the Equador, have both promised me to address notes to this Government, strongly pointing out the obligatory and binding character on Peru of the 14th Article of the Treaty between Colombia and Peru, prohibiting the traffic in slaves from Africa, and declaring such a trade to be a crime of piracy, as respects the citizens and vessels of the two Republics; and, finally, to assure this Government of the deep and increasing interest felt by their own in the faithful observance of this solemn international engagement by all the signing parties thereto.

I therefore trust that the attempt to revive the Slave Trade of Peru will finally meet with a signal defeat, notwithstanding the actual political influence of its powerful supporters.

I have, &c.

(Signed) BELFORD HINTON WILSON.

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

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First Enclosure in No. 232.

*Mr. Wilson to the Peruvian Minister for Foreign Affairs.*

*Lima, August 16, 1841.*

AN announcement has been made in the 658th number of the 'Comercio,' a public journal of Lima, that twenty-four persons of consideration (notables) have executed their power of attorney to a merchant of this capital, to solicit from the Supreme Government an authorization to introduce into Peru slaves from the coast of Africa; and that a memorial to that effect has been presented to the Minister for the Home Department ("Ministerio de Gobierno").

Finally, the praiseworthy determination of that periodical is therein announced nobly to stand forward in the defence of the honour of America, and of the cause of humanity, by fearlessly combating on their behalf the influence and power of private interests involved in this question.

It would be an offence to Peru to admit even of the possibility of its Government lending its sanction, in violation of national and international engagements, to a renewal of a traffic in human flesh; of a piratical war against the inhabitants of Africa; which, after disgracing and degrading Europe as well as America for so many years, has at length been formally abandoned by every country in Christendom.

"For the actual Slave Traders, in fact, and properly speaking, belong,"—as justly observed by Her Majesty's Principal Secretary of State for Foreign Affairs, in a note that he addressed in December, 1839, to the Chargé d'Affaires in London of his Majesty the Emperor of Austria,—“to no particular nation, but are a gang of buccaneers and pirates, consisting of adventurers and criminals, born in various countries, and who shift their residence from country to country, and their traffic from flag to flag, as best suits their convenience.”

The honourable part Peru has taken, and has formally expressed her willingness hereafter to take, in effectually procuring the entire suppression of the Slave Trade of Peru, and of declaring it to be a crime of piracy, is fully shown in the correspondence that has passed between the Peruvian Minister of Foreign Affairs and the Undersigned; and more especially so in the note dated the 4th of June of last year that the Minister addressed in reply to the notes of the Undersigned of the 25th of September, 4th of November, 27th of December, 1839, 1st of February, and 6th of May, 1840; in which he transmits, for the information of Her Majesty's Government, the report ("dictamen") issued by the Council of State, under date of the 1st of June of last year, and adopted as its own resolution by the Peruvian Government, respecting its willingness to conclude with Her Britannic Majesty a Treaty for the entire suppression of the Slave Trade of Peru, in conformity to the draft submitted to its considera-

tion by the Undersigned, the moment it shall obtain the constitutional authorization of the Congress formally to enter upon its negotiation.

The Undersigned, fully relying upon the good faith with which that declaration has been made, only now refers thereto for the purpose of soliciting Mr. Tudela's attention to the present state of the negotiations on Slave Trade between Great Britain and Peru, in the hope that, with a view of affording another proof to the civilized world, as well as the Slave Trade adventurers, of the unalterable determination of his Government to adhere religiously to the Christian and humane principles that have hitherto actuated the policy of Peru upon this vital subject, will, imitating the example set by Mr. Ferreyros in his recent negotiation and signature of a commercial treaty with the Brazils, obtain from the Council of State a similar authorization to negotiate and sign the Treaty, *sub spe rati*, with Her Britannic Majesty for the suppression of the Slave Trade of Peru, which the Peruvian Government has already formally expressed its willingness hereafter to conclude.

As bearing upon the Slave Trade in connexion with Christianity, the Undersigned profits by this opportunity to transmit to the Peruvian Minister of Foreign Affairs a copy of an Apostolical letter, promulgated on the 3rd of December, 1839, by his Holiness the Pope, on the subject of the Slave Trade.

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

(Signed) BELFORD HINTON WILSON.

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

Second Enclosure in No. 232.

*The Peruvian Minister for Foreign Affairs to Mr. Wilson.*

(Translation.)

SIR,

*Lima, August 27, 1841.*

HER Britannic Majesty's Chargé d'Affaires' esteemed note, addressed to the undersigned Minister of Foreign Affairs, under date of the 16th instant, with a view that the expedition which several individuals of this city are desirous of sending to the coast of Africa for the purpose of bringing slaves, shall not be permitted, and that the negotiation of the Treaty for the abolition of this traffic may be acceded to, has been laid before the Government of the undersigned; and by its order it has been transmitted to the Council of State for their opinion upon both points.

The Government of the undersigned trusts that the Council will absolve this question in satisfactory terms; and the undersigned will have the honour of opportunely communicating their decision to Mr. Wilson.

The undersigned renews to Mr. Wilson the assurances of consideration and esteem with which he remains

His obsequious Servant,

(Signed) MANUEL PEREZ DE TUDELA.

No. 233.

*The Earl of Aberdeen to Mr. Wilson.*

*Foreign Office, December 27, 1841.*

Circular asking for all Laws on Slave Trade.

(See No. 14.)



*The Earl of Aberdeen to Mr. Wilson.*

SIR,

*Foreign Office, December 31, 1841.*

I HAVE received and laid before the Queen your Despatch of the 30th of August last, respecting an attempt made to revive the Slave Trade in Peru; and I have the satisfaction to acquaint you that Her Majesty's Government entirely approves of the representation which you addressed upon this subject to the Peruvian Minister for Foreign Affairs in your note of the 16th of August last.

It is to be hoped that the plan for reviving the Slave Trade of Peru will not receive any encouragement from the Government of that country: but if a peremptory refusal to entertain it should not have been given by the Peruvian Government, or if the attempt to introduce the Trade should be repeated, you will immediately address a further note to the Peruvian Minister, remonstrating strongly against the proposed measure.

You will point out to the attention of the Peruvian Government the Treaty concluded on the 5th of June, 1837, between Great Britain and the Peru Bolivian Confederation, of which at that period Peru formed a part.

By the 14th Article of that Treaty the Peru Bolivian Confederation bound itself to prohibit all persons inhabiting the territories of the Republic, or subject to their jurisdiction, from taking any share in the Slave Trade.

You will remind the Peruvian Government that Peru, although separated from Bolivia, cannot absolve herself from the obligations contracted by her when united with Bolivia; that while Her Majesty laments that Peru should still demur to contract the Treaty proposed to her by Great Britain for the more effectual abolition of the traffic, Her Majesty expects that Peru will at least adhere strictly to the stipulations which that country has absolutely contracted to this end.

You will further draw the attention of the Peruvian Government to the commencement of the Article already quoted of the Treaty contracted in 1837, by which Peru bound herself to co-operate with Her Majesty for the total abolition of the Slave Trade; and you will finally express the earnest hope of Her Majesty's Government that the Peruvian Government will not thus stand almost single among the civilized Powers of Christendom in declining to conclude a Treaty for the effectual and final extinction of a traffic proscribed by all.

I am, &c.

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

(Signed) ABERDEEN.

## TEXAS.

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No. 235.

*Protocol of Conference held at the Foreign Office, May 19, 1841, between the Plenipotentiaries of Great Britain and of Texas.*

WHEREAS there was concluded between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Republic of Texas, on the 13th of November, 1840, a Treaty of Commerce and Navigation; and on the 14th of November, 1840, a Convention containing certain arrangements relative to public debt; and, further, on the 16th of November, 1840, a Treaty for the suppression of the African Slave Trade; and it was stipulated that the ratifications of all these Treaties should be exchanged at London within nine months from the time when they were respectively signed:

And whereas unforeseen delays retarded the journey of Mr. Burnley, the gentleman by whom the original of the last of those three Treaties was forwarded by the Texian Plenipotentiary in London to his Government; and whereas the Congress of Texas separated this year earlier than was expected, and was no longer sitting when Mr. Burnley arrived at Galveston; and whereas, in consequence of these circumstances, the Texian Senate have as yet advised and consented to the ratification of only two out of the said three Treaties, the third not having yet been submitted to their consideration:

And whereas it was agreed between the British and the Texian Plenipotentiaries, that the ratifications of all the three above-mentioned Treaties should be exchanged simultaneously:

And whereas the Texian Congress will not meet again until the month of October next:

Therefore, the Plenipotentiaries of Great Britain and of Texas, who signed the three Treaties aforesaid, having now met together, have agreed, and do hereby agree and declare, that the time for the exchange of the ratifications of the said Treaties shall be extended to the 1st day of June, 1842.

(Signed) PALMERSTON.  
J. HAMILTON.

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No. 236.

*Protocol of Conference held at the Foreign Office, December 14, 1841, between the Plenipotentiaries of Great Britain and of Texas.*

WHEREAS by the Protocol of a Conference held on the 19th of May, 1841, the period originally stipulated for the exchange of the ratifications of three Treaties between Great Britain and the Republic of Texas, signed respectively on the 13th, 14th, and 16th of November, 1840, was extended to the 1st of June, 1842:

And whereas the Texian Plenipotentiary is about to proceed to Texas, and may not find it possible to return to England as soon as the 1st of June, 1842:

Now, therefore, the Plenipotentiaries of Great Britain and of Texas having met together, have agreed, and do hereby agree and declare, that the period for the exchange of the ratifications of the said Treaties shall be further extended to the 1st of August, 1842.

(Signed) ABERDEEN.  
J. HAMILTON.

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UNITED STATES.

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No. 237.

*Mr. Stevenson to Viscount Palmerston.*

23, Portland Place, August 26, 1839.

(Received August 27.)

THE undersigned, Envoy Extraordinary and Minister Plenipotentiary from the United States, has the honour, pursuant to instructions received from his Government, to communicate to Viscount Palmerston, Her Majesty's Principal Secretary of State for Foreign Affairs, the accompanying papers, detailing the particulars of an outrage committed in April last upon an American ship (the "*Susan*" of Boston, Thomson master), near Cape Frio light, by the commander of, and by a boarding officer from, Her Majesty's armed brig "*Grecian*," and to invite the early attention of his Lordship to the complaint therein contained.

In presenting to the notice of Her Majesty's Government a case so manifestly violating the respect due from one friendly nation to the flag of another, the undersigned has the honour to request that an inquiry may be instituted into the whole matter, and the allegations against the officers of the "*Grecian*" carefully examined, in order, should they turn out to be well founded, that conduct and language so unwarrantable and disreputable to Her Majesty's naval service may meet the reprehension and punishment they merit, and which they will doubtless receive from Her Majesty's Government.

The undersigned, &c.

(Signed) A. STEVENSON.

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

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First Enclosure in No. 237.

*Mr. George Bancroft, Collector of the Port of Boston, to Mr. Forsyth.*

(Extract.)

*Custom House, Boston, July 12, 1839.*

HEREWITH I return the extract from the log-book of the ship "*Susan*" of Boston, received from your department on the 1st of June. It has been carefully examined with the original entry in the log-book of the ship, and found correct in all its parts.

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Second Enclosure in No. 237.

*Messrs. Austin, Parker, and Brewer to Mr. Forsyth.*

SIR,

*Boston, May 20, 1839.*

WE annex an extract from the log-book of the ship "*Susan*," Captain Thomson, from Rio de Janeiro, on board of which vessel we came passengers, and confirm the same as a true statement. Feeling indignant, as citizens of

the United States, at an outrage to our flag of this nature, we wish that you should be informed of it, and, for our information, to respectfully ask of you how far the rights of foreign men-of-war extend to our merchant-vessels. Whether, upon satisfying the boarding officer we were a merchant-vessel of the United States, in a legal trade, the captain could not have ordered him and his force to leave the ship; and, upon refusal, whether the ship could not have been abandoned to him? Whether he had the right to take the captain or passengers on board the man-of-war? and, again, whether we were bound to wait for orders from a foreign man-of-war to proceed on our course after satisfying him of the character of our ship? The statement does not in the least exaggerate the piratical manner in which we were boarded and the insolent conduct of the officer. The fact of one of us knowing the "Grecian," and the boarding officer, relieved our minds from the fear we were taken by a pirate.

(Signed) DANIEL P. AUSTIN.  
THEODORE D. PARKER.  
JOS. H. BREWER.

*Mr. Forsyth,*  
*&c. &c. &c.*

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Third Enclosure in No. 237.

*Extract from the Log-Book of the ship "Susan," of Boston, April 10, 1839;  
Cape Frio light in sight.*

AT 7 h. 15 m. P.M. saw a vessel on the starboard bow steering to the southward, and when on our quarter she bore up to us and fired a gun, the wad striking just under our stern. We immediately hove the main topsail to the mast; and, while lying in that situation [hove-to] for her to come up with us, she fired a shot, which was seen and heard to hiss through the air within a very few feet of the ship, and struck abreast of the starboard fore-rigging. In a few minutes she was alongside, hailed us to know who [we] were; answered "'Susan,' from Rio de Janeiro." He was then asked, "What brig is that?" and replied the "Grecian;" and was then asked, "What do you mean by firing a shot into us?" His answer was, "If you don't heave-to, I'll fire into you;" and was replied to, that the ship was, and had been, hove-to some time. She then sent a boat with an officer and four men, who boarded us in a piratical manner, they being armed with cutlasses and muskets; and the first words the officer said upon reaching the deck were, "Who is the captain?" of whom he immediately demanded to know by what right he hailed Her Majesty's brig "Grecian" to know why he fired, &c. &c. The captain replied by repeating the same question, to which he (the officer) in a very impertinent manner, said he would send Captain Thomson on board the "Grecian." Here the passengers interfered, and said, "No, you don't, unless you use force;" to which he replied, he would use force, and take the passengers also, who replied, "Do it, if you dare." He then asked to see the papers, and was told he could see the register only; and at the same time ordered a man and a loaded musket on deck from his boat, and took possession of the ship, saying he would make a signal, and order more force. In the height of his impertinence he was requested to perform his duty, and go about his business; to which he replied, "I shall take my own time, and sha'nt hurry, and want none of your cheek;" that, if he was to do his duty properly, he should send us all on board the "Grecian," as he had the force, and it was in his power to do so; and was again told he had better quickly do his duty, as we did not wish to be detained by him all night. After asking the usual questions, without looking at the register, he ordered the captain not to fill away until he received permission from the "Grecian;" and then left the ship without offering to put into execution any of his violent and impertinent threats of taking the captain and passengers on board the "Grecian." As soon as the boat reached the brig, they hailed us with "You can go on," filled away, and left us, and we proceeded on our course.

*Custom-House, Boston, June 17, 1839.*

I do hereby certify that the foregoing extract from the log-book of the ship "*Susan*," now in this office, has been carefully examined with the original entry in said log-book, and found correct in all its parts.

Given under my hand and seal of office the day and year above written.

(L.S.)

(Signed) GEORGE BANCROFT,  
*Collector.*

No. 238.

*Viscount Palmerston to Mr. Stevenson.*

*Foreign Office, September 9, 1839.*

THE undersigned, &c., has the honour to acknowledge the receipt of the note of the 26th ultimo, from Mr. Stevenson, &c., complaining of the conduct of the commanding officer and of one of the subordinate officers of Her Majesty's brig "*Grecian*" towards the American vessel "*Susan*," near Cape Frio.

The undersigned has the honour to acquaint Mr. Stevenson that an inquiry has been instituted into the circumstances complained of, and that he will not fail to communicate to Mr. Stevenson the result of that inquiry.

The undersigned, &c.

*Mr. Stevenson,*  
*&c. &c. &c.*

(Signed) PALMERSTON.

No. 239.

*Viscount Palmerston to Mr. Stevenson.*

*Foreign Office, April 23, 1840.*

THE Undersigned, &c., in his note, dated the 9th of September last, had the honour to inform Mr. Stevenson, &c., that an inquiry had been instituted upon the complaint brought forward by Mr. Stevenson in his note, dated the 26th of August, relative to an alleged outrage committed upon an American ship, the "*Susan*," of Boston, near Cape Frio light, on the 9th of April, by the Commander of Her Majesty's sloop "*Grecian*," and a boarding officer from that vessel.

The Undersigned has now the honour to transmit to Mr. Stevenson a copy of a letter from the Secretary of the Admiralty, enclosing an extract of a letter from Commander Smyth, of Her Majesty's sloop "*Grecian*," and a copy of a letter from Mr. N. B. Pearse, master of that sloop, explaining the circumstances attending the detention of the "*Susan*," on the occasion to which Mr. Stevenson's note refers.

The Undersigned trusts that the Government of the United States will see, from the narrative which these papers contain, that nothing was done by the officer of the "*Grecian*" of which the United States Government can justly complain; but that, on the contrary, Her Majesty's Government have good ground for complaining of the rude and offensive behaviour of Mr. Brewer, a passenger on board the "*Susan*," towards Her Majesty's officers while employed in the performance of their duty; and the Undersigned has to observe, that, from what is stated in these reports, there seems strong reason to suspect that Mr. Brewer was not unconnected with Slave Trade undertakings.

The Undersigned, &c.

(Signed) PALMERSTON.

First Enclosure in No. 239.

*Sir John Barrow to Lord Leveson.*

MY LORD,

Admiralty, April 14, 1840.

WITH reference to your letter of the 7th of September last, I am commanded by my Lords Commissioners of the Admiralty to transmit to you herewith, for the information of Viscount Palmerston, an extract of a letter from Commander Smyth, of Her Majesty's sloop "Grecian," dated 10th December, 1839, and a copy of a letter from Mr. M. B. Pearse, master of that sloop, which accompanied it, relative to the detention of the American ship "*Susan*," off Cape Frio, by the "Grecian," on the 9th of April, 1839.

I have, &amp;c.

(Signed) JOHN BARROW.

*Lord Leveson,*  
 &c. &c. &c.

Second Enclosure in No. 239.

*Commander Smyth to Commodore Sullivan.*

*Her Majesty's sloop "Grecian,"*  
 December 10, 1839.

(Extract.)

IN reply to your letter of the 25th of November, 1839, enclosing copies of a correspondence relative to the United States barque "*Susan*," boarded by a boat from Her Majesty's sloop under my command, I have the honour to state to you, for the information of my Lords Commissioners of the Admiralty, that while cruising off Cape Frio I was standing towards the Cape with a prize, and at half-past seven P.M., it being quite dark, flashes were reported as being seen to leeward, which appeared to me to be signals with slave-vessels, as I knew that several were expected, and among them a bark called the "*Commodore*."

I desired the prize to continue her course for the Cape, and then bore up in the direction of the lights, and very soon after discovered a sail, upon which I hoisted a light and fired a blank gun to bring her to; as far as we (the officers and myself) could distinguish from the obscurity of the night, the vessel paid no attention to our signals; I, then, being anxious not to separate from the prize, ordered a shotted gun to be fired well a-head of the vessel, and shortly after ran up alongside of, and hailed her in the following manner:—"This is Her Britannic Majesty's brig 'Grecian,'—what barque is that?" The answer was—"The '*Susan*' from Rio Janeiro. God damn you! what do you mean by firing a shot across our bows? I'll blow you out of the water."

Not feeling satisfied from the style of the answer what the vessel was, I hailed to say I should send a boat on board. I therefore ordered the jolly-boat to be lowered, and sent Mr. Pearse, master, to ascertain what vessel she was (and the statement of that officer, which accompanies this letter, relative to what took place on board the "*Susan*," I beg leave to transmit for their Lordships' information).

On the return of the boarding officer, he related to me, as far as my memory will allow, precisely the words that are in his statement. I confess I should have detained her and inquired into such unbecoming behaviour, had I not been pressed to rejoin the prize who had on board 430 souls, who I was extremely anxious should get into port with the utmost speed: therefore every moment's detention to me was of the greatest importance, and I was reluctantly constrained to permit my officer, in fact my ship, to suffer an indignity without being able from circumstances to examine the case, so as to make an official report thereon. An additional cause of my anxiety to rejoin the prize was through fear that she might mistake the light shown by the "*Susan*" for Cape Frio light, which at that time was not visible.

Third Enclosure in No. 239.

*Mr. Pearse to Commander Smyth.**Her Majesty's sloop "Grecian,"  
Buenos Ayres, December 10, 1839.*

SIR,

IN compliance with your orders, I beg leave to state what occurred on the night of the 9th of April last, while in company with the United States barque "*Susan*."

Being on board the brig "*Grecian*," cruising off Cape Frio, engaged in the suppression of the Slave Trade, and particularly looking out for a slave-barque that was daily expected, viz. the "*Commodore*," at 7 h. 30 m. P.M., it being very dark, a light was observed inshore of us, which was visible only at intervals, but, when visible, was very bright; this was suspected to be a slave-vessel, making signals to the shore (this being a place where slaves in great quantities are landed); we stood after her and fired a blank gun, and, she not heaving-to, a shot was fired a-head of her. On closing with her she seemed to be a barque; she was hailed by you from the fore-castle, telling what ship this was, and asking what she was; the reply was the ship's name, and "God damn you! what do you mean by firing across our bows? If you fire again, I'll blow you out of the water." I was then ordered to board her, which I did in the jolly-boat. On going alongside, I had considerable difficulty in getting on board, it being very dark, and a considerable sea on. No rope was handed over the side, or any of the usual assistance given to a boat going alongside of a vessel.

I had considerable difficulty in scrambling up her side; when I got on deck I called for the captain, but was immediately surrounded by several persons, who were most clamorous and noisy, particularly one person of the name of Brewer, whose language and general deportment were most insolent and abusive. I told him I had nothing to say to him, but wished to see the captain, on which he merely continued to repeat his abuse, and to offer every interruption to my obtaining any information as to what the vessel was. I repeated to him several times that I had no business with him, and wished to say nothing to any one but the captain; but all my efforts to have any conversation with him, for as yet I had not seen him, were interrupted by the noisy and turbulent behaviour of the said Mr. Brewer, who was now joined in his reproaches and abuse by the other persons standing round, and much confusion was produced on deck by their violent language and insolent menaces.

I had not yet seen the captain; and, although I believed Mr. Brewer to be an American citizen, my mind was by no means free from suspicion of the vessel being a slaver.

This same Mr. Brewer having declared in a boasting manner some time previously in Rio Janeiro, that he was the person who had sold the very slave-vessel that we were now in chase of, the "*Commodore*," to her present owners, under these circumstances, I told them that, if I was interrupted by them in communicating with the captain, I should make a signal to the brig for assistance, and, calling one man out of the boat, desired him to bring a musket and a lantern, to enable me to make the necessary signal.

I had not yet seen the captain, nor had I any proof of the nationality of the vessel; they were now more silent, and, having at length ascertained who was captain, I asked him to show me his papers. Mr. Brewer then again interfered, desiring the captain to show nothing but the register. I told them I only wished to satisfy myself that she was an American vessel. I went into the cabin with the captain, and inspected the register, and entered her name, &c., in the boarding-book in the usual manner. While so engaged Mr. Brewer and the other passengers came into the cabin. I asked the captain why he gave such an answer to a British man-of-war hailing her, when he told me he had made no such reply, and that which was given had been given by Mr. Brewer, who was a passenger, but not by him, the captain.

While making the short notation in the boarding-book, Mr. Brewer and the others insisted on my going away, and not detaining them, to which I replied that I should take what time was necessary.

The only time that was lost was by the insolent behaviour of Mr. Brewer and the others.

Having seen the register, and being satisfied that she was a regular trading-vessel, I made no further inquiries, but left the vessel, requesting she would not make sail until I got on board the "Grecian," to make the report of her.

I came on board the "Grecian," then within hail of the "Susan," and, having reported her, you immediately hailed her to go on.

From the time she first hove-to, until she filled again, did not exceed half an hour; and the time occupied by me in examining her register, when once produced, did not exceed five minutes.

The whole affair occupied as little time as possible, having been ordered to return immediately, in order to rejoin the "Ganges" prize slave-brig, from which we had parted company, and being anxious about her, lest she should have been deceived by the lights seen from the "Susan," and mistake them for Cape Frio light, which was not then visible.

And I further state that I am ready, if called upon, to substantiate on oath the foregoing statement.

I have, &c.

(Signed) N. B. PEARSE,  
Master of Her Majesty's sloop "Grecian."

No. 240.

*Mr. Stevenson to Viscount Palmerston.*

32, Upper Grosvenor Street, May 15, 1840.

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary from the United States, has the honour to inform Lord Palmerston, Her Majesty's Principal Secretary of State for Foreign Affairs, that he has received instructions which make it his duty again to invite the attention of Her Majesty's Government to the continued excesses which, it appears, are still practised by British naval officers upon the vessels and commerce of the United States in the African seas, and more particularly to bring to its notice a recent aggression, of a marked and extraordinary character, committed by the commander of one of Her Majesty's cruisers upon an American brig on the high seas, and which, in the opinion of the President of the United States, calls for the immediate action of Her Majesty's Government.

To enable Lord Palmerston to judge of the nature and extent of this outrage, the Undersigned has the honour of transmitting to his Lordship the accompanying documents detailing the whole proceeding; amongst which will be found the original log-book of the American brig, from the time of her sailing from the Havana to that of her return to that port, four or five months after.

From these papers it appears:—that on the 21st of June, 1839, an American brig called the "Mary," the property of Peter Sabate, of the city of New Orleans, and under the command of Captain David Tomlinson, (both citizens of the United States,) sailed from the Havana for the Gallinas and Cape Lopez, with a valuable cargo of merchandise belonging to the commercial house of Blanco and Caballo of that city.

That this vessel was regularly cleared from the Havana by the Consul of the United States for ports on the African Coast.

That on the 18th of August, while pursuing her voyage, and within sight of Cape Mount, and not more than 25 or 30 miles from the port of destination, a British cruiser called the "Forester," commanded by William Bond, and sailing under the British flag, bore down and fired a gun across the bow of the "Mary," for her to heave to.

That the American colours were hoisted on board the brig, and in full view of the British cruiser.

That Captain Tomlinson accordingly came to, when his vessel was imme-



diately boarded by the commandant of the "Forester," with a subordinate officer, and six or eight of the crew.

That upon an examination of the ship's papers, which were all regular, Captain Bond expressed himself dissatisfied; declared that the American Consul at the Havana, by whom they were signed, had been removed by his Government; ordered the hatches immediately to be opened; turned up and examined the whole cargo; broke open and destroyed ten boxes or liquor cases, and finally seized the said vessel and cargo as lawful prize.

That the vessel was thereupon carried by force into Sierra Leone for condemnation; but the Prize Court refused to exercise jurisdiction over her, upon the ground that she was American property, and that the seizure had been unauthorized and illegal.

That this took place on Saturday the 24th of August, at 3 o'clock P.M., at which time orders were given to Captain Tomlinson to leave the port by one o'clock the following day; with a further notification, that if there was any delay beyond that hour, his vessel would be again seized.

That his papers were then in possession of Captain Bond, as were also five of his crew, and that she had not besides suitable provisions of wood or water for going to sea.

That it was not until after three o'clock that possession of the brig was restored to Captain Tomlinson by the officer, with a part of her papers and four of her crew. On the following day, however, she was again boarded by another officer, who brought with him the remainder of the papers, without the fifth seaman (the steward), who was retained.

That in consequence of this notification, Captain Tomlinson made immediate preparation to sail, and accordingly put to sea, though so unprovided with wood and water as to make it extremely hazardous to do so.

That on the 30th of August the brig reached the Gallinas, where she went for provisions, and on the 23rd of September Captain Tomlinson died, from a fever which he had taken in consequence of his detention in the deadly climate of the African Coast.

It further appears, that the "*Mary*" was a clump brig, utterly unsuitable for the purposes of a slaver, and manifestly intended for the employment in which she was engaged, of transporting cargoes of ordinary merchandise.

Such is a brief recital of the facts of this case, which will be found, however, more particularly detailed in the documents which accompany this letter. They afford proof too manifest and decisive to leave room for doubt or denial, as to the extent of the outrage, or the reparation which it calls for.

Not content with having boarded and searched (acts in themselves of insult and violence), the commandant of the British cruiser had the temerity actually to capture and send into a foreign port for condemnation in time of peace, as lawful prize, the vessel of a friendly nation engaged in lawful commerce upon the high seas, and under the protection and jurisdiction of its own flag; and that, too, in the absence of that degree of suspicion which, under the provisions of existing Treaties between Great Britain and other nations in relation to the Slave Trade, would alone justify a mutual right of search and capture of their respective vessels.

Indeed the whole proceeding on the part of Captain Bond would seem to want nothing to give it the character of a most flagrant and daring outrage, and very little, if anything, to sink it into an act of open and direct piracy.

Such is the view of the case which the Undersigned has been instructed to present to the consideration of Her Majesty's Government, and in preferring a claim for suitable indemnity to the owners of the "*Mary*," he has been further directed to ask for the exemplary punishment of the commander of the "Forester," and those concerned in so wanton and unjustifiable an outrage.

In performing this duty, the Undersigned will forbear to enlarge upon the subject. After the former notes which he has had the honour of addressing to Lord Palmerston, and in which he took occasion to express very fully the views of his Government in relation to these violations of its flag, and the vexatious interruptions to which the commerce and navigation of the United States are subjected by Her Majesty's cruisers on the Coast of Africa, it cannot be necessary to do more than to place Her Majesty's Government in possession of the facts, and invite its early adoption of such measures as will have

the effect of guarding for the future against such unwarrantable excesses on the part of its naval officers.

Lord Palmerston will not fail to see how unpleasant and painful it must be to the President to have complaints of this character so often pressed upon the attention of Her Majesty's Government, and the necessity and importance of preventing their repetition. Indeed, it would indicate a want of confidence in a Government which so well understands its own rights, and what is due to it from other nations, not to infer that a case of such gross indignity and insult, one so inconsistent with all international courtesy, and ill-suited to the friendly relations of two such countries, would be promptly redressed and signally punished.

The Undersigned takes occasion to renew to Lord Palmerston assurances of his distinguished consideration.

(Signed) A. STEVENSON.

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

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First Enclosure in No. 240.

*Mr. Trist to the Honourable J. Forsyth.*

*Consulate of the United States of America,*  
*Havana, February 29, 1840.*

SIR,

THE recent arrival from the coast of Africa of the brig "Douglas" of Duxbury, Alvin Baker master, has reminded me of some documents which I had prepared so far back as November last, for the purpose of transmitting them, as would long since have been done, had they not, though repeatedly thought of, yet been as often driven from mind by the numerous objects claiming my attention. The delay originated in my wish that they should be accompanied by the statement of John Hutton, mate of the brig "*Mary*," a very intelligent, and, so far as I could judge, truth-telling young mariner. For the purpose of reducing to writing a number of particulars mentioned by him in conversation, I repeatedly appointed a time for him to come to my office; but he always found me engaged in a manner that rendered a postponement unavoidable, and finally he left without its having been possible for me to carry that design into effect.

Of the documents now transmitted, one (Enclosure No. 1) is a literal copy of a declaration and protest, made by David Tomlinson, master of the brig "*Mary*," of New Orleans, against the commander of Her Britannic Majesty's brig "*Forester*," by whom, as will be perceived, he was captured and taken to Sierra Leone, his detention in the deadly climate of the coast of Africa being thereby sufficiently prolonged (particularly when connected with the vexation and anxiety of mind consequent thereon) to turn the scale against his escape with life from the risk encountered by all white men who venture into it. This protest, as will be seen, is signed by the mate, the second mate, and three of the crew. I personally examined the mate, John Hutton, and two of the crew, John Boaln and John Irvine, and the result was that the statements contained in the protest were corroborated as fully as they possibly could be by their testimony.

A second (Enclosure No. 2) is the log-book of the "*Mary*," kept by the aforesaid John Hutton, from her leaving this port on the 21st of June, to her return on the 12th of November, 1839. In this will be found some of the details obtained orally from the mate and seamen, and which serve to complete the outline begun in the captain's protest. On the 18th of August, when in sight of Cape Mount, which is within 25 or 30 miles of the Gallinas, where her cargo was to be delivered, the "*Mary*" was captured by the "*Forester*." Taken to Sierra Leone, the Prize Court, on the ground that she was an American vessel, refused to exercise jurisdiction over her. Of this they were informed at 3 P.M., on Saturday, the 24th of August, at which time they received orders to leave port by 1 P.M. on the day following, with a notice that if they delayed beyond that time they would be seized. The "*Mary's*" papers were yet in possession of the commander of the "*Forester*," as were also five of her crew, and she had not a proper provision of either wood or water for putting to sea. At half-past three, possession of the "*Mary*" was restored to Captain Tomlinson, by an officer who

visited her, bringing with him a portion of her papers and four of her crew. At 10 A.M., on the following day, an officer came on board with the remainder of the vessel's papers, but without the fifth man (the steward) belonging to her; whereupon, in consequence of the notification from the Court, they weighed anchor, and made all possible speed out of the harbour, putting to sea in so unprovided a state, with regard to both wood and water, as no vessel should venture out in. On the 30th of August they reached Gallinas, where Captain Tomlinson wrote and they signed the protest; he being then on shore with the fever, of which he subsequently (the 23rd of September) died on the return voyage.

Another American ship-master, who was detained at Sierra Leone, contrived to make his escape from thence in the "*Mary*." He also died on the passage.

Among the particulars stated by the mate (in presence of the men, who likewise affirmed it) was one which bore the stamp of truth upon its face in a manner unsuspected probably by the narrator, who can scarcely be supposed to have been aware that among the articles of "equipment" which, under the Treaty stipulations between Great Britain and Spain, are sufficient to condemn a Spanish vessel, handcuffs are comprised. The occurrence as related by him was as follows:—"One of their men (of the prize crew) came aft with a pair of irons which he had found in the bows, such as our vessels always carry in case a man proves unruly; we had no occasion to use them, Sir, but it's as well not to be unprovided. He flung them on deck. 'There,' says he, 'there! that's enough to condemn ye, and make ye our lawful prize.'" Summary extension, this, to vessels under the flag of the non-consenting, refractory American Government, of a provision which exists as to Spanish vessels, in consequence solely of the free consent and agreement of the Spanish monarch! The incident, however, is in perfect keeping with all that we here learn of the body of doctrine whereby the department of these African station cruisers is governed towards vessels under the American flag; whether rightfully or fraudulently; whether pursuing an employment for which even American cruisers would have no right to interfere with them, or one which to an American cruiser (but to an American cruiser only) would afford just ground for capture. From all accounts, officers and men seem to be full of the notion that the rules which they have obtained Spanish leave to enforce upon Spanish vessels, apply to American vessels all the same; that if one cannot carry a cooking apparatus or a water-cask beyond a certain size, neither can the other; and that the same right rests in them to search either, and turn the cargo upside down in quest of prohibited articles.

A circumstance which added greatly to the weight of the testimony given by these men was, that they spoke without asperity of their captors. The prize-master, M'Pherson, they informed me (upon being closely questioned with a view to discover their frame of mind), did drink, but not to excess,—he did not get drunk, as did the rest of the prize crew, and he treated them well. "He was doing his duty, Sir; he could not help it."

Before quitting the subject of the "*Mary*," I will add that (although the violation of principle, in regard to the right of search, would be the same, had she been the sharpest of clippers, with her hold full of slaves) the treatment experienced by her is the more inexcusable from her being a clump brig, utterly unsuitable for a slaver, and manifestly fit for nothing but the employment in which she was engaged,—the carrying of cargo; and that, too, a cargo which very possibly might have been made up entirely (excepting only the *aguardiente* and the tobacco) of merchandise brought to this place from England, which all concur in saying is exported all the year round direct from England to Africa, and supplies of which are constantly furnished to the slave factories from Sierra Leone itself, the very seat of that Prize Court before which the "*Mary*" was dragged when within sight of her port of destination. So manifestly did this clump, dull, merchant character belong to the vessel, that I deem it in the highest degree probable that she was so set down even in the reports of those agents of the British Government here who swell their lists of "American slavers" by embracing in them every vessel under our flag that clears for Africa; although it may be ever so notorious that she is employed solely to deliver a cargo there, which an English vessel may carry from Liverpool, but which a poor Spaniard dare not be freighted with. Those reports not unfrequently, I believe, describe the appearance of the vessels.

Enclosure No. 3 is a letter addressed to me, at my request for a written statement, by Captain William A. Hickling, who, it will be seen, refers to the Ho-

nourable W. Prescott, and Professor John W. Webster, of Cambridge. On meeting him last evening, he told me that he had taken, or was about to take, a cargo for the coast of Africa, and wished to be informed whether the American flag could count upon protection there now, and an American ship-master upon having his vessel overhauled by his own countrymen, who had a right to examine him, instead of having to submit to insult from foreigners who had none.

The arrival of Captain Baker, which has proved the cause of this communication being made now, has disclosed another of these cases, if not of consummated, at least of more than half, murder, upon an American citizen engaged in as perfectly lawful a calling as if he had gone with a cargo of sugars to the Baltic.

A few months ago he left here, as hale a looking young mariner as one would wish to set eyes on, and the other day (he, too, having come under British guardianship, and having, consequently, his detention in that deadly atmosphere prolonged sufficiently to determine the point against him) his skeleton came limping into my office, with the help of a crutch, to tell me that he was "getting better," but had been very sick, and in that state had had to navigate all the way from Curaçoa, with but one man before the mast fit for duty.

I am, &c.

*The Hon. J. Forsyth,*  
&c. &c.

(Signed) N. P. TRIST.

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Second Enclosure in No. 240.

*Havana Consulate.*

THIS is to certify that I, David Tomlinson, captain of the American brigantine "*Mary*," of New Orleans, formerly of Philadelphia, do claim damages of Her Britannic Majesty's brigantine of war "*Forester*," commanded by William Bond, in behalf of the owner of said brigantine "*Mary*," of New Orleans, say 500 dollars per day, from 12 o'clock the 18th of August, to the 29th of the same month at 12 o'clock, which time I was in as good position to make the Gallinas as when taken prisoner by the said "*Forester*."

1. I, David Tomlinson, having taken command of the above-named brigantine of New Orleans, the property of Mr. Peter Sabate, lying in Havana, took a freight from the house of Blanco and Caballo, merchants in Havana, to proceed to the Gallinas, from thence to Cape Lopez, for the sum of 3800 dollars.

2. Took on board a general cargo for the above-named port or ports of the coast of Africa, and cleared the said brigantine at the United States' Consul's office in Havana, to proceed to the Gallinas.

3. Left Havana on the 21st of June, 1839, say 1839, and pursued my course for the said Gallinas, and on the 18th of August, in 1839, say 1839, I sighted Cape Mount, which is 25 or 30 miles from the above-named port; and while doubling the above-named cape, the said "*Forester*" bore down on the brigantine "*Mary*," and fired a cannon for me to heave to. I discovered she hoisted the English flag, so I brought the brig to; she then lowered a boat, and the commander and an under officer, with six or eight seamen, and demanded my papers, which I put in his hands; he commenced with the bill of sale and copy of the vessel's register, stating that he did not recognize that signature as from the Consulate of America in Havana, as he well knew the man had been removed from office. I told him if he took any steps with the vessel contrary to law, I should reclaim damages, as she was despatched at the American Consul's office in Havana, and that I hoisted the American flag in answer to his. I also showed him my bills of lading, with the ship's papers, but he was not satisfied with seeing them. But he sent his under officer to tear up the hatches, and he went below and turned my cargo upside down, broke or damaged ten boxes or liquor cases, which fell in my hands, at nine dollars each, stating at the same time that I need not give myself any uneasiness about the cargo, that it and the vessel were his, and I was his prisoner, and that he would put my passengers on the beach, and send me and my men to prison at Sierra Leone, I still telling him to beware of his proceedings, that America did not allow her flag to be treated in that manner; he

CLASS D.

said he did not respect me, my flag, nor my papers, that I was his prisoner, and the vessel his; to be quiet, and I would meet a better end; he then left on board Mr. M'Pherson and six men, all armed; about five o'clock he sent a boat with an order for me to be brought on board; I declined, stating that I was captain of the vessel and responsible for the cargo, but I was told it was no use, go I must, so they took me on board the "Forester;" he the commander took me below and tried his best endeavours to induce me to say the vessel was Spanish property, by offering me bribes of various kinds, and at last he told me if I would say she was Spanish, I should put what she and her cargo would bring with all the passengers' money\* in my pocket. I answered him, that the vessel was American property, and that all England could not induce me to not protect it as such; he then said he would hang me; I told him I did not fear his threats; that in hanging me he left my country to revenge my death, and death was preferable to me to dishonour; he then found he could neither bribe nor frighten me, so he sent me on board the "Mary" again quite late in the evening, when I found the cargo broached, and all his men and some of mine in a state of intoxication, knocking and tearing about the vessel with their cutlasses like so many pirates; I went on deck to order my men below, but I was told by those placed on board that I had no business on deck, and that I must go below, for I was a prisoner, and that the vessel belonged to them and their commander; the next morning we were at sea, out of sight of land, the said "Forester" in company with us; he sent a boat alongside, demanding my passengers, but they did not wish to go, stating that they did not like to move their trunks and baggage until they knew where they were to go, but they were told to obey orders by the officer on board; so I wrote a note to the commander, requesting his permission to allow them to return on board the "Mary," so he asked them which they preferred; they answered the "Mary," so he returned them with a demand for my men, excepting my first mate, who went on board; he then took them one by one to make them say the vessel was Spanish property, stating to them that the vessel would go to Sierra Leone, her cargo be sold for his benefit, and I be thrown in prison, and would lose their wages if they did not declare she was Spanish property; but if they did they should have their pay: but the first told him he could not be frightened to take a false oath, and he was sent forward and put on two-thirds allowance, and the second the same; he then took the cook in hand, and he through malice stated that he knew her to be Spanish property, he having told the men often that he would do me some damage if he could get an opportunity, because I made him clean the cook-house; so the commander sent him below, ordering the steward to give him wine, and plenty to eat; he then took another one, a boy of Irish parents, and told him he should do this, that, and the other with him, for he shipped as an American, and was Irish, but the boy told him he was born in America, and did not fear him nor his threats; that he could not take a false oath, so he was sent forward with the other two; he then took an Englishman who it seems had told his story to those on board the "Mary" when in a state of intoxication the night before, for I never knew he was an Englishman before.

(Signed)

Mate JOHN HUTTON.  
 2nd Mate. JOHN THOMPSON.  
 Seaman, JOHN BOALN.  
 his  
 Ditto. JOHN ✕ ALLAN.  
 mark.  
 Ditto. JOHN IRVINE.

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Third Enclosure in No. 240.

*Extracts from a Letter from William A. Hickling to N. P. Trist, Consul of the United States at Havana, dated "Havana, November 16, 1839." Endorsed "Havana Consulate, No. 117. Enclosure No. 3.—Received November 18, 1839."*

AGREEABLE to your request, I appear before you with a written statement of the manner in which I was treated by the British cruisers while on my

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\* See Log-Book (Enclosure No. 2), August 21, 1839.

late voyage to the western coast of Africa. I commanded a schooner named the "*Octavia*," of New Orleans, which was chartered by a house of this city (last March), for the sum of 4000 dollars, to carry a cargo consisting of sundry articles, such as rum, tobacco, and dry goods, to be delivered at Accra and Little Popo, places on the western coast of Africa. I was properly cleared by you, Sir, with the papers of my vessel, all correct, and my officers and crew Americans. I had on board four Spanish gentlemen as passengers. When I arrived in the latitude of about 5° north, and between the longitudes of about 15° and 20° west, I fell in with a British brig of war named the *Acorn*, which bore down on me with a press of canvas, the wind light at the time, and when within a distance of about two miles of me he lowered away his boat, well manned, and made for me; when pretty close he fired a bow swivel, which sent a ball through my flying jib, and then being pretty close, bid me heave to, the schooner at the time not going through the water more than a knot per hour. In a minute after he was alongside, when a lieutenant and some six or eight men with drawn sabres and pistols pounced on my deck and took command. I underwent a scrutinizing examination, all my papers investigated, my afterhatch opened and searched, my mainhatch being barred and battened down at the time to protect the cargo; the officer said that he could make a prize of me if he liked; found fault with the size of my spars, which by the bye were rather small, that my water casks were over large, &c.; he then demanded to see and examine the trunks of my passengers, and to search my cabin; but this I resisted, and told him that he could only effect this by force of arms, and that I should consider it an atrocious and unwarranted piratical act, and should immediately protest against him, proceed to the United States, and seek redress of my Government. This argument had its due weight; for he desisted from any attempt; and after a decent lecturing which I gave him, and which he did not much relish, he took his departure. I had his company all the next day, and the following night we parted. My next adventure was at Popo. I had the honour of a visit from the commander and his first lieutenant of the British cruiser named the "*Termagant*," at the time I was lying on a bed of sickness on shore; my mate officiated. He informed me by letter of the visit, that much fault was found with my vessel, that she looked very suspicious, examined my papers and my hold, said that he could take me, but that the vessel was not of sufficient value. A British merchant brig was lying at the time in the roadstead, taking in palm oil, on board of which he placed a boat, well manned, to watch my motions. When I in part recovered from my illness, I took in sand ballast, and proceeded to the Havana. In consequence of many calms and light head-winds, I found myself getting short of provisions, which obliged me to beat to windward, and endeavour to get to some of the Cape de Verd Islands, and when in the latitude of about 4½° north, and longitude of 12° west, I fell in with a schooner, which proved to be a British cruiser—name I do not recollect—bound for Sierra Leone. He bore down to me, bid me shorten sail and heave to, or he should fire into me; when a lieutenant and a number of seamen, all armed, boarded me, and took command, at the time I was lying very sick in my cabin; he investigated my papers, and searched my hold, said he was sorry that he had not fallen in with me before, that my cargo he knew must have been Spanish property, and that I was aiding and abetting slavery. He was pretty insolent for my requesting him to spare a little bread. He said he could not supply me, he then being near his port. My papers being entirely correct, and crew answering to the crew list, he let me pass.

Is there any law, I ask, Sir, specifying the sized casks we are to carry, the number, or the shape, size, or rig of our shipping? Is there any law prohibiting us to carry out Spanish property, or the property of any other nation to any quarter of the world, not excepting Africa? We are a nation of merchants, and as long as we can find a good sale for our shipping, or obtain a good freight, are we to be prevented performing our contracts by a foreign power? If there is any doubt of the legality of our transactions, why not station our own men of war, whose duty should be to investigate vessels found sailing under our flag? Are we not an independent nation? and our right to cruise the ocean acknowledged by all nations? When it is actually known that a greater part of the slaves carried into Sierra Leone find their way to Gallinas, and then sold and re-shipped, a proof of which is this, that slaves have been taken and re-taken no less than five different times; besides this proof, most of the goods shipped to the

African market generally, and in particular to the British colonies, are sent there to sell to slave dealers, or as orders from slave merchants; it is well known that the very individuals who compose the Court at Sierra Leone import immense quantities of British manufactured goods to supply the market of Gallinas. There is no denying it. I could mention some of the blackest transactions committed on individuals whose persons have been stripped, money found and purloined. Even in the West Indies we are examined, and in a number of cases insulted, by those overbearing men-of-war. I know a certain master, who is now here, who lost 500 dollars on the sale of his cargo, by being detained some hours by the British brig-of-war named the "Snake," who kept the vessel so long hove to, that the current swept her to leeward of her port, and it was two days ere she could regain her original position, which was just off the Moro Castle; had he not been fired at repeatedly, and in danger of being hulled, he would not have brought to at the time; this detention, however, was the means of frustrating his market; this brig is called the "*Rebecca*," and has anything but the appearance of suspicion. I hope some prompt measures will be speedily resorted to by our Government. When our flag is trampled on, as has been the case on the African coast, when our papers and our consular certificates have not been considered legal, and not a sufficient guarantee for the protection of our vessels and property, 'tis time some measures should be adopted to enforce that respect due to our nation.

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Fourth Enclosure in No. 240.

Original log-book returned to Mr. Stevenson.

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No. 241.

*Mr. Stevenson to Viscount Palmerston.*

32, Upper Grosvenor-street, August 14, 1840.

(Received August 15.)

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary from the United States, has the honour to acquaint Lord Palmerston, Her Majesty's Principal Secretary of State for Foreign Affairs, that, having lost no time in transmitting to his Government the note of his Lordship, under date of the 23rd of April last, in reply to that of the Undersigned of the 26th of August preceding, complaining of the outrage committed by the officers of the British schooner "*Grecian*" upon the barque "*Susan*" of Boston, he has been specially instructed to make the following communication in answer to Lord Palmerston's note. The President has read with feelings of surprise and regret the answer returned by Her Majesty's Government to the complaint preferred on the part of the United States in the affair of the barque "*Susan*." That answer cannot be considered as otherwise than unsatisfactory. The conduct of the British officers is attempted to be justified on their bare and unsupported statements, totally at variance with, and in entire disregard of, the facts registered with every formality usual on such occasions in the log-book of the "*Susan*," supported as they are by the asseverations of persons of respectability, then passengers on board the vessel. In justice to the rights of their citizens, and in pursuance of the principles which the United States have assumed, such an occurrence as that under consideration cannot be allowed to pass over in the manner in which it has been treated by Her Majesty's Government. It would be foreign to the purposes of this communication to raise questions of law out of the occurrence which gave rise to the complaint of the United States. The circumstances under which the right boarding and visiting vessels at sea is usually enforced are defined with sufficient clearness, and even where the right is admitted, usage among civilized nations has prescribed with equal precision the manner in which it is to be exercised. The motive of this communication is, that the British Government should be clearly made sensible that the United States cannot, in justice to their own citizens, permit the recurrence of such causes of complaint. If, in the treaties concluded between Great Britain and other Powers, the latter



have thought fit, for the attainment of a particular object, to surrender to British cruisers certain rights and authority not recognised by maritime law, the officers charged with the execution of those treaties must bear in mind that their operation cannot give a right to interfere in any manner with the flag of nations not parties to them. The United States not being such a party, vessels legally sailing under their flag can in no case be called upon to submit to the operation of said Treaties; and it behoves their Government to protect and sustain its citizens in every justifiable effort to resist all attempts to subject them to the rules therein established, or to any consequent deductions therefrom. The United States cannot look with indifference upon the laudable exertions made by Great Britain and her allies in the suppression of the Slave Trade towards the attainment of the great object in view; and so long as those efforts are confined within their proper sphere, they will command applause and good wishes from the people and Government of the United States. But they must be considered as exceeding their appropriate limits whenever they shall lead to such acts as those which form the subject of this communication. The President has been advised that on frequent occasions the flag of the United States, as well as those of other nations, has been fraudulently used by the subjects of other countries to cover illicit commerce, and elude the pursuit of British and other cruisers employed in the suppression of the African Slave Trade; and that a pretext has thereby been afforded for boarding, visiting, and interrupting vessels bearing the American flag. The several complaints to which the subject has given rise should convince Her Majesty's Government of the great abuse to which the practice is liable, and make it sensible of the propriety of its immediate discontinuance. It is a matter of regret that this practice has not already been abandoned. The President, on learning the abuses which had grown out of it, and with a view to do away every cause for its longer continuance, having now directed the establishment of a competent naval force to cruise along those parts of the African coast which American vessels are in the habit of visiting in the pursuit of their lawful commerce, and since it is alleged that the Slave Trade has been carried on under an illegal use of the flag of the United States, has a right to expect, that positive instructions will be given to all Her Majesty's officers to forbear from boarding or visiting vessels under the American flag. This expectation is now distinctly signified to Her Majesty's Government, in the belief that it will see the propriety of confining the action of its agents to the vessels of nations with whom Her Majesty's Government has formed stipulations authorizing a departure from the rules prescribed by the public law, and thereby prevent the recurrence of circumstances inevitably productive of causes of irritation, and deeply endangering the good understanding now existing between the two nations, and which it is so much the interest of both to maintain unimpaired.

The Undersigned, &c.

(Signed) A. STEVENSON.

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

&c.

&c.

&c.

No. 242.

*Viscount Palmerston to Mr. Fox.*

SIR,

*Foreign Office, January 20, 1841.*

WITH reference to my Despatch to you of the 12th of June, 1840, enclosing an extract from a Despatch from Her Majesty's Chargé d'Affaires at Rio de Janeiro, stating that the United States vessel the "*Pilgrim*" had taken Slave Trade equipments on board for Africa, I herewith transmit to you an extract of a further Despatch from Mr. Ouseley, containing particulars of the manner in which the "*Pilgrim*," and other American vessels, are accustomed to carry on the Slave Trade.

I am, &c.

(Signed) PALMERSTON.

*H. S. Fox, Esq.,*

&c.

&c.



Enclosure in No. 242.

*Mr. Ouseley to Viscount Palmerston.**Rio de Janeiro, October 16, 1840.*

(See Class B, No. 397, p. 599.)

No. 243.

*Viscount Palmerston to Mr. Fox.*

SIR,

*Foreign Office, February 3, 1841.*

I HEREWITH transmit to you copy of a Despatch from Her Majesty's Chargé d'Affaires at Rio de Janeiro, respecting the trial of the Portuguese slave vessel "*Congresso*" at the Cape of Good Hope.

From these papers it appears that Mr. Chase, the United States Consul at the Cape of Good Hope, accepted and acted upon instructions from Rio de Janeiro to defend the cause of the owners of the "*Congresso*."

You will embody, in a note to the United States Government, the substance of the enclosed papers, so far as they relate to the conduct of Mr. Chase; and you will express in that note the hope of Her Majesty's Government that the Government of the United States will interfere to prevent any of its agents from pursuing in future a similar course.

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

(Signed)

I am, &amp;c.

PALMERSTON.

Enclosures in No. 243.

*Mr. Ouseley to Viscount Palmerston.**Rio de Janeiro, November 25, 1840.*

(See Class B, No. 407.)

No. 244.

*Viscount Palmerston to Mr. Fox.*

SIR,

*Foreign Office, February 9, 1841.*

I HEREWITH transmit to you, for your information, copies of letters which have been received at this office from Her Majesty's Consul at Boston and from the Admiralty, stating that the American brig "*Tigris*" has been detained by Her Majesty's brig "*Waterwitch*," on the ground of having a negro slave on board, and has been delivered up to the United States' authorities at Salem, Massachusetts.

I also transmit herewith, for your information, a copy of an instruction which, under my directions, has been addressed to Her Majesty's Consul at Boston upon this case, and a copy of a letter which, also under my directions, has been addressed to the Secretary of the Admiralty upon the subject of American vessels engaged in Slave Trade.

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

(Signed)

I am, &amp;c.

PALMERSTON.

First Enclosure in No. 244.

*Mr. Grattan to Viscount Palmerston.**Boston, December 31, 1840.*

(See No. 291.)

Second Enclosure in No. 244.

*Sir John Barrow to Lord Leveson.*

Admiralty, January 29, 1841.

(Received January 30.)

MY LORD,

WITH reference to your letter of the 27th instant, and its enclosure, on the subject of the American brig "*Tigris*," captured by Her Majesty's brig "*Waterwitch*," for having a negro slave on board, and sent to the port of Salem, 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 Mr. H. S. Jackson, mate who had charge of this vessel, dated the 2nd instant, which contains all the information in this office respecting the transaction in question.

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

Lord Leveson,  
&c. &c.

Third Enclosure in No. 244.

*Mr. Jackson to Sir John Barrow.*

SIR,

Boston, January 2, 1841.

I HAVE the honour to report the arrival of the brig "*Tigris*," detained by Her Majesty's brig "*Waterwitch*," for slave-trading on the coast of Africa, in the port of Salem, Massachusetts, where she is in possession of the United States' authorities, to whom I delivered her up. I have discharged the crew sent by the "*Waterwitch*" to navigate the above brig to the United States.

I have, &c.  
(Signed) HENRY STANLEY JACKSON,  
Midshipman, Her Majesty's brig "*Waterwitch*."

Sir John Barrow,  
&c. &c.

Fourth Enclosure in No. 244.

*Lord Leveson to Mr. Grattan.*

Foreign Office, February 8, 1841.

(See No. 292.)

Fifth Enclosure in No. 244.

*Lord Leveson to Sir John Barrow.*

SIR,

Foreign Office, February 8, 1841.

WITH reference to the recent correspondence between this office and the Admiralty on the subject of the American brig "*Tigris*," captured by Her Majesty's brig "*Waterwitch*;" and with reference also to previous correspondence respecting other vessels under the United States' flag detained by Her Majesty's cruisers; I am directed by Viscount Palmerston to acquaint you that his Lordship referred the case of the "*Tigris*" to Her Majesty's Advocate-General for his opinion what notice should be taken of this case, with a view to guiding the conduct of Her Majesty's naval officers on similar occasions; and I am now to state to you, for the information of the Lords Commissioners of the Admiralty, that the Queen's Advocate has reported it to be his opinion that Her Majesty's naval officers should be instructed to abstain from capturing American vessels engaged in Slave Trade.

I am therefore to request that you will suggest to the Lords of the Admiralty the expediency of giving instructions to Her Majesty's naval officers in conformity with this opinion; and I am to acquaint you further, for the information of their Lordships, that Her Majesty's Consul at Boston has been instructed to

discontinue the proceedings commenced by him on behalf of the captors of the "*Tigris*," and to leave the American authorities to pursue such course as they may deem advisable in the case.

I am, &c.

(Signed)

LEVESON.

*Sir John Barrow,*  
&c. &c.

No. 245.

*Viscount Palmerston to Mr. Fox.*

(Extract.)

*Foreign Office, February 15, 1841.*

I HEREWITH transmit to you, for your information, copy of a Despatch from Her Majesty's Consul at New York, upon the subject of proceedings which have taken place at New York in the case of the American vessel the "*Butterfly*" detained by Her Majesty's ship "*Dolphin*," on suspicion of being engaged in the Slave Trade.

I am, &c.

(Signed)

PALMERSTON.

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

Enclosure in No. 245.

*Mr. Buchanan to Viscount Palmerston.*

*New York, April 16, 1840.*

(See Class D, 1840, No. 121, p. 102.)

No. 246.

*Mr. Stevenson to Viscount Palmerston.*

*33, Upper Grosvenor Street, February 27, 1841.*

*(Received March 1.)*

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary from the United States, has the honour to acquaint Lord Viscount Palmerston, Her Majesty's Principal Secretary of State for Foreign Affairs, that he has received the instructions of his Government to add two other cases to those which he has heretofore presented to the notice of Her Majesty's Government, in relation to the seizure and detention of American vessels on the African coast by British cruisers, on the alleged grounds of being either equipped for, or actually engaged in, the African Slave Trade.

It will not be necessary that the Undersigned should do more at present than give a brief statement of the facts of these cases, and such as they appear to have been from the documents now transmitted, to manifest the highly improper character of the proceedings in both cases, and insure their prompt consideration by Her Majesty's Government.

The first case is that of an American schooner, the "*Iago*," of New Orleans, commanded by Captain Adolphe Dupony,

This vessel sailed from Matanzas, in the island of Cuba, in November, 1838, for the Cape of Mesurado, on the coast of Africa, for the purpose of trading in palm-oil, wood, and other African produce.

That, after proceeding on her voyage to different parts of the coast. she arrived at Cape Saint Paul, where the captain landed his cargo, and from whence he was preparing to go into the interior of the country to trade, having bought for that purpose a quantity of oil and produce.

That on the 21st of February, 1839, and whilst within 5° 46' north latitude and 55' east, and whilst Captain Dupony was on shore, the schooner was boarded by Lieutenant S. Seagram, commanding Her Majesty's brigantine-of-war "*Ter-magant*," and, during his absence, his trunk was broken open, and a sum of money amounting to 116 Spanish doubloons and 54 dollars was taken there-

from, as also his chronometer and watch, and that a large quantity of wine was drunk, destroyed, and lost; that all his men had been conveyed on board the "Termagant" except the mate; that the captain thereupon asked leave of Lieutenant Seagram to search the sailors, and on doing so found upon them a sum amounting to 114 doubloons and 19 dollars, and that the sailors informed him that they had taken the money because they were afraid that they would be set on shore and abandoned, and the schooner destroyed.

That all the captain's clothes were left on shore, and have been wholly lost.

That all the crew, and a passenger by the name of Bourjoli, an American citizen, and native of the State of Maryland, were put on shore at Cape St. Paul, and that Captain Dupony was detained and brought to Sierra Leone, where he arrived on the 18th of March, 1839.

That Lieutenant Seagram then endeavoured to proceed against the captain of the "Iago" in the British and Spanish Mixed Court of Justice established in the colony for the prevention of illicit traffic in slaves, but the Court would not allow such proceeding; and that accordingly, on the 30th of March, 1839, Captain Dupony was put in possession of his vessel, which was done in the presence of four masters of vessels, who signed a receipt for the vessel, and who were present when an inventory was taken of the articles on board the said schooner.

Amongst the documents herewith transmitted are two certificates of Lieutenant Seagram, the one admitting the capture of the vessel, and the other stating the amount of money found in the possession of the crew and left in charge of the prize master.

The other case is that of the schooner "*Hero*," of New Orleans, commanded by Captain James B. McConnell.

It appears that this schooner sailed from the Havana, in June, 1840, with a cargo of assorted merchandise, bound to Whydah, on the African Coast. That on her voyage, on the 9th of August, she was boarded by Her Majesty's brig the "*Lynx*," and brought to anchor; her hatches were broken open and overhauled, and the commander of the "*Lynx*" then determined to send the schooner into Sierra Leone. That after removing a part of the crew of the schooner on board the cruiser, and sending his own men to take charge of the "*Hero*," who robbed her of a part of her supplies, the commander of the "*Lynx*" determined to surrender the schooner and permit her to pursue her voyage. That on the arrival of the schooner at Whydah, her cargo was found to have been greatly damaged by the crew of the "*Lynx*," during her capture and detention by the British commander.

These are the material facts in relation to the two cases now submitted. The previous communications which the Undersigned has had the honour heretofore of addressing to Lord Palmerston, on subjects of a similar character, will relieve him from the necessity of recurring to the peculiar circumstances under which these repeated outrages upon the vessels and commerce of American citizens have been perpetrated, or discussing the principles under which Her Majesty's officers have attempted to justify their conduct.

Of the right of one nation to search or detain the ships of any other (who may not be a party to the Treaties for the suppression of the Slave Trade) on the ground of their being engaged in Slave Trade, the Undersigned can only repeat that there is no shadow of pretence for excusing, much less justifying, the exercise of any such right. That it is wholly immaterial whether the vessels be equipped for or actually engaged in slave traffic or not, and consequently the right to search or detain even slave vessels must be confined to the ships or vessels of those nations with whom it may have Treaties on the subject.

This doctrine the Undersigned has heretofore asserted in his notes to Lord Palmerston, and especially in that of the 13th of November last, and is believed to have been admitted and sanctioned by Her Majesty's Government in its intercourse with other nations. He begs leave to refer Lord Palmerston to a recent and strong case in relation to the Haytian Government, as conclusive on the subject. As late as 1839, that Government passed a law, declaring the Slave Trade piracy, which was submitted for the information of Her Majesty's Government. By that law there was a provision that any vessel, whether Haytian or otherwise, found in the act of slave-trading, should be seized and brought in for adjudication and condemnation. In a communication from Lord Palmerston, under date of the 27th of January, 1840, to the Haytian Government, his Lord-

ship held the following language :—“ Her Majesty’s Government wish to draw the attention of the Haytian Government to a matter of form in this law which may possibly give rise to embarrassments. The law enacts that all vessels, whether Haytian or foreign, which may be found in the act of slave-trading, shall be seized and brought into a Haytian port. Now Hayti has undoubtedly a full right to make such an enactment about her own citizens and ships, but Her Majesty’s Government apprehend that Hayti has no right so to legislate for the ships and the subjects or citizens of other States. That in time of peace no ships belonging to one State have a right to search and detain ships sailing under the flag of, and belonging to another State, without the permission of that State, which permission is generally signified by Treaty ; and if Haytian cruisers were to stop, search, and detain merchant vessels sailing under the flag of and belonging to another country, even though such vessels were engaged in Slave Trade, the State to which such vessels belonged would have just grounds for demanding satisfaction and reparation from Hayti, unless such State had previously given to Hayti, by Treaty, the right of search and detention.”

Under this doctrine, the two cases now submitted, as well as those which have heretofore been presented, justify the strongest appeal for the interference of Her Majesty’s Government.

Of the actual seizure and detention of these vessels, and of their national character, there can be no doubt, some of which were not only turned from their original destination, and their cargoes plundered and destroyed, but actually carried into foreign ports for condemnation, and the lives of the crew sacrificed by the pestilence of the climate, and the delay which took place.

The Undersigned has therefore been instructed to bring the whole subject again to the notice of Her Majesty’s Government, and to ask that the injuries which have been sustained by these proceedings of Her Majesty’s officers may be adequately redressed, and that suitable measures may be promptly taken to mark with disapprobation and punishment the individuals concerned, in such manner as to prevent their recurrence in future.

The Undersigned, &c.

(Signed)

A. STEVENSON.

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

&c.

&c.

&c.

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First Enclosure in No. 246.

*Declaration of Adolphe Dupony.*

By this public instrument of declaration and protest, be it known, that on the 5th day of April, 1839, before me, Edward Power, Queen’s Advocate and Nctary Public, duly authorised and practising in this colony of Sierra Leone, personally came and appeared Adolphe Dupony, master of the American schooner or vessel called “*Iago*,” of the measurement of 53½ tons, or thereabouts, belonging to the city of New Orleans, in the United States of America, who being duly sworn on the Holy Evangelists of Almighty God, deposeth and saith,—That he was master of the American schooner or vessel called “*Iago*,” and that he set sail from Matanzas, in the Island of Cuba, on or about the 12th day of November, 1838, to go to Cape Mesurado, on the Coast of Africa, to trade in palm oil, cam wood, and other African produce ; and that after pursuing his voyage to different parts of the coast, he arrived at Cape St. Paul, where he landed his cargo, and where he was preparing to go into the interior of the country to trade, and that he had already bought a quantity of palm oil and other African produce. And this deponent further makes oath and says, that on or about the 21st day of February, 1839, and whilst within 5° 46’ north latitude, and 55’ east, and whilst this deponent was on shore as aforesaid, the said American schooner or vessel called “*Iago*,” whereof this deponent was master, was boarded by Lieutenant S. Seagram, commanding Her Britannic Majesty’s brigantine of war “*Termagant*,” and that, during such absence as aforesaid, this deponent’s trunk was broken open, and a sum of money, amounting to 116 Spanish doubloons and 54 dollars, was taken therefrom, and that this deponent’s chronometer and his watch were also taken away ; and that the hold of his vessel was opened, and a large quantity of wine was drunk, destroyed and lost. And that when this deponent went on board the said American schooner or vessel

called "*Iago*," he found that all his men had been conveyed on board Her Britannic Majesty's brigantine of war "*Termagant*," except the mate, and that this deponent asked permission from the commander of the said brigantine to search the said sailors; and that, upon doing so, he found upon them a sum of money amounting to 114 doubloons and 19 dollars, and that the said sailors informed him that they had taken the said money because they were afraid that they would be set on shore and abandoned, and that the said schooner or vessel called "*Iago*" would be destroyed, and that they tried to secure the said money for the said Adolphe Dupony, this deponent, and also to procure necessaries of life, when so left on shore. And this deponent further makes oath and says, that all his clothes were left on shore, and that they have been entirely lost; and further, that all his crew, and a passenger named Bourjolli, a native of Baltimore, were put on shore at Cape St. Paul, and that this deponent was detained and brought to Sierra Leone, where he arrived on or about the 18th day of March, 1839. And further, that Lieutenant S. Seagram, the commander of Her Britannic Majesty's brigantine "*Termagant*," endeavoured to proceed against this deponent in the British and Spanish Mixed Court of Justice established in this colony for the prevention of an illicit traffic in slaves, but that the said Court would not allow such a proceeding, and that on or about the 30th day of March, 1839, the said deponent was again put into possession of the said schooner or vessel called "*Iago*," and that this was done in the presence of four masters of vessels, who signed the receipt for the said vessel, and who were present when an inventory was made of the articles on board the said schooner or vessel called "*Iago*." Wherefore the said Adolphe Dupony, master of the said American schooner or vessel called "*Iago*," on his own behalf, and on the part and behalf of every one interested in, or in any respect concerned in the said American schooner or vessel called "*Iago*," doth hereby protest against the said Lieutenant Henry S. Seagram, commander of Her Britannic Majesty's brigantine of war "*Termagant*," and for all losses, costs, damages, demurrage, and expenses already incurred and suffered, or which may hereafter accrue, by reason of the illegal detention of the said American schooner or vessel called "*Iago*;" and I do further, on the part of the said master, Adolphe Dupony, protest against the said Lieutenant Henry S. Seagram, for the loss of cargo, clothes, a chronometer, and other things, amounting in value to the sum of 2,167*l.*, which were suffered by the said master, Adolphe Dupony, by reason of the illegal detention of the said schooner or vessel called "*Iago*."

And I, the said Notary Public, at the request of the said master, Adolphe Dupony, do hereby solemnly protest in form aforesaid, and I have granted these presents under my seal of office to serve and avail as occasion shall or may require.

(Signed) EDWARD POWER,  
*Queen's Advocate and Notary Public.*

Sworn by the said Adolphe Dupony, the day on which it bears date, by me,

(Signed) EDWARD POWER, *Not. Pub.*  
A. DUPONY.

Witness (Signed) CHARLES FRENCH.

Second Enclosure in No. 246.

*Continuation du Journal de la goëlette Américaine "Iago," de la Nouvelle Orléans, partie de Matanzas, Ile de Cuba, pour la côte d'Afrique et Cap Mesurado, arrêtée et envoyée à Sierra Leone par le brick-goëlette Anglais "Termagant."*

*Du 22 Février, 1839.*

A 2 heures P.M. étant allé à bord pour savoir ce que le commandant désirait, j'ai trouvé le navire plein de matelots Anglais, un officier vêtu en bourgeois; ma malle rompue, mes écuelles ouvertes, mes papiers, mon argent emporté, etc.; mon second m'a dit que dès le matin on avait emmené l'équipage à bord du navire de guerre; que seul il était resté et avait résisté aux excès criminels des scélérats qui s'étaient emparés du navire, mais que l'on n'avait eu aucun égard à ses représentations; que dès la veille ma malle avait été rompue pour prendre les papiers du navire, et qu'ils avaient été emportés à bord du brick-goë-

lette; que durant toute la nuit le navire avait été à la merci des matelots Anglais, qui s'étaient comportés de la manière la plus effrénée, s'ennivrant, brisant et volant, etc. A 2° 30' P.M. le commandant est venu à mon bord et m'a remis un papier signé de sa main; je lui ai représenté la fausseté et l'iniquité de son contenu; que mon chargement était à terre et allait être pillé ainsi que mes effets, etc.; que j'allais souffrir des dommages et pertes terribles; tout a été inutile; il m'a répondu qu'il serait bon pour le payer, et qu'il fallait que j'aie à Sierra Leone; tout ce que j'ai pu obtenir a été de faire rendre une partie de mon argent qui a été trouvé sur mes matelots et officiers, qui m'ont dit qu'ils l'avaient pris pour me le porter à terre; tout ce que je lui ai dit pour les laisser venir avec moi n'a servi à rien, je les ai vu cruellement jeter à terre avec leurs effets, et un baril de bœuf et un autre de biscuit. Ces gens demandaient la mort, ainsi que le passager, M. Bourjoli; je les ai recommandés à l'humanité des nègres. Est-il possible qu'en temps de paix entre les Etats Unis et le Gouvernement Anglais il se commette des atrocités de cet espèce, et que l'Angleterre envoie sur cette côte des pirates plus cruels que les nègres? C'est une honte et une abomination. Je proteste contre le Gouvernement Anglais pour donner des navires armés à de pareils scélérats, ainsi que contre le commandant, pour la perte de mon chargement et les dommages et intérêts, etc. Dès aujourd'hui, étant prisonnier, je n'ai plus tenu de journal jusqu'à mon arrivée à Sierra Leone, où j'ai été détenu à bord sans communication pendant trois jours, après lesquels j'ai été conduit chez un avocat mulâtre (ces infâmes assassins qui commandent les navires de guerre Anglais ont choisis pour plaider pour eux, contre des blancs, un homme de couleur, c'est tout dire.) J'observe que mon chronomètre et ma montre m'avaient été enlevés. Ce mulâtre me dit que l'on allait me rendre mes papiers et mon navire; qu'étant Américain, la Mixte Commission Anglaise, *soi-disant Espagnole*, n'avait rien à voir avec moi, et ne voulait pas m'admettre. Je ne pus obtenir aucune justice; on voulait me faire aller à bord par ruse et par force, pour m'emmener je ne sais où, et ensuite, comme cela a été fait à autre navire Américain, m'abandonner au milieu des mers. (Voilà comment ces criminels tachent d'ensevelir leurs scélératesses.) Mr. Dunlap, qui s'est dit officier du "Termagant," alla jusqu'à me dire qu'il avait la force en main, et que si je ne me rendais pas le lendemain avant midi à bord, il m'y ferait conduire. J'eus recours au gouverneur pour obtenir les documens et protêts dont j'avais besoin et être enfin jugé; il me dit que cela ne le regardait pas, que c'était l'affaire de l'Amirall, qui est absent, mais qu'il me donnerait la protection si l'on voulait m'enlever de force. N'est-ce pas une infamie de conduire les navires à Sierra Leone, où ils ne peuvent obtenir justice que de l'amiral, et ce même amiral n'y est jamais et n'y a pas un représentant; Sierra Leone est le manoir des pirates. Enfin le 30 Mars on me rendit mon navire et la partie de l'argent qu'on avait trouvé sur mon équipage; et Mr. Stevens, le capitaine de prise, n'ayant pas comparu quand on fit l'inventaire, les quatre capitaines expertes y procédèrent. Cet officier s'est très bien comporté avec moi ainsi que les matelots, depuis notre départ jusqu'au dernier moment. Au soir j'ai embarqué un matelot Espagnol pour garder la goëlette avec le cuisinier, qui est le seul homme qu'on ait laissé m'accompagner de tout l'équipage; les jours suivans j'ai embarqué un maître et deux matelots Espagnols avec leurs passeports, et après avoir pris les provisions nécessaires, le 10 Avril à 5° P.M. je me suis mis à la voile pour aller à la recherche de mon équipage et chargement.

*Du 10 Avril au Jeudi 11 Avril, 1839.*

Vent à O.S.O. bon frais. A 7° P.M. relève le Cap de Sierra Leone au S.E. à la distance de 6' à 9° P.M. viré de bord, cap au S. A 8° A.M. les Iles Banana à la distance de 16' à l'E.  $\frac{1}{4}$  N.

*Du 11 au Vendredi 12 Avril.*

Vent O.N.O. faible, beau temps; même cap; à 12° A.M. cap S.S.E.; à 8° A.M. cap à E.N.E.; à 8° P.M. mouillé par 7 brasses à la barre de Sherbroo. A 7° A.M. dérapé pour aller à Gallinas, où nous avons mouillé à midi.

*Du 12 au Samedi 13 Avril.*

J'ai été à terre pour acheter du tabac et consigner des objets que j'ai reçus à Sierra Leone; beau temps, belle brise, le navire en rade.

*Du 13 au Dimanche 14 Avril, 1839.*

Etant jour de fête on n'a pu rien débarquer ; même temps.

*Du 14 au Lundi 15 Avril.*

Beau temps ; la goëlette " Gabon " est arrivée, et elle a embarqué le tabac et l'eau-de-vie que je lui ai donnés ; à 10<sup>o</sup> A.M. nous avons fait voile de conserve.

*Du 15 au Mardi 16 Avril.*

A 6<sup>o</sup> P.M. nous sommes sur le Cap Mont à la distance d'un mille, et nous continuons toute la nuit. A 4<sup>o</sup> A.M. forte tournade de terre. A 10<sup>o</sup> A.M. en calme devant le Cap Mesurade ; mis le navire en panne et été à terre.

*Du 16 au Mercredi 17 Avril.*

Faite route pour New Sestre, où j'ai mouillé à 11<sup>o</sup> A.M. ; trouvé Théodore absent.

*Du 17 au Jeudi 18 Avril.*

Débarqué des grémens, et des voiles que j'ai prises à Sierra Leone.

*Du 18 au Vendredi 19 Avril.*

Grosse mer ; la goëlette a rompu son ancre et mouillé la grande ; le monde occupé a changer les grémens vieux du navire.

*Du 19 au Samedi 20 Avril.*

Même temps. Sans aucune chose de nouveau. J'ai vu un des gens de l'équipage d'une goëlette Portugaise que le " Forester," navire de guerre Anglaise, a jeté à terre au Grand Corow, et que les nègres ont massacrés et criblés de balles, aussitôt qu'ils ont été à terre. Ce commandant est recommandable pour son inhumanité, et je ne sais s'il a reçu tels ordres de son Gouvernement. C'est une horreur.

*Du 20 au Dimanche 21 Avril.*

Aujourd'hui nous avons reçu la nouvelle que Théodore a été conduit à Sierra Leone à bord d'un brick Russe, où il allait comme passager ; et que deux navires Anglais ont pris ce brick.

*Du 21 au Lundi 22 Avril.*

Ne pouvant attendre Théodore pour régler mes comptes, j'ai embarqué six paquets complets, et à 3<sup>o</sup> P.M. je me suis mis à la voile. Vent au S.S.E. ; nous louvoyons toute la nuit avec vent et marée contraire : fait jour à Triton. Nous continuons à louvoyer.

*Du 22 au Mardi 23 Avril.*

Id., fait nuit sur Sestos à cinq milles de l'entrée de la rivière ; louvoyé toute la nuit ; fait jour sur Sinon hill. Vent à O.

*Du 20 au Mercredi 24 Avril.*

Fait nuit sur Badon ; à 2<sup>o</sup> A.M. forte tournade à la cap jusqu'au matin. Un brick sous le vent ; à midi il me hisse pavillon Anglais. Vent frais de S.E.

*Du 24 au Jeudi 25 Avril, 1839.*

Peu de vent ; fait nuit près de Rock Town ; au matin temps couvert, tournade au large ; à midi nous montons le Cap Palmas ; le temps beau.

*Du 25 au Vendredi 26 Avril.*

Un brick Américain en vue ; nous mouillons ensemble à la pointe Tabon, où j'ai acheté une pirogue. A 10<sup>o</sup> A.M. nous dérapons et faisons route à 1' E.S.E. ; à midi, latitude observée est 3<sup>o</sup> 25' N., et la longitude 7<sup>o</sup> 2' O.



*Du 26 au Samedi 27 Avril.*

H.	M.	D.	Course.	Vent.	
2 4	28	,,	E. S. E.	S. O.	Beau temps ; toutes voiles dessus.
6 8	25	,,	,,	,,	
10 12	18	,,	,,	,,	
2 4	18	,,	,,	,,	
6 8	10	,,	,,	,,	
0 2	20	,,	,,	,,	
Lat. Observée, 3° 28' N. Long. 4° 33' O.					

*Du 27 Avril au Dimanche 28.*

H.	M.	D.	Course.	Vent.	
2 4	28	,,	E. 15° S.	S. O.	Beau temps, belle mer, vent frais.
6 8	32	,,	,,	,,	
10 12	28	,,	,,	,,	
2 4	20	,,	,,	,,	
6 8	20	,,	,,	,,	
10 12	24	,,	,,	,,	
Lat. Observée, 3° 34' N. Long. 1° 33' O.					

*Du 28 au Lundi 29 Avril, 1839.*

H.	M.	D.	Courses.	Vent.	
2 4	24	,,	N. E. $\frac{1}{4}$ E.	S. O.	Tournade violente ; amené toutes nos voiles.
6 8	24	,,	,,	,,	
10 12	8 8	,,	,, O. S. O.	,, tournade.	A terre sur Tantom, query, que je relève au N. 20° E. ; nous continuons en vue de terre.
2 4	,, ,,				
6 8					
10 12					A midi nous sommes sur Acra.

*Du 29 au Mardi 30 Avril.*

A 6° P.M. mouillé entre Ningo et Toco par 6 brasses ; le temps menaçant une

tournade. A minuit forte tournade avec tonnerres terribles. A 6° A.M. dérapé et fait route pour le Cap St. Paul ; peu de vent de terre.

*Du 30 Avril au 1 Mai.*

A 1° 30' P.M. monté le Cap St. Paul et mouillé à Agrivai à 2° 30' P.M. ; à 4° P.M. une pirogue est venue à bord, et j'ai appris que tout mon équipage s'en est allé. Je me suis embarqué pour aller à terre, où l'on m'a remis une lettre du second, qui me fait savoir qu'il est parti, ainsi que le passager et tout l'équipage. J'ai été voir le cabezera pour obtenir raison de mon chargement ; il m'a répondu qu'il n'en était pas responsable, que le navire ayant été pris, cela était considéré comme un naufrage, et qu'il n'avait pu rien sauver de mon chargement ; que l'on avait fourni à mon équipage tout ce dont ils avaient eu besoin pour vivre, et qu'il fallait que je payasse ces dépenses. Au matin j'ai fait toutes les recherches, et je vois des nègres avec les chemises et le corail de mon chargement. C'est fini ; tout est perdu pour moi ; je proteste de nouveau contre le Gouvernement Anglais et le navire capteur pour la valeur de mon chargement, les dommages et intérêts, etc.

*Du 1 au Jeudi 2 Mai.*

A 3° P.M. est arrivé le nègre nommé Popo, venant de l'intérieur ; je lui ai demandé compte de mes effets et de mes comptes, papiers et journal que j'ai laissé chez lui ; il m'a dit qu'il avait consigné tout à mon équipage au moment où il fut jeté à terre ; et que ceux-ci étant partis, il ne lui ont rien laissé ; le temps se met à la pluie, qui dure toute nuit. A 6° A.M. dépêché un exprès à Francisco dans l'intérieur et envoyé la pirogue à bord.

*Du 2 au Vendredi 3 Mai.*

A 4° P.M. reçu du bord deux paquets et une demi pipe de rhum ; commencé à payer les frais de mon équipage ; un palabre a commencé et a duré jusqu'à la nuit, qui a été belle ; au matin envoyé de l'eau et du bois.

*Du 3 au Samedi 4 Mai, 1839.*

Le palabre a continué ; acheté des provisions fraîches ; reçu des nouvelles du bord ; tout l'équipage est malade ; forte tournade sur le faire du jour ; continué à faire de l'eau.

*Du 4 au Dimanche 5 Mai.*

Grosse mer ; les pirogues ne peuvent aller à bord. Une goëlette à hunier en vue allant à l'O.

*Du 5 au Lundi 6 Mai.*

Même mer et pluie ; la fièvre m'ayant pris, je suis obligé de garder le lit et me saigner ; débarqué 4 barils d'eau-de-vie et payé le compte de l'équipage.

*Du 6 au Mardi 7 Mai.*

Francisco m'ayant envoyé dire qu'il va venir, je me suis déterminé à l'attendre ; même temps, même mer.

*Du 7 au Mercredi 8 Mai.*

Un brick a mouillé à Quita et une goëlette à Jebe ; envoyé de l'eau et du bois à bord, ainsi que des provisions ; beau temps.

*Du 8 au Jeudi 9 Mai.*

Tournade durant la nuit ; la fièvre m'a laissé ; le jour beau temps.

*Du 9 au Vendredi 10 Mai.*

La nuit belle ; le brick s'est mis à la voile et louvoier.

*Du 10 au Samedi 11 Mai.*

A 4° P.M. le brick a mouillé et hissé le pavillon Américain. A 10° A.M. j'ai été à son bord et le capitaine m'a promis de venir à terre demain. Le brick est le "Moris Coper" de Philadelphie.

*Du Samedi 11 au Dimanche 12 Mai.*

Pluie et tournade toute la nuit. A 11<sup>o</sup> A.M. le capitaine Américain n'a pu venir à terre, et me l'a envoyé dire.

*Du Dimanche 12 au Lundi 13 Mai.*

Beau temps ; achevé de faire mes provisions et mes affaires.

*Du Lundi 13 au Mardi 14 Mai.*

Brise très fraîche ; la nuit calme. Le capitaine Américain m'a donné le certificat de la perte de mon chargement.

*Du Mardi 14 au Mercredi 15 Mai, 1839.*

H.	M.	D.	Course.	Vent.	
2	6	„	S. S. E.	S. W.	A 1 <sup>o</sup> P.M. fait voile.
4	4	5			
6	5	„			
8	3	5			
10	4	„		Variable.	
12	4	„			
2	3	„			
4	2	„		tournades	
6	2	„		très-fortes.	
8	1	„			
10	2	„			
12	6	„			
Lat. Observée, 4° 52' N. Long. 2° 50' E.					

*Du 15 au Jeudi 16 Mai.*

H.	M.	D.	Course.	Vent.	
2	6	5	S. S. E. W.	S. S. E.	
4	3	5		Tournades.	
6	„	„			
8	6	5			
10	3	„			
12	2	5			
2	2	„			
4	1	„			
6	„	„			
8	„	„			
10	1	„			
12	2	5			
Lat. Observée, 4° 24' N. Long. 3° 7' E.					

*Du 16 au Vendredi 17 Mai, 1839.*

H.	M.	D.	Courses.	Vent.	
2	1	5	S. S. E.  S. W.  S. S. E.	S. W.	
4	1	5			
6	„	„			
8	„	„			
10	„	„			
12	„	„			
2	1	„			
4	„	5			
6	„	„			
8	1	„			
10	5	„			
12	5	5			
Lat. Observée, 3° 49' W. Long. 3° 7' E.					

*Du 17 au Samedi 18 Mai.*

H.	M.	D.	Courses.	Vent.
2	6	5	S. E.	S. S. W.
4	6	5		
6	7	„		Pluie et tournades.
8	8	„		
10	10	„		
12	10	„	S. E. $\frac{1}{2}$ E.	
2	11	„		
4	7	„	S. S. E.	
6	7	„		
8	7	„		
10	5	„		
12	3	„		

Lat. Observée, 2° 42' N. Long. 4° 47' E.

*Du 18 au Dimanche 19 Mai, 1839.*

H.	M.	D.	Courses.	Vent.
2	4	„	S. S. E.	S. W.
4	4	„		
6	3	„		
8	5	„		
10	4	„	S. E. 15° S.	
12	4	„		
2	2	„		
4	3	5	S. E. 5° S.	
6	4	„		
8	2	5		
10	4	„		
12	4	„		

Au jour, une goëlette venant sur nous, nous prenons chasse.

Lat. Observée, 2° 31' N. Long. 6° 7' E.

*Du 19 au Lundi 20 Mai.*

H.	M.	D.	Courses.	Vent.
2	5	„	S. E.	Vent à risées variable.
4	„	„		
6	4	„	S. S. E.	
8	4	„		
10	4	„		
12	5	„		grosse mer.
2	3	„		
4	3	„		
6	2	5		
8	2	5	S. E.	
10	2	5		
12	3	„		

A 3° P.M. un officier de la goëlette est venu à bord après avoir mis en panne au second coup de canon qu'elle a tiré, et après avoir vu les papiers il m'a conduit à bord; c'est alors que j'ai su que cette goëlette était le "Wiper;" et le commandant a ordonné qu'on ouvre mes écoutilles; j'ai protesté, et il m'a fait donner le certificat ci-joint.

Lat. Observée, 1° 55' N. Long. 7° 13' W.

*Du 20 au Lundi 21 Mai, 1839.*

H.	M.	D.	Courses.	Vent.
2	3	„	S. E. $\frac{1}{2}$ S.	S. O. $\frac{1}{2}$ S.
4	3	„		
6				
8	„	„		
10	„	„		
12	„	„		
2	2	„		
4	2	5		
6	2	5		
8	3	5		
10	3	5		
12	4			

A 4° P.M. la pointe N. de l'île du Prince nous reste S. S. E. et celle de l'O. au S. 16° O.; nous sommes éloignés 8' de la Roche de Galle; tournade très-forte.

Lat. Observée, 1° 37' N. Long. 7° 52' E.

*Du 21 au Mardi 22 Mai.*

H.	M.	D.	Courses.	Vent.	
2	4	,,	S. E. $\frac{1}{2}$ E.	S. $\frac{1}{2}$ O.	A 8° A.M. l'île de Corisco au S. E.; le vent vient de terre; à midi viré de bord au milieu du canal.
4	4	,,			
6	4	,,			
8	3	,,			
10	3	,,			
12	3	,,			
2	3	,,			
4	3	,,			
6	3	,,			
8					
10					
12					

*Du 22 au Mercredi 23 Mai.*

Mouillé à Corisco, par 5 brasses; beau temps; été à terre.

*Du 23 au Jeudi 24 Mai, 1839.*

Je suis resté à terre avec la fièvre des plus violentes; à 6° A.M. mis à la voile pour la rivière du Gabon.

*Du 24 au Vendredi 25 Mai.*

Nous louvoyons; à 2° P.M. un brick-goëlette Anglais vient en nous tirant des coups de fusil; ces Messieurs sont de la dernière insolence et lâcheté; un officier est venu à bord et a visité le navire, et m'a conduit à bord, où j'ai eu à faire à un capitaine qui m'a fait des menaces.

*Du 25 au 26 Mai.*

Le brick-goëlette nous suit, et je mets à la cape la nuit; il veut que je le pilote, et je l'envoie à tous les diables.

Third Enclosure in No. 246.

*Register of Schooner "Iago."*

[A Seal.]

Signature  
illegible.

Register.

IN pursuance of an Act of the Congress of the United States of America, entitled "An Act concerning the Registering and Recording of Ships or Vessels," Adolphus Dupony, of the city of New Orleans and state of Louisiana, having taken or subscribed the oath required by the said Act, and having sworn that he is the true and only owner of the ship or vessel called the "Iago," of New Orleans, whereof he, Adolphus Dupony, is at present master, and is a citizen of the United States, as he hath sworn; and that the said ship or vessel was built at Hampton, state of Virginia, in the year eighteen hundred and thirty-six, as it also appears from a Certificate of Registry, No. 96, issued at this port on the 6th day of December, 1836, now surrendered. ——— property changed ———

And said Certificate of Registry having certified that the said ship or vessel has one deck and two masts, and that her length is fifty-eight feet three inches, her breadth sixteen feet nine inches, her depth six feet three inches, and that she measures fifty-three and  $\frac{1}{2}$  tons; that she is a schooner, has a square stern, no galleries, and a billet head. And the said Adolphus Dupony having agreed to the description and admeasurement above specified, and sufficient security having been given according to the said Act, the said schooner has been duly registered at the port of New Orleans.

Given under our hand and seal, at the port of New Orleans, this third day of November, in the year one thousand eight hundred and thirty-seven.

UNITED STATES.

L.S.  
Custom-  
House,  
New  
Orleans.

Signature  
illegible,  
supposed to be

JOHN PRUDHOE,  
Collector.

H. D. PEIRE,  
Naval Officer.

REGISTER OF VESSELS.

Fourth Enclosure in No. 246.

LIST of PERSONS composing the Crew of the Schooner "Iago," of New Orleans, whereof is Master A. Dupony, bound to Matanzas.

Names.	Places of Birth.	Places of Residence.	Of what Country, Citizens or Subjects.	Description of their Persons.				
				Aged.	Height.		Complexion.	Hair.
					Feet	Inches		
Frederick Gadepaille	New Orleans	New Orleans	United States, America	27			Regular	Brown
Gayetan Bru	Pensacola	Pensacola	„ „	22			White	Do.
Joseph Flores	Do.	Do.	„ „	29			Dark	Black
John Pack	Do.	Do.	„ „	28			Do.	Do.
John Brown	New Orleans	New Orleans	„ „	26			Do.	Do.
Alonz Jayen	Do.	Do.	„ „	12			Do.	Do.

Havana, September 3, 1838.

(Signed)

A. DUPONY.

*Certificate of Mr. Vice-Consul Smith.*

*Consulate of the United States of America, Havana.*

I, JOHN A. SMITH, Vice-Consul of the United States of America, do hereby certify that on the day of the date hereof before me personally appeared A. Dupony, master of the schooner "Iago," of New Orleans, and, being duly sworn, did declare that the list hereunto attached contains the names of the persons composing the crew of said vessel, together with the places of their birth and residence, so far as he can ascertain the same.

In testimony whereof, I hereunto set my hand and affix my seal of office, at Havana, this 3rd day of September, in the year of our Lord 1838, and of the Independence of the United States the 63rd.

(L.S.)

(Signed)

J. A. SMITH.

*Certificate of Mr. Vice-Consul Trant.*

*Consulate of the United States of America, Matanzas, November 9, 1838.*

I, CHARLES P. TRANT, Vice-Consul of the United States of America at this port, and residing within the same, do certify, that on this day before me personally appeared A. Dupony, master of the schooner "Iago," of New Orleans; and, being duly sworn, did declare, that John Pack, John Brown, and Alonz Jayen, seamen, named and described in the above list, have deserted and left said vessel while lying in this port, and that he has shipped Antonio Dias, José Monso Abascal, Ramon Garcia, Bartolo Seguin, Geronim Dias, José Garcia, Francisco Anton, and Manoel Cherombo; said vessel now bound on a voyage to Cape Mesurado. Witness my hand and seal of office hereto affixed.

(L.S.)

(Signed)

CHARLES P. TRANT,  
*Vice-Consul.*

Fifth Enclosure in No. 246.

*Attestation of Four Captains as to the re-delivery of Papers and Effects of Captain Dupony.*

DEVANT NOUS Soussignés, capitaines de navire, ont été rendus au Capitaine Dupony, de la goëlette Américaine "Iago," de la Nouvelle Orléans, par le capitaine de prise, M. Thomas Stevens, les objets suivans: primo, les papiers contenant, No. 1 un journal d'habitude; No. 2 le rôle d'équipage; No. 3 le registre ou patente; No. 4 une patente de pilote de Gaetano Bru, et deux reçus de la douane de la Havane, et trois lettres, deux pour Monte Video, ut une pour

Bordeaux, qui ont été recachetées avec de la cire rouge. Secondo, cent quatorze doublons et vingt-neuf piastres fortes monnaie Espagnole en tout (114 doublons, 29 piastres fortes).

Tercio, le navire dans l'état dans lequel il se trouve, conformément à l'inventaire auquel nous allons procéder, et auquel nous le sommons d'assister, l'avertissant que s'il s'y refuse, nous l'assurerons dans le protêt du Capitaine Dupony. En foi de quoi nous signons le présent, à Sierra Leone, ce 30 Mars, 1839.

Fait en double original.

(Signé)

*Como Capitan de Buque,*  
VIC<sup>TE</sup>. SANCHEZ.

*Como Capitan Italiano de Bastimento Mercante,*  
MARIANO SGITCOVICH.

*Como Capitan de Navios,*  
MANOEL DO NASCIM<sup>TO</sup>. ALOURA.

*Comme Capitaine au Longcours,*  
J. E. LAMARC.

(Signed)

THOMAS STEVENS,  
*Gunner, Her Majesty's brigantine "Termagant,"*  
*in charge of the schooner "Iago."*

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Sixth Enclosure in No. 246.

*Attestation of Four Captains as to state of Schooner "Iago" when re-delivered to Captain Dupony.*

Nous Soussignés, capitaines de navires, déclarons, qu'ayant été appelé par le Capitaine Dupony, de la goëlette Américaine "Iago," pour constater l'état dans lequel se trouve la dite goëlette, telle qu'elle lui a été remis par le capitaine de prise, Mr. Stevens, devant nous et en notre présence, ainsi que l'inventaire des objets qui lui ont été laissés à bord, nous nous sommes transportés à bord de la dite goëlette, et le capitaine de prise ne se trouvant pas à bord, malgré l'intimation qui lui en a été faite de se présenter, avons procédé comme experts, conformément à la loi, au reconnaissance et à l'inventaire, et jurons devant Dieu et sur la Bible avoir trouvé que la dite goëlette a besoin d'être calfatée et a perdu plusieurs feuilles de cuivre qui nous fait craindre qu'elle soit piquée dans ses fonds, que les écoutes de mizaine et de foc lui manque, que divers morceaux des plabords ont été cassés. Dans la chambre a été présenté devant nous la malle du capitaine dont les petons du cadenats ont été brisés; nous avons ensuite fait l'inventaire des objets suivans:—

La coque du navire avec son gouvernail; les deux mats et le beaupré et bouts dehors avec leurs cordages et haubans. Deux vergues de fortune et deux mate-reaux de hune. Deux chaînes et leurs ancrs, une cabane rompue, et une cuisine, une abitacle. La grande voile neuve avec sa baume et écoute, le foc et petit foc sans écoutes; la mizaine neuve sans écoutes.

Une voile de fortune neuve.

Un jeu de voiles vieilles.

Vingt-six avirons de diverses grandeurs.

13 caisses.

10 planches et bouts de planches de pin.

5 id. id. de cèdre.

9½ pipes d'eau-de-vie.

1 id. de vin.

1 baril huile de palme.

1 id. vinaigre.

4½ pipes pleines d'eau salée.

2 barils de pain.

6 paquets de balais.

3 petits barils de vin.

8 demijonnes vides.

Une portion de caisses de vin et d'autres choses rompues.

Un baril de lard entamé.

*Dans la Chambre.*

Un baril de sucre entamé.

Un sac de café.

Trois compas.

Une caisse servant de table et contenant des assiettes et tasses à café, &c.

Divers pots de fer blanc et trois fanaux.

Diverses provisions.

4 pavillons différens.

Une portion de charbon de terre.

Les objets ci-dessus indiqués étant les seuls que nous avons trouvés à bord, nous avons signé le présent et l'avons délivré au Capitaine Dupony, pour lui servir et valoir ce que de raison, à Sierra Leone, ce 31 Mars, 1839.

(Signé) *Como Capitaõ de Navios Mercantes,*  
 MANOEL DE NASCIM<sup>TO</sup>. ALOURA.  
 VIC<sup>TE</sup>. SANCHEZ.  
 MARIANO SGITCOVICH,  
*Capitan.*  
 F. E. LAMARC,  
*Capitaine au Longcours Français.*

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Seventh Enclosure in No. 246.

*Memorandum by Lieutenant Seagram.*

THE following sums have been found in the possession of the crew belonging to the schooner "*Iago*," and left in charge of Mr. Stevens, the prize-master, to be given into the possession of the Mixed Commission Court at Sierra Leone, viz. :—

I bag containing 58 doubloons.  
 I ditto 56 ditto.  
 29 mixed dollars.

(Signed) H. F. SEAGRAM,  
*Lieutenant and Commander.*

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Eighth Enclosure in No. 246.

*Statement by Lieutenant Seagram as to the state of "Iago" when captured.*

I, HENRY F. SEAGRAM, Lieutenant and Commander of Her Majesty's brigantine "*Termagant*," hereby declare that on this 21st day of February, 1839, being in or about latitude 5° 46' north, longitude 0° 55' east, I detained the schooner named the "*Iago*" (Spanish property), sailing under American colours, not armed, commanded by A. Dupony, who was on shore, and the mate, Gayetan Bru, declared her to be bound from Matanzas, Island of Cuba, to Cape Mesurado, and back to Matanzas, with a crew consisting of one master, one mate, six men, and one passenger, equipped for the traffic in slaves, contrary to the Treaty with the Queen-Regent of Spain, signed at Madrid, June 25, 1835; and that the papers and documents seized by me on board the said schooner, being marked No. 1 to No. 4, are enumerated in the following list.

(Signed) HENRY F. SEAGRAM,  
*Lieutenant and Commander.*

1. Log of proceedings in Spanish.
2. Register.
3. List of crew.
4. Parcel containing letters, &c.

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Ninth Enclosure in No. 246.

*Passengers' Permit.*

*Secretary's Office, Colony of Sierra Leone.*

PERMIT to depart on their voyage from this colony to the Leeward



Coast the under-mentioned individuals, passengers on board the "*Iago*," Du-pony commander, and bound to the Leeward Coast.

José Dolores.	} In all four passports.
Francisco Gomes.	
Ramon Mora.	
Antonio Rodrigues.	

Duty 10s.

Given under my hand and seal of office, at Freetown, this 6th day of April, 1839.

(Signed)

THOMAS COLE,  
*Colonial Secretary.*

(Extract.)

Tenth Enclosure in No. 246.

*Mr. Trist to Mr. Forsyth.*

*Havana Consulate, Washington,  
November 28, 1840.*

I HAVE the honour to lay before you a copy, transmitted to me for the purpose by the Vice-Consul, on behalf of the captain, of a protest extended in the Consulate of the United States of America at Havana, by James B. M'Connell, master of the schooner "*Hero*," of New Orleans, for an outrage perpetrated upon that vessel by Her Britannic Majesty's brig "*Lynx*."

Eleventh Enclosure in No. 246.

*Protest of James B. M'Connell, Joseph Williams, Henry Lord, and  
James Stow.*

*Consulate of the United States of America, Havana.*

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, John A. Smith, Vice-Consul of the United States of America for the city of Havana, personally came and appeared James B. M'Connell, master of the schooner "*Hero*," belonging to the port of New Orleans, in the State of Louisiana, of the burthen of 126 tons, or thereabouts; also Joseph Williams, mate of said schooner; and Henry Lord and James D. Stow, seamen belonging to said schooner afore-said: who, being severally sworn, did declare and depose,—That the said schooner being laden with a cargo of assorted merchandise, they, the said appearers, made sail in and upon the said schooner from the port of Havana, bound to Whydah, coast of Africa, on the 15th day of June, 1840. That in the prosecution of the voyage nothing material occurred until the 9th day of August, 1840, when at 3° 30' we were boarded by the commander of Her Britannic Majesty's brig "*Lynx*," and brought to an anchor, and the hatches opened and the hold overhauled; and after a short overhaul, the commander decreed that he would send the vessel to Sierra Leone, and that the captain and cook might stop on board, and all the rest of the crew were to go on board of the "*Lynx*," and to be sent on shore. Captain M'Connell complained to the commander of the brig on account of the conduct of the men whom he put on board the schooner "*Hero*," and had charge of the vessel one night, they having robbed the vessel of all the provisions they could get at: viz., two hams, about one-third of a barrel of mackerel, and broke open one barrel of bread, and did considerable damage to the cargo. The commander said, that if the hams could be found on board his vessel, he would give the schooner up again, and let her proceed on her voyage. The hams being found on board his vessel, the crew were all sent on board our own vessel again, and commenced to clear up decks and get the vessel under weigh, the commander of the brig having thought proper to give her up. At 5° 30' came to at Whydah; furled sails, &c., &c.; ends fine; A.M., fine weather; at 8, canoes came off to receive cargo. On opening the hatches, found considerable damage done to the cargo by the crew of the British brig of war "*Lynx*," through carelessness and bad stowage of the pipes of aguadiente that were broke out and hoisted on deck by them, two pipes being bilged, and several stowed bung down, and consequently leaked very much

And therefore the said James B. M'Connell did declare to protest, as by these presents he doth solemnly 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 and crew of the aforesaid brig of war "Lynx," holding the said Government responsible in damages for all injury suffered by said vessel and cargo, and any persons interested therein by said unlawful and injurious act.

All which matters and things were declared, alleged, and affirmed, before me the said 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, this third day of November, in the year of our Lord one thousand eight hundred and forty, and of the independence of the United States the sixty-fifth.

(Signed) J. A. SMITH, *Consul.*

(L.S.)

(Signed)

JAMES B. M'CONNELL.

JOSEPH WILLIAMS.

HENRY LORD.

JAMES D. STOW.

No. 247.

*Mr. Stevenson to Viscount Palmerston.*

32, Upper Grosvenor Street, March 1, 1841.

(Received March 3.)

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary from the United States, had the honour, on the 13th of November last, of presenting to the notice of Her Majesty's Government, by the direction of the President, a complaint in relation to the seizure and detention of the American brig "Douglas," of Duxbury, Massachusetts, on the African coast, by Lieutenant Seagram, of Her Majesty's brigantine the "Termagant," on the charge of having on board a suspicious cargo, and intended for Slave Trade.

Since the submission of this case, the Undersigned has received two additional documents herewith enclosed, the one consisting of a Letter addressed to the Secretary of State of the United States, by A. A. Frazar, the claimant; the other, the copy of a Certificate of Lieutenant Seagram, under date of the 29th of October, 1839, admitting the seizure and detention of the brig, and her surrender and departure.

In transmitting these papers to Lord Palmerston, the Undersigned avails himself of the occasion to express an earnest hope that Her Majesty's Government will not fail to see the justice and importance of coming to an early decision, not only of the present case, but those of a similar character which have heretofore been presented to its consideration.

The Undersigned renews to Lord Palmerston assurances of his high consideration.

(Signed)

A. STEVENSON.

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

&c.

&c.

&c.

First Enclosure in No. 247.

*Mr. A. A. Frazar to Mr. Forsyth.*

SIR,

*Boston, December 22, 1840.*

I BEG leave to transmit to you the accompanying documents relating to the seizure and detention, by Lieutenant Seagram, the commanding officer of Her Britannic Majesty's brigantine "Termagant," of the brig "Douglas," of Duxbury, in this Commonwealth, Baker master, on the coast of Africa, in October last, and to ask the interposition of the Government of the United States to obtain from the British authorities a proper indemnity therefore.

The brig was engaged in a perfectly lawful trade, without the most remote

participation in, or connexion with, traffic in slaves; and there was no just ground to suppose that she was in pursuit of any unlawful object. All the proceedings of Lieutenant Seagram in this respect were, if not a wanton, at least a reckless violation of private rights, and of the American flag.

Though the brig was held in custody but three [?] days, she was during that time kept sailing down the coast, where she was borne along by a strong current at so rapid a rate that it took her twenty-eight days after her release to return to the place of her seizure. In the mean time, the officers and crew of the brig were taken sick, in consequence of their long exposure under the burning sun of that region, from which sickness three of the crew died on their homeward passage, and the captain still remains an invalid, and probably will so remain during his life. The loss occasioned by the detention of the brig was much more than the mere loss of time and expenses during thirty-one days, as the purposes and objects of the voyage were much deranged, and finally partially defeated.

It is difficult to say what sum, under the circumstances, would be a just and proper indemnification for the injuries sustained; and I do not suppose that a full remuneration can be obtained without wearisome delay and much inconvenience, by going into the details and more remote consequences of the transaction. I would prefer that the matter should be adjusted speedily, and at a loss, rather than that a protracted negotiation should be entered into, though a larger amount should be ultimately obtained.

With these views I would relinquish my claim, to the British Government, for five thousand dollars, though a considerably larger sum would not fully repair the damages I have sustained in the premises.

If any further information or proof shall be needed by your department in the case, may I ask of you the favour to inform me what it is, and if it be in my power to do so, I will promptly furnish it.

I have, &c.

(Signed) A. A. FRAZAR.

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

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Second Enclosure in No. 247.

*Certificate of Lieutenant Seagram.*

THE American brig "*Douglas*," from the Havana, bound to the rivers Bras and Bonney, was detained by Her Majesty's brigantine "*Termagant*," on the 21st instant, having a suspicious cargo on board.

I have now allowed her to proceed on her voyage, finding that no information is yet received from the United States respecting the American flag.

Given under my hand, on board Her Majesty's brigantine "*Termagant*," off Popoe, this 29th day of October, 1839.

(Signed)

H. F. SEAGRAM,  
*Lieutenant and Commander.*

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No. 248.

*Viscount Palmerston to Mr. Fox.*

SIR,

*Foreign Office, March 11, 1841.*

WITH reference to my Despatch of the 26th of February, 1840, enclosing copies of correspondence between the Minister from the United States and myself respecting the detention of the vessel the "*Edwin*," under the colours of the Union, by Her Majesty's sloop "*Columbine*," Lieutenant Elliot commander, I herewith transmit to you, for your information, copies of further correspondence which has passed between Mr. Stevenson and myself upon that subject.

I am, &c.

(Signed) PALMERSTON.

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

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First Enclosure in No. 248.

*Viscount Palmerston to Mr. Stevenson.*

*Foreign Office, August 17, 1840.*

(See Class D. 1840, No. 104, p. 85.)

[Second Enclosure in No. 248.

*Mr. Stevenson to Viscount Palmerston.*

*London, August 24, 1840.*

(See Class D. 1840, No. 106, p. 88.)

No. 249.

*Viscount Palmerston to Mr. Fox.*

SIR,

*Foreign Office, March 16, 1841.*

WITH reference to your Despatch of the 29th of November, 1839, and to previous correspondence, respecting the case of the negroes who were taken on board the slave-vessel "*Amistad*," I have to desire that you will acquaint me, for the information of Her Majesty's Government, whether the American courts of law have yet come to any decision upon this case, and what has become of the negroes.

I am, &c.

(Signed) PALMERSTON.

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

No. 250.

*Viscount Palmerston to Mr. Fox.*

SIR,

*Foreign Office, March 16, 1841.*

WITH reference to my Despatch to you of the 9th ultimo, respecting the detention of the American brig "*Tigris*" by Her Majesty's ship "*Waterwitch*," Lieutenant Matson, I transmit to you the accompanying copy of a further communication which I have received upon this subject from Her Majesty's Consul at Boston, and also the accompanying copy of a statement recently received at this office from the Admiralty, upon the same subject.

You will perceive from the statement in the letter from the Admiralty, that Lieutenant Matson was obviously aware that he had no authority to interfere with the proceedings of American ships upon the coast; but that he conceived he should be acting in conformity to the wishes of the Government of the United States, as well as of his own Government, by taking notice of cases of slave-trading which had been declared to be piracy by the laws of both countries.

It is probable that Lieutenant Matson, in thus exceeding the limits of his authority, may have had in view the agreement which Captain Tucker, of Her Majesty's ship "*Wolverene*," entered into with Lieutenant Paine, of the United States' ship "*Grampus*," that slave-vessels under American colours should be detained by either party, in order that, if they turned out to be American property, they might be delivered over to an American cruiser; but if they turned out to be Spanish, Brazilian, Portuguese, or British property, they might be delivered over to a British cruiser.

From the enclosures in my Despatch of the 17th June, 1840, containing a copy of that agreement, and from the enclosures in my Despatch of the 29th of the same month, containing correspondence between Lieutenant Stoll, of

CLASS D.

Her Majesty's ship "Bonetta," and Lieutenant Paine, of the United States' ship "Grampus," it is clear that the officers of the British and of the United States' navies, employed upon the coast of Africa in suppressing Slave Trade, mutually searched suspicious vessels, under the agreement referred to in those papers.

With view, however, to prevent any possible misunderstanding between the two Governments upon this important question, Her Majesty's Government have issued orders to the commanders of all Her Majesty's cruisers, prohibiting them from capturing any vessels belonging to the United States, however clearly it may appear that such vessels are engaged in the Slave Trade.

At the same time, however, Her Majesty's Government must express their hope that the Government of the United States will, out of a regard for the honour of the Union, as well as from principles of humanity, take more effectual steps than it has hitherto done to prevent the laws of the United States from being openly set at defiance by the employment of American ships in the Slave Trade.

You will, by note, communicate the substance of this Despatch to the United States Government.

I am, &c.  
(Signed) PALMERSTON.

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

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First Enclosure in No. 250.

*Mr. Grattan to Viscount Palmerston.*

*Boston, January 31, 1841.*

(See No. 294.)

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Second Enclosure in No. 250.

*Sir John Barrow to Lord Leveson.*

MY LORD,

*Admiralty, March 3, 1841.*

HAVING laid before my Lords Commissioners of the Admiralty your Lordship's letter of the 1st instant, respecting the American brig "Tigris," captured by Her Majesty's ship "Waterwitch," and carried into the port of Salem, in the United States, I am commanded by their Lordships to acquaint you, for the information of Viscount Palmerston, that, referring to Lieutenant Matson's letter of the 11th October, 1840, that officer was obviously aware that he had no authority to interfere with the proceedings of American ships upon the coast. But he states that he conceived he should be acting in conformity with the wishes of the Government of the United States, as well as of his own Government, by his interposition in cases of slave-trading, which had been declared to be piracy by the laws of both countries.

It is probable that, in thus exceeding the precise limits of his authority, he may have had in view the agreement entered into by Commander Tucker, of Her Majesty's sloop "Wolverine," and by Lieutenant Paine, of the United States navy, and the arrangements made by them for mutual co-operation of British and American cruisers on the coast in the suppression of the Slave Trade.

The details of this arrangement, which it is to be presumed must have been communicated to his own Government by Lieutenant Paine, will be found in a letter from Commander Tucker of the 12th of March, 1840, a copy of which was sent to the Foreign Office in my letter of the 6th of July last. And a letter from Commander Tucker of the 17th of March, 1840, which was communicated to the Foreign Office on the 8th of July last, transmits some correspondence which had passed between Lieutenant Stoll, of the "Bonetta," and Lieutenant Paine, of the "Grampus," of the United States navy, respecting the seizure of an American slaver delivered over to Lieutenant Paine.

In a letter of the 12th of May, 1840 (a copy of which is sent herewith), Commander Tucker reports his having examined an American vessel under suspicious circumstances, and states that he had written to Lieutenant Paine, informing him that he had done so, and requesting that the Lieutenant would also examine her. It is obvious, therefore, that the practice of mutual search was carried on

upon the coast under the agreement and understanding which had been come to by the officers of the British and American navy.

Orders have, however, now been sent out, prohibiting the capture of any vessel belonging to the United States which may be engaged in the Slave Trade.

I have, &c.

(Signed) JOHN BARROW.

*The Lord Leveson,*  
&c. &c.

Third Enclosure in No. 250.

*Commander Tucker to Mr. More O'Ferrall.*

*Her Majesty's ship "Wolverine," at sea,  
Lat. 1° 27' N., long 6° 43' E. May 12, 1840.*

SIR,

IN consequence of the Commander-in-Chief (Rear-Admiral the Hon. G. Elliot, C.B.) having been appointed to the Indian command, and of the impossibility, therefore, to transmit the originals in time to reach him, I beg to forward, for the information of the Lords Commissioners of the Admiralty, the following copies of some of my late letters to him; the first being a report of my proceedings to the 17th of March, since which I beg to report that, after I had completed the duties I was then employed upon, I sailed from Sierra Leone on the 21st of March.

On the 26th I found the "*Dolphin*," American brigantine of war, at anchor at the settlement of Liberia at Cape Mesurado, with which vessel I communicated, and found her commander absent, therefore did not anchor.

On the 27th I chased a fine ship into New Sestos, a noted slaving place, where she anchored, and, on boarding, proved to be an American ship belonging to New York, from the Havana, with a cargo consisting of the articles always brought for the purchase of slaves, belonging to notorious slave-dealers at the Havana, one of whom had landed immediately she anchored and before my boat could get on board, who had chartered the vessel at a very high rate, to bring the cargo to New Sestos and other places on the coast, and to return with cargo from New Sestos to the West Indies. I examined the vessel's papers very strictly, and, not being able to remain to watch her, wrote to Lieutenant Paine, commanding the United States' schooner "*Grampus*," to inform him of it, and to request he would examine her; and also ordered Commander Denman to have New Sestos well watched, there being between 2000 and 3000 slaves in the barracoons.

On the 2nd of April I detained and sent to Sierra Leone a Brazilian brig, bound to Lagos with a cargo for the purchase of slaves; and, after touching at Cape Coast and Accra for and with letters, visited all the slaving places in the Bight of Benin, and arrived at West Bay, Princes, on the evening of the 29th ultimo, and sailed again at daylight the next morning, to intercept, if possible, a slave-vessel reported to be standing to the southward with a cargo of slaves, and, after an unsuccessful cruize, arrived again at Princes on the 7th instant, to refit and copper this sloop's bottom, and complete wood and water, and found the "*Viper*," "*Harlequin*," and "*Lynx*;" the "*Lynx*" sailed for her cruising ground, and the "*Viper*," being refitted as a brigantine, as reported in my letter of the 8th, sailed in company with the "*Harlequin*" and this sloop yesterday evening to occupy her cruising ground. The "*Harlequin*" will proceed this day to Spithead, pursuant to their Lordships' order of the 20th of January, 1840, *via* Ascension and Sierra Leone, instead of to the Cape, with the Quarterly Returns, in consequence of the Commander-in-Chief being ordered to India; and I am now on my way to the River Gaboon to present King Denny with the medal sent out per "*Wanderer*."

The squadron under my command are, I am happy to inform you, generally healthy.

I have, &c.

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

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

Fourth Enclosure in No. 250.

*Commander Tucker to Rear-Admiral Elliot.*

*Her Majesty's ship "Wolverine,"  
Sierra Leone, March 17, 1840.*

SIR,

IN obedience to your orders of the 15th and 16th ultimo, I have the honour to inform you that I arrived at this place on the 2nd instant, and found the "Wanderer," Commander the Hon. J. Denman, from England, had anchored the day previous, with the "Saracen," Lieutenant Hill, from the Casamança, Gambia, and Senegal; that on the 3rd the "Conflict" was surveyed by my orders of the 2nd, and reported unfit for the service, as per report transmitted in my letter of the 3rd, No. 110. That in consequence of that report I ordered her to be removed in-shore to prevent her obstructing the navigation of the river, should she founder, as expected by the surveying officers. That an inventory should be taken of her stores, &c., which, with the vessel, properly moored, was to be handed over to the charge of the Assistant Commissioner-General, whom I had directed to take charge of her, and place a steady Krooman on board, which services were performed by the "Wanderer."

On the 4th I ordered the commander of the "Wanderer" to assume the duties of senior officer on this division of the station, vice the commander of the "Harlequin," ordered to England by Admiralty order of the 20th of January, 1840, with directions to send the "Saracen" to Portendick to protect the British interests there during the season of the gum trade, as per Admiralty order of the 10th of May, 1839; Lieutenant Hill having arranged the affair of the River Casamança, so far as possible, until the respective Governments have decided, and reported the examination of a canoe with the slaves, and the seizure of the schooner "Senegambia," as per my letters transmitting copies of the correspondence, Nos. 112 and 113, of the 5th instant, and No. 116, dated the 15th instant.

On the 6th instant the "Senegambia," detained by the "Saracen," as reported in my letter of the 5th, No. 111, having been condemned in the Vice-Admiralty Court, was surveyed, and found unfit for Her Majesty's service, as per reports of survey annexed, which has been the only vessel condemned since my arrival that could be sold. With respect to the purchase of one, I have given such orders to the commander of the "Wanderer" as will induce him not to delay that object.

On the 6th the "Saracen" sailed, under the orders of Commander the Hon. Joseph Denman, for Portendick. On the evening of the same day the "Bonetta" arrived from the River Pongos, having detained there a vessel under American colours, suspected of being Spanish property, and being equipped and fitted for the Slave Trade, who reported his proceedings as per my letter of the 9th instant, No. 114.

On the 7th the United States schooner "Grampus," Lieutenant Paine, commander, arrived, with whom I entered into a correspondence and agreement, as reported in my letter of the 12th instant, No. 115.

On the 10th the "Wanderer" sailed on a cruize, and with orders to Lord Francis Russell to proceed to Spithead. On the 14th the French schooner of war "La Rachel" arrived, bringing letters from the Governor of Senegal to the Governor of this place and the senior officer of the naval force here, relating to the "Senegambia," as reported in my letter of the 6th instant, No. 113. Copies of the correspondence between the Governor of Senegal, the commander of the "Rachel," and myself, are transmitted in my letter of the 15th instant, No. 117.

On the 15th instant the "Fantôme," Commander Butterfield, arrived, by which opportunity I send you this, the reports, and other despatches which seem of importance. I hope to be able to sail to-morrow, if not, as soon after as possible. I am only delayed to complete the reports and copies for the Secretary of the Admiralty. I send you, attached, the rough draft of a contract for bullocks and fodder for "Ascension," which I found a person here who has the contract for supplying the navy at present with fresh meat willing to enter into, and supply bullocks and fodder enough for the passage there, at the rate of 5/.

per head, to average 200lbs, which, with the fodder included, is 6*d.* per lb. The contract can be commenced immediately you may be pleased to approve of it, and the "Ascension, is bought and ready to receive them.

I have, &c.

(Signed) WILLIAM TUCKER, (b)  
Commander.

Rear-Admiral Elliot,  
&c. &c.

Fifth Enclosure in No. 250.

Commander Tucker to Rear-Admiral Elliot.

Her Majesty's ship "Wolverine," at sea,  
Lat. 4° 31' N., long. 6° 28' W. April 3, 1840.

SIR,

I HAVE the honour to inform you that the following French vessels of war have been fallen in with by me.

"La Malonne," brig, Lieutenant Commander Bonet, at Accra; "La Rachel," colonial schooner of war, Ensign Court-Coumet, at Sierra Leone.

That the French Commodore Montaignes de la Roque, and lately in the Bights, and in the River Gaboon, and that "La Fine," French brig of war, and the French brig of war "La Cigale," "La Belette," "L'Aigle d'Or," and "L'Erèbe" steamer, French colonial vessels of war, are on the coast of Senegal.

I have, &c.

(Signed) WILLIAM TUCKER, (b)  
Commander.

Rear-Admiral Elliot,  
&c. &c.

Sixth Enclosure in No. 250.

Commander Tucker to Rear-Admiral Elliot.

Her Majesty's ship "Wolverine," at sea,  
Lat. 4° 49' N., long. 4° 22' W. April 9, 1840.

SIR,

WITH reference to the 6th clause of the 10th Article of the Treaty of Spain, of the 28th of June, 1835, I have the honour to inform you that I boarded the brig "Freedom," of Bristol, on the 8th instant, John Farr, master, Richard and William King, owners, who could not produce the Custom-house certificate that the owners had entered into a bond that the casks and packs on board were intended to carry palm-oil.

I have, &c.

(Signed) WILLIAM TUCKER, (b)  
Commander.

Rear-Admiral Elliot,  
&c. &c.

Seventh Enclosure in No. 250.

Commander Tucker to Rear-Admiral Elliot.

Her Majesty's ship "Wolverine," at sea,  
Lat. 4° 27' N., long. 2° 13' W. April 11, 1840.

SIR,

WITH reference to the 6th clause of the 10th Article of the Treaty of Spain, of the 28th of June, 1835, I have the honour to inform you that I boarded the brig "St. George," belonging to the West African Company, London, on the 10th instant, John White, master, who could not produce the Custom-house certificate, that the Company had entered into a bond that the casks and packs on board are intended to contain palm-oil.

I have, &c.

(Signed) WILLIAM TUCKER, (b)  
Commander.

Rear-Admiral Elliot,  
&c. &c.



Eighth Enclosure in No. 250.

*Commander Tucker to Rear-Admiral Elliot.**Her Majesty's ship "Wolverine," at sea,  
Lat. 3° 35' N., long. 4° 40' E. April 23, 1840.*

SIR,

I HAVE the honour to inform you that I this day boarded, about noon, the merchant-barque "Bombay Packet," of Liverpool, C. and J. B. Horsfall, owners, Charles Came, master; and I beg to call your attention to the following statement, and to request you will be pleased to apply to my Lords Commissioners of the Admiralty, to represent to the owners of the said barque the serious evil attending such proceedings on the part of their master on the station (which requires all the attention, forethought, and energy of the commanders of the cruisers to suppress the inhuman traffic in slaves), that, by such wantonness or foolish stubbornness on the part of the said master, Her Majesty's ships and vessels may not unnecessarily be taken out of their way, by which opportunities may be given for slave-vessels to escape.

A little before daylight of this morning a barque was seen on this sloop's port or lee-bow, apparently close to, when the course was immediately altered and sails trimmed for her. When broad daylight, the ensign and pendant were hoisted, and a blank cartridge fired from the chase-gun (9lb.). At 5h. 45m, a shot was fired a-head of her, to neither of which was any attention paid, when all possible sail was made in chase. The wind gradually fell light, and about 10 A.M. a calm, when I sent Lieutenant Levinge away to board her. After the boat had left some time the barque hoisted English colours; and another vessel was seen from our mast-heads, bearing about south-south-east, and for which I was prevented making sail—a breeze having in the mean time sprung up—until the return of the boat. The only excuse that the master made for not shortening sail was, that he did not know what this vessel was, although the ensign and pendant were flying, two guns fired, and a look-out man at each mast-head. The consequence of his conduct was, that this sloop was taken four points from her course and about twelve miles to leeward, by which she was taken away from the vessel seen, now dead to windward, and from the probability of examining her, in consequence of its being now too late in the day, P.M.

I cannot conceive, Sir, that any respectable owners of the present day, when the country is put to such an enormous expense for the suppression of the Slave Trade, will sanction the masters of their vessels in such foolish conduct as drawing from their station or course Her Majesty's cruisers (obliged to board and examine every vessel strictly), particularly now, as several English vessels are said to be engaged in the Slave Trade.

I have, &amp;c.

(Signed) WILLIAM TUCKER, (b)  
Commander.Rear-Admiral Elliot,  
&c. &c.

No. 251.

*Mr. Fox to Viscount Palmerston.**Washington, March 9, 1841.  
(Received April 1.)*

MY LORD,

I REJOICE to inform your Lordship that the long-pending cause of the African negroes, found on board the Spanish ship "Amistad," was this day finally decided in favour of the negroes, by a judgment of the Supreme Court of the United States, now in session at Washington.

By this decision the negroes are declared to be free men, and all claim against them, whether on the part of the Spanish Minister, or of the pretended Spanish owners, is dismissed. The negroes will be immediately set at liberty in the State of Connecticut, where they have hitherto been detained in custody waiting the event of the trial.

I have the honour herewith to enclose copies of a correspondence upon the subject of the negroes of the "Amistad," which took place between the United States Secretary of State, Mr. Forsyth, and myself a few weeks since. Fortu-

nately all further interference in the case on the part of Her Majesty's authorities, either in America or in Spain, is now rendered unnecessary by the just and virtuous decision of the Supreme Court of the United States.

I have, &c.

(Signed)

H. S. FOX.

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

First Enclosure in No. 251.

*Mr. Fox to the Hon. John Forsyth.*

SIR,

*Washington, January 20, 1841.*

I AM instructed to represent to you that the attention of Her Majesty's Government has been seriously directed to the case of certain African negroes, found on board the Spanish ship "*Amistad*," the same persons whose cause has been brought before the courts of law of the United States, and for whom a powerful and humane interest appears to be felt in this country as well as in England.

It is known to Her Majesty's Government that these negroes were imported into Cuba direct from the Coast of Africa, in a Portuguese slave-vessel called the *Teçora*, in the summer of 1839; and that shortly after their arrival they were purchased as slaves at the Havana, by two Spaniards, of the names of José Ruiz and Pedro Montez. Ruiz and Montez then placed the negroes on board the Spanish schooner "*Amistad*," intending to convey them to another port in Cuba. It appears that during the voyage the negroes, with a view of recovering their liberty, seized possession of the vessel, put the master to death, and ordered the remaining whites to navigate the vessel to the coast of Africa. The whites, however, directed their course towards North America, until they were fallen in with by the United States brig-of-war "*Washington*," when the "*Amistad*" was finally brought into the port of New London, in Connecticut. The proceedings which have taken place subsequently to the arrival of the negroes in the United States are sufficiently well known to you.

Now, Her Majesty's Government have to observe, that since the year 1820 it has become unlawful, according to the law of Spain, to import negroes from Africa as slaves into the Spanish dominions; and that, as the negroes here referred to had been newly imported from Africa into Cuba, and could not, by law, be imported as slaves, they must, in the eye of the law, be considered as free persons.

And Great Britain is also bound to remember, that the law of Spain, which finally prohibited the Slave Trade throughout the Spanish dominions, from the date of the 30th of May, 1820 (the provisions of which law are contained in the King of Spain's Royal Cedula of the 19th of December, 1817), was passed in compliance with a treaty obligation to that effect, by which the Crown of Spain bound itself to the Crown of Great Britain, and for which a valuable compensation, in return, was given by Great Britain to Spain; as may be seen by reference to the 2nd, 3rd, and 4th articles of a public Treaty concluded between Great Britain and Spain on the 23rd of September, 1817.

Her Majesty's Government, therefore, are moved by special and peculiar reasons to take an interest in the fate of these unfortunate Africans, who are known to have been illegally and feloniously reduced to slavery by subjects of Spain.

It is next to be observed, that Great Britain and the United States have mutually engaged themselves to each other, by the 10th article of the Treaty of Ghent, to use their best endeavours for the entire abolition of the African Slave Trade. And there can be no doubt of the firm intention of both parties religiously to fulfil the terms of that engagement.

Now, the unfortunate Africans whose case is the subject of the present representation have been thrown by accidental circumstances into the hands of the authorities of the United States; and it may probably depend upon the action of the United States Government whether these persons shall recover the freedom to which they are entitled, or whether they shall be reduced to slavery, in violation of known laws and contracts publicly passed prohibiting a continuance of the African Slave Trade by Spanish subjects.

It is under these circumstances that Her Majesty's Government anxiously hope that the President of the United States will find himself empowered to take such measures in behalf of the aforesaid Africans as shall secure to them the possession of their liberty, to which, without doubt, they are by law entitled.

I avail myself, &c.  
(Signed) H. S. FOX.

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

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Second Enclosure in No. 251.

*The Hon. John Forsyth to Mr. Fox.*

*Department of State, Washington,*  
*February 1, 1841.*

SIR,

I HAVE the honour to acknowledge the receipt of your letter of the 20th ultimo, in which you state that you are instructed to represent to me that the attention of Her Majesty's Government has been seriously directed to the case of the negroes of the Spanish ship "*Amistad*," with the anxious hope that the President of the United States will feel himself empowered to take such measures in their behalf as will secure to them the possession of their liberty.

Viewing this communication as an evidence of the benevolence of Her Majesty's Government, under which aspect alone it could be entertained by the Government of the United States, I proceed, by direction of the President, to make, in reply, a few observations suggested by the topics of your letter. The narrative presented therein of the circumstances which brought these negroes to our shores is satisfactory evidence that Her Majesty's Government is aware that their introduction did not proceed from the wishes or directions of the Government of the United States. A formal demand having been made by the Spanish Minister for the delivery of the vessel and property, including the negroes on board, the grounds upon which it is based have become the subject of investigation before the judicial tribunals of the country, which have not yet pronounced their final decision thereupon. You must be aware, Sir, that the Executive has neither the power nor the disposition to control the proceedings of the legal tribunals when acting within their appropriate jurisdiction.

With regard to other considerations presented by you in behalf of the negroes of the "*Amistad*," I have to remark that it is not understood that the facts upon which they are founded are admitted by the Minister of Her Catholic Majesty, and this Government would with great reluctance erect itself into a tribunal to investigate such questions between two friendly Sovereigns. If, however, these facts are established, they cannot be without their force and effect in the proper time and place. You have doubtless observed, from the correspondence published in a Congressional document, that it is the intention of the Spanish Minister to restore these negroes, should their delivery to his Government be ordered, to the island of Cuba, whence the vessel in which they were found sailed; where they will be placed under the protection of the Government of Spain. It is there that questions arising under the Spanish laws and the Treaties of Spain with Great Britain, may be appropriately discussed and decided, and where a full opportunity will be presented to the Government of Her Majesty the Queen of Great Britain to appeal to the Treaty stipulations applicable to the subject of your letter.

I avail, &c.  
(Signed) J. FORSYTH.

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

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No. 252.

*Viscount Palmerston to Mr. Fox.*

*Foreign Office, April 15, 1841.*

Circular sending Treaty with the Argentine Confederation.

(See No. 1.)

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No. 253.

*Mr. Fox to Viscount Palmerston.**Washington, March 15, 1841.**(Received April 16.)*

(Extract.)

I HAVE the honour herewith to enclose copies of various correspondence between Her Majesty's Consul at Boston and myself, upon the subject of the American vessel "*Tigris*," which vessel was detained on the coast of Africa by one of Her Majesty's cruisers, and sent into the port of Boston to be delivered over to the judicial authorities of the United States, charged with a violation of the United States laws, by engaging in the illicit traffic of slaves.

I also enclose copies of some official correspondence upon the subject of the same vessel, which passed between the United States Secretary of State, Mr. Forsyth, and myself, a short time previously to his retirement from office.

The vexatious and vindictive suits at law instituted in the Courts at Boston against Mr. Jackson, the British officer in charge of the detained vessel "*Tigris*," which form a principal subject of Mr. Grattan's communications to me, are not yet terminated. When the decision of the Courts upon these prosecutions has been pronounced, I shall have the honour of submitting some observations upon the subject to Her Majesty's Government.

Your Lordship will perceive, that in Mr. Forsyth's letter to me, herewith enclosed, dated the 1st of March, a direct demand is made upon Her Majesty's Government to forbid and prevent for the future the detention, by Her Majesty's cruisers, of American vessels charged with slave-trading. Mr. Forsyth's letter was delivered to me the day before he quitted the Government. I have verbally informed his successor in office, Mr. Webster, that I would duly forward the correspondence to Her Majesty's Government.

I find, by reference to a letter from Lord Leveson to the Secretary of the Admiralty, dated February 8, enclosed in your Lordship's Despatch to me, marked Slave Trade, of February 9, that, with reference to the case of the "*Tigris*," Her Majesty's Advocate-General had already reported it to be his opinion, that Her Majesty's naval officers should be instructed to abstain from capturing American vessels engaged in Slave Trade; and that your Lordship had suggested to the Lords of the Admiralty the expediency of giving instructions to Her Majesty's naval officers in conformity with that opinion. I have not considered this information, incidentally transmitted to me, as sufficient authority whereon to ground an official answer to Mr. Forsyth's letter of the 1st of March; but I shall, in the mean time, probably find some suitable occasion of informally acquainting the new Government at Washington, that the acts of which the Americans appear so much inclined, although unreasonably, to complain, are not likely to be repeated.

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First Enclosure in No. 253.

*Mr. Consul Grattan to Mr. Fox.**Her Majesty's Consulate, Boston,  
January 18, 1841.*

SIR,

ON the 31st of last month I had the honour of transmitting to you by post a letter from Lieutenant Matson, of Her Majesty's brig "*Waterwitch*," delivered to me the preceding afternoon by Midshipman Jackson of that ship, who was sent to this country in charge of the American merchant vessel "*Tigris*," of the port of Salem, in the State of Massachusetts. Not having received any acknowledgment of my letter, and being consequently deprived of the advantage of your advice as to my conduct in this affair, I have acted in it to the best of my judgment up to this time; but as it now begins to assume a somewhat complicated aspect, and may involve questions of serious importance, I must again beg leave to draw your attention to it, and I request you will favour me with your opinion on the circumstances which have already occurred, and as to the course which it may be now advisable to pursue.

CLASS D.

The "*Tigris*" having been duly delivered into the custody of the District Court by Mr. Jackson, two examinations of her captain and crew took place before Judge Davis, the result of which was, that Captain Frye and his mate were held to bail for appearance for trial in the month of May next, on the demand of the United States' District Attorney for this State; and Mr. Jackson is bound in his own recognizance in the sum of 500 dollars, to appear at the same time as a witness in behalf of the United States' Government.

The next step taken was the filing of a libel by Mr. Jackson's counsel against the "*Tigris*" and her cargo, on behalf of Lieutenant Matson as the informer, and a demand of forfeiture of the whole. In this proceeding of civil action the United States' Government co-operates, being, in case of success, entitled to one-half of the proceeds, the other half to go to the informer. The owners of the vessel have put in an objection to action being admitted on the libel, and the motion for showing cause is to be argued before Judge Davis, on Monday next, the 25th instant.

So far the proceedings had advanced, when on Saturday evening last, the 16th, at 6 o'clock, I received a note from Mr. Jackson, informing me that he had been just then arrested by the deputy-sheriff, on four separate actions of trespass, brought against him by as many of the sailors of the crew of the "*Tigris*," that he was in custody of the deputy-sheriff at his office, and requesting to hear from me. I immediately went to him, and found that the damages in each action were laid at 1000 dollars, the return of the writs being for the first week in March, and the cause of complaint, an alleged trespass on the part of Mr. Jackson and eight others not named (but being Lieutenant Matson and sailors of the "*Waterwitch*,") for having boarded the "*Tigris*" off the coast of Africa, taken the complainants on board the "*Waterwitch*," and subsequently transported them prisoners to the United States.

The *animus* of this proceeding is evident. The action is not brought by the owners, the only persons aggrieved, supposing the seizure to be an illegal one, but by sailors, who in no possible way suffered any damage at all. They were not sent home as prisoners, they were not deprived of their liberty, or wages, or property of any kind. The sum of 1000 dollars claimed by each is of excessive amount; and as the legal regulation for bail in such a case requires two sureties, each possessing property in this county of Suffolk to the whole amount claimed, the consequence intended by the arrest of Mr. Jackson late on Saturday was, that he should have been immediately put into gaol, to lie there till this day at least, as it could not be supposed he would be able to find bail for 8000 dollars at so short a notice, or, indeed, at all, as a stranger in this city, without any connexion or acquaintance in it to whom he could apply in such a case. The deputy-sheriff, however, accepted my security for Mr. Jackson's appearance at 12 o'clock this day, and I signed bail-bonds for 4000 dollars to that effect.

In the course of Saturday night and yesterday I took legal advice on the best mode of proceeding, and the result has been the issuing of a writ of *Habeas Corpus* this day, for the purpose of claiming, before a Judge of the Court of Common Pleas, (whence the writs at the suit of the four seamen have issued,) a reduction of the amount of bail required, on the ground of the damages laid being excessive. Until this question of the amount of bail is definitively settled by the judge, the deputy-sheriff has consented to allow Mr. Jackson to remain at liberty on my security, he appearing at the sheriff's office from day to day. When the amount of bail is decided on, he must be committed, unless satisfactory bail can be procured, and I am not prepared to say that individuals here will be voluntarily forthcoming for that purpose.

In the mean time, I learn by the papers this morning, that a second vessel, the "*Seamew*," belonging to the same owners as the "*Tigris*," Messrs. Brookhouse and Hunt, of Salem, (who have assuredly been the instigators of this vexatious proceeding against Mr. Jackson,) has been seized on the coast of Africa by a British cruiser, and sent to St. Helena.

I have, &c.

(Signed)

T. C. GRATTAN.

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

Second Enclosure in No. 253.

*Mr. Consul Grattan to Mr. Fox.*

*Her Majesty's Consulate, Boston,*

*January 23, 1841.*

SIR,

I HAVE not yet received an acknowledgment of the receipt of my letter of December 31, enclosing Lieutenant Matson's, but I hope that it, as well as my second letter on the same subject, the affair of the "*Tigris*," dated the 18th instant, safely reached you.

On Thursday last, the 21st, Mr. Jackson was brought before the Judges of the Supreme Court on the writ of *habeas corpus*, and was, while the case was argued, arrested by the Deputy Sheriff on four additional writs for actions of trespass, at the suit of the captain (damages laid at 5000 dollars), the mate (damages laid at 2000 dollars), and two more of the seamen (damages laid at 1000 dollars each), making altogether eight suits, and a total amount of 13,000 dollars damages.

Seeing the importance of the case, I had previously engaged the Attorney-General of the State, Mr. Austin, to assist Mr. Hillard (the counsel employed by Mr. Jackson) in arguing the case; having previously expressed my opinion to the United States' District Attorney, Mr. Mills, that he was called upon to claim the protection of the Court for Mr. Jackson, on the ground of his being detained here, solely for the purpose of his giving his testimony as a witness, bound over in his own recognizance on the part of the United States' Government in the criminal prosecution instituted by Mr. Mills against the master and mate of the "*Tigris*," and entitled to the usual amount per diem paid to witnesses. Mr. Mills, however, declined, not having, he said, yet received any answer to his communication to the Attorney-General at Washington, relative to the previous proceedings, or instructions for his further conduct.

The enclosed report from the "*Morning Post*" of yesterday gives an abstract of the proceedings before the Judges, but does not do justice to the forcible (and it seemed to almost every one convincing) reasoning of the Attorney-General while demanding the discharge of Mr. Jackson.

I may also mention that I particularly guarded against any misconception of the motives for my becoming personally responsible for Mr. Jackson's appearance yesterday, when the decision of the Court as to the amount of bail was to be given. I stated that I did so merely in my individual capacity to prevent Mr. Jackson being sent to gaol, but explained that the British Government were not to be considered in any way compromised in this transaction, which, as far as I understand it, is as yet an affair entirely between Lieutenant Matson, commander of the "*Waterwitch*," the United States' Government, and the owners of the "*Tigris*."

The decision of the Court was yesterday morning pronounced by Chief Justice Shaw. It was that Mr. Jackson's claim for protection as a witness was refused; and that he was held to bail in two sureties, each for the gross amount of 2500 dollars; that is to say, 4000 on the demand of the captain, 700 on that of the mate, and 300 each on that of the six sailors.

I may add that this decision gave great surprise to many of the most respectable members of the bar, and to the citizens of Boston generally. A strong feeling of sympathy is excited for Mr. Jackson. Several gentlemen came forward to become bail for him, and four signed the bail-bonds for his appearance to answer the decision of the jury before whom the actions for damages may be tried.

You will perceive the situation in which Mr. Jackson stands, and his claims for countenance and protection on the part of the British Government. He has, as far as I can make myself acquainted with the facts, conducted himself throughout in the most creditable manner, and is deserving of the strongest recommendations.

The question of the libel against the "*Tigris*" will be argued before Judge Davis in the District Court on Monday next, the 26th instant, and Mr. Jackson will now probably be advised to prosecute the sailor who violently and treacherously assaulted and nearly killed him, by a blow on his head from behind, during

the voyage from the coast of Africa to Salem. It may be remarked, that when Mr. Matson placed Mr. Jackson and his men on board the "*Tigris*" to navigate her to this port, he did not allow them to take any arms whatever, with the exception of Mr. Jackson's sword.

I will inform you of the result of the argument on Monday next.

I have, &c.  
(Signed) T. C. GRATTAN.

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

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Third Enclosure in No. 253.

*Extract from the Boston "Morning Post" of January 21, 1841.*

THE "TIGRIS" AFFAIR.—Habeas Corpus.

AT twelve o'clock yesterday, Chief Justice Shaw, and Judges Putnam and Dewey, met in the Supreme Court Lobby, to hear the counsel on the writ of *habeas corpus* in behalf of Midshipman Jackson, prize-master of the Salem brig "*Tigris*," and held to bail on civil suits for trespass and false imprisonment by four of the crew of the "*Tigris*," and also on similar suits brought by Captain Frye of the "*Tigris*," for 5000 dollars, and Mr. Burnham, mate, for 2000 dollars. The whole amount of bail demanded is 13,000 dollars. Counsel for Mr. Jackson, Mr. Austin, Attorney-General, and Mr. Hillard; for the respondents to the writ of *habeas corpus*, Messrs. Ward, of Danvers, and Perkins, of Salem.

Mr. Hillard opened the argument by stating, in the first place, that Mr. Jackson, in acting under the orders of his superior officer, Lieutenant Matson, whom he was bound to obey, was not responsible, even if a trespass had been committed upon the officers and crew of the "*Tigris*," but that the British Government was responsible. Secondly, that the plaintiffs could have suffered no pecuniary loss by having been brought back to Salem, as there was no authority to show that they were not fully entitled to their wages for the whole voyage. Thirdly, if they should ultimately make it appear that they could not recover wages, their loss could not possibly be a tenth part of the damages alleged—1000 dollars a-piece—and therefore the bail demanded was excessive, and such as it was not to be supposed could be furnished by a young officer of the rank of a midshipman, whose pay is only 3*2*l. per annum, and who is an entire stranger in this country; and fourthly, that Mr. Jackson is now a resident in this State, under the protection of the United States' Court, as a witness, under recognizance to appear at the next circuit against Captain Frye and mate, on a criminal prosecution. Further than this, a libel had been filed against the "*Tigris*" as a lawful prize, and a monition had issued, requiring the owners to appear at the District Court, to show cause, if any, why process on the libel should not issue; and that at the hearing on said monition, Mr. Jackson must necessarily be a witness.

Mr. Ward, in reply, said that the plaintiffs had suffered great hardships, the sailors had been seized by a boarding officer and armed force, and imprisoned on board the "*Waterwitch*" ten days, before they were placed under the custody of Mr. Jackson, who had still further kept them prisoners on board of their own vessel for 80 days, till their arrival at Salem, when they were permitted to go at large. They were, therefore, entitled to redress, beyond the mere measure of wages which may have occurred. He said he would admit, however, that some reduction of bail on their actions might be made. Not so, however, on the part of the officers, who had, beside imprisonment, in the nature of restraint, suffered indignity by being deposed of their lawful rank and authority on board of their own vessel. They had also lost the benefit of commercial adventures in which they had lawfully engaged on the coast. The captain had advanced 3500 dollars to traders there for their produce, which Lieutenant Matson would not allow him to wait and receive, nor even allow him to go on shore to make arrangements for the security of the property engaged, and cause it to be shipped to him in some other vessel. He had only an opportunity to leave some written directions for the captain of the "*Seamew*," who was expected to touch at Ambrise, and might have an opportunity to look after the property he had contracted for; but by the last news from Africa, it appeared

that the "*Seamew*" had been seized and taken into Sierra Leone by a British cruiser. True, she had been discharged, but it was not likely that she proceeded thence to Ambrise, but in all probability made sail for the United States. It was, therefore, perfectly clear that Captain Frye was exposed to a severe pecuniary loss by the seizure of the "*Tigris*" and arrest of himself. The mate, too, had an adventure to the amount of 300 dollars, on which he might reasonably calculate upon realizing a great profit, but which he was not allowed to take on board.

With regard to the responsibility of Mr. Jackson, Mr. Ward maintained that the seizure was illegal, and therefore a trespass by Lieutenant Matson; and that Mr. Jackson, who acted under his orders, was liable in the same manner as a deputy-sheriff who makes a seizure upon the authority of the sheriff. If Lieutenant Matson were here, the plaintiff would look to him and not to Mr. Jackson for damages; but as it was, they were justified in holding him as the only one of the co-trespassers within the reach of civil process. If the suits prevailed against Mr. Jackson, Mr. Ward said he had too high an opinion of the honour of the other British officers interested with him, to suppose that they would allow him to suffer the whole consequences of the seizure. He did not believe that the British Government would allow him to be a sufferer, through the wrong acts of his commander, whose orders he had obeyed. Mr. Ward reiterated that the plaintiffs were compelled by the necessity of the case to proceed against Mr. Jackson, for it was impossible for them to go to England and prosecute Lieutenant Matson.

Upon the question of protection as a witness, Mr. Ward said he had great doubts whether Mr. Jackson came within the rule. When he was arrested he was here voluntarily, waiting for the furtherance of his own interest in the condemnation of the "*Tigris*," at the suit of Lieutenant Matson, and that he would be entitled to a share of the prize-money; and beyond this he had received no writ of protection from any Court as a witness, agreeably to the provision of the Revised Statutes, or even if he were a witness, he was only held on his own recognizance, and therefore it was entirely voluntary on his own part if he remained here. He might have returned to England in the British steamer on the 2nd of January if he saw fit; but he concluded it would be for his interest to remain and await the result of the judicial proceedings in reference to the whole matter.

Chief-Justice Shaw and Judge Dewey incidentally remarked that the fact of being a witness could be proved otherwise than by a writ of protection. The protection was only an instrument to be exhibited to an officer by a party against whom he might hold process, and the exhibition of such protection would be a sufficient protection to the officer against a suit for omitting to arrest such party. Beyond this the writ had no force; and it was competent for a witness to prove the same in bar of an arrest in various other ways. If a person should obtain a writ of protection which he was not entitled to, it would not avail him if it could be proved.

Mr. Austin, in opposition to Mr. Ward, said that there could be no pretence for vindictive damages in the case, even if a technical trespass had been committed, and therefore the bail, if any, should only be nominal. If the "*Tigris*" had been unlawfully seized by a British cruiser, the United States' Government was the proper authority to seek redress of the British Government; and such American citizens as had been injured by the conduct of Lieutenant Matson would have just claims upon the United States for indemnity. Utterly unlike the case of *M'Leod* in New York, the case of the "*Tigris*" was entirely beyond the jurisdiction of the State Court. Mr. Jackson had brought with him his written orders from his superior officer, who again was to be presumed to be acting under the orders of his Government. The "*Tigris*" had been seized and sent to the United States upon the suspicion that she had been engaged in the Slave Trade, an inhuman traffic which the United States had pledged its faith to endeavour to abolish, and passed solemn laws against the citizens of the United States engaging in it. Under that law (statute 1800) Mr. Jackson was sent to this country, as an agent, to assist the United States' Government to break up the nefarious trade; and he would have been a fool, and unworthy of his commission and the respect of all men, if he had returned to his vessel on the coast of Africa or to England, and ran the risk of not arriving in the United States in time to be a witness in the Circuit Court in May next.



Mr. Austin cited a few authorities—Phillips, Dallas, and Term Reports—to show the extent of protection given to witnesses against arrest on civil processes; and concluded by stating, that if Mr. Jackson had not entered into recognizance before Judge Davis, on the criminal complaint against Captain Frye and mate, the judge would have the power to keep him in gaol till the trial in May. He concluded by stating that the plaintiffs might proceed on their suit and recover judgment against Mr. Jackson without holding him to bail, without suffering any loss, for, if they recovered ever so large an amount of damages against him personally, he had no property to answer the judgment.

Chief-Justice Shaw said, if the case could be left in the same position as it then stood, (that is, if Mr. Deputy-Sheriff Coburn were content to take Mr. Grattan as responsible for the 13,000 dollars for Mr. Jackson's appearance), his colleagues and himself would prefer to postpone the decision till this morning.

This suggestion was adopted by consent of all parties; Mr. Grattan wishing to be understood as acting in his individual, and not in his official, capacity.

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Fourth Enclosure in No. 253.

*Mr. Fox to Mr. Consul Grattan*

(Extract.)

*Washington, January 26, 1841.*

BEING much engaged with other correspondence, I shall do no more at this moment than thank you for your three communications upon the subject of the ship "*Tigris*," which I have duly received; the last dated the 23rd instant. You appear to me to have acted quite properly and judiciously in the business. In a few days' time I shall address you some further observations in relation to the proceedings at law instituted against Mr. Jackson. In the mean time you will of course not fail to transmit to Her Majesty's Government at home, by the earliest opportunity, a detailed account of all that has occurred; and I should recommend that Mr. Jackson should address the same without delay to the department of the Admiralty.

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Fifth Enclosure in No. 253.

*Mr. Consul Grattan to Mr. Fox.*

(Extract.)

*Her Majesty's Consulate, Boston,  
January 29, 1841.*

I WAS this day favoured with your Letter of the 26th instant, and I shall be very glad to receive your promised communication on this affair of Mr. Jackson and the "*Tigris*," which every day becomes more intricate, and, in my opinion, more important.

The arguments for and against the filing of the libel, and the consequent issuing of process, or a refusal to issue it by the District Court, have occupied four days during this week. A wide field of discussion has been entered on on questions of international law, personal responsibility, and the construction of the legislative enactments against the Slave Trade by Congress. I greatly regret that those proceedings before Judge Davis have not been reported in any of the papers, for it is impossible for me to give you a satisfactory abstract of them. I have constantly attended in Court, and taken care that there should be no mistake or misstatement as to the position of the British Government, or the honour and interests of Her Majesty's officers and seamen in this matter.

The immediate questions on which Judge Davis is to pronounce his decision on Tuesday next, the 2nd of February, are:—

First. Shall Mr. Matson (represented by Mr. Jackson) be allowed to file libel against the vessel and cargo?

Secondly. In case he be allowed to file the libel, shall he be obliged to stipulate (the technical phrase for finding security) for the respondents' costs, which he would be liable to pay, in case of ultimate failure of the proceedings instituted against the "*Tigris*" and her cargo?

Thirdly. Shall he be obliged to stipulate for damages, to be proceeded for

by the respondents (Messrs. Brookhouse and Hunt), in case of failure of the proceedings instituted against the vessel and cargo?

Most strenuous arguments have been put forward against the first of those propositions, and in favour of the latter two, by Messrs. Choate and Perkins, counsel for the owners.

The Attorney-General (Mr. Austin) and Mr. Hillard have ably and eloquently pleaded in an opposite sense on behalf of Mr. Matson, the officers and crew of the "Waterwitch."

I cannot anticipate the decision of the Court; but I presume it probable that Judge Davis will allow the libel to be filed, requiring Mr. Jackson to stipulate for the respondents' costs, in case of the failure of proceedings against them, and which may amount to 500 dollars, more or less.

To grant the respondents' demand that the informer should stipulate for damages, unascertained and scarcely to be calculated with anything like precision, would be to quash the proceedings altogether. Messrs. Brookhouse and Hunt would, no doubt, lay their damages at an excessive amount, 30,000 or 40,000 dollars perhaps; and Mr. Jackson could not possibly find sureties here to that amount for this object; gentlemen who gave bail for his personal appearance, feeling that it would have been a disgrace to the city of Boston had he been allowed to go to prison on the actions so shamefully brought against him, could not be expected to come forward on this question of liability to damages claimed by the owners of the vessel, as a consequence of the libel against her being filed.

I enclose you an extract from a newspaper which was published with the authority of Judge Putnam, and which bears out the opinion I gave in my Letter of the 23rd on the decision of the Supreme Court in Mr. Jackson's case.

I forward a detailed account of this affair to Her Majesty's Government, and Mr. Jackson reports the proceedings to the Admiralty.

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Sixth Enclosure in No. 253.

*Mr. Consul Grattan to Mr. Fox.*

*Her Majesty's Consulate, Boston,  
February 3, 1841.*

SIR,

I HAVE the honour to enclose a report of the decision pronounced by Judge Davis in the District Court yesterday, on the questions arising out of the filing of the libel against the "*Tigris*," the particulars of which were detailed in my letter of the 29th of January.

You will perceive that the judge not only requires an immediate stipulation for one thousand dollars, but reserves to himself the right of hereafter insisting on a further stipulation on the part of the libellant, in case new cause should appear for damages being demanded to a larger amount.

This is, in fact, admitting the right of the owners of the vessel to insist on security for whatever damages they can prove themselves to have sustained. Now there is no question but that they have sustained loss to a very much larger amount than one thousand dollars, let the present proceedings turn out as they may. And if it be ultimately decided that the seizure was a trespass, and that the measure will not be sustained by the United States' Government, considerable damages would certainly be awarded to the owners. It is, therefore, not to be expected that Mr. Jackson can find sureties to meet such a contingency; and, as I intimated in my last letter, the proceedings against the "*Tigris*" may be looked upon as quashed, and the seizors left exposed to the vindictive attacks of the owners, unless the United States' Government interposes to give a new colour to the affair.

Mr. Mills told me yesterday that he was still without any communication from Washington, and I scarcely hope that he will receive directions to interfere further before Friday next, the 6th, on which day the libel will be discharged, in default of Mr. Jackson finding the required sureties.

I will only further observe, that even if the libel be discharged from that cause, it is still open to the United States' Government to file another cause. And should the cargo be made away with in the mean time, the vessel is still there

to afford some compensation to the seizors in the event of a forfeiture, of which there can be little reasonable doubt should a prosecution go on.

I have, &c.

(Signed) T. C. GRATTAN.

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

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Seventh Enclosure in No. 253.

Mr. Fox to Mr. Forsyth.

SIR,

Washington, February 5, 1842.

THE case of the American vessel "*Tigris*," recently carried into the port of Boston, in Massachusetts, in the care of a British officer and prize crew, and there delivered over to the judicial authorities of the United States, upon a charge of having been engaged in the illicit traffic of slaves on the coast of Africa, has, I believe, been duly brought to the knowledge of the United States' Government by the district attorney of the port of Boston. I have now received from Mr. Grattan, Her Majesty's Consul at Boston, the following information. It appears that the district attorney, Mr. Mills, acting in the case for the United States, did, at the commencement of the business, legally bind over Mr. Jackson, the British officer in charge, to appear as witness in the criminal prosecution of the master and mate of the "*Tigris*," for violation of the laws of the United States; thus sanctioning a *prima facie* case against the "*Tigris*," and inducing and authorizing Mr. Jackson to file, as he has done, a libel against the vessel and cargo. But Mr. Mills has since desisted from all further co-operation in the prosecution, having both refused the request of the Consul that he should claim the protection of the Court for his own witness, Mr. Jackson, when arrested at the suit of the very parties he was bound over to prosecute, and having since declined to take any part in the civil suit, that is to say, in filing a libel against the vessel and cargo. Her Majesty's Consul, and the legal counsel employed by Mr. Jackson, are apprehensive that this conduct on the part of the district attorney of the United States, for which they are unable to account, will risk the failure of the ends of justice, and the loss of the civil action, which is instituted equally for the benefit of the United States as for that of the captors and informers. One effect of this want of co-operation has already been, that the owners of the "*Tigris*" are endeavouring to bind the British officer, Mr. Jackson, personally to give security, or, as it is technically expressed, to "stipulate" for damages to a large amount, in the event of the action failing; and this course, it seems, they would not have been able to pursue if the district attorney had duly borne his part in forwarding the civil prosecution.

I do not pretend to be accurately acquainted with all the legal points and considerations involved in the question; but as a just and full execution of the existing laws against the Slave Trade must be the object of all parties, I hope that it may be in the power of the United States' Government, upon a due examination of the matter, to give such instructions to the district attorney at Boston as may cause him to lend a more effectual aid in the prosecution.

I have, &c.

(Signed) H. S. FOX.

The Hon. J. Forsyth,  
&c. &c. &c..

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Eighth Enclosure in No. 253.

Mr. Consul Grattan to Mr. Fox.

Her Majesty's Consulate, Boston,  
February 12, 1841.

(Extract.)

THE libel against the "*Tigris*" was finally discharged on Saturday, the 6th, but, in order to gain a little more time to allow the United States' Government to act in the affair, notice was that day given in court by counsel that an appeal against the decision might probably be lodged; and, on that plea, time was granted until this day before the proceedings would be altogether at an end.

The captain and mate of the "*Tigris*" were held to bail by Judge Davis in

the District Court, for their appearance on a criminal charge, in the amount of 3000 dollars the first and 1500 dollars the second. Mr. Jackson was held to bail by the Supreme Court on a charge of trespass, which the Chief-Justice [Shaw] said could be but a technical one, at the suit of the same captain for 4000 dollars, at that of the mate for 700 dollars, and at the suit of six seamen for 600 dollars each, amounting in all to 6500 dollars.

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Ninth Enclosure in No. 253.

*Mr. Fox to Mr. Consul Grattan.*

(Extract.)

*Washington, February 15, 1841.*

I HEREWITH transmit to you the copy of a communication which I addressed to the United States' Government upon the subject of the conduct of their District Attorney at Boston, in the affair of the American ship "*Tigris*," in declining to co-operate with the captors in filing a libel against the vessel and cargo. I also enclose a copy of Mr. Forsyth's reply. It would appear from Mr. Forsyth's letter that the District Attorney had made hitherto no report to his Government upon the proceedings in regard to the "*Tigris*," and that the United States' Government will now wait for a reply to communications which they address to the District Attorney, before giving a definitive answer to my application. I think you will do well to have some further communication with the District Attorney; for if he can be induced to recommend to his Government the course which we desire for the due ends of justice should be followed, and that the United States' Government should think fit to instruct him accordingly, it is not, perhaps, yet too late to rectify the neglect that has been committed.

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Tenth Enclosure in No. 253.

*Mr. Forsyth to Mr. Fox.*

*Department of State, Washington,  
February 10, 1841.*

SIR,

I HAVE the honour to acknowledge the receipt of your letter of the 5th instant, on the subject of certain proceedings connected with the case of the American vessel "*Tigris*," recently carried into the port of Boston, in the care, as you state, of a British officer and prize crew. No information relating thereto having been communicated to this department, a definitive reply cannot be given to your letter until all the facts have been obtained from the United States' Attorney in Boston, who will be written to immediately to transmit them. In the mean time it is presumed that, in an event so extraordinary as that of a vessel acknowledged to be American brought into an American port in the care of a British officer and prize crew, any failure to act by the District Attorney must have been occasioned by an opinion that his official interference was not required by the obligations of his public duty.

I avail, &c.

(Signed) JOHN FORSYTH.

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

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Eleventh Enclosure in No. 253.

*Mr. Forsyth to Mr. Fox.*

*Department of State, Washington,  
March 1, 1841.*

SIR,

By the direction of the President of the United States I have the honour to transmit to you a copy of a letter from Mr. Mills, the United States' Attorney for the District of Massachusetts, on the subject of the "*Tigris*," an American vessel, brought into the port of Salem, under charge of a British officer and prize-crew; and to inform you that the explanation of the attorney is entirely satisfactory to the President. You will also receive herewith the

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copy of a letter from the commander of Her Britannic Majesty's brig "Waterwitch," which was delivered to Mr. Mills in Boston. The President has seen from it, with great satisfaction, that Commander Matson, of the "Waterwitch," has acted in this matter without instructions from his Government, and upon his own responsibility only. With due consideration for the motives alleged for this extraordinary interference with an American vessel by a British ship of war, it is considered by the President his indispensable duty to call, through you, the attention of Her Majesty's Government to this act of Commander Matson, that it may be visited with such distinct reprehension as to prevent the repetition of a similar act by other officers in Her Majesty's service. The commanders of the ships of war of the United States on the coast of Africa are instructed not to molest any foreign vessels, and to prevent any molestation of American vessels by the armed vessels of any foreign nation. However strong and unchangeable may be the determination of this Government to punish any citizens of the United States who violate the laws against the African Slave Trade, it will not permit the exercise of any authority by foreign armed vessels in the execution of those laws.

I avail myself, &c.

(Signed) JOHN FORSYTH.

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

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Twelfth Enclosure in No. 253.

*The Hon. J. Mills to Mr. Forsyth.*

*United States' District Attorney's Office,  
Boston, February 22, 1841.*

SIR,

I HAVE had the honour to receive your letter of the 12th instant, enclosing a copy of a communication recently received from the British Minister, in regard to my conduct as an officer of the United States in the case of the American vessel "*Tigris*." The facts in the case are as follows:—

On the 30th of December, 1840, I received from the Clerk of the Court of this district a letter from Lieutenant H. J. Matson, commander of Her Britannic Majesty's brig "Waterwitch," stating that he had detained and sent to Boston the American brig "*Tigris*." The original letter is herewith enclosed. The "*Tigris*" was brought into Salem by Midshipman Jackson, and a prize-crew of eight men. I made a complaint against the officers and crew of the brig, charging them with having knowingly served on board a vessel of the United States, employed in transporting slaves from one port to another. On this complaint a warrant was issued, and the officers and men brought before the District Judge for examination. The Judge, in the examination, discharged all but the master and mate of the brig, who were ordered to make their appearance at the Circuit Court, to be held in May next. The Judge also recognised Mr. Jackson to appear as a witness at the same. Here the proceedings against the master and mate rest till the case is brought before the Grand Jury in May. I have but little expectation that the evidence will be sufficient to convict them on the trial, should the Grand Jury find a Bill.

In regard to the brig and cargo, it was a grave question whether I should institute proceedings against them. The vessel was fitted out for a regular trading voyage to the coast of Africa; and there was not the least ground of suspicion that the owners intended she should be any way concerned in the transportation of slaves. And I was then, as I am now, satisfied, that the evidence in the case is not sufficient to condemn the brig, and in all probability would not be, even if a commission were sent to Africa to take the deposition of witnesses there. With this view of the case, I did not consider it my duty to file a libel against the brig and cargo. There was another consideration that probably had some influence on my mind in coming to this conclusion. It was the manner in which the brig was seized and sent home. I had serious doubts whether the act would be sanctioned by the President; and if not, the filing of the libel in behalf of the United States might, in some measure, embarrass the question.

I cannot say how far my proceeding against the master and mate operated upon Mr. Jackson to "induce him to file his libel;" but I told him immediately after

the examination that I should not libel the brig, and gave him my reasons as above stated. No application, however, was made to me, either by Mr. Jackson, the British Consul, or their Counsel, to file a libel till after their libel was filed in Court. When it was ascertained that the libellants would be required to stipulate for costs and damages, they applied to me to adopt the proceedings to relieve them from that embarrassment. This I declined doing, and, as I think, very properly. The same request was made by their Counsel yesterday; to which I replied in writing, that I should not file a libel in the case unless I was directed to do so by the department.

Mr. Fox also complains that the District Attorney has refused to protect his own witness. A few days subsequent to the examination before the District Judge, Mr. Jackson was arrested on several writs sued out from the State Courts, in behalf of the officers and men of the "*Tigris*." In the opinion of his Counsel, the amount of bail required was excessive; and they sued out a writ of habeas corpus, also returnable into the State Court, for the purpose of getting Jackson discharged, or the required amount of bail reduced. On the morning previous to the discussion of this question, Mr. Grattan called at my office, and requested me to protect Mr. Jackson, on the ground that he was under a recognizance as a witness. I told him that, in my opinion, I had no right to interfere in the business, and that if I did, it would be unavailing. But I added, if he or Mr. Jackson's Counsel could suggest any way in which I could protect him, I would do it with pleasure. I afterwards conversed with his Counsel upon the subject, and I understood them to concur with me in the opinion I had expressed to the Consul. This is a brief statement of the facts in the case, and I hope that my conduct will meet the approbation of the department.

I am, &c.

(Signed)

JOHN MILLS,  
*United States' Attorney.*

*The Hon. J. Forsyth,*  
&c. &c.

Thirteenth Enclosure in No. 253.

*Commander Matson to the Secretary or Registrar of either of the Circuit Courts of the United States.*

*Her Britannic Majesty's Brig "Waterwitch,"  
off Angola, October 19, 1840.*

SIR,

I HAVE the honour to inform you that I have detained, and sent to Boston, the American brig "*Tigris*," under the following circumstances:—

Having received information that she had a negro slave boy on board under suspicious circumstances, I boarded her while at anchor off Ambriz, on the 7th instant, and on my calling on the mate, who was in charge of the vessel, to account for the boy being there, he stated that he was received at St. Thomas, and was going with them to America; the master coming on board soon after, made the same statement, and produced a passport, which was evidently a false document. Finding that the boy did not understand a single word of either English or Portuguese, I disbelieved the story, and called on the crew, who all confirmed the master's statement. From the Kroomen I learned that he had lately been taken on board at Benguela; and on my asking the master if that were not the case, he boldly and confidently denied it.

I then placed an officer and six men on board the "*Tigris*," and proceeded to St. Paul de Loando (Angola) for the purpose of hearing the boy's statement through an interpreter. His deposition was taken before the Chief Judge of the city of Loando, through the medium of two sworn interpreters, and in the presence of several British and Portuguese naval officers, an attested copy of which I beg to enclose (A); by that it appears that he is a native of "Gulingues," near Benguela, from whence he was forcibly taken by the crew of the "*Tigris*." I then returned to Ambriz, and informed the master that I intended sending his vessel to America, on which he presented me the enclosed letter (B); in consequence of which letter I proceeded to Benguela, and procured the deposition of João Maria de Souza e Almeida, as well as attested copies of his correspondence with José de Castro relative to this boy (Enclo. C).

By these documents it appears that Castro sent a Nago slave to Benguela,

in the "*Tigris*," at which place he now is, a slave of Almeida's ; and where he is likely to remain. It further appears that the boy "Hemé" was being transported in the "*Tigris*" from his own country to St. Thomas, in consequence of his having been sold to Castro, whose property he now actually is. The reason for this exchange or barter is known to all who are acquainted with the coast, viz., that foreign slaves are of much greater value than natives of any neighbouring place, who cannot be trusted at large, and are generally worked in chains to prevent their going "home" without leave, which is impossible for those who are brought from a great distance. The ultimate fate of the boy "Hemé" was, of course, uncertain : had he been sent in the "*Tigris*" to America, he might have been sold there, or he might have returned to St. Thomas ; but it is evident that he would never have returned to his native country.

These, Sir, are my reasons for taking upon myself the responsibility of detaining the "*Tigris* ;" but, in doing so, I find myself placed in a very delicate position, not having any orders or instructions to interfere with vessels belonging to citizens of the United States, whatever their employment might be ; but having maturely weighed the bearings of this case, I feel it a duty which a British officer owes to the Government of the United States not to allow a crime, which our respective Governments have each declared to be piracy, to pass unnoticed. I have therefore sent the vessel (failing to meet a cruiser of the United States) to the port from whence she sailed, to be dealt with according to those laws which have been so glaringly violated.

I have, &c.

(Signed) H. J. MATSON,  
Lieutenant and Commander of Her Britannic Majesty's  
Brig "*Waterwitch*."

No. 254.

*Mr. Stevenson to Viscount Palmerston.*

32, Upper Grosvenor Street, April 16, 1841.

(Received April 17.)

MY LORD,

IT is with unfeigned regret that I have the honour of acquainting your Lordship that it has been made my duty again to invite the attention of Her Majesty's Government to the subject of the continued seizure and detention of American vessels by British cruisers on the high seas, and to express the painful surprise with which the Government of the United States have learned that the repeated representations which have heretofore been made on the subject have not only remained without effect in obtaining a favourable decision, but have failed to receive the attention which their importance merited. That a series of such open and unprovoked aggressions as those which have been practised for the last two or three years, by Her Majesty's cruisers, on the vessels and commerce of the United States, and which were made the subject of complaint, would have been permitted to have remained so long undecided, was not to have been anticipated. On the contrary, my Government had confidently expected that the justice of the demands which had been made would either have been acknowledged or denied, or satisfactory reasons for the delay adduced. This was to have been expected, not less from the justice of Her Majesty's Government than the respect which was due to that of the United States. Her Majesty's Government, however, have not seen fit to adopt this course, but have permitted a delay to take place of so marked a character as not only to add greatly to the individual injuries which have been sustained, but to become itself a fit subject of complaint. It is in this view that I have been specially instructed to make another appeal to your Lordship, and in doing so, to accompany it with four additional cases of seizure of American vessels on the African coast, of a character more violent and aggravated than those which I have before had the honour of presenting to the notice of Her Majesty's Government. These are the cases of the brig "*Tigris*," and ship "*Seamew*," of Massachusetts, and the barques "*Jones*," and "*William and Francis*," of New York.

For the more clear and satisfactory understanding of each particular case, I beg leave to refer your Lordship to the documents which I have received,

copies of which I have now the honour of transmitting. These papers require no comment. I shall therefore refrain from troubling your Lordship with a recapitulation of the details which they contain. The only inquiry which I presume it will be necessary to make will be this,—whether the vessels were the property of American citizens, under the protection of the flag of the United States, and were actually seized and detained by Her Majesty's cruisers. Now, of the national character of the four vessels, your Lordship will at once perceive that the evidence is conclusive. They were documented according to the laws of the United States, as the property of their citizens, and were under the protection of the American flag at the time of seizure. In the case of the "*Tigris*," she was not only literally captured, but sent with a prize crew, from the coast of Africa to the United States, for condemnation, upon the alleged ground of having on board an African boy, whom Lieutenant Matson chose to consider as sufficient evidence of her being engaged in the Slave Trade, and consequently liable to capture and condemnation. This he admits in a letter addressed by him to the officer of the Circuit Court of the United States, under date of the 19th of October, 1840, a copy of which will be found amongst the papers transmitted. Now I do not mean to enter into the discussion of the right of Her Majesty's officers to enforce the existing Treaties for the suppression of the Slave Trade against the vessels and citizens of the United States on the high seas. The subject has been too repeatedly urged upon the consideration of your Lordship and Her Majesty's Government, to render a recapitulation of the arguments either necessary or proper. The determination of the United States has been distinctly announced that they could admit no cognizance to be taken by foreign ships, of those belonging to their citizens, on the ocean, and under their flag, either for the purpose of ascertaining whether their papers were genuine or forged, or whether the vessels were slavers or not. That the admission of any such pretension would, in effect, be surrendering the right of search. This opinion, your Lordship will find, has been repeatedly made known to Her Majesty's Government, not only in the communications which I have had the honour of addressing to you, but in those of the Secretary of State to Mr. Fox, Her Majesty's Minister, and which doubtless were communicated by him for the information of his Government. It becomes my duty therefore again distinctly to express to your Lordship the fixed determination of my Government, that their flag is to be the safeguard and protection to the persons and property of its citizens, and all under it, and that these continued aggressions upon the vessels and commerce of the United States cannot longer be permitted. Nor is there in this course anything which can justly be considered as at all in conflict with the laws and policy of the United States on the subject of the African Slave Trade. In prohibiting, under the severest penalties, the participation of their citizens and vessels in that trade, there is no pretence for the exercise of a right of search on the part of foreign nations. The violation of the laws of the United States is a matter exclusively for their own authorities, and however sincere the desire of their Government may be, as in truth it is, to punish those of their citizens who participate in the trade, it cannot permit foreign nations to interfere in the enforcement of their penal laws. Yielding, as the United States readily do, to other nations the undoubted and full exercise of their sovereign rights, their own dignity and security require the vindication of their own. For the abolition of the Slave Trade, the United States have adopted such measures as were deemed most efficacious and proper. If they have not been such as Her Majesty's Government wished to have seen adopted, it may be cause for regret, but not for intervention. Each nation must be left to judge for itself; each be the arbiter of its own justice. This, it is needless to remind your Lordship, is an essential right of sovereignty, which no independent nation will consent to yield to another. It should also be borne in mind that in making the Slave Trade piracy, the Government of the United States have not thereby made it an offence against the law of nations, inasmuch as one nation cannot increase or limit offences against the public law. Reluctant then as the United States must always be to take any course which, in the opinion of Her Majesty's Government, might have the effect of throwing obstacles in the way of the total abolition of this inhuman and detestable traffic, it can never consent, even for such a purpose, to allow foreign vessels the right of entering or searching those of the United States, or violating the freedom of her flag.

I have accordingly been instructed to bring this subject again under your



Lordship's notice, and to express the confident expectation of my Government that these outrages upon the vessels and property of its citizens, by Her Majesty's naval officers, will not only be disavowed by Her Majesty's Government, and the individuals concerned in their perpetration punished, but that ample redress for the injuries sustained will be made with as little delay as possible. In making this appeal, I need not again remind your Lordship of the length of time which has elapsed since many of these cases were presented, or how repeatedly and earnestly they have been pressed upon the consideration of Her Majesty's Government. It must now be apparent, that neither the dignity of the Government of the United States, nor the duty which it owes its citizens, can justify any further delay in their final disposition. Indeed, such continued and unprovoked aggressions upon the rights and persons of American citizens, so contrary to every principle of common justice and right, and in violation of all the principles of public law, is becoming a matter of so much importance as to involve considerations of the deepest interest to both Governments, and cannot fail, if longer delayed, to interrupt the amicable relations of two countries, which it is so much the desire and interest of both Governments to cultivate and preserve.

I pray your Lordship to accept assurances of the distinguished consideration with which

I have, &c.

(Signed) A. STEVENSON.

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

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*List of Documents transmitted with Mr. Stevenson's Note to Lord Palmerston, dated April 16, 1841.*

1. COPY of Memorial addressed by Robert Brookhouse and William Hunt, owners of the "*Tigris*" and the "*Seamew*," to the Secretary of State, detailing the particulars of the seizure and detention of those vessels. (Enclosure 1.)

Annexed to the same are copies of extracts from a letter received by Robert Brookhouse and William Hunt, from Captain James Briant, of the ship "*Seamew*," dated Sierra Leone, November 23, 1840. (Enclosure 2.)

2. (Copy.) Also the Deposition of Isaac Shreve, second officer of the "*Seamew*," detailing the particulars of the seizure and detention of that vessel. (Enclosure 3.)

3. (Copy.) Depositions of Nathan Augustus Frye, master, and Thomas Williams, one of the seamen of the "*Tigris*," detailing the particulars of the seizure and detention of that vessel. (Enclosures 4 and 5.)

4. Copy of Letter from Lieutenant Matson, commanding Her Britannic Majesty's brig "*Waterwitch*," to "the Secretary or Registrar of either of the Circuit Courts of the United States," in reference to the seizure and detention of the "*Tigris*." (Enclosure 6.)

5. Copy of Letter from the Consul of the United States at London to the Secretary of State, transmitting four affidavits relative to the case of the barque "*Jones*." (Enclosures 7, 8, 9, and 10.)

6. Copy of Memorial of the owners of the barque "*Jones*," and depositions of two of the crew, relative to her seizure by Her Britannic Majesty's brig "*Dolphin*." (Enclosures 11, 12, and 13.)

7. Copy of Letter from the Consul of the United States at St. Helena to the Secretary of State, dated October 21, 1840, transmitting documents marked A to F, inclusive, relative to the seizure of the barque "*Jones*." (Enclosures 14, 15, 16, 17, 18, and 19.)

8. Copy of Protest of James Gilbert, master, and Francis W. Sexton, supercargo of the barque "*Jones*," relative to the same, the original documents referred to being on file in this Legation, marked A to AO, inclusive. (Enclosures 20 and 21.)

9. Copy of Statement detailing an occurrence on board the barque "*William and Francis*," signed "Peter Flowery," master of the barque. (Enclosure 22.)

First Enclosure in No. 254.

MEMORIAL.

*To the Honourable John Forsyth, Secretary of State for the United States.*

ROBERT BROOKHOUSE and WILLIAM HUNT, merchants and native citizens of Salem, in the county of Essex and commonwealth of Massachusetts, respectfully represent that your memorialists have been extensively engaged in commerce and trade between Salem and the coast of Africa during the last twelve years. And in conducting and managing their said trade, both in this country and on the coast of Africa, during all that time, they have in fact transacted, and, as they believe, they are reputed wherever they are known to have transacted their affairs, in every respect in strict conformity to the laws, customs, and usages of the United States, and to the laws of nations, and with due regard to the honour of their country. Until very lately their vessels have never been detained or molested anywhere or by any one; but they have sailed the ocean and traded on the coast in the pursuit of their lawful commerce, under the security and protection afforded them by the respect heretofore everywhere paid to the American flag. But within a few months the course of things has changed, their vessels have been forcibly seized on said coast and in the adjacent waters, their voyages broken up, the American flag insulted, and the rights of their sailors disregarded and trampled on by the officers and men of the public armed cruisers of Great Britain. Your memorialists would further represent, that on or about the eleventh day of May, A.D. 1840, they fitted out a certain brig belonging to them, called the "*Tigris*," for a barter voyage to the said coast of Africa and the adjacent islands, intending and expecting that she would be absent from six to eight months, and that she would return with as much despatch as possible to Salem, her port of departure. They put on board said brig an assorted cargo of merchandise, in kind the same as they have heretofore been in the habit of sending to said coast, and such as it is usual for other American merchants in said trade to send to said coast, dry goods, flour, cotton goods, &c. The said brig went to sea under charge of Nathan Augustus Frye, a native citizen of Salem, a man of high character, and well known and respected for his probity, honesty, and good conduct. The crew of said brig consisted of men who are all citizens of said Salem, and most of them have families residing there. The two officers are also citizens of Salem, and men of good character and standing. The brig first went to St. Thomas's, an island off the coast of Africa; there she sold and discharged a part of her outward cargo, and purchased and took on board a large quantity of coffee. The brig then sailed to Ambriz, a place on the coast of Africa, and there discharged a part of her outward cargo, and took in exchange for it a large amount of ivory. She then went to Loando, St. Paul's, to fill up with water, as none could be procured at Ambriz. After a short stay of a few hours, she next went to Novo Rodondo, and there a small portion of the outward cargo was discharged, and ivory and wax taken in exchange. After remaining here a few days, she went to Benguela, and there discharged a considerable amount of outward cargo, and took on board a large quantity of ivory. As soon as this business was transacted, the brig returned to Ambriz, where she arrived on her return about the 6th of October last. Sales were then made at this place of the remainder of the outward cargo on board, to be delivered and payment to be made in money immediately, and the brig was then to return forthwith to Salem; but before this business could be transacted, the brig was boarded and forcibly seized by an armed party from the British armed brig the "*Waterwitch*," which arrived at Ambriz about the same time with the "*Tigris*." The "*Tigris*" was boarded first in the absence of Captain Frye, by two of the officers of the "*Waterwitch*," Lieutenant Matson and Midshipman Jackson. They came on

board the "*Tigris*" in a very rude and insolent manner, and went about her hold and examined the various parts of her without asking permission of any one. And finally, on leaving the "*Tigris*," they took out of her a small boy, about fifteen years old, whom Captain Frye had employed on the coast as a cabin boy, having great need of some one to act in that capacity, and intending to bring him to Salem. After Captain Frye returned to the "*Tigris*," these same officers came again from the "*Waterwitch*" to the "*Tigris*," and boarded her again, bringing back the cabin-boy. These officers then asked for Captain Frye's ship's papers, which he gave to them; after they had returned these papers, they went again to the "*Waterwitch*," and soon returned to the "*Tigris*" with a crew of about eight men armed with pistols and cutlasses, and some of the men with musketoons, took charge of the "*Tigris*," and told the captain that they should detain her about seven days. They again demanded the ship's papers, which were handed to them, the register, muster-roll, clearance, and shipping articles. Lieutenant Matson then returned to the "*Waterwitch*;" Midshipman Jackson with his armed party, by terror of their weapons, with threats and much insulting and abusive language, and many oaths, compelled a part of the crew of the "*Tigris*," all but the captain, two mates, and cook, to go on board of the "*Waterwitch*," the crew of the "*Tigris*" all the time remonstrating against such usage, and against leaving their own ship. Captain Frye told the commander of the "*Waterwitch*," that he had disposed of the remainder of his outward cargo, and that it was to be landed the next day, and requested that he might be allowed to discharge it, as many of the things were of a perishable nature, and take in a quantity of ivory which he had at Ambriz intended to be brought home in the "*Tigris*." The commander refused him liberty to do so, and ordered the midshipman to let nothing go out of the ship or come into it. In a few days Lieutenant Matson came again to the "*Tigris*," and took away her log-book. Captain Frye then requested him for leave to go on shore and settle his business, but this was denied. He next sent a party of men on board the "*Tigris*" to overhaul her cargo. This was done in a very loose and careless manner, wasting much of the coffee. The commander suffered a passenger by the name of French to go on shore, having first searched his trunk throughout. The crew of the "*Tigris*" were taken a great distance down the coast on board the "*Waterwitch*," and after twelve days were returned again to the "*Tigris*." The "*Tigris*" was put under charge of a party of armed men, called a prize crew, and a British midshipman, and sent home to Salem. The midshipman in charge, as your memorialists are informed and verily believe, was entirely incompetent to manage and take care of the brig, by reason of his habits of intemperance referred to in the affidavits that accompany, during the whole time of the voyage home. And they are informed and believe that the habits of the midshipman in this respect were well known to the British Lieutenant Matson, when he put him on board to take charge of the "*Tigris*." The "*Tigris*" had on board a valuable cargo of ivory and coffee, and a large quantity of her outward cargo, as well as the valuable priceless lives of her crew, who were now prisoners on board. All of these were in constant danger from the incompetency of the midshipman and his reckless and imprudent conduct, and that of the crew in charge under him. Neither Captain Frye nor his men were allowed to take any part in the direction of the brig. The "*Tigris*" and her cargo came into Salem about the 30th of December, where they still remain. Her voyage has been nearly ruinous to your memorialists by reason of this forcible termination of it. And they have suffered, and may still suffer incalculable injury from this unlawful interception of their enterprise. The log-book and papers of the "*Tigris*" have never yet been returned to them.

Your memorialists would further represent that they are the owners of a certain ship called the "*Seamew*," and on or about the second day of July, A.D. 1840, they fitted her for a barter voyage to the coast of Africa and the adjacent islands, in the same manner with the "*Tigris*," and with the same cargo in kind as before mentioned. She was placed under the charge of James Briant, of Beverley, in the said county of Essex, a well-known and highly respectable shipmaster, who has been long in the trade on the coast of Africa. Her first and second officers are also very respectable citizens of Salem, and many of her crew are of the same place. The "*Seamew*" went to the Island of St. Thomas, on the coast, and arrived there about the last of August. She there landed

part of her outward and took in return cargo. Then she went to the island of Prince, and there discharged and took in cargo; then she went back to St. Thomas's, and remained there a number of days trading; then she sailed for Ambriz, on the coast of Africa, and there discharged and took in cargo. Just as she was about leaving Ambriz she was boarded by an officer from the British brig of war "Persian," commanded by Captain Queen. The captain of the "*Seamew*" was not then on board. The officer inquired of Mr. Babbidge, the first mate of the "*Seamew*," as to the cargo, and was told by Mr. Babbidge that she had a cargo of merchandise for trading on the coast, naming to him the articles; while the officer was there Captain Briant came on board. The officer asked Captain Briant for tobacco; Captain Briant was unwilling to break out his cargo for the sale of a small quantity, unless the officer would take all he had, because he was about going away, and did not wish to be detained unless he could make a large sale. The officer then said he would send some men aboard and break it out for him. He then inquired of Captain Briant also what cargo he had; Captain Briant named over to him all the articles, and said that there were about 3000 feet of boards under the cargo, placed there instead of common dunnage in order to keep the cargo dry. The officer then returned to the "Persian" with his boat's crew. In the course of three-fourths of an hour the same officer returned with 12 or 14 men, armed with cutlasses and pistols. The officer jumped on deck and ordered his men on deck without speaking to Captain Briant, and told Captain Briant that he had taken charge of the ship. Captain Briant asked why he did so? The officer told Captain Briant to ask him no questions, he was obeying his orders. The officer then ordered the crew of the "*Seamew*" to go forward, and told his own men to see that the "*Seamew's*" crew were kept by themselves. Soon after a boat came with an officer and four men, armed with cutlasses and pistols, belonging to the above-named brig "*Waterwitch*." This party also boarded the "*Seamew*." The whole remained on board, sixteen men and two officers, all night. The two officers went into the cabin, and there drank and caroused, and were very noisy until late at night. In the morning another boat came from the "Persian," with a party of men to overhaul the cargo. They began in the main hold, and turned the cargo out down to the keelson, doing considerable damage by their imprudent manner of handling the cargo. They then broke out the after hold, down to the tobacco which lay at the bottom of the ship; they hoisted out one or two kegs of it, and paid for the same to Captain Briant. In stowing back the coffee and cargo again, they did much damage by their carelessness. While they were stowing the cargo down, the captain of the "Persian," the purser, the master, the boatswain, and the carpenter came on board. The carpenter went into the cabin and other parts of the ship, and searched her thoroughly throughout; but as there were no signs of implements, and never had been, of unlawful trade on board, none of course were found or discovered. The crew were then forced to go on board of the "Persian," all excepting the captain, second mate, and cook. A party of eight armed men, called a prize crew, then came on board the "*Seamew*," under charge of two officers; one about twenty-three, and the other about nineteen years of age. Captain Briant was deposed from his authority in the "*Seamew*," and kept, with the second mate and cook, prisoners on board their own vessel. The officer in command of the prize crew drove the second mate from his berth in the cabin, and threw out his clothing, called him opprobrious names, and used towards him insolent and abusive language, at the same time ordering his prize crew to load their pistols and draw their cutlasses to terrify him, and threatened to put him in irons. The second mate was afterwards placed on board of the "Persian," in room of the first mate, who was returned to the "*Seamew*." Captain Briant showed to the officers of the "Persian" all his papers as soon as they requested, and when they first came on board; and they afterwards searched his desk and chest, and all his papers, but found nothing more than he had shown them. They were often asked for the reason of seizing the "*Seamew*," and they gave none other than that there were some boards and spars on board. These spars had been sold to a merchant at Ambriz, to be delivered and paid for at Loando, and the boards, of which there were about 3000 feet, were put in as dunnage, and intended to be sold as soon as the cargo was taken off from them. The "*Seamew's*"

crew on board the "Persian" were put on two-thirds allowance, and were kept in a state of great hunger for nineteen days. The crew were then put on shore at St. Helena, and left without any provision made for their sustenance or passage home. Two of the crew went from St. Helena to Liverpool, two to Amsterdam, and the second mate, with three others, have arrived at Salem. The "Seamew" started on a voyage intended to be from five to seven months, and to return immediately to Salem. When captured she had purchased no articles of merchandise but ivory and coffee, and only about one-half of the outward cargo had been sold. The "Seamew" was taken to Sierra Leone, all the papers were taken from the captain, and he was not allowed to go on shore, nor was he allowed to see any one from the shore on board the vessel. The last your memorialists have heard of the "Seamew" is that she was under way for St. Helena, probably to be again given up to the captain of her. What will eventually be the fate of her and her cargo, and her men on board, it is impossible to conjecture; but at all events your memorialists must suffer incalculable injury from this forcible interception of their enterprise.

For proof of all the above facts your memorialists beg leave to refer to the papers and documents which accompany this memorial. And they beg the immediate attention of the Government of the United States to the wrongs and injuries which they, in common with others, are suffering in this behalf, which they are assured are without any law or authority either from this Government or any other.

Your memorialists feel the utmost confidence that the Government of this country, whose laws they have always obeyed, will not see them suffer these great wrongs without obtaining for them proper redress and indemnity, without providing that the flag of the country shall be everywhere respected, and the rights of our citizens everywhere acknowledged.

(Signed)

ROBERT BROOKHOUSE.  
WILLIAM HUNT.

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Second Enclosure in No. 254.

*Extracts from a Letter received by the within-named Robert Brookhouse and William Hunt from Captain James Briant, of the ship "Seamew," dated Sierra Leone, November 23, 1840.*

"AMBRIZ, OCTOBER 23.—Went on board to get under weigh for Loando, when I was boarded by the English man-of-war brig 'Persian.' He demanded my papers, which I delivered to him, and told him what I had on board. He demanded my invoice and bill of lading. I handed them to him, and told him there was some lumber on board which was omitted by mistake in making of the invoice, but that I had put it in as soon as I had discovered the mistake. They went on board the 'Persian,' and returned in half an hour with two boats and took charge of the ship. The next day they sent men on board and broke out cargo down to the kelson in main and after hold. In the afternoon they got the ship under way, and run her alongside of the brig; they then took out Mr. Babbidge and all my men, with all my papers, and got under way the next day and put to sea.

"The next day they put my second officer on board the 'Persian' and took Mr. Babbidge (first mate) on board the 'Seamew,' and gave the officer in charge orders to proceed to Sierra Leone. He arrived here 16th November. They have taken all my papers of every description on shore, and overhauled them, and will not allow me to go on shore, or allow any one to come on board, so that I am prisoner on board my own ship. If I was allowed to go on shore I would protest against these proceedings, and abandon the ship. I understand they are getting ready to sail for St. Helena, to give her up to me. My voyage will be prolonged two or three months by this detention, and I expect all my plans will be spoiled before I get to a market. Everything is going to wreck on board, and will be more injured in two months by these drunken rascals than they would be in twelve months under my charge."

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Third Enclosure in No. 254.

*Deposition of Isaac Shreve.*

I, ISAAC SHREVE, of lawful age, do on oath depose and say that I was second officer of the ship "*Seamew*," James Briant master, on her voyage from Salem to the coast of Africa, and the islands on said coast. We sailed from Salem on the 2nd day of July, 1840, and arrived at the island of St. Thomas about the last day of August of the same year; at that port we landed and took in cargo, and remained there about 13 days, and then sailed for the island of Prince, and arrived there in two days, and there discharged and took in cargo, and we remained there about seven or eight days, and then went back to St. Thomas's, and arrived there in four days, and remained there 10 or 12 days trading, and then sailed for Ambriz on the coast of Africa, and we were 19 days on our passage; there we discharged and took in cargo, and remained there five or six days; we hove short about five or six o'clock in the evening, and then saw a vessel coming in, and remained until they sent their boat on board; the boat came from the British armed brig-of-war "*Persian*," commanded by Captain Queen; there were four men and one officer in the boat; the captain of the "*Seamew*" was not then on board; the officer inquired what we had on board for a cargo, and Mr. Babbidge, the chief mate, told him that we had a cargo of merchandise for trading on the coast, and while they were there Captain Briant came on board. They inquired of the captain if he had any tobacco on board; he said yes; they said they wished to purchase tobacco, and the captain told them that he would not break the hold out for one or two kegs, unless they would agree to take the whole he had in the hold, which was 18 kegs; they then said that they wanted tobacco, and they would send plenty of men on board to break the hold up and get the tobacco out, so as not to detain the ship; he then inquired of Captain Briant what his cargo was; Captain Briant answered as the mate did, and told him the several articles he had, and that he had a number of feet of boards under the cargo, which was used for dunnage. The officer then went into the boat and returned to the "*Persian*" with his boat's crew, and said he was going to state what he said to his captain. Captain Briant told him to be as quick as possible, for he did not wish to be detained. In the course of three quarters of an hour the boat returned with 12 or 14 armed men, and the same officer; they were armed with cutlasses and pistols. The officer jumped on deck, and ordered his men on deck, without speaking to the captain; he told Captain Briant then that he had taken charge of the vessel. Captain Briant asked him for what reason? The officer told him not to question him, for he was obeying his superior officer's orders. The officer then ordered the crew of the "*Seamew*" to go forward, and ordered his own men to see that our crew were kept by themselves, and did not do anything at all. In about half an hour after the boat of the armed British brig "*Waterwitch*" came from on board the "*Persian*," and brought four men and one officer belonging to the "*Waterwitch*," all armed with cutlasses and pistols. The whole remained on board, 16 men and 2 officers, until the morning. The two British officers went into the cabin, and there drank, and smoked, and caroused, and were very noisy until after eleven o'clock. In the morning another boat came to the ship from the "*Persian*," and brought a party of men to break the cargo. They came on board, and the officer told them to go into the hold and break out the cargo, and to be careful and not injure anything. They began at the main hatch, and broke the cargo out down to the keelson, in doing which they stove half a dozen barrels of bread; afterwards they stowed it back into the main hold, and then they broke the after hold out down to the tobacco, which was stowed alongside of the keelson. After they came to the tobacco they hoisted out one or two kegs, I won't be certain which, and then they paid the captain for it; then they commenced stowing down the coffee again; while they were doing it a great number of the bags were burst; the captain ordered me down to sew the bags, so that it should not be wasted. While they were stowing it down the captain of the "*Persian*," and the purser, the master, and the carpenter, and the boatswain came on board. They went on and stowed the after hold, and were throwing it down quite carelessly at last, and seemed not to care whether they stowed it or not. The carpenter went into the cabin and searched every transom locker, and took things out which had not been started since the ship was built, even to little pieces of iron, and in one of the transom lockers they found a pair and a half of handcuffs;

then he overhauled the bread lockers, and found nothing there but bread. From there he went into the run with two Kroomen, who came on board with the crew of the "Persian;" they brought on board six or eight Kroomen in the whole; they overhauled the run, and searched it to their satisfaction, and could not find anything. After the carpenter had finished his search they ordered the "*Seamew's*" crew into the boats; the crew seemed to be dissatisfied, and objected to go. I told the officer that they objected to go. He said it was no use, that they must go; and then I spoke to the mate and to Captain Briant, and told them that it was much better to go quiet and peaceable, which they did. The first mate, Mr. Babbidge, and all the crew went; the captain, myself, and the cook, were all that remained in the ship. Shortly after a prize crew, commanded by Mr. Summerfield, the first lieutenant of the "Persian," and the master's assistant also came, both of them young men; should think the first lieutenant might be three or four and twenty years of age, and the master's assistant about nineteen. The prize crew consisted of eight men besides the two officers: they were armed with cutlasses, pistols, and muskets, and brought their own provisions and clothing. They then took charge of the vessel, and the other men belonging to the "Persian" and "Waterwitch" went to their respective vessels. They then got the "*Seamew*" under way, keeping the captain, myself, and the cook on board. They did not permit Captain Briant to have anything to do with the management of the ship during the passage. We kept in company with the "Persian" until morning. In the evening I went to the cabin to get a few cigars out of my chest, and the lieutenant asked me if I lived in the cabin; I told him "Yes, sir, I live in the cabin, and have got my things here;" and he then told me that I could not live there, for there was no room for me. I asked him where I was to go; he told me I was to go forward and live amongst the ship's company. I told him I would not go. That night he turned me out of the cabin, took all my things and hove them out of the cabin; and that night I slept in the after hold on top of the coffee, where I took so bad a cold that I was afterwards sick in St. Helena for several days, and have not got rid of it up to the present time. The next morning he called me, and told me I was to keep my watch. I told him I should do no such thing. He said he would make me do it; I told him that he was not able to make me do it, neither he nor his party. He then called me a brute, and called all his men aft, and told them to load their pistols and draw their cutlasses, and keep their eye on me; he then said if he even caught one of the watch without his pistols loaded he would have him severely flogged for it. I then told him that I expected to be treated as a prisoner, to have prisoner's rights. Then he said he would give me prisoner's rights, he would put me in irons, and send me on board the "Persian." I told him that when his captain came on board I would ask his permission to go on board the "Persian," and exchange with Mr. Babbidge, the chief mate.

Shortly after, the captain of the "Persian" came on board, and gave me permission to go on board the "Persian;" I then took my things into the boat, and went on board the "Persian," and Mr. Babbidge returned to the ship. Captain Briant seemed to be very much hurt and cast down, by having his vessel thus forcibly taken from him.

The only reason they gave for thus seizing our vessel was, that we had some lumber on board, and some small spars. The spars had been sold to a merchant at Ambriz to be landed at Loando, when the "*Seamew*" got there, and were to be paid for there. The lumber was put in in the room of putting in common dunnage, and after the cargo was out it was intended to be sold. They would give no other reason but this for thus seizing the vessel, though we often asked them what they took us for.

Captain Briant showed them all his papers when they first came on board, and showed them everything he had, and told them he had been trading on the coast a number of years, and that this was the first time he had ever been asked for his papers by a man-of-war. They searched his desk, and chest, and everything, and nothing was found but what he showed them. While we were in the "Persian," we were all put upon two-thirds allowance, I mean the crew of the "*Seamew*"—their own crew had a full allowance. Our men often came to me, and complained that they were very hungry. We remained there, on board the "Persian," for nineteen days, and then arrived at St. Helena. When I went on board the "Persian" we parted company with the "*Seamew*," which was ordered, as I understood, to Sierra Leone.



The first night we arrived I asked permission to go on shore with one of the "Seamew's" crew, to inquire of the Consul what was to be done with us. Mr. Carrol, the Consul, told us he could not do anything until such time as he received a letter from the officer of the "Persian," to know the reason why we were taken. The next morning I went on board, and told the officer that Mr. Carrol would not have anything to do with us unless he would write him a letter, stating the reason why we were taken. The officer then wrote on a piece of paper the names of the crew, and stated that he had taken these persons out of the ship "Seamew," which was ordered to Sierra Leone. He gave me this note, and then turned us all ashore with our things, without making any provision for us. The captain of the "Persian" was then on shore sick. There were seven men and myself of the crew of the "Seamew" thus landed at St. Helena; three of them were quite lads. Two of them left for Liverpool in an English vessel, with a letter to the American Consul from Mr. Carrol. Two others left in a fortnight after we arrived, in a Dutch vessel, bound to Amsterdam: they also carried a letter to the American Consul at Amsterdam. Myself and three more came in the "Dartmouth," a whale ship, to New Bedford, in one month after we arrived. We sailed from Salem, expecting to be absent from five and a half to seven months, to trade on the coast with her outward cargo, and purchase the articles of merchandise for sale on the coast of Africa and islands, and thence home to Salem. We had but about half of our homeward cargo in when we were taken. We had purchased no articles of merchandise but ivory and coffee. About half of our outward cargo remained unsold when the voyage was broken up by the capture of the "Seamew" by the British. Part of these articles were of a perishable nature.

(Signed) ISAAC SHREVE.

Commonwealth of Massachusetts, Essex Sessions, February 3, A.D. 1841.

Subscribed and sworn to before

(Signed)

JOHN GLEN KING,

*Justice of the Peace.*

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Fourth Enclosure in No. 254.

*Deposition of N. A. Frye.*

I, NATHAN AUGUSTUS FRYE, of lawful age, do on oath depose and say that I was master of the brig "Tigris" on her late voyage from Salem to the coast of Africa. She sailed from Salem on the 11th of May, 1840, for a barter voyage to the coast of Africa and the adjacent islands, and arrived at St. Thomas's the latter part of July. There I sold a considerable portion of the outward cargo for coffee, and had taken on board about fifty thousand pounds of it, and lay at St. Thomas's eleven days. I then sailed for Ambriz, on the coast of Africa, and arrived there about the 20th of August, I should think, and there discharged another part of my outward cargo, and took on board a large amount of ivory, and sailed for the port of Loando, St. Paul's, to fill up my water. Not being able to get any at Ambriz, we lay at Loando twenty-four hours, then got under way, and proceeded to Nova Redonda, and discharged there a small portion of my cargo, taking on board ivory and wax. We lay there three days, and then got under way for Benguela, and arrived there about the 1st of September, and there discharged a considerable portion of my cargo, and took on board a large amount of ivory. After laying twelve days, I got ready for sea, and proceeded back towards Ambriz. When abreast of Loando, St. Paul's, about eight o'clock in the evening, I saw a strange sail to leeward, standing south; when she got abeam of me, she tacked, appearing to be in chase of me. She soon got up into my wake, nearing me very fast. I saw the flash of a musket from on board the sail, and I hauled up my main-sail, supposing her to be an English cruiser. Finding that she overhauled me very fast, I kept on until she got within hailing distance of me. She hailed me, and asked where I was from, and where bound, what vessels I had seen on the coast, and if there had been any new arrivals at Benguela, all of which I answered; and in return asked him if he had been into Ambriz, and what vessels were there, and when he left. He told me he had not been in, but that his boat was in there the evening before, and that there were two American vessels there.



By this time he was alongside of me under my lee. I asked him if he was coming on board, and he said No. I asked him what brig that was, which not being answered, I, thinking he did not hear me, again asked the question, and still receiving no answer, I asked him if it was not the "Brisk?" By this time he had passed to windward of me ahead, having given me no answer. He tacked ship to the southward, and I saw no more of him that night. The next morning at day-light, being about twenty miles to the southward of Ambriz, I saw a launch, which I took to be an English man-of-war launch. It was nearly calm at the time, and she soon pulled alongside of me; she was commanded by the gunner of the "Waterwitch," who came on board and asked me the same questions, nearly, as had been asked the evening before by the vessel which I then spoke, which proved to be the "Waterwitch," and not the "Brisk." He then left me, and that evening at ten o'clock I anchored in Ambriz.

The next morning, at ten o'clock, I went on shore and made sale of the whole of my remainder cargo on board. It was to be immediately delivered, and I was to have my pay in gold money. About 1 P.M. I saw a sail coming from the southward, and recognized her as the "Waterwitch," as she was waiting there an hour to pick up a launch. About four she was among the vessels that were at anchor there, and I noticed that he sent a boat, first to the "Cypher," of Salem, and then to my vessel. I was then ashore. At this time I made a signal to the mate on board to send a boat on shore, wishing to send off orders to the mate about preparing to discharge the cargo the next day, not intending to go off myself that night. When the Kroomen, who were sent ashore for me, came up to the house where I was, they informed me that the commander of the man-of-war had taken my cabin-boy out of the vessel. I immediately went on board myself, and on getting on board of my vessel, the first officer, Mr. Burnham, told me that they had been boarded in a very unceremonious manner by two officers from the "Waterwitch;" they coming on board, and jumping down into the main hold without asking him any questions, and that they immediately began asking what this package was, and what that package was, of those below, and that they went in this manner all fore and aft of the ship, and that when they came aft they saw the cabin-boy, and he told them it was the cabin-boy I had taken on board to carry to the United States. This cabin-boy was taken on board by me at Benguela, for the purpose of bringing him to the United States with me, it having become necessary for me to have some one in the cabin, the cook having become intemperate and frequently intoxicated, so that I could not trust him in the cabin. Shortly after my arriving on board the "Waterwitch's" boat returned, two officers coming in her, Lieutenant Matson, and a midshipman by the name of Jackson, bringing the cabin-boy with them. They told me that they had taken him out of my vessel for the purpose of examining him on board of their vessel; as they did not understand his language, and, finding that they had no one on board who could interpret his language, they had brought him back. They asked me for the ship's papers; I gave them to them, and they soon returned them to me, and previously to returning to me they took my clearance, and wrote upon it, that I had got a black boy on board that could not speak any English. They then left me and returned on board their own vessel, and in about ten minutes the same officers again returned with an armed crew, and the commander told me that he should detain my vessel about seven days, and again demanded my ship's papers, consisting of register, muster-roll, and clearance, and shipping articles. He then ordered my own crew to go on board of the "Waterwitch." They asked if they should take their chests, and were told to take only a shift of clothes. Lieutenant Matson then went on board the "Waterwitch," telling Mr. Jackson to see his orders executed.

At this time there was an armed party on board of the "*Tigris*," belonging to the "Waterwitch," of from six to eight, with Midshipman Jackson. My men strongly remonstrated at this time against going, saying that they shipped in the "*Tigris*," in the United States, to go the voyage, and they meant to go home in her. The midshipman said to them, that he could force them to go; my men replied, that they could fight as well as he, and they would not go unless they received the sanction of their captain first. Then the midshipman said to them, "Damn your eyes, I'll force you to go," at the same time hailing the "Waterwitch," which lay within speaking distance.

During this conversation I was aft, and not near enough to hear all that passed; but I have stated all that I heard. After the midshipman had hailed, seeing another boat approaching from the "Waterwitch," I went forward among my men and advised them to go peaceably, telling them that we were under the guns of an English man-of-war, and completely in their power, and that they had an armed party on board, and if we resisted it would be worse for us. One of the men then told me, in the presence of the midshipman, that he had been called by the midshipman "a bloody son of a bitch," and he would have satisfaction. They still, generally, refused to go, saying that they had shipped under my orders and would not obey any English officer, and that they knew how it would be; that if they went on board they should be half starved to death, and put upon two-thirds allowance. I told them they should take the ship's provisions to last them, and ordered the cook to put them up a bag of beef and bread, which they did not finally take. The commander of the "Waterwitch" having, by this time, returned on board with the second armed party that the midshipman had hailed for, and told me that there was no necessity for their taking any provisions, as they should have plenty to eat on board his vessel, and also told me that they would not be gone more than three days, the men then consented to go.

At this time I asked the commander if his taking my vessel would prevent my discharging my cargo, and taking other cargo in. He said, most certainly it would. I told him my cargo was all sold, and was to have been landed the next day, and that a great part of it was of a perishable nature, and that if he would let me discharge it, I should take on board twice the amount in ivory. He said no, and ordered the midshipman to let nothing go in or out, and to let no boat come alongside during his absence; and he gave the ship's papers into Mr. Jackson's charge, and went on board, and sent him a letter, which I suppose to be a letter of instructions. My men at this time went on board the man-of-war. This left on board myself, my mate, Mr. Burnham, the second mate, Mr. Henderson, and an American passenger, and the cook.

The commander of the "Waterwitch" at this time sent provisions and two breakers of rum for his men. The "Waterwitch" then sailed, and in two days again returned, and the commander, on coming on board the "*Tigris*," asked for my log-book. I told Mr. Burnham, the mate, under whose charge it was, to give it to him. Previously to this time, I had told the commander of the "Waterwitch" that I did not suppose, or admit, that he had any right to ask me any questions as to my voyage or my papers, or to come on board my ship; that my register and my flag were all he could have a right to inquire into; and I doubted whether he had a right to see my register. He made me no answer. I asked him for leave to go on shore to settle my business, but he refused to permit me, saying that I could not go ashore myself, or have any correspondence with the shore.

Upon his taking the log-book, he told me that he was going to send my vessel to the United States. Upon that I handed him a letter, giving him an account of my whole transactions, since I left the United States up to that date. He told the midshipman that he would send a working party on board, to turn over the whole cargo, and take an inventory of everything on board, which they did in a very loose and careless manner, wasting a great deal of coffee. At that time they let Mr. French, the passenger, go on shore, having previously searched his chest throughout. The "Waterwitch" again got under weigh, telling Mr. Jackson, after he had re-stowed the cargo, to get under weigh and meet him off Loando. The next day but one we got under weigh, and fell in with the "Waterwitch" thirty miles from Loando. They put on board more rum and provisions, and started for Benguela, telling Mr. Jackson to stand in to Loando island, and a Portuguese man-of-war would give him water, which we were then in want of, and then to get under weigh and keep thirty miles out shore from Loando, and cruising about until he should join her. They went in and got their water, and cruised as directed for five days. The "Waterwitch" then returned, put wood and provisions on board the "*Tigris*," sufficient to last to Ascension, and we were kept lying near her all that day, the prize-crew of the "*Tigris*" getting their clothing on board from the "Waterwitch." During the five days we were cruising we had no papers on board the "Waterwitch," they having been taken by the commander of the "Waterwitch" when he went to Benguela. We kept all that night in com-

pany of the "Waterwitch," and the next day. The last time Lieutenant Matson came on board, he brought Mr. Jackson with him in a state of intoxication, which was obvious to all on board. At this time I asked him what his reasons were for taking us, and he said he wanted to know if we had any right to have these black boys on board; it was the first thing of the kind that had ever occurred, and he wanted to try the right of American vessels to have these boys on board, and now the question would be settled. At the same time I objected to having rum brought on board, as my own men did not use it, and my cook had been drunk with their liquor several times. He made no answer. The same night, at six o'clock, we sailed for the Island of Ascension, under the command of Midshipman Jackson, our own crew having previously been brought back from the "Waterwitch."

During the passage to Ascension I was in constant apprehension for the safety of the vessel, crew and cargo, from the daily and gross intoxication of the midshipman who commanded her. I could say nor do anything to assist in managing the vessel properly, because, when I attempted it, I was told it was none of my business, or some answer of that kind.

At Ascension we took in from ten to fifteen tons of stone ballast, and provisions and water to last her men to the United States, and in three days sailed for Bermuda and the United States. From three days after leaving Ascension, until we got into latitude of about 20° north, the midshipman continued in a state of almost constant intoxication, until the rum was thrown overboard. He hauled to for Bermuda, from latitude 20°, but it was so squally he could not get in, and then he steered for the United States. When we got on the coast of the United States, it became necessary, for the safety of the ship, that the crew of the "Tigris" should assist in managing her, and they did so, and continued it until she arrived in Salem.

The voyage of the "Tigris" was intended to continue from seven to eleven months; it was strictly a trading voyage, for the purpose of procuring the productions of the coast of Africa and the islands; and my instructions allowed me to take nothing in exchange for my outward cargo but ivory, coffee, wax, gum, oil, and money, and these were the only articles taken. The vessel, during this voyage, was not engaged in any illegal traffic whatever, and there was no person on board the "Tigris," during the whole voyage, who was, or ever had been, a slave, to my knowledge.

(Signed) N. AUGUSTUS FRYE.

Commonwealth of Massachusetts, Essex Sessions, February 3, A.D. 1841.

Subscribed and sworn to before me,

(Signed) JNO. GLEN KING,  
*Justice of the Peace.*

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Fifth Enclosure in No. 254.

*Deposition of Thomas Williams.*

I, THOMAS WILLIAMS, of lawful age, do on oath depose and declare, that I was one of the seamen of the brig "Tigris," N. A. Frye master, on her late voyage from Salem to the Coast of Africa; that I have now had read to me the affidavit of Captain Frye, before written, and agree generally with his statements, as to the course and conduct of the voyage, the manner in which the brig was taken by the British armed brig "Waterwitch," the conduct of the midshipman who was put in command of the "Tigris," and the occurrences generally on her passage to Salem.

While Captain Frye was on shore at Ambriz, Lieutenant Matson and Midshipman Jackson came on board from the "Waterwitch," and saying a word or two to the mate, immediately jumped down into the hold, and began asking what one thing was, and what another thing was, and then they came on deck and looked round the decks, and came aft and looked round there, and after asking the mate, in an insulting manner, where he got the cabin boy from, they took the cabin boy and carried him on board the "Waterwitch." The boat then went on shore after the captain, and just about dusk in the evening he came, and then the same officers came again on board the "Tigris" from the "Waterwitch," bringing

the cabin boy with them, as related above by Captain Frye. A short time afterwards a boat came with a company of armed men, and they all came on deck, and our crew, with some of the crew of the "Cypher," were singing and amusing ourselves, and the first word we heard was from Midshipman Jackson, standing in the waste, "Come, there, bundle into the boats;" with that we all knocks off singing, and, says I, "Bundle into the boats; what do you mean by that? you a'n't a going to bundle any of us into the boats;" and then we all jumped up and went aft. With that he said, "Damn you, get into the boat." The "Waterwitch's" boat was then lying alongside. Says I, "Don't damn me;" said he, "You damned son of a bitch, I'll make you go," and by that he ordered his men under arms, and at the same time I saw some of his men loading their muskets, and drawing their cutlasses, and sounding their pistols. We said we would not go; that we shipped to go the voyage from Salem in that vessel, and to Salem back again, and out of that vessel we would not be turned. After a good deal of hard language, we still refusing to go, he threatened to make us go by force, and hailed the "Waterwitch." One of the marines from the "Waterwitch" came and persuaded us to go on board, saying we should not be hurt. Then Lieutenant Matson, with a number of armed men, came on board and asked what was the matter, and we up and told him that we would not be abused, that we had been damned, and cursed, and threatened to be turned out of our own vessel.

The commander of the "Waterwitch" said, "You won't be detained but two or three days; I am only just going up to Angola, and you need not take your chests." I told him I did not want to go on board the "Waterwitch," to be put on short allowance, and he said we should have enough to eat, and fare the same as the rest did. We then went on board, and took nothing but a shirt and trowsers, and a bit of tobacco. We went to Loanda and then returned to the "Tigris," and were gone two days. They told us that the "Tigris" was a prize, and was going to be sent to America, and they got a prize crew ready to be put on board of her. I went aft on board of the "Waterwitch," and asked the commander when we were going on board our vessel, and he said not yet, and then says I, "Sir, will you allow us to go on board and get some clothes?" "Yes," he said, "one or two may go, but not all." Upon that, me and another man went and got what was sufficient for the whole; and as soon as we had got them, Mr. Jackson said, "There, they are hailing from the vessel," and we were hurried right on board again, at the same time they were overhauling the cargo in the hold, and taking it on deck. At this time there were none of the crew of the "Tigris" on board her except the captain, the two mates, the cook, and Mr. French, a passenger. When we got on board, the commander asked me if I got what I wanted. I told him I had got a few things. "Well," says he, "I am only going to keep you about a week, and am going up to windward to cruise." We soon found that we were going to Benguela; we went in there about nine or ten in the morning, staid there about eight hours, during which time the commander and doctor went on shore. We then started between four and five o'clock; that same night, between about eight and nine o'clock, I heard the commander of the "Waterwitch" say to his sailing-master in his cabin, "Damn the brig and her captain too, I wish we had never seen her." The officer answered, "You've made a bad job." The commander answered, "As I have taken her and kept her so long, I must send her home;" and the doctor, or some one standing by, said, "We've got into bad work." On Sunday, the day before we fell in with the "Tigris," after the divisions were mustered, he called the crew of the "Tigris" all aft, and told us that he was going to put us on board the "Tigris" as soon as we saw her, and that we were going to the United States, and that she was to be sent directly to Salem. He said that he should give Mr. Jackson a letter to the British Consul at Boston, so that if Mr. Brookhouse would not pay us our wages, the British Consul would pay them. The morning we went on board the "Tigris," he told us to say nothing to the captain about the letter, and what he had been telling us—I mean the letter which the commander had previously told us he had received from Captain Frye, in which he said Frye had made some statements against the crew of the "Tigris." After we got on board the "Tigris," I went immediately to Captain Frye, and told him what the commander said about the letter, and he said it was not true, and he took out a copy of the letter, and read it to me, and there was nothing of the kind in it. The next day after we fell in with the "Tigris," and after I went on board her, they brought on board the "Tigris,"

from the "Waterwitch," the rum and provisions for the prize crew to last them to Ascension. On that day Mr. Jackson lay on the hen-coop drunk from about two to about five o'clock. The same night he came on board, and was then intoxicated, and that night about eight or nine o'clock we made sail. He continued intoxicated most of the time during the passage, and we felt ourselves in constant danger from the careless and heedless and imprudent manner in which the vessel was managed.

I have been on several voyages before to the Coast of Africa in American and English vessels. The voyage of the "Tigris," and the trading at the different places where she stopped, was, as far as I knew or saw, exactly like the trading of all other merchant vessels in which I have been to Africa: I have known boys to be taken on board the vessels in which I have sailed several times, on board English as well as American vessels, to do work on board the vessels whenever they were needed; and have known them carried to England in English vessels to London, and I never before knew or heard of any difficulty or trouble about it. The boy we had came on board the "Tigris" as a cabin boy, in the same way that boys have come on board the other vessels in which I have sailed, and was as free as any of us on board, and was used as such.

On the 30th day of December we arrived in Salem, where I belong, and where I have a wife and family. After I got on shore at Salem, Mr. Jackson met me, and ordered me to go on board again, as he wanted us all on board. Says I, "No, Sir, I've got my foot on Yankee ground here, and glad I am of it, and I'll not take it off again."

(Signed) THOMAS WILLIAMS.

Commonwealth of Massachusetts, Essex Sessions, February 4, A.D. 1841.

Subscribed and sworn to before me,

(Signed)

JOHN GLEN KING,

*Justice of the Peace.*

Sixth Enclosure in No. 254.

*Commander Matson to the Secretary or Registrar of either of the Circuit Courts of the United States.*

*Her Britannic Majesty's brig "Waterwitch,"  
off Angola, October 19, 1840.*

(See Thirteenth Enclosure in No. 253, page 203.)

Seventh Enclosure in No. 254.

*Mr. Aspinwall to the Hon. John Forsyth.*

*Consulate of the United States,  
London, December, 29, 1840.*

SIR,

I HAVE the honour to transmit with this letter the affidavits of four native American seamen—John G. Sleeper, Ransom Harmon, Henry Eastman, and Benjamin Peabody—which I caused to be taken, on their recently applying here for relief, in consequence of having been compelled to quit the barque "Jones" of New York at the time of her seizure by the British brigantine of war "Dolphin," at St. Helena, for being coursed in the Slave Trade.

The substance of these affidavits is as follows. The barque "Jones," owned by Messrs. Farnham and Fry, of Salem and New York, sailed from Boston the 12th of last March, ostensibly for Montevideo. Her crew signed articles for that destination; but about three weeks after her course was altered for the Coast of Africa, where she subsequently arrived at the port of Ambriz, and after discharging part of her cargo there, went to Loando and back again to Ambriz, thence on a fresh voyage to St. Helena, with the intention of returning to Ambriz. About the 9th or 10th of September she was seized by the captain of Her Britannic Majesty's brigantine "Dolphin," as stated above.

The proofs relied upon in justification of the seizure, and probably, also, of the subsequent condemnation at Sierra Leone, appear to have been,—falsified papers, a Spanish or Portuguese letter descriptive of the character and purpose of the

voyage, five pairs of slave irons called shackles, and a quantity of salt fish, such as is supplied to slaves, found on board the "Jones" at the time.

As the interposition of our Government may soon be called for, either politically or judicially, I have thought it my duty to furnish it with the affidavits in question, that it might be able to regulate its proceedings by information of the most positive and authentic character attainable at this moment.

The four seamen have been furnished with passage to the United States in the ship "Philadelphia" of New York, which left here on the 23rd instant, and should reach that place about the time the present letter is received. I subjoin a minute of their places of residence, in case their testimony should be wanted.

I have, &c.

(Signed) THOMAS ASPINWALL.

Address. John G. Sleeper, No. 410, Washington Street, Boston.  
 ,, Ransom Harmon, No. 19, South Division Street, Buffalo, New  
 York.  
 ,, Henry Eastman, Brookfield, Madison Co., New York.  
 ,, Benjamin Peabody, No. 128, Tremont Street, Boston.

Eighth Enclosure in No. 254.

*Affidavit of John G. Sleeper.*

Consulate of the United States of America, London.

I, Thomas Aspinwall, Consul of the United States of America for London, and the dependencies thereof, do hereby make known and certify to all whom it may concern, that on the 10th day of December, in the year of our Lord 1840, John Gilman Sleeper applied at this office for relief as a destitute American seaman, and having exhibited a seaman's protection, numbered 352, issued from the Custom-house of the district of Boston and Charlestown, dated the 11th day of March and year aforesaid, thereafter made oath as follows, that is to say,—

That he is a native of Newington, in the county of Rockingham and State of New Hampshire, one of the said United States; that being in Boston, in the State of Massachusetts, on the 12th day of March aforesaid, he shipped as an American seaman on board the American barque "Jones" of New York, James Gilbert master, to proceed in her to Montevideo and a market, and thence to a port of discharge in said States. That he accordingly sailed in said barque from Boston aforesaid on the day last above written, and proceeded in her towards said Montevideo with an assorted cargo, the principal part consisting of flour and gunpowder.

That after being at sea about 20 days, it became obvious to this deponent and others, the crew of the said barque, that her course had been altered, and that she was proceeding in direction to the northward and eastward; on inquiring of the mate of said barque the cause of such alteration, was told that the vessel was on her way to the Coast of Africa. That said barque held on the latter course, and proceeded to Ambriz on said Coast, where she arrived in June last, and landed part of her cargo. That he was left ashore at Ambriz as supercargo's assistant, and there remained during five weeks, when he was ordered to proceed in her to said Ambriz. That he thence sailed in said barque to St. Helena, where they arrived about the 24th day of the following month (August). That after being in St. Helena about a fortnight, said barque "Jones" was seized by Her Britannic Majesty's brigantine "Dolphin," on the charge of having false papers on board, and being concerned in Slave Trade. That he was then taken on board the said brigantine "Dolphin," where he remained about a month, and then shipped by the advice of the commander of said brigantine in the English ship "Java," Dulhic master, bound to this port: that he sailed in said ship from St. Helena aforesaid on the 17th day of October last past, and arrived in this port on the 9th day of December first above written; and this deponent further swears owners of said barque are Messrs. Farnham and Fry of New York and of Salem, and that Mr. P. S. Farnham, one of said owners, was in the shipping office at Boston aforesaid, at the time he, this deponent, signed articles to proceed to Montevideo, as aforesaid. That he, this deponent, had no suspicion whatever that the vessel was going to the Coast of Africa until

he observed the alteration of her course. That while at Ambriz, in his capacity of supercargo's assistant, he saw the invoice book of said barque, in which it appeared that said vessel was bound to Ambriz, the cargo being consigned to Farnham W. Fry (brother to said owner Fry), supercargo on board said barque "Jones." That while on board said barque at Loando a Portuguese vessel-of-war sent an officer on board and demanded to see said barque's papers, whereupon said master produced a set of shipping articles which this deponent had never before seen, and which he observed were headed "To Ambriz and Loando." That on examination of said barque at St. Helena by the commander of said brigantine "Dolphin," five pairs of shackles, called slave-irons, were found on board; and this deponent lastly swears, that while on board said brigantine he was informed by her officers that a letter or letters written in the Spanish language had been found in said barque addressed to the master thereof, relating to certain slaves which were to have been received on board by said master.

(Signed) JOHN G. SLEEPER.

In testimony of all which I have hereunto set my hand, and affixed the seal of the Consulate of the United States in London aforesaid, this 17th day (L.S.) of December and year aforesaid, and in the sixty-fifth year of the independence of the said United States.

(Signed) THO. ASPINWALL.

Ninth Enclosure in No. 254.

*Affidavit of Ransom Harmon.*

Consulate of the United States of America, London.

I, Thomas Aspinwall, Consul of the United States of America for London and the dependencies thereof, do hereby make known and certify to all whom it may concern, That on the 10th day of December, in the year of our Lord 1840, Ransom Harmon applied at this office for relief as a destitute American seaman; and having exhibited a seaman's protection, numbered 605, issued from the Custom-house of New Bedford, dated the 16th day of July, 1838, thereafter made oath as follows: that is to say,—

That he is a native of the town of Clarence, Erie County and State of New York. That being in Boston in the State of Massachusetts on the 12th day of March, and year first above written, he shipped as an American seaman on board the American barque "Jones," of New York, James Gilbert master, having signed articles of agreement to proceed in her to Montevideo and a market, and thence to a port of discharge in said States. That he accordingly sailed in said barque from Boston aforesaid, on the day last above written, and proceeded in her towards said Montevideo with an assorted cargo, the principal part consisting of flour, sea biscuit, and gunpowder, as also about thirty thousand feet of pine boards. That after being at sea about twenty days, this deponent was informed by the mate of said barque that her course had been altered by the direction of said master, and that she was seising for Ambriz on the coast of Africa, where said ship arrived in June last, and there landed about 30,000 kegs of gunpowder. That he then proceeded in said barque to Loando, whence (having there remained during three weeks, and discharged more of her cargo) she returned to said Ambriz. That he thence sailed in said barque to St. Helena, where they arrived in the following month, August. That after being in St. Helena about 16 days, during which time said barque had taken on board several bales of cotton cloth, and was about to return to Ambriz, she was seized by Her Britannic Majesty's brigantine "Dolphin," on the charge of having false papers on board, and being concerned in the Slave Trade; and on examination made by the officers of said brigantine on board said barque "Jones," five pairs of fetters, called slave-irons, were discovered on board, and among the cargo was found two bags of ground grain called farina, which had been taken on board at Ambriz, and about 20 barrels of salt fish of a very inferior quality, which had been brought in said barque from Boston, both of which, as this deponent is informed, are of the quality used as food for slaves. That this deponent was taken out of said barque, and provided on board said brigantine during the space of about a month, when



he shipped by the advice of the commander of said brigantine in the English ship "Java," Dulhic master, bound to this port, and sailed in her on the 17th of October last past, and arrived in this port on the 9th day of December first above written. That while on board said brigantine he was informed by one of her company who had been present during the examination of said barque "Jones," that a letter written in Spanish had been found on board, by which it appeared that said master was to convey a number of slaves from Ambriz to the coast of Brazil; he, this deponent, likewise heard while on board said brigantine, that the pine boards or planks found in said barque were for the purpose of forming a slave deck. And this deponent lastly swears, that he was further informed by the First-Lieutenant of said brigantine, that two vessels belonging to Messieurs Farnham and Fry (owners of the barque "Jones," as aforesaid) had on a former occasion been seized on similar suspicion by the same brigantine "Dolphin," and that the name of one of said vessels was the "*Butterfly*."

(Signed) RANSOM HARMON.

In testimony whereof I have hereunto set my hand, and affixed the seal of the Consulate of the United States in London aforesaid, this 17th day of  
(L.S.) December, and year first above written, and in the 65th year of the Independence of the said United States.

(Signed) THO. ASPINWALL.

Tenth Enclosure in No. 254.

*Affidavit of Henry Eastman.*

Consulate of the United States of America, London.

I Thomas Aspinwall, Consul of the United States of America for London and the dependencies thereof, do hereby make known and certify, to all whom it may concern, that on the 11th day of December, in the year of our Lord 1840, Henry Eastman applied at this office for relief as a destitute American seaman, and exhibited his protection, numbered "626," issued from the Custom-House of New Bedford, dated the 20th day of July, 1838. And on the 14th day of December aforesaid, Benjamin Peabody applied at this office under similar circumstances, and exhibited his protection, numbered "1173," Charlestown, dated the 18th day of October, 1838. And thereafter severally made oath as follows, that is to say,—

And first this deponent, Eastman, made oath, that he is a native of Brookfield, Madison county and State of New York. The deponent Peabody in like manner declared, that he is a native of New Bedford, in the State of Massachusetts; and both said deponents further swear, that being in Boston in said State, in the month of March, and year first above written, they shipped in the American barque "Jones," of New York, James Gilbert master, and signed articles of agreement to proceed in her to Montevideo and a market, and thence to a port of discharge in the United States. That they accordingly sailed in said barque, and proceeded for Montevideo with an assorted cargo, the principal part consisting of flour and gunpowder. That after being at sea about 20 days, said barque's course was altered, and these deponents were informed by the chief mate that they were bound to the coast of Africa. That said barque proceeded to Ambriz on said coast, and arrived there in June last, and having landed part of her cargo proceeded to Loando, likewise on said coast, and there remained about one month. That during said barque's sojourn there, an officer from a Portuguese vessel of war, stationed at said Loando, boarded said barque and demanded to see her papers, whereupon a set of false shipping articles were produced by said master, who requested these deponents to answer to the names therein set down. That said barque then proceeded to St. Helena, and arrived about the latter part of August. That after being in St. Helena about a fortnight, said barque "Jones" was seized by Her Britannic Majesty's brigantine "Dolphin" on the charge of having false papers on board, and being concerned in the Slave Trade; and on examination, five pairs of shackles, called slave-irons, were discovered on board said barque. That these deponents were then taken on board said brigantine, and there remained about a month, and then shipped, by advice of the commander of said brigantine, in the English ship



“Java,” Dulhic, bound to this port, where they arrived on the 9th day of December first above written. And these deponents did lastly swear, that while on board said brigantine at St. Helena, they were informed that a letter written in Spanish had been found in said barque, by which it appeared that said Gilbert was to have proceeded to Ambriz to receive a number of slaves on board his said vessel.

(Signed) HENRY EASTMAN.

his  
BENJAMIN ✕ PEABODY.  
mark.

In testimony whereof, I have hereunto set my hand, and affixed the seal of the Consulate of the United States in London aforesaid, this 19th day of (L.S.) December, in the year of our Lord 1840, and in the 65th year of the Independence of the said United States.

(Signed) THO. ASPINWALL.

Eleventh Enclosure in No. 254.

*Memorial of Messrs. Farnham and Frye, owners of the barque “Jones.”*

To the Honourable John Forsyth, Secretary of State of the United States.

Putnam J. Farnham, of the city of Salem, in Massachusetts, and Jed Frye, of the city of New York, in the State of New York, merchants and partners in business,

Respectfully represent that they are the sole and absolute owners of the barque “*Jones*,” a registered vessel of the United States, of about 271 tons burden, James Gilbert master.

That in the month of March last past, at the port of Boston, in Massachusetts, they fitted out their said barque for a voyage to South America, the coast of Africa, and back to the United States; intending that she should first go to the coast of Africa, and after trading there proceed to St. Helena, and back to Africa, or directly thence to South America, as circumstances might make expedient. That having laden on board of said barque a valuable cargo of assorted goods, suited to the trade of the voyage upon which she was destined, and having caused her to be manned and furnished with documents and papers according to the laws of the United States, she was cleared out and sailed from said Boston upon the voyage aforesaid, on the 13th day of March, 1840; that in the due and legal prosecution of said voyage, she arrived at Ambriz, on the coast of Africa, in the month of June following, and there having landed some of her cargo, and taken in more cargo, she sailed for Loando, a port above on the coast, and there also landed and took in cargo, and thence returned to Ambriz; that in the month of August, in the same year, in the legal prosecution of said voyage, said barque sailed for St. Helena, and arrived there the last of the same month.

And your memorialists further represent that after said master had finished his business at St. Helena, and said barque was ready to proceed upon her said voyage, she was with her cargo on board forcibly and against right and law seized and taken possession of by an armed party from the British national brigantine of war called the “*Dolphin*,” Lieutenant Littlehales commander, acting under the orders of said commander, and the said master of said barque and his officers and crew forcibly dispossessed of his said barque, and the said master forbidden to come on board said barque, and threatened with death if he attempted it, by an armed sentinel from said brig “*Dolphin*,” stationed on board said barque, and acting under the orders of the officers of said brig; that the crew of said barque were sent on board said brig “*Dolphin*,” and treated as prisoners, and there put on short allowance, and cruelly plundered of their clothing and effects; that the hatches of said barque were broken open, her cargo overhauled, the packages and boxes and casks broken open, and their contents torn out and scattered about and greatly injured, and said barque and her cargo treated in every respect like a prize to a piratical and irresponsible rover; that by means of this illegal and unjust seizure and plunder, said barque with her said cargo have become and are wholly lost to

your memorialists, the owners, and their insurers, and the profits of said voyage lost.

And your memorialists know no other alleged or pretended causes or reasons for this gross violation of their rights, than the fact that the master of the said barque did not immediately exhibit to the said commander of said brig the manifest of his cargo when the same was abruptly demanded of said master in the streets of St. Helena, on a Saturday night, after the Custom-House was closed, said master at same time offering to show the same to said commander, and give him any other information upon the subject, on the Monday morning following; and your memorialists have also heard, that to justify the said seizure the commander and officers of said British brigantine "Dolphin" have pretended that they had suspicions that said barque would be engaged in the Slave Trade upon the said voyage, if she went back to the coast of Africa; but your memorialists do further most earnestly and confidently state that the said voyage was conducted by the master and crew of said barque in every respect according to the laws of the United States, and the places where said barque traded in the course of it, and in strict conformity with the provisions of all Treaties to which the United States are parties; and that at no place and at no time, on said voyage or any other voyage, were the master or crew of said barque, or her owners or their agents, concerned or engaged directly or indirectly in the Slave Trade, or in any other illegal traffic or business whatsoever, but on the contrary that they or each of them strictly confined themselves on said voyage to the usual and proper trade in goods and merchandise which is common and legal to all merchants and traders.

And your memorialists most respectfully do further represent, that they are merchants who have been for many years engaged in the trade to the coast of Africa, and have, they trust, conducted themselves in it in a manner to bring no discredit on themselves as fair and upright traders, or upon the nation to which they belong; that they feel that the large funds which they have embarked in this trade are in imminent danger, if an immediate and effectual interposition on the part of their Government is not exerted; that standing there as American citizens and merchants, carrying on an honest and fair branch of the commerce of their country, and under its flag and in the confidence of its protection, they openly take the liberty to express to the Secretary of State their assured hope that they are not to be abandoned by their rulers to lawless outrage and plunder from any foreign nation, under the insulting pretence of a right of search, which the laws of their country and the spirit of its citizens have ever refused to concede in its treaties with foreign nations.

And your memorialists further represent that the statements assured are fully supported by the documentary evidence taken at St. Helena, now in the office of the Secretary of State, and by the affidavits which accompany this memorial.

They therefore most respectfully and earnestly solicit, that such measures may be adopted by the American Government as will procure them redress and reparation from the Foreign Power by the authority of whose officers they have been thus injured and despoiled.

(Signed) P. J. FARNHAM.

Salem, February 4, 1841.

(Signed) JED FRYE.

New York, February 6, 1841.

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Twelfth Enclosure in No. 254.

*Affidavit of Henry Eastman.*

I, HENRY EASTMAN, of lawful age, do on oath depose and say, that I belonged to the barque "Jones," James Gilbert master, as one of her crew, when she was taken possession of at St. Helena by the British armed brig the "Dolphin."

The barque sailed from Boston some time in March, 1840, and arrived on the coast of Africa some time in June; and first arrived at the port of Ambriz, and there landed and took in goods, and went up to Loando, and from there came back to Ambriz; and after taking in goods for St. Helena, we sailed for that island and arrived there the last of August, as far as I can now recollect. We traded there, landed bread and flour and other articles, and took on board ballast; and while we lay there the boat of the "Dolphin" came on board

several times with an officer—as many as five or six times. The officer went into the cabin with Mr. Davis, the mate, whenever the boat came, but what passed between them I don't know. The captain was not on board at these times. I mean to say that this took place before the vessel was seized by the "Dolphin," and while the captain was on shore doing the business of the voyage. The barque got all ready for sea; the long-boat was hoisted in, and everything stowed, when one Sunday a boat came on board from the British brig "Dolphin," with an officer, two marines, and a boat's crew, all armed with cutlasses and pistols, and the marines had muskets. They first hoisted the long-boat on one side, and took off the main hatches, and took up some of the cargo on to the deck, and then they opened some of the casks and cases and bales; some of the casks had crockery in them, and some of the cases shoes—and the bales contained cotton goods, such as we have to trade with on the coast; they worked nearly all day on Sunday, and tore the things pretty well up in the hold; they overhauled all the ballast, or nearly all, that we took on board at St. Helena. The gunner of the "Dolphin" was below, and the lieutenant went down once in a while. The captain came on board and went into the cabin; he did not stay long, and I did not hear anything that was said by him or to him. The British left an officer and two marines on board all night; the next day a boat's crew and two marines came on board again, and were overhauling her, knocking the boxes to pieces in the hold, until we were ordered to go on board the "Dolphin," which was after dinner; and then the officer told us to get everything up and go on board the "Dolphin," and we had all our things overhauled as we got on the gangway of the "Dolphin." The officers said the man on shore was not a consul, and we must stop on board, and couldn't go on shore with our clothes, and that they had got to take care of us until something was done with the barque. They kept us on board until the barque sailed, and then we had liberty to go on shore once in a while; while on board the "Dolphin" we were put on two-thirds allowance, and that is short enough on board an English vessel. The crew of the "Dolphin" frequently said they were sure of their prize-money, whether the barque was condemned as a slaver or not; that it was to be 33*l.* or 34*l.*; our clothes were, many of them, stolen by the crew of the "Dolphin," and they carried them on board and sold them; they did not leave me a blanket. We had part of a bolt of duck distributed to us to make trousers, which was taken by them from the cargo of the barque. I knew the duck very well.

There was nothing in this whole voyage of the barque that I saw that looked like anything but a common trading voyage, and no appearance of trading in slaves, or anything but the common goods of a voyage to the coast of Africa; while we were on board the "Dolphin" her boats went constantly to the barque both night and day. There was rum brought on board the barque from the "Dolphin," and carried into the cabin and used there. The officers of the "Dolphin" and Mr. Davis, our mate, and the steward then lived in the cabin.

(Signed) HENRY EASTMAN.

*Essex Ss., February 2, 1841.*

Subscribed and sworn to before me,

JUSTICE OF THE PEACE.

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Thirteenth Enclosure in No. 254.

*Affidavit of Benjamin Peabody.*

I, BENJAMIN PEABODY, of lawful age, do on oath depose and say that I was one of the crew of the barque "Jones," James Gilbert master, at the time she was forcibly seized and taken possession of by the British armed brigantine "Dolphin," Lieut. Littlehales commander; we sailed from Boston about the 13th day of March last, and arrived at Ambriz, on the coast of Africa, some time in the latter part of June; we landed cargo there and took in ivory there, and then went up the coast to Loando; we landed some cargo and took in some at Loando, and from there we went back to Ambriz; there we again landed and took in cargo, and in the month of August I think it was, but can't tell the day, we sailed for St. Helena, and arrived there the latter part or very last of August; we landed the cargo which we brought to land there, and took in ballast and some bale goods; the captain went on shore and did his business at the Custom-

house, as is always done in foreign ports. On Sunday an officer came on board the barque from the British brig "Dolphin," with a boat's crew armed with pistols and cutlasses, hoisted the long-boat off the hatches, and opened them; then they went down below, and the mate sent me on shore with two hands for the captain to come on board. I went, and the captain came on board; what passed between him and the officers I don't know, and he soon after went on shore again. The men from the British brig afterwards left the barque, but left behind them an officer, one marine, and two seamen, all armed, who remained on board all night. In the morning a crew came on board from the British brig to overhaul the barque, and began to overhaul and take out the cargo of the barque, and while they were employed in this they sent us on board the "Dolphin" with our things.

While the British officers were on board, Mr. Davis, the mate, brought me a paper to sign, about not wanting to go again to the coast, as they said, but I did not read it, and as the rest signed it I signed it. John Avery, who was a man-of-war's man, and said he knew about the laws, told us we should not fare so well if we did not sign it. We were kept on board the "Dolphin," and were not allowed to go on board the barque, or on shore until the barque was gone, and then they allowed us to go on shore. While we were on board the "Dolphin" the purser asked us one day what we landed on the coast, and we told him, as far as we knew, what the goods were we landed, and he wrote it down as I suppose, but I did not read what he wrote, and we signed it; this is all we meant to sign, and if he wrote anything else I did not know it, and did not mean to sign anything more. The crew of the "Dolphin" went on board the barque every day, and sometimes several times during the day; the jolly-boat was going to and fro almost all the time until the barque went off. I saw Mr. Davis, the mate, intoxicated two or three times during the voyage, on board, while the vessel was in port. While we were on board the "Dolphin" we were not allowed to speak to any one but ourselves, and no one that came alongside was allowed to speak to us or we to them.

I never saw anything on board the barque or any of the officers that looked like trading in slaves, or in anything else but selling and buying goods.

(Signed)

his  
BENJAMIN X PEABODY.  
mark.

*Essex Ss., February 2, 1841.*

Subscribed and sworn to before me,

JUSTICE OF THE PEACE.

Fourteenth Enclosure in No. 254.

*Mr. W. Carrol to the Honourable J. Forsyth.*

*United States' Consulate, Island St. Helena,  
October 21, 1840.*

HONOURABLE SIR,

I DO myself the honour to report to you the following occurrence, and to enclose certain documents thereunto appertaining, and to which I respectfully beg, Honourable Sir, to call your most serious attention.

On the 24th of August arrived at this Consulate (bringing goods for sale) and last from the west coast of Africa, the barque "Jones" of New York, under command of James Gilbert (owners per register being Jed Frye and Putnam J. Farnham and Co. of New York, and Josiah Spalding of Salem, Massachusetts).

Agreeably to law, the master, immediately after entering his vessel at the Custom-house, and handing in there a manifest of articles intended for sale here, and complying with rule, came to the office of this Consulate, and deposited the register of the "Jones."

By the papers now enclosed you will perceive, Honourable Sir, that this vessel has been taken possession of by Her Britannic Majesty's brigantine-of-war "Dolphin," and you will find in the course of perusal that the commander of that vessel refused to recognise my consular interposition, which circumstance has, in her case, prevented my carrying out the duties of my office.

From the aspect of this affair, and the "Jones" having been taken away from this anchorage without her papers, I have deemed it to be my duty, for my protection, to retain and preserve them in my keeping at this Consulate until I shall

CLASS D.

have received your directions as to their disposal, but for which the master possesses my receipt.

I likewise do myself the honour to enclose copy of depositions taken here in respect of several of the "*Jones's*" crew having refused proceeding on their voyage agreeably to their own written contract, and in violation of law, which persons it would have been my indispensable duty to have sent to the United States for trial; but pending my further operations in that behalf, the "*Jones*" was seized by an armed force, and all the crew taken out and carried on board the "*Dolphin*" unsolicited: hence the invasion also of my office, and the prevention of my bringing to justice in the United States the guilty party.

The commander of the "*Dolphin*" having applied in writing to the master of the ship "*Ann M'Kim*," of New York, Joseph Martin master, to take to the United States the crew of the "*Jones*," the same was replied to by him, and then put into my hands, copies of which I beg likewise to forward for your information, and to which I crave your notice and your protection to repel the unjustifiable insinuations therein contained against me by a youthful and inexperienced officer of subordinate rank.

I further have the honour of forwarding a correspondence with the Governor of this island in respect of his non-recognition of my consular powers, which circumstance has grown out of the present matter, notwithstanding for upwards of seven and a half years past (as per document likewise enclosed) the local authorities have recognised and corresponded with me in that capacity, and permitted the American flag to fly.

The United States' Government will by the present and past occurrences again see the absolute necessity and pressing expediency (for the effectual protection of American interests), in case of a repetition of similar acts, of having the consular power at St. Helena formally and properly recognised, by the direct orders of Her Britannic Majesty's Ministers in England.

I have, &c.

*The Hon. J. Forsyth,*  
&c. &c.

(Signed) W. CARROL,  
*United States' Consular Commercial Agent.*

Fifteenth Enclosure in No. 254.

(A.)

*Commander Littlehales to Mr. Martin.*

*Her Britannic Majesty's brigantine of war "Dolphin,"  
St. Helena, September 28, 1840.*

SIR,

FROM the report of the boarding officer of the brigantine under my command, and also from that of an American seaman, who with others are on board this vessel, I am induced to suppose that you are not aware of the circumstances which have led to their being here, and to their seeking in your vessel a passage to America, their native land.

I have no doubt but that you have been given to understand the men in question have broken faith and are insubordinate and mutinous, and unworthy of being received on board your or any other American vessel. Such is not the case, indeed the contrary is the fact: the men have been broken faith with, and cajoled; the vessel in which they were, unknown to them, had slave equipment on board, and was seized as having such whilst at anchor in British waters, a circumstance which the law of England does not for a moment admit of; neither does America, by a statute of 15th May, 1820, permit any of her citizens to be in any way concerned in the Slave Trade, without being guilty of piracy.

I have only to hope that you will not refuse the application of your fellow-citizens for a passage in your vessel to America, more especially as I understand your complement is not complete. If you do, I shall feel it my duty, under the circumstances of the case (the men having come to me for protection and assistance, such having been denied them by Mr. Carrol), to represent the same, together with other particulars, for the information and consideration of the Government of the United States, whom I am quite sure, whatever motives may actuate a few individual citizens, have too much the spirit of the great Washington to sanction for a moment any of her citizens and her seamen being oppressed and ill treated in a foreign land, and especially

the aiding and abetting of such by any person who is not a citizen either by birth or naturalization.

I have, &c.

(Signed) ED. LITTLEHALES,  
*Lieutenant and Commander of Her Britannic Majesty's  
brigantine "Dolphin."*

*United States' Consulate, Island St. Helena.*

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

(Signed) W. CARROL,  
*United States' Consular Commercial Agent.*

Sixteenth Enclosure in No. 254.

(B.)

*Mr. Martin to Commander Littlehales.*

SIR,

*James' Town, St. Helena, Sept. 28, 1840.*

I HAVE the honour to acknowledge the receipt of your letter of this date, just received; and whilst I beg to assure you I can have nothing to do with the chief part of the circumstances enumerated therein, I must state to you, that I must decline giving a passage from this place to the United States, to American citizens, even in distress, unless such be applied for by the Consul of my country, notwithstanding the complement of my crew be sufficient, as is the case in the present instance. Moreover, from what you say, Sir, it would be unjustifiable in me to countenance, by affording a passage to persons, whom you say are, by a certain statute, as most likely guilty of piracy.

In anything relating to American citizens in this place, such must come through the American Consul, William Carrol, Esq., to whom I have the honour to refer you.

I have, &c.

(Signed) J. MARTIN,  
*Master of Ship "Ann M'Kim."*

*United States' Consulate, Island St. Helena.*

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

(Signed) W. CARROL,  
*United States' Consular Commercial Agent.*

Seventeenth Enclosure in No. 254.

(C.)

*Affidavit of James Gilbert, Francis W. Sexton, and Clement Hammond.*

Depositions taken at the United States' Consulate at the Island of Saint Helena, before William Carrol, Consular Commercial Agent of the United States of America for said Island.

WE, James Gilbert, master of the barque called the "Jones," belonging to the port of New York, in the State of New York, in the United States of America, and now lying at anchor in the port of the Island of Saint Helena, Francis W. Sexton, supercargo of the said barque "Jones," and Clement Hammond, master of the barque called the "Volant," belonging to the port of Rochester, in the State of Massachusetts, in the said United States of America, and now also lying at anchor in the said port of the said Island of Saint Helena, do on oath solemnly and severally swear to the following facts as follows:—That is to say, that we and each and every of us went on board the said barque "Jones," in company with the United States' Consular Commercial Agent, for the purpose of inquiring into a difficulty between said James Gilbert and the crew of the said barque "Jones," on Saturday, the 12th day of September, in the year of our Lord 1840, when he the said James Gilbert desired Tobias Davis, junior, the chief officer of said barque "Jones," to call the ship's company aft, which was done. When the men so came aft, the Consul asked the said James Gilbert his difficulty, when the said James Gilbert informed him that the crew of the said barque had refused to proceed

back in the vessel to the West Coast of Africa. The Consul asked the crew if they had made such refusal, when he was answered by several of them in the affirmative; the Consul then requested the said James Gilbert to state where the said barque "*Jones*" was bound to, and produce the ship's articles, which was done. The Consul then showed said articles to them, who asked each and every of the persons named in the said articles, and then present, to wit, viz., James Gilbert, Tobias Davis, junior, Benjamin Peabody, William F. Lander, George A. Potter, Henry Jenkins, John R. Avery, Henry Eastman, Charles Wentworth, Henry Thomas, and Ransom Harmon, if the signatures and marks thereon and therein were theirs, and each of their respective signatures and marks, to which they and each of them acknowledged in the affirmative. The Consul then read the said ship's articles, part of which are in the following words, to wit, viz.:—"It is agreed between the master and seamen or mariners of the barque '*Jones*' of New York, James Gilbert master, now in the port of Boston, and bound for Montevideo, or other ports between the line of latitude of 36° south, and back to her port of discharge in the United States." He then requested the said James Gilbert to produce the chart of the west coast of Africa, which request was immediately complied with. The chart was opened, and shown to the ship's company, by the said James Gilbert, and the ports of Ambriz and Loando on the said west coast of Africa, and the port of Rio de Janeiro on the coast of Brazils, were pointed out; the said James Gilbert then showed, by a pair of dividers, that the said ports of Ambriz, Loando, and Rio de Janeiro were not so far south as the thirty-sixth degree of latitude: of this the Consul requested the crew to then satisfy themselves, which they did. The crew were told by the Consul that those and every of those who were willing to abide by their said contract to go on the starboard side of the deck, and those and every of those who were unwilling and denied to abide by their said contract to go on the larboard side of the deck, upon which the following persons, to wit, viz., Benjamin Peabody, William F. Lander, and George A. Potter, went on the starboard side of the deck, and the following persons, to wit, viz., Henry Jenkins, John R. Avery, Henry Eastman, Charles Wentworth, Henry Thomas, and Ransom Harmon, went on the larboard side of the deck. That the chief officer, Tobias Davis, junior, not going on either side, was asked by the Consul which side he intended to take, when the said Tobias Davis said he wished to know if fresh ship's articles were to be entered into; and wanted further to know where the said barque "*Jones*" was bound to; the said James Gilbert replied she was bound to Ambriz, Loando, and Rio de Janeiro. The Consul then said to him, that if he was unwilling to conform to his contract, as expressed in the said ship's articles, to go on the starboard side of the deck; the said Tobias Davis then standing about midway between the starboard and larboard sides of said deck of said barque "*Jones*," presently the said Tobias said, "You see I am on the starboard side." Those persons then on the larboard side of the deck were all and every of them asked by the Consul if they refused to comply and abide by their said written contract by proceeding in said barque "*Jones*" to ports between the line of latitude of 35° south and back to her port of discharge in United States, when they unitedly and individually said they would not go back to the west coast of Africa; they then further said as follows: to wit, Henry Jenkins said he did not ship to go to Africa, that he shipped to go to Montevideo and Rio de Janeiro, and that he had no other reason for denying to go back to Africa. John R. Avery said he did not read the ship's articles at the time of signing, that he was told by Mr. Farnham and Mr. Titcomb that the "*Jones*" was bound to Montevideo, that she was to trade along the coast of South America, and would not be from home more than eight months; that he always heard the coast of Africa was sickly, that he did not wish to go there on that account, and that he had no other reason. Henry Eastman said he did not ship to go to the coast of Africa, that he shipped to go to Montevideo, that it is sickly on the coast of Africa, that he was unwell there, that he was below deck there for two or three days sick, and that he did not want to be from home as long as the voyage would be, that he did not want to go back to Africa, and that he had no other reason. Charles Wentworth said he did not ship to go to the coast of Africa, that he shipped to go to Montevideo, that the coast of Africa is sickly, that he was unwell there, and that he had no other reason. Henry Thomas said he asked the owner in the United States where the "*Jones*" was going to, that Mr. Farnham (the owner)

said she was bound to Montevideo, and that her voyage would not exceed eight months, that he had no fault to find with the vessel, master, or officers, and that he had no other reason. Ransom Harmon said he did not ship to go to Africa, that he was sick there four days, that Mr. Farnham told him the "Jones" was bound to Montevideo, and would be gone only eight months, and that he had no other reason.

That upon the foregoing reasons being given by the persons aforesaid, the Consul twice read to them the law of the United States in respect of combination, refusal, or neglect of duty, and they were advised by him to comply with their said written contract, and that he would give them half an hour to consider the matter, and to make up their minds. The Consul waited for three-quarters of an hour in the cabin of said barque "Jones" in our presence, at the expiration of which time, he, with us, the said James Gilbert, Francis W. Sexton, and Clement Hammond went upon deck, when said crew were again called and had aft, whereupon they, the said Henry Jenkins, John R. Avery, Henry Eastman, Charles Wentworth, Henry Thomas, and Ransom Harmon, declared it to be their determination not to go to the ports of Ambriz and Loando, on the west coast of Africa aforesaid. The Consul stated to them, that whatever they might have been told in the United States, or whatever they might have understood there in respect of any other port to which the "Jones" was said to have been bound, that their written contract to proceed to ports between the line of latitude of thirty-six south, and back to the "Jones's" port of discharge in the United States (in which were included Ambriz and Loando, agreeably to the chart before-named), was much more binding upon them. The Consul repeatedly advised them to abide by their said contract, and go to Ambriz, Loando, Rio de Janeiro, and back to the United States of America, these being the places and no other to which the said James Gilbert declared the barque "Jones" to be bound, all which proved unavailing. That the said James Gilbert then proposed to the said men to carry the barque "Jones" to Ambriz only, stating that the said barque would remain there for only a few days, but to this proposition they would not yield their assent. That the said James Gilbert stated to the crew that the said barque "Jones" had been ready for two days last past for sea, and that the present difficulty was the cause of the delay. That finding that the matter in question could not be settled, and every effort to bring the crew to a reasonable understanding unavailing, we, the said James Gilbert, Francis W. Sexton, and Clement Hammond, with the Consul, returned from the barque "Jones" to the shore.

(Signed)

JAMES GILBERT.  
FRANCIS W. SEXTON.  
CLEMENT HAMMOND

Sworn before me, this 12th day of September, in the year 1840,

(Signed) W. CARROL,

*United States' Consular Commercial Agent.*

*United States' Consulate,*

*Island St. Helena, October 7, 1840.*

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

(Signed) W. CARROL,

*United States' Consular Commercial Agent.*

Eighteenth Enclosure in No. 254.

(D.)

*Mr. W. Carrol to Mr. W. H. Seale.*

*United States' Consulate,*

*Island St. Helena, September 22, 1840.*

SIR,

I HAVE the honour to acknowledge receipt of your letter, dated 18th instant, in answer to mine of the 17th, addressed (through you as the organ of Government) to his Excellency the Governor of this island, in respect of the detention and seizure, by Lieutenant E. Littlehales, commanding Her Britannic Majesty's brigantine "Dolphin," of the American barque "Jones," of New York, commanded by James Gilbert, whilst the barque lay at anchor in these roads, under the protection of the laws and power of this place.



Having, as above, addressed his Excellency in my official capacity, and finding by your said answer that you have not addressed me as the "Consular Commercial Agent for the United States of America," I consider it to be due from me to the Government of that country, which has confided to me this high and honourable appointment, to respectfully ask of his Excellency, through you, the reason why you have not directed your said communication to me, with that address to which I feel myself entitled, from the perfect documents I hold from the President of the United States, as well as from the fact of my recognition in that office by the English East India Company in February, 1833, as well as the present Government here of Her Britannic Majesty, at the transfer of this island to the crown of Great Britain, and from thence to the present time.

I request to assure his Excellency, that the present communication is offered in no other view than that of duty towards the Government of the United States, and the most profound respect towards the authorities of this island, acting under the British Government.

I have, &c.

(Signed) W. CARROL,  
*Consular Commercial Agent for the United States of America.*

*United States' Consulate, Island St. Helena.*

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

(Signed) W. CARROL,  
*United States' Consular Commercial Agent.*

Nineteenth Enclosure in No. 254.

(E.)

*Mr. W. H. Seale to Mr. Carrol.*

SIR,

*St. Helena, Colonial Secretary's Office, September 23, 1840.*

IN reply to your letter of yesterday, requiring to know why you were not addressed, in my letter to you, in the capacity of "Consular Commercial Agent for the United States of America," I have the honour to inform you, that having submitted your letter for the consideration of his Excellency the Governor, I am directed by his Excellency to state, that although he is perfectly satisfied with your credentials from the United States' Government, appointing you to that office, yet as his Excellency has received no instructions from Her Majesty's Government (which is usual in such cases) accrediting you to this colony, his Excellency cannot officially admit your recognition without that authority.

I have, &c.,

(Signed) WM. HY. SEALE, C. S.

*United States' Consulate, Island St. Helena.*

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

(Signed) W. CARROL,  
*United States' Consular Commercial Agent.*

Twentieth Enclosure in No. 254.

(F.)

*Copy of the 11th para. of the Honourable Court of Directors' letter, dated February 15, 1833.*

Para. 11th.—We are not aware of any objection to your recognizing Mr. Carrol's appointment by the United States of America, to act as their "Consular Commercial Agent" at St. Helena.

True copy.

(Signed) R. F. SEALE,  
*Secretary.*

*United States' Consulate, Island of St. Helena*

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

(Signed) W. CARROL,  
*United States' Consular Commercial Agent.*

## Twenty-first Enclosure in No. 254.

*Protest of James Gilbert and Francis W. Sexton.**United States Consulate, Island St. Helena.*

By this public instrument and declaration and protest, be it made known and manifest to all persons whom it doth, shall, or may concern, that on Monday, being the 14th day of September, in the year of our Lord 1840, before me William Carrol, Consular Commercial Agent for the United States of America, at said island, duly appointed, at my office in James Town in the island aforesaid, and upon several succeeding days thereafter at the place aforesaid, personally came and appeared James Gilbert, mariner, master of the barque called the "*Jones*," then lying at anchor in the roads of said island, and belonging to the port of New York, in the United States of America, of the burthen of 271 tons, or thereabouts, as per register numbered "164," copy of which is hereunto attached (marked A), and laden with various sorts and descriptions of goods, wares, and merchandize, and last from the west coast of Africa;—and likewise on the first-named day and succeeding days thereafter, and place aforesaid, also personally came and appeared Francis William Sexton, supercargo of the said barque called the "*Jones*," who did each one for himself respectively, individually, and severally, then and there declare, allege, and say unto me the said William Carrol, in the capacity aforesaid, in manner and form following, that is to say, he the said James Gilbert did for himself declare, allege, and say as follows, that is to say,—that he the said James Gilbert, in and with the said barque "*Jones*" as master thereof, with certain persons composing the crew of said barque, for the prosecution of a legal trading voyage as per contract, a copy of which is hereunto attached (marked B), a descriptive list of whose persons, with their names, places of birth, residence, and country (with the exception of John R. Avery, who came from said Boston, in said vessel), a copy of which is hereunto attached (marked C), with a general cargo of merchandize as per manifest, a copy of which is hereunto attached (marked D), cleared at the Custom-house in Boston, in the State of Massachusetts, in the said United States of America, on or about the 12th day of March last past, as per clearance, a copy of which is hereunto attached (marked E), the said crew being then in perfect health, as per bill of health, a copy of which is hereunto attached (marked F), and with which barque and cargo he, the said James Gilbert, set sail and departed from said Boston, on or about the 14th day of said March, on a trading voyage, aforesaid, and arrived at Ambriz, on the west coast of Africa, on a certain day in the month of June following. That various goods, wares, and merchandize, being part of said cargo, were there landed, and at same place other goods, wares, and merchandize, with specie, there taken on board said vessel. That with the said persons of the said crew, with the exception and deduction of two men left on said coast of Africa, and the addition of the said Francis W. Sexton, and one man who came on board said barque at said Ambriz, and in further prosecution of said voyage, said barque set sail and departed from said Ambriz on or about the 1st day of the month of July last past, and on or about the 4th day of said July arrived at Loando, on said west coast of Africa, at which last-named place were landed from said vessel various goods, wares, and merchandize, and other goods, wares, and merchandize, and specie, there taken on board that vessel. That said barque, on or about the 4th day of the following month of August, set sail and departed from said Loando, and on the succeeding day again arrived at said Ambriz. That at this latter-named place a further quantity of goods, wares, and merchandize was landed, and at the same place more goods, wares, and merchandize, with more specie, taken on board said barque "*Jones*." That in further prosecution of said voyage said vessel again set sail and departed from said Ambriz on or about the 8th day of said month of August for said island of St. Helena, at which place said barque "*Jones*" arrived on or about the 24th day of said month of August. That shortly after bringing said barque to anchor in the roads at said island of St. Helena, he, the said James Gilbert, proceeded on shore at James's Town, in company with said Francis W. Sexton, and, in conformity with and obedience of the laws of said island, directly presented himself, and reported said barque and cargo, and entered the same, at the Custom-house of Her Britannic Majesty, and rendered a true account of goods

laden on board said barque, and intended for sale at said island, as per manifest, a copy of which is hereunto attached (marked G). That he, the said James Gilbert, in compliance with the laws of the United States of America, then proceeded to the office of the United States Consulate, and at that office deposited the register of said vessel, and at same time left there the following documents, as before named, viz.—ship's articles, list of crew, manifest of outward cargo from Boston, and bill of health also from said Boston. That he, the said James Gilbert, shortly after, in company with the said Francis W. Sexton, called on the agent of said vessel, into whose hands the business of said vessel and the cargo before named was immediately placed. That the goods so before named, and intended for sale at said island, were advertised for sale, as per notice, a copy of which is hereunto attached (marked H), since which several articles have been landed from said vessel, and disposed of, and other merchandize purchased and shipped on board said barque "*Jones*" at said island of St. Helena. That from and after the afore-named 24th day of said month of August, and at all times since until Thursday the 10th day of September first afore named, in the year aforesaid, the said barque "*Jones*," with the cargo aforesaid, safely lay at anchor in the roads of St. Helena aforesaid, under the laws, power, and protection of said island, undisturbed and unmolested. That in furtherance and pursuance of said voyage, the said vessel got prepared and was made all ready for sea, so as to depart and sail for said ports on said west coast of Africa, and thence to Rio de Janeiro, in Brazils, and port of discharge in said United States of America, intending to sail and depart from said island of St. Helena on the said 10th day of said month of September, which was the day and time on which terminated the liberty and leave of absence on shore at said island of Saint Helena of the chief officer (Tobias Davis, Junior) and three of the crew (Henry Eastman, Charles Wentworth, and John R. Avery) belonging to said barque. That, to the astonishment of him, the said James Gilbert, certain persons of said crew refused to proceed on said voyage, from which unexpected circumstance the said vessel hath been prevented from setting sail and departing from, and was therefore detained at, this said port of Saint Helena, whereupon he, the said James Gilbert, was necessitated to take certain steps against said persons belonging to said vessel, and which steps will be more fully seen and exemplified on reference to a certain public instrument and declaration of protest made at said island of Saint Helena by the said James Gilbert before the said William Carrol, in his capacity aforesaid, and dated the 14th day of said month of September in the year aforesaid. That being so detained, he the said James Gilbert being on shore in the town of Saint James aforesaid, late in the afternoon on Saturday, that being the 12th day of the said month of September, in the principal public street, then and there was accosted and addressed by a person out of uniform, and who was represented to him, the said James Gilbert, as Lieutenant E. Littlehales, in command of Her Britannic Majesty's brigantine-of-war called the "*Dolphin*," then lying at anchor in said Roads of Saint Helena, who did abruptly request him, the said James Gilbert, to see the manifest of said barque "*Jones*," when the said James Gilbert asked the said E. Littlehales to inform him, the said James Gilbert, what motive he had for making the request. Whereupon he, the said E. Littlehales, repeated the same request, to which the said James Gilbert made the same reply, when the said E. Littlehales responded, that, if the said James Gilbert complied therewith, much trouble would be saved to both parties. That hereupon the said James Gilbert stated to said E. Littlehales, that there was a custom-house at said Saint Helena, meaning that if said E. Littlehales wished for authentic information respecting the inward cargo of the "*Jones*" to said island, that at that place (meaning said custom-house) he could obtain it; he the said James Gilbert having then and there no other manifest in his personal possession than that of said "*Jones's*" outward cargo from the United States. That thereupon he the said E. Littlehales immediately and suddenly turned round and went instantly away towards the sea-side. That in a very short space of time, late in the evening of the said 12th day of said September, he the said James Gilbert, being then and there on shore, received a note from Tobias Davis, jun., (the mate of the said barque,) addressed to him the said James Gilbert, to inform him that an officer belonging to said "*Dolphin*" was then on board said barque, who required to see the papers of said barque, when he the said James Gilbert immediately proceeded on board said barque, it being then a late hour, and there found that officer; which officer personally made

known to him, the said James Gilbert, the same request, whereupon he the said James Gilbert informed that officer that the papers so required were then on shore at said island in the United States Consular office, and that on that account he the said James Gilbert could not then comply with such request, when, without demur or hesitation, explanation, or reference, he, the said officer belonging to said brigantine "Dolphin," then and there wrote something on a piece of paper, and sent the same by a boat then in waiting to the said brigantine "Dolphin." Whereupon in a few minutes after another officer, with three other men (all armed), came on board said barque "Jones" from said brigantine "Dolphin," who so armed took possession of said barque "Jones;" therefore he the said James Gilbert returned to the shore, when he made a report of the circumstance to the said William Carrol, in his capacity as aforesaid. That on the following day, being Sunday, the 13th day of said month of September, in the year aforesaid, a large body of men from and belonging to the said brigantine "Dolphin" proceeded on board said barque "Jones," who to all appearance immediately hoisted out the boats of the last-named vessel, opened her hatches, and took up cargo on deck, examining the same. That on the succeeding day, being Monday, the 14th day of said month of September, another large party of men, also from said brigantine "Dolphin," again boarded said barque "Jones," and then and there to all appearance again took upon deck from the hold of said barque "Jones" and examined and rummaged goods and other property belonging to said vessel's cargo. That much about and up to this time, the American ensign which had been flying at the mizen peak of said barque "Jones" at and from the time of her being first taken possession of as aforesaid, and afterwards, was struck, and since continued to be struck therefrom, and kept unexposed from public view, and to all appearance a white flag, with the device of a black dolphin and the words "me too" in it, substituted for the same at the maintop gallant mast head of said barque. That on this last-named day (Monday, the 14th day of said month of September), he the said James Gilbert, in company with the said Francis W. Sexton, proceeded from the shore to alongside the said barque "Jones" twice with the intention of getting on board that vessel on necessary business, when an officer belonging to said brigantine "Dolphin," then on board, in charge of said barque "Jones," forbid and prevented them the said James Gilbert and Francis W. Sexton from so doing, although he the said James Gilbert distinctly in appearance and by speaking made himself known to said officer so in charge, which circumstance is fully set forth and shown in two affidavits, copies of which are hereunto attached (marked I). That in consequence of such extraordinary and unexpected harsh proceedings, he the said James Gilbert felt called on, and so feeling, did write and complain to said William Carrol, in his capacity aforesaid, as per letter, a copy of which is hereunto attached (marked J), whereupon he the said William Carrol, in his capacity aforesaid, officially communicated in writing on the subject with the aforesaid E. Littlehales, as per letter, a copy of which is hereunto attached (marked K), but which official communication he the said E. Littlehales refused to receive, and did not receive, he stating that his Government did not recognise a consular officer in said island from the United States Government, or words to that effect, as per declaration, a copy of which is hereunto attached (marked L), whereupon he the said James Gilbert lost no time in addressing himself in writing to the said E. Littlehales on the subject aforesaid, as per letter, a copy of which is hereunto attached (marked M), and which letter was sent by one Thomas Storer, an inhabitant of said island, but to which he, the said James Gilbert, hath received no reply from the said E. Littlehales. That thereupon he, the said James Gilbert, considered it to be his duty to call, and did on the same Monday, the 14th of said month of September, call and wait upon the collector of Her Britannic Majesty's customs at said island, at his office at the Custom-house, in company with the said Francis W. Sexton, and the said William Carrol, in his capacity as aforesaid, did report to him, the said collector, all the foregoing proceedings; and after making such report, he, the said James Gilbert, then and there exhibited to him, the said collector, the following next-named papers, to wit, register of said barque "Jones," manifest of outward cargo from Boston of said barque "Jones," outward clearance from Boston of said barque "Jones," bill of health from Boston of said barque "Jones," list of crew from Boston of said barque

CLASS D.

"*Jones*," and ship's articles executed in Boston of said barque "*Jones*;" and then and there the said James Gilbert and Francis W. Sexton offered said collector most readily any and every information in their power or knowledge about and in respect of said barque "*Jones*," her cargo, and voyage; and thereupon he, the said James Gilbert, did immediately after this interview communicate in writing with the said collector, asking for relief and assistance to restore unto him, the said James Gilbert, the said barque "*Jones*," as per letter, a copy of which is hereunto attached (marked N). That to this he, the said James Gilbert, received an answer, as per letter hereunto attached (marked O). That on Tuesday the 15th, and Wednesday the 16th days of said month of September, successive parties of men from the said brigantine "*Dolphin*" again went on board the said barque "*Jones*," and to all appearance there continued again to hoist upon deck and examine and stow away cargo. That he, the said James Gilbert, for and during the whole of the time and times aforesaid, and up to the last-named day, being perfectly ignorant of the grounds on which said E. Littlehales had committed, or caused to be committed, such extraordinary, unprecedented, and non-explained acts, proceeded on the last-named day in person to the said office of said collector at said Custom-house with a manifest of outward cargo, a copy of which is hereunto attached (marked P), and there and then, agreeably to the seventh paragraph of an order of Her Britannic Majesty in Council, dated the 11th day of July, in the year of our Lord 1839, at Buckingham Palace, requested of said collector the clearance of the said barque "*Jones*," which request was refused and not complied with, when he, the said collector, informed him, the said James Gilbert, that said Lieutenant E. Littlehales had intimated to him, the said collector, that a barque, with "*Jones of New York* painted on her stern," had been detained by him the said E. Littlehales, whereupon he the said James Gilbert immediately wrote to said collector on said 16th day of the month of September, for the information of the said E. Littlehales, as per letter, a copy of which is hereunto attached (marked Q). That not knowing to what further lengths he, the said E. Littlehales, would go, to the evident and manifest injury, detention, and other inconvenience of the persons and property in question, he the said James Gilbert deemed it incumbent on him to address, and did, through the Colonial Secretary of said island, as per letter hereunto attached (marked R), address his Excellency Major-General Middlemore, Companion of the Bath, and Governor and Commander-in-Chief of said island of Saint Helena, in writing, recapitulating to his said Excellency the foregoing matter, and claiming his interference and protection, with restoration of the property in question, as per letter, copy of which is hereunto attached (marked S). That accompanying said address was another appeal to the same purport, through the said Colonial Secretary, as per letter hereunto attached (marked T), to his said Excellency, by and from the said William Carrol, in his capacity as aforesaid, as per letter, a copy of which is hereunto attached (marked U). That on the 17th day of said month of September, he the said James Gilbert received from the said collector a reply, as per letter, a copy of which is hereunto attached (marked V). That on this last-named day, he the said James Gilbert, having the day before paid to said collector at said Custom-house, in the presence of one George William Janisch, an inhabitant of said island, as per declaration hereunto attached (marked W), paid and discharged all debts, dues, and demands owing by said barque "*Jones*," or the said James Gilbert, at said place, did in writing make another application to said collector for the clearance, agreeably to law, for the said barque "*Jones*," as per letter, a copy of which is hereunto attached (marked X). That up to this last-named day, and late therein, observing from all appearances every indication on board said barque "*Jones*" preparations there making to proceed to sea, and up to that time hearing nothing from the said E. Littlehales, neither directly nor indirectly, either verbally or in writing, from the said E. Littlehales, he the said James Gilbert lost no time to urgently write again to said collector, and with other things to repeat and reiterate his desire that the information named in said James Gilbert's letter of said 16th day of said month of September should without loss of time be communicated by him to the said E. Littlehales, as per letter, a copy of which is hereunto attached (marked Y). That on the day following, being the 18th day of said month of September, it was discovered that the said barque "*Jones*" had gone, departed, and disappeared from the anchor-

age aforesaid. That on this last-named day he, the said James Gilbert, received a reply from said collector, but which reply was utterly silent on the latter point, as per letter, a copy of which is hereunto attached (marked Z). That on said last-named day, he, the said James Gilbert, received, through the said Colonial Secretary, an answer from his said Excellency, the said governor of said island, as per letter, a copy of which is hereunto attached (marked AA). That, likewise on this last-named day, the said William Carrol, in his capacity aforesaid, also received, through said Colonial Secretary, a reply from his said Excellency, the said governor of said island, as per letter, a copy of which is hereunto attached (marked AB).

And he the said James Gilbert did further declare unto me the said William Carrol, in the capacity aforesaid, that, shortly after the arrival of the said barque "*Jones*" at the said island, he the said James Gilbert was induced to bring or cause to be brought on shore at said island to the Time Office from said vessel, to be rated, a valuable chronometer, which chronometer he, the said James Gilbert, delivered and deposited in trust at this place for that purpose to one Robert Ramage, a person employed in that office under the orders and directions of one Edward Gulliver, a harbour-master or port-captain in the service of the Government at said island. That on or about the 15th day of the said month of September, he the said James Gilbert, having a wish to take away said chronometer from said Time Office, did, in company with one Clement Hammond, proceed to said Time Office, when he, the said James Gilbert, requested the said Robert Ramage to deliver up and return out of deposit and trust unto him the said James Gilbert the said chronometer, whereupon said James Gilbert was told by said port-captain or harbour-master that the said chronometer could not be given up, as per affidavit, a copy of which is hereunto attached (marked AC). That on the 18th day of said month of September he the said James Gilbert sent a written request (which proved unsuccessful) to said harbour-master or port-captain for the immediate return of said chronometer, as per letter, a copy of which is hereunto annexed (marked AD). That thereupon he the said James Gilbert felt himself called upon to institute proceedings at civil law against him the said Edward Gulliver; and the said James Gilbert did further declare unto me, the said William Carrol, in the capacity aforesaid, that, from the unfounded reports and the extraordinary conduct of the said Tobias Davis, junior (the chief mate of said barque "*Jones*"), he felt bound to call upon, and did call upon, one Clement Hammond, before-named, to testify as to some injurious and other words he, the said Tobias Davis, junior, had publicly expressed in respect of the said James Gilbert and the said Francis W. Sexton, and the said barque "*Jones*." That being so called upon, he the said Clement Hammond, on the 19th day of said month of September, did so testify to the same as per affidavit, a copy of which is hereunto attached (marked AE).

And the said James Gilbert did on the same 19th day of September further declare, that the said James Gilbert and Francis W. Sexton aforesaid, being up to that time deprived and prevented from going on board said barque "*Jones*" to procure their wearing apparel, they being destitute of clothing, except what they then stood in, that he the said James Gilbert, on the day last named, did send a written communication by the before-named Thomas Storer, addressed to the said E. Littlehales in that behalf, as per letter, a copy of which is hereunto attached (marked AF), but to which communication he the said James Gilbert understood from the said Thomas Storer "there was no answer," the delivery of which letter, and the delivery of a former letter from the said James Gilbert to the said E. Littlehales by the said Thomas Storer, is fully seen, as per declaration hereunto attached (marked AG). And he the said James Gilbert did further declare unto me the said William Carrol, in the capacity aforesaid, that, in further confirmation of the cruel and malicious propensity and unmanly principles of the said Tobias Davis, junior, he the said James Gilbert deemed it to be his further duty to call upon one George Moss, an inhabitant of said island, to vouch as to further most unjustifiable expressions he the said Tobias Davis, junior, had uttered in the presence and hearing of him the said George Moss, in respect of the said barque "*Jones*." That he the said George Moss, being so called on, did, on the 7th day of the following month of October (he being unable to conveniently do so sooner), testify to the same, as per affidavit, a copy of which is hereunto attached (marked AH); that to further establish the diabolical disposition and propensities of him the said Tobias Davis, junior,

in respect of said barque "*Jones*," the said James Gilbert felt himself again bound to call upon one Saul Solomon, a merchant and agent, inhabitant of said island, which said Saul Solomon did, on the 25th day of the said month of September, testify to the same, as per affidavit hereunto attached (marked AI). And the said James Gilbert did further declare unto me the said William Carrol, in the capacity aforesaid, that at the time the said brigantine "*Dolphin*" took said barque "*Jones*" out of the possession of him, the said James Gilbert, there were on board, as cargo, various goods, wares, and merchandize, to the best of his knowledge, belief, and recollection, belonging to the owners of said barque "*Jones*," to the value of 26,916 Spanish dollars and 4 cents, at the first or prime cost of the same, as per list, a copy of which is hereunto attached (marked AJ).

And the said James Gilbert did further declare unto me, the said William Carrol, in the capacity aforesaid, that at the same time the said brigantine "*Dolphin*" took said barque "*Jones*" out of the said possession of him the said James Gilbert, there were then on board the last-named vessel, to the best of his knowledge, belief, and recollection, various articles of stores belonging to said barque "*Jones*," the property of her owners, as per list hereunto attached (marked AK), amounting to 5107 Spanish dollars and 45 cents.

And the said James Gilbert did further declare unto me the said William Carrol, in the capacity aforesaid, that at the same time such possession was so taken of said barque by said brigantine "*Dolphin*," there likewise were on board said barque, to the best of his knowledge, belief, and recollection, various goods and other private property belonging personally to him the said James Gilbert, as per list hereunto attached (marked AL), amounting to 1414 dollars and 75 cents. And the said James Gilbert did further declare unto me, the said William Carrol, in the capacity aforesaid, that at the same time such possession was so taken of said barque, by said brigantine "*Dolphin*," there likewise were on board said barque, to the best of his knowledge, belief, and recollection, property belonging to the said Francis W. Sexton, and property belonging to one George Tuinsson deceased, (second mate of the American brig "*Sarah Elizabeth*,") and likewise property belonging to one Farnham Frye deceased, (belonging to said barque "*Jones*,") the said three persons being native citizens of the United States of America.

And the said James Gilbert did further declare unto me, the said William Carrol, in the capacity aforesaid, that at the time such possession was so taken of said barque, by said brigantine "*Dolphin*," the log-book of said barque was on board said barque, and by him not since seen. And the said James Gilbert did further declare unto me, the said William Carrol, in the capacity aforesaid, that, at the time the request was made to him by the said E. Littlehales to see the manifest as before-mentioned, at the time said barque was taken possession of as before-mentioned, during the whole of the day following (Sunday), and until ten o'clock in the forenoon of the succeeding Monday, the Custom-house at said island was shut and closed, so that no access could be lawfully had thereunto for the purpose of obtaining an authentic copy of the manifest there deposited, for the information of the said E. Littlehales. And the said James Gilbert did further declare unto me, the said William Carrol, in the capacity aforesaid, that since the said barque "*Jones*" hath been taken possession of by the said brigantine "*Dolphin*," that he hath heard it reported that seven persons of the crew of the said barque, with their baggage, have been taken out of said barque and carried on board said brigantine "*Dolphin*," by the boats and people of the last-named vessel; and that the said Tobias Davis junior (mate), Henry Thomas (cook), and Henry Jenkins (steward), belonging to said barque, with two officers and other persons belonging to said brigantine "*Dolphin*," had been sent away from said island in said barque; and further, that he the said James Gilbert hath heard it also reported at said island, that the said barque "*Jones*" is destined direct for Sierra Leone, on said West Coast of Africa, for adjudication before the Vice-Admiralty Court at that place.

And he the said James Gilbert did further declare unto me the said William Carrol, in the capacity aforesaid, that he the said James Gilbert hath been credibly informed that the specie on board said barque "*Jones*," at the time of her being taken possession of as aforesaid by said brigantine "*Dolphin*," was taken from the said barque "*Jones*" by the people of the said brigantine "*Dolphin*," and that specie had been afterwards taken from said brigantine "*Dolphin*," by



her people and boats carried on board said barque "*Jones*;" and further that he the said James Gilbert hath been likewise credibly informed that a grindstone and a whole piece of Raven's duck, part of the stores of said barque "*Jones*," and belonging to the owners of said vessel, have been taken from said barque "*Jones*" since she was taken possession of by said brigantine "*Dolphin*," and carried on board the last-named vessel and brought into use, and further that he the said James Gilbert hath been likewise credibly informed that certain tobacco and shoes, being the private property of and belonging to him the said James Gilbert, have been taken from the said barque "*Jones*" since she was taken possession of by the said brigantine "*Dolphin*," and carried on board the last-named vessel, and there brought into use.

And he the said James Gilbert did further declare unto me, the said William Carrol, in the capacity aforesaid, that he the said James Gilbert verily believes that the proceedings aforesaid of said E. Littlehales have been caused partly from false data, and the false and wicked information of said Tobias Davis, junior, and other persons of the crew of said barque "*Jones*," whom he believes to have been instigated by the said Tobias Davis, junior, to that end, and thereupon principally, firstly by the hasty and afterwards by the deliberate acts, added to a rapacious desire of E. Littlehales to cause to be condemned as prize the said barque "*Jones*" and her said cargo, evidenced in the fact of said James Gilbert being prevented getting on board said barque with the papers of that vessel for exhibition, or of holding any communication with him, and which said barque was therefore sent away without such documents for adjudication aforesaid, although a Court of Vice-Admiralty exists at said island of St. Helena

And he the said James Gilbert did further declare unto me the said William Carrol, in the capacity aforesaid, that he the said James Gilbert hath been put to the necessity of purchasing and procuring certain wearing apparel, bedding, and other necessaries, and that he has incurred and is incurring other expenses at said island in consequence of the premises.

Wherefore and by reason of the premises, he the said James Gilbert did declare to have protested, as by these presents he doth hereby most solemnly protest against the said E. Littlehales, and against all and every manner of person or persons acting for, by, or under him, or by his orders, authority, or directions, and against the said collector of Her Britannic Majesty's customs at said island, as also against the said harbour-master or port-captain of said island, and likewise against the said Tobias Davis, junior, and against all manner of person or persons whatsoever or whomsoever herein implicated directly or indirectly, their and each of their heirs, executors, administrators, or assigns, and against all and every other person or persons whom the same doth, shall, or may concern, for all and all manner of losses, costs, charges, damages, hurts, detriments, expenses, or other injuries, that have already arisen or happened to said barque, her stores, cargo, or other property on board, or voyage, or either, or which shall or may hereafter arise or happen to said barque, her stores, cargo, or other property on board, or the voyage, or either, in consequence of the premises aforesaid, to be recovered and received in time and place convenient, he the said James Gilbert reserving to himself the power or right of hereafter extending his protest whenever time, circumstances, or need may thereunto require it.

And he the aforementioned Francis W. Sexton did for himself declare, allege, and say unto me the said William Carrol, in the capacity aforesaid, in manner and form following, that is to say, that he the said Francis W. Sexton, being at said Ambriz, on said West Coast of Africa, in the months of June, July, and part of August last past, transacting lawful mercantile business for the house or firm of Putnam J. Farnham and Company of said New York, and owners of said barque "*Jones*," did, for the purpose of carrying out the objects of his said business, on or about the 8th day of the last-named month, quit and depart from said Ambriz in said barque "*Jones*," commanded by said James Gilbert, and as supercargo thereof. That for and in respect of the time of said vessel's arrival at said island of St. Helena, of proceeding on shore there with the said James Gilbert; of presenting himself in company with him, the said James Gilbert, at the Custom-house; of there entering said vessel, rendering a manifest at said Custom-house of goods intended for sale at said island; of placing the business of said vessel and cargo in the hands of the agent of said barque; of



said goods being advertised for sale, of a portion of which being landed and disposed of; of certain merchandise being purchased and shipped on board said vessel; of said barque "*Jones*" lying at anchor at said island from the day of arrival there until the 10th day of the month of September last past undisturbed and unmolested; of said barque "*Jones*" being on that day all ready to sail; of the expiring on that day of the liberty or leave of absence on shore at said island of Tobias Davis, junior, Henry Eastman, Charles Wentworth, and John R. Avery; of said last-named four persons refusing to proceed on said voyage in said vessel; of said barque being in consequence thereof prevented to depart and thereby detained; of said James Gilbert taking certain proceedings against said persons as exemplified in a certain protest by him made at said island, dated the 14th day of the month of September in the year of our Lord 1840; of said James Gilbert being on the 12th day of said month of September accosted in the public street by a person said to be the said Lieutenant E. Littlehales, requesting to see the said vessel's manifest, said James Gilbert's asking him his motive for making said request, said E. Littlehales repeating the request, observing that trouble would be saved to both parties if such request was complied with, and said James Gilbert stating there was a Custom-house at said island, when said E. Littlehales, turning round, went away; of said barque "*Jones*" being on the said 12th day of said September seized and taken possession of by armed men from said brigantine "*Dolphin*;" of certain large parties of the "*Dolphin's*" people going on board said barque on the 13th, 14th, 15th, 16th, and 17th days of said month of September, and to all appearance there disturbing that vessel's cargo; of going twice on the 14th day of said month of September alongside said barque with said James Gilbert, with a view of getting on board said vessel on business, he the said James Gilbert there and then speaking and making himself known as James Gilbert the master of said barque, and of being prevented so doing by an officer belonging to said brigantine "*Dolphin*" then on board in charge of said barque; of said James Gilbert writing to said William Carrol in his capacity as aforesaid respecting seizure of said vessel, and claiming his aid and protection; of said James Gilbert addressing said E. Littlehales on said subject; of sending last-named address by one Thomas Storer; of said James Gilbert calling personally on the aforesaid collector, reporting to him the foregoing proceedings, and exhibiting certain papers belonging to said barque, to wit, ship's register, manifest of outward cargo, clearance, bill of health, list of crew and ship's articles; of said James Gilbert and Francis W. Sexton's offering collector most readily all and every information in their power respecting said barque, her cargo, and voyage; of said James Gilbert immediately writing to said collector for relief and assistance to restore to him said barque; of said collector's reply thereto; of said James Gilbert's applying to said collector for the clearance of said barque; of said collector's further written communication with said James Gilbert, stating that said barque "*Jones*" was detained by said E. Littlehales, and of his said collectors then demanding payment of certain customs and charges; of said James Gilbert, in company with said Francis W. Sexton, proceeding to said Custom-house, with an outward manifest of cargo of said barque, and agreeably to law requesting a clearance for said vessel, and of refusal of said collector to comply with the same, of said James Gilbert having, on said 16th day of said month of September, wrote to said collector certain information to be by him communicated to said E. Littlehales; of observing indications on the said 17th day of said September of said barque's preparation to go to sea; of said James Gilbert and said William Carrol, in his capacity aforesaid, having, through the Colonial Secretary of said island, appealed to his Excellency the Governor of said island, recapitulating the aforesaid particulars, claiming protection and restoration of property, and submitting to an investigation; of said collector's answer declining to communicate said certain information to said E. Littlehales; of said James Gilbert having made written application to said collector for a clearance for said barque; of said James Gilbert again writing to said collector urgently, and reiterating his wish that the certain information before mentioned should be without loss of time communicated to said E. Littlehales, and if on his non-compliance to hold said collector responsible for the same, requesting correspondence with said collector to be forwarded to the Honourable Commissioners of Her Britannic Majesty's customs

in England without delay; of discovering on the eighteenth day of said September, that said barque had during some time on the preceding night gone from the anchorage of said island; of said collector having sent said James Gilbert a reply to his last-named communication, but which was perfectly silent on the subject of his granting a clearance for said barque; of the said James Gilbert and the said William Carrol receiving through said Colonial Secretary replies from his said Excellency the Governor, stating his having no authority to interpose in any proceedings of Her Britannic Majesty's naval officers; of said James Gilbert bringing on shore from said barque a valuable chronometer for the purpose of being rated at the Time Office, and of being present when the harbour-master or port-captain in charge of said Time Office prevented the same from being given up; of one Clement Hammond's accompanying said James Gilbert to said Time Office; of said James Gilbert's applying there to have and repossess said chronometer; of said harbour-master or port-captain's preventing its being given up, and of said Clement Hammond likewise testifying as to certain improper expressions used by Tobias Davis, junior, against said James Gilbert, and said Francis W. Sexton, and said barque "*Jones*;" of one Thomas Storer testifying as to the delivery on board said brigantine "*Dolphin*" of two certain letters addressed from, and sent by, said James Gilbert to said E. Littlehales by said Thomas Storer; of one George Moss also testifying as to certain injurious expressions made use of by said Tobias Davis, junior, against and prejudicial to said barque "*Jones*;" of one Saul Solomon likewise testifying as to further certain injurious expressions also made use of by said Tobias Davis, junior, against and prejudicial to said barque "*Jones*;" of said James Gilbert's instituting proceedings at civil law against said harbour-master or port-captain, on account of the same; of said James Gilbert's writing to said E. Littlehales for the clothes of said James Gilbert and said F. W. Sexton; of there being on board said barque at the time said barque was taken possession of by said brigantine "*Dolphin*," as cargo, various goods, wares, and merchandise, to the best of his knowledge, belief, and recollection, belonging to owners of said barque "*Jones*," to the value of twenty-six thousand nine hundred and sixteen Spanish silver dollars and four cents, as per list before named by the said James Gilbert (marked AJ); of certain stores at the time of said possession being taken of said barque by said brigantine "*Dolphin*," being likewise on board said barque, the property of said owners; of there also being on board said barque, at same time, certain private property belonging to said James Gilbert; of there likewise being on board said barque, at same time, certain property belonging to him the said Francis W. Sexton, to the value of one thousand and sixty-three Spanish silver dollars, as per list, a copy of which is hereunto attached (marked AM), and property belonging to one George Tuinnson, deceased, a native citizen of said United States, to the value of twenty-four Spanish silver dollars and seventy-five cents, as per list hereunto attached (marked AN), likewise property belonging to one Farnham Frye, deceased, also a native citizen of said United States, as per list hereunto attached (marked AO), amounting to eight hundred dollars; of the log-book of said barque "*Jones*" being left on board that vessel at the time she was taken possession of aforesaid, and not being by said Francis W. Sexton since seen; of, at the time of said E. Littlehales applying to said James Gilbert to see the manifest before mentioned at the time of said barque being taken possession of as before mentioned, and during the following day (Sunday), and until ten o'clock in the forenoon of the succeeding (Monday), the Custom-House at said island being shut and closed, and no lawful access being thereunto to be had for the purpose of obtaining an authentic copy of the manifest before mentioned and there deposited; of a current report in town of seven of the crew of said barque, with their baggage, having been by said brigantine "*Dolphin*'s" boats and people taken out and carried from said barque and put on board said brigantine "*Dolphin*;" of another current report, said barque being bound to Sierra Leone, on said West Coast of Africa, for adjudication in the Vice-Admiralty Court there; and of the mate, the cook, and the steward (American citizens), with two officers and other persons belonging to said brigantine "*Dolphin*," having proceeded in said barque; of the further report that the specie on board said barque "*Jones*" at the time of her being taken possession of as aforesaid being taken from said barque and carried on board said brigantine "*Dolphin*" by the people and boats of the last-named vessel, and

of specie having been afterwards taken from said brigantine "Dolphin" by her people and boats on board said barque "Jones;" of said James Gilbert being credibly informed that a grindstone and a whole piece of raven's duck, part of the stores of said barque, and of certain tobacco and shoes, the private property of said James Gilbert, having been taken from said barque "Jones" since her said seizure, and carried on board said brigantine "Dolphin," and there brought into use; he the said F. W. Sexton did declare unto for truth. And he the said Francis W. Sexton did further declare unto me the said William Carrol, in the capacity aforesaid, that he the said Francis W. Sexton verily believes that the proceedings aforesaid of said E. Littlehales have been caused partly from false data, and the false and wicked information of said Tobias Davis, junior, and other persons of the crew of the said barque "Jones," whom he believes to have been instigated by the said Tobias Davis, junior, to that end, and other motives made manifest by said E. Littlehales' hasty, and afterwards deliberate acts, added to an apparent rapacious desire to condemn as prize said barque "Jones" and cargo, evidenced in the fact of said James Gilbert being prevented getting on board said barque with the papers of that vessel for exhibition, and of said E. Littlehales' adopting a system of non-intercourse, and which said barque was therefore sent away without such documents for adjudication aforesaid, although a Court of Vice-Admiralty exists at said island.

And he the said Francis W. Sexton did further declare unto me, the said William Carrol, in the capacity aforesaid, that by the said barque and cargo being taken possession of, and sent away as aforesaid, and thus his losing the lawful control of the said cargo in the capacity of supercargo as aforesaid, and being thus detained at said island, and now being necessitated to proceed hence to said United States of America, that certain lawful mercantile business and matters for account of said owners and of himself, awaiting his expected immediate return to said West Coast of Africa, will, and in all probability must suffer, and be seriously injured.

And he the said Francis W. Sexton did further declare unto me the said William Carrol, in the capacity aforesaid, that he the said Francis W. Sexton hath been put to the necessity of purchasing and procuring certain wearing apparel, bedding, and other necessaries, and that he has incurred, and is incurring, other expenses at said island, in consequence of the premises.

Wherefore, and by reason of the premises, he the said Francis W. Sexton did declare likewise to have protested, as by these presents he doth hereby most solemnly protest, against the said E. Littlehales and against all and every manner of person or persons acting for, by, or under him, or by his orders, authority, or directions, and against said Collector of Her Britannic Majesty's Customs at said island, as also against the said harbour-master or port-captain of said island, and likewise against the said Tobias Davis, junior, and against all manner of person or persons whatsoever and whomsoever herein implicated, directly or indirectly, their, and each of their heirs, executors, administrators or assigns, and against all and every other person or persons whom the same doth, shall, or may concern, for all and all manner of losses, costs, charges, damages, hurts, detriments, expenses, or other injuries that have already arisen or happened to said barque, her cargo, stores, or other property on board, and voyage, or either, or which shall or may hereafter arise or happen to said barque, her cargo, stores, or other property on board, and voyage, or either, in consequence of the premises aforesaid, to be recovered and received in time and place convenient, he the said Francis W. Sexton reserving to himself the power or right of hereafter extending his protest whenever time, circumstances, or need, may thereunto require it.

Thus done and protested at James' Town, in the Island of Saint Helena, this 7th day of October, in the year of our Lord one thousand eight hundred and forty, and of the Independence of the United States of America the sixty-fifth.

In witness whereof, I the said William Carrol do hereunto subscribe my hand, and affix the Consular Seal of my Office, at the place aforesaid, in the day, month, and year last above-written.

Witnesses:

GEORGE POOLEY.

M. W. CARROL.

(U. S. Seal.)

JAMES GILBERT. (L.S.)

FRANS. WM. SEXTON. (L.S.)

W. CARROL,

*United States' Consular Commercial Agent.*

## Twenty-second Enclosure in No. 254.

*List of Documents appended to the foregoing Protest, and referred to therein.*

- A.—(Copy.) Register of barque "Jones."  
 B.—(Copy.) Shipping articles of crew.  
 C.—(Copy.) List of crew.  
 D.—(Copy.) Manifest of outward cargo.  
 E.—(Copy.) Clearance of barque "Jones" at Boston.  
 F.—(Copy.) Bill of health at Boston.  
 G.—(Copy.) Manifest of cargo for sale at St. Helena.  
 H.—(Copy.) Handbill advertising articles imported in said barque for sale at St. Helena.  
 I.—(Copy.) Affidavit of James Gilbert and Francis W. Sexton, declaring that they were refused admittance on board said barque "Jones" by an officer of the "Dolphin," also (copy) affidavit of Thomas Chambers and John Chambers corroborating the same.  
 J.—(Copy.) Letter from James Gilbert to William Carrol, United States' Consul at St. Helena, detailing seizure of barque "Jones," and requesting his interference.  
 K.—(Copy.) Letter on the subject from William Carrol to Lieutenant E. Littlehales.  
 L.—(Copy.) Declaration of John William Carrol that E. Littlehales would not receive the last-mentioned letter.  
 M.—(Copy.) Letter from James Gilbert to E. Littlehales.  
 N.—(Copy.) Letter from James Gilbert to John Young, Esquire, Collector of Customs at St. Helena.  
 O.—(Copy.) Reply to same, enclosing memorandum of port dues incurred by said barque "Jones."  
 P.—(Copy.) Manifest of cargo at St. Helena of barque "Jones," bound to South-west Coast of Africa.  
 Q.—(Copy.) Letter from James Gilbert to the Collector, enclosing information for E. Littlehales.  
 R.—(Copy.) Letter from James Gilbert to W. H. Seale, Esquire, C.S., at St. Helena, enclosing  
 S.—(Copy.) Application from said James Gilbert to the Governor of St. Helena respecting seizure of said barque.  
 T.—(Copy.) Letter from W. Carrol to said W. H. Seale, enclosing  
 U.—(Copy.) Letter from same to Governor.  
 V.—(Copy.) Letter from said Collector to James Gilbert, declining to deliver information to E. Littlehales.  
 W.—(Copy.) Declaration by George William Janisch.  
 X.—(Copy.) Letter from James Gilbert to said Collector, applying for clearance.  
 Y.—(Copy.) Letter, same to same.  
 Z.—(Copy.) Letter in reply to both preceding (X and Y).  
 AA.—(Copy.) Letter from said W. H. Seale in reply to S.  
 AB.—(Copy.) Letter from same in reply to U.  
 AC.—(Copy.) Affidavit of Clement Hammond.  
 AD.—(Copy.) Letter from said James Gilbert to E. Gulliver, Esquire, applying for chronometer.  
 AE.—(Copy.) Affidavit of said Clement Hammond as to Tobias Davis, jun.  
 AF.—(Copy.) Letter from James Gilbert to E. Littlehales, applying for clothing.  
 AG.—(Copy.) Declaration of Thomas Storer as to delivery and returning of letter M.

CLASS D.

- AH.—(Copy.) Declaration of George Moss.
- AI.—(Copy.) Declaration of Saul Solomon as to assertions made by said Tobias Davis, junior, in his presence and that of the chaplain and clerk of "Dolphin."
- AJ.—(Copy.) List and value of cargo on board said barque when seized.
- AK.—(Copy.) Ditto of stores, &c.
- AL.—(Copy.) Ditto of private property belonging to James Gilbert on board the barque when seized.
- AM.—(Copy.) List of property belonging to said Francis W. Sexton on board said barque when seized.
- AN.—(Copy.) List of property belonging to the late Mr. George Tuinnson on board said barque when seized.
- AO.—(Copy.) List of property belonging to the late Mr. Farnham Frye on board said barque when seized.

All the above are certified to be true copies of the original documents by W. Carrol, United States Consular Commercial Agent at St. Helena.

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Twenty-third Enclosure in No. 254.

### CASE OF THE "WILLIAM AND FRANCIS."

*Statement of an occurrence on board the barque "William and Francis," Peter Flowery master, on her late voyage from Havana to the river Bras, on the coast of Africa, loaded with tobacco, rum, dry goods, and specie.*

*New York, February 1, 1841.*

NOTHING material occurred on the passage, except tempestuous weather, until her arrival at the river Bras, on the 30th day of September, 1840, where she landed her cargo. On the 15th of October, about six A.M., being ready for sea, in sand ballast, sailed from the said river, bound to Bonair, in the Carribean Seas, for a cargo of salt. At about eight A.M., in beating out of the river discovered a vessel outside the bar, supposed by the negro pilot to be a British man-of-war, and wished to be discharged for fear of being pressed into the English service, but was persuaded by Captain Flowery they had nothing to fear, that he might be enabled to clear the bar in safety. But their fears were increased when the boats were manned and putting towards the "*William and Francis*;" so great was their consternation and dread of the English that they left the barque by jumping overboard, without a discharge from Captain Flowery. About ten A.M. the "*William and Francis*" was boarded by two boats' crews from the English vessel; the officer of the first boat was requested to come on board, and leave his crew in the boat; but instead of so doing he ordered his men to board said barque, being armed with pistols, cutlasses, carbines, &c., to the number of 18 men, and when on board the officer drew up his men, and said to Captain Flowery that he took possession of the vessel, and if he made any resistance that he would blow out his brains, at the same moment levelling a pistol at Captain Flowery's head, being the first salutation given by the British officer. He was asked by Captain Flowery what he wanted; his reply was a peremptory demand for the ship's papers, which Captain Flowery said, most willingly; and when produced by Captain Flowery he (the officer) demanded possession of said papers, which were retained in Captain Flowery's hand, open, that they might be read by said officer. The Captain stated that he would reproduce them to his (said officer's) commander. The officer then told Captain Flowery's men they might work or not, as they pleased; that he took possession of the vessel, and ordered the anchor *let go*. Captain Flowery replied that he would bring her to anchor himself, which was done. At M., the British man-of-war anchored close to the "*William and Francis*," when the commander came on board with two boats' crews, armed in like manner as the previous boat's crew; the first boarding officer told his commander that Captain Flowery refused to deliver up his register, and recommended the papers (crew list and charter papers) and Captain Flowery's insolvency to his notice. Captain Flowery then produced his register, and held it

for their perusal as before stated; the commander persisted in demanding possession of the register, which Captain Flowery would not permit, for fear of its being destroyed, as the officers said they believed her to be Spanish property under American papers. The commander then ordered the crew of the "*William and Francis*" mustered, which was done, after which a search was made in the cabin, in trunks, and among clothing belonging to the captain and officers of the "*William and Francis*," opening sealed letters, barrels of bread, &c. The commander then said if he found 20 barrels of bread on board he would take her as a prize to Sierra Leone; and further, if he had fallen in with her previous to discharging, and found the specie on board, he would have condemned her as a *bonâ fide* prize. Captain Flowery replied he might do so, as he had the power, but it would be an act of piracy, being money legally shipped, for which bills of lading were signed. The commander, in a high state of feeling, told Captain Flowery he was a d—nd saucy Yankee. About five P.M. they left the "*William and Francis*," after keeping Captain Flowery under a guard of four men with drawn swords since ten o'clock A.M. The vessel's name was said to be Her Britannic Majesty's brig "Forester."

All of which is respectfully submitted.

(Signed) PETER FLOWERY.

114, *Madison Street*.

No. 255.

*Viscount Palmerston to Mr. Fox.*

(Extract.)

*Foreign Office, April 21, 1841.*

It appears that on several occasions vessels belonging to the United States have been freighted from Rio de Janeiro to various places in Africa, for carrying to those places equipments and cargoes intended to be there transferred to slave vessels, and that the United States' Commodore Ridgeley, has assured Mr. Ouseley, that upon receiving officially the information which Mr. Ouseley has led him to expect upon this subject, he will send some men-of-war at once to the coast of Africa, to seize any United States' vessel thus employed, and to send them to the United States for trial.

I am to desire that you will by note communicate the substance of the enclosed papers to Mr. Forsyth, expressing in that note the gratification of Her Majesty's Government at this proof of the readiness of the officers of the United States' navy to act in concert with Her Majesty's officers for the suppression of the African Slave Trade.

No. 256.

*Viscount Palmerston to Mr. Fox.*

*Foreign Office, April 22, 1841.*

Circular sending Convention with Hayti.

(See No. 1.)

No. 257.

*Viscount Palmerston to Mr. Fox.*

*Foreign Office, May 8, 1841.*

Circular Instructions against holding or being interested in Slave property.

(See No. 2.)

No. 258.

*Viscount Palmerston to Mr. Fox.**Foreign Office, May 11, 1841.*

Circular as to proposed Instructions to United States' Functionaries in Slave-holding countries.

(See No. 3.)

No. 259.

*Viscount Palmerston to Mr. Fox.*

SIR,

*Foreign Office, May 24, 1841.*

WITH reference to my Despatch of the 9th of February, 1841, enclosing a copy of a letter which by my directions had been addressed to the Secretary of the Admiralty respecting American vessels engaged in Slave Trade, I herewith transmit to you, for your information, a copy of a further letter which, by my directions, has been addressed to that department upon the subject in question.

I have, &amp;c.

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

(Signed) PALMERSTON.

Enclosure in No. 259.

*Lord Leveson to Sir John Barrow.*

SIR,

*Foreign Office, May 18, 1841.*

I HAVE laid before Viscount Palmerston your letter of the 3rd instant, enclosing copies of the instructions which have been given to the Commanding Officers of Her Majesty's cruisers, "to abstain from capturing American vessels engaged in Slave Trade." And I am to request that you will state to the Lords Commissioners of the Admiralty, that Lord Palmerston is of opinion, that where there is good reason to suspect that a vessel, met with by Her Majesty's cruisers, may not be American, and may be engaged in Slave Trade, the mere fact that she hoists an American flag ought not to protect such vessel from being boarded for the purpose of examining her papers, and that if such vessel shall be found to have on board American papers, which are evidently irregular and imperfect, or if, having regular American papers on board, she shall also have papers of another country, which has conceded to Great Britain the right of search, such vessel ought, in either of those cases, to be searched; and vessels so circumstanced, if, upon search, they are found to be equipped for Slave Trade, or to have slaves on board, ought to be detained, and to be sent in for adjudication to the proper tribunal, according to the nature of the case. That is to say, if the vessel so detained shall not have papers sufficiently regular to entitle her to claim the protection of the flag of any nation, she should be sent to a British Court of Admiralty or Vice-Admiralty, under the provisions of the Act of the 2nd and 3rd Victoria, cap. 73; and if she should have papers proving her to be entitled to the protection of the flag of any country which has conceded to Great Britain the mutual right of search, she should be dealt with in the manner prescribed by the Treaty concluded between Great Britain and that country.

I am to add, for the information of the Lords of the Admiralty, that Her Majesty's Advocate-General concurs in opinion with Lord Palmerston upon these points.

I am, &amp;c.

*Sir J. Barrow,*  
&c. &c.

(Signed) LEVESON.

No. 260.

*Viscount Palmerston to Mr. Fox.*

SIR,

*Foreign Office, June 28, 1841.*

I TRANSMIT to you herewith a copy of a letter from Lord Francis Russell, requesting to know the result of an application made in April, 1840, by Messrs. Stilwell, as agents for the officers and crew of Her Majesty's sloop "Harlequin," on account of claims preferred by them for the proceeds of the American ship "*Wyoming*." And with reference to my despatch to you, Slave Trade, of the 30th of May, 1841, I have to desire that you will acquaint me with the result of the representation which in that despatch you were instructed to make to the United States' Government upon this subject.

I am, &amp;c.

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

(Signed)

PALMERSTON.

Enclosure in No. 260.

*Lord Francis Russell to Viscount Palmerston.*

MY LORD,

*22, Arundel Street, Strand, June 19, 1841.*

WITH reference to a letter addressed to your Lordship on the 29th of April, 1840, by Messrs. Stilwell of Arundel Street, the agents appointed by myself, the officers and company of Her Majesty's sloop "Harlequin," late under my command, enclosing, for transmission to the President of the United States of America, an application founded on a decree of condemnation in the District Court of New York, dated 19th of October, 1839, in the case of the American ship "*Wyoming*," directing the vessel to be sold and the proceeds to be distributed according to law, for such part thereof as the captors would have been entitled to, had they been American subjects, and praying that that Government would in addition grant the captors the whole or some part of that portion of the proceeds forfeited to the Government.

As no reply to the letter in question has been received, I request to be informed what steps have been taken by your Lordship, and if any reply has been received from America on the subject.

I have, &amp;c.

(Signed)

F. RUSSELL,

*Commander, late Her Majesty's ship "Harlequin."**The Right Hon. Viscount Palmerston, G.C.B.*

&c. &c. &c.

No. 261.

*Viscount Palmerston to Mr. Fox.*

SIR,

*Foreign Office, July 14, 1841.*

I HEREWITH transmit to you, for communication to the United States' Government, a copy of a letter and of its enclosure, from the Admiralty, containing intelligence respecting Slave Trade under the flag of the Union.

I have, &amp;c.

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

(Signed)

PALMERSTON.



First Enclosure in No. 261.

*Sir John Barrow to Mr. Backhouse.*

*Admiralty, June 25, 1841.*

*(Received June 26.)*

SIR,

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 Captain Tucker, of Her Majesty's sloop "Wolverene," dated the 16th of March last, containing information relative to the Slave Trade.

I have, &c.

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

(Signed)

JOHN BARROW.

Second Enclosure in No. 261.

*Commander Tucker to Mr. More O'Ferrall.*

*Her Majesty's sloop "Wolverene," at sea, latitude 5° 9' N.  
 longitude 9° 28' W., March 16, 1841.*

SIR,

I HAVE the honour to report, for the information of the Lords Commissioners of the Admiralty, that on the 16th instant, off Sestos, I fell in with the United States' corvette of war "Cyane," Commander Latimir, and sent an officer on board of her to afford her commander every assistance, and to give him every information in my power relating to vessels sailing under the American flag, to which he returned a very polite and courteous answer, regretting he was in great haste to reach Grand Bassa and Mesurado, and wished to take every advantage of the present slant of wind in his favour, to run over the current, or he should have had great pleasure in calling on me. I regret I had not the opportunity of seeing and informing him of the number of vessels which have covered, or are reported to have covered and protected the nefarious Traffic in Slaves, by the use and abuse of the American flag during the last year, although there have been two United States' ships of war on the station, the said vessels not affording any proof of being Spanish property; but I still more and very deeply regret that the American men-of-war remain so very short a time on the coast, and do not visit the coast to leeward of Cape Palmas, as a great number of vessels engaged in the Slave Trade under the protection of the American flag are to be found in the Bights of Benin and Biafra, and the coast to the southward, as is proved by the following extracts of returns of vessels boarded by the squadron under my orders, and the extracts from different letters from the commanders.

The American men-of-war, I am convinced, have been of service on this coast, inasmuch as the knowledge of it has prevented many vessels from raising their flag, which were therefore obliged to resort to the Portuguese or Spanish flags, in proof of which I beg to report that I received information from a creditable quarter, that eleven vessels were to follow the American brig "Douglas" to the River Nun, to take the slaves purchased with the cargo carried in her by the consignee, Don Pablo Frexas. I detained the two first in the River Nun, two escaped with slaves, then I detained the "Palmira," one of the eleven, off the Nun, but she was under Spanish colours. The "Forester" detained another, the "Recurso," off the Nun under the Portuguese flag, and chased another off the Nun and prevented her entering by strictly blockading it with vessels and boats, which were fired upon by her.

I have, &c.

(Signed)

WILLIAM TUCKER,

*Captain and Senior Officer in Command.*

*R. M. O'Ferrall, Esq.*  
*&c. &c. &c.*

No. 262.

*Viscount Palmerston to Mr. Fox.*

SIR,

*Foreign Office, July 16, 1841.*

WITH reference to my previous Despatches to you respecting the United States' vessel the "*Tigris*," detained by Lieutenant Matson, of Her Majesty's brig "*Waterwitch*," on a charge of being concerned in Slave Trade, and sent to the United States' port of Salem, to be delivered up to the authorities of that place for trial, I herewith transmit to you, for your information, copies of correspondence which has passed between this office and Mr. Consul Grattan, and this office and the Admiralty, since the date of my last Despatch to you upon this subject.

I am, &amp;c.

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

(Signed) PALMERSTON.

Enclosures in No. 262.

1. *Mr. Grattan to Viscount Palmerston, Boston, June 14, 1841.*
2. *Viscount Palmerston to Mr. Grattan, Foreign Office, July 14, 1841.*

(See Nos. 313 and 314.)

Third Enclosure in No. 262.

*Sir John Barrow to Mr. Backhouse.*

SIR,

*Admiralty, June 24, 1841.*

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Viscount Palmerston, the copy of a letter, No. 14, of the 3rd of April last, from Rear-Admiral Sir Edward D. King, and its several enclosures (in original), relative to the Slave Trade, as carried on upon the Brazils and Cape of Good Hope station, and the arrangements made for its prevention.

I am, &amp;c.

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

(Signed) JOHN BARROW.

(Extract.)

Fourth Enclosure in No. 262.

*Rear-Admiral Sir E. D. King to Mr. More O'Ferrall.*

SIR,

*"Southampton," Simon's Bay, April 3, 1841.*

I HAVE the honour to enclose herewith the copy of a letter from Lieutenant Matson, of Her Majesty's brig "*Waterwitch*," dated the 19th of February last, reporting his proceedings in detaining the brig "*Tigris*" under the flag of the United States, for being concerned in the African Slave Trade.

I have carefully considered this case, and feel disposed to approve of Lieutenant Matson's conduct towards the vessel in question, as far as applies to her examination, and the measures he took to establish the facts; but it appears to me that he would have sufficiently met the merits of her offence had he forwarded the evidence against her to the American Government, without incurring the responsibility of taking possession and sending her in charge to that country.

Her Majesty's officers are certainly placed in great perplexity in dealing with vessels under the American flag which they find engaged in the Slave Trade. I have specially cautioned those under my orders to be most guarded in their conduct whilst boarding vessels bearing that flag, and which, by a strict but courteous examination of their papers, may prove to belong to American citizens, whether employed in the Slave Trade or not, reminding them that we have no convention with the United States conceding the right of mutual search, and I think the officers are generally very careful in this respect; but the vigorous measures recently adopted by Her Majesty's Government against vessels bearing

the flag of Portugal, under which so much of the Slave Trade was formerly carried on, having induced the persons engaged in that iniquitous pursuit to assume the flag of America and to disguise themselves so thoroughly by fictitious papers, mixed crews, and other contrivances for which there is great facility, the cruisers find great difficulty in discerning what vessels are really entitled to its protection, and from a proper desire not to give cause for offence to that Government, no doubt allow many vessels to escape which a more severe scrutiny would have detained.

From what I have seen and heard since I assumed this command, I feel quite convinced that, unless a very different course indeed be adopted by the American Government from that at present pursued, there can be no reasonable hope of effectually and permanently checking the Slave Trade; for whilst that Government denies to British cruisers the right of searching, and almost that of boarding vessels under its flag, it applies no adequate means of its own, either to detect and punish American citizens engaged in the traffic, or to prevent Portuguese, Brazilians, and other foreigners from carrying it on under the apparent protection of the national colours.

The consequence is, that American slave-vessels, or vessels trading in slaves under that flag, swarm the coasts of Africa and Brazil to an extent far beyond general belief, and are daily increasing in number; at the same time that the masters of such vessels, knowing their impunity, treat the boarding officers from Her Majesty's ships with the greatest insolence and abuse, throw every vexatious impediment in the way of their properly performing their duty, and try all they can to provoke them to some hasty act of aggression or quarrel, so as to form a subject of complaint to the American Government.

I have, &c.

(Signed) E. D. KING,

*Rear-Admiral and Commander-in-Chief.*

*R. M. O'Ferrall, Esq.*  
&c. &c. &c.

Fifth Enclosure in No. 262.

*Commander Matson to Rear-Admiral Sir E. D. King.*

*Her Majesty's brig "Waterwitch," at sea,  
February 4, 1841.*

SIR,

I HAVE the honour to enclose copies of the documents relating to the American brig "*Tigris*," detained and sent to the United States by me for being engaged in the Slave Trade, which circumstance I repeated to Captain R. L. Baynes, C.B., in my letter of the 11th of October, 1840.

I have, &c.

(Signed) H. J. MATSON,

*Lieutenant and Commander.*

*Rear-Admiral Sir E. D. King,*  
&c. &c. &c.

Sixth Enclosure in No. 262.

*Commander Matson to the Secretary or Registrar of either of the Circuit Courts of the United States.*

(See Thirteenth Enclosure in No. 253, page 203.)

Seventh Enclosure in No. 262.

(A.)

(Translation.)

*Angola.—Deposition made by the Black called Hemé.*

ON the 9th of October, 1840, in this town of Loando, province of Angola, in the dwelling-house of the most deserving Judge "Ordinary," Ignacio Joaquim de Mello Pereira, discharging the functions of a Judge "de Direito," in this province of Angola and its dependencies, whither I, the Notary, repaired for the purpose of a deposition taken at the instance of Lieutenant Henry James Matson,

commander of Her Britannic Majesty's brig of war the "Waterwitch," from the Black, Hemé, found by that Commander on board the American brig "Tigris;" and there being present Jose Francisco de Coutto and Philip Vellasco, who had been appointed interpreters, the said Judge tendered the oath on the Holy Gospels, in virtue of which he charged them well and truly, and without guile or malice, to declare and translate into the Portuguese idiom the depositions about to be made by Hemé, the black, who was present; and they, having taken the said oath, promising to comply with the above, proceeded to put to the black the queries enjoined them by the Minister; and Hemé deposed as follows:—

Is a native of the mountains of Guilengues, in Benguella; unable to tell his age, which seems to be thirteen or fourteen. Was brought there by one Nicolas, who sold him to one Joaquim Ferreira; was sold by him to Alexandro, and by him to Miguel Baptistor, inhabitant of Benguella, who bartered him to the merchant Joao Maria de Souza e Almeida. This latter kept him for service in his house, and sent him, with others of his slaves, to the beach, to collect some lime in barrels for domestic use; and during the time that deponent was taking care of some of the barrels, and that the slaves were fetching others, deponent, remaining alone on the beach, was seized by a crew of a boat belonging to some foreign vessel, on board of which he was carried. On the same day the vessel put to sea, and four days after he was transferred from thence to another vessel, where he now is, and whence he was sent for this day to make the present deposition before the above Minister. Thereupon the Minister ordered the present minute to be drawn up, which he signed, with the two interpreters and the witnesses who attended, and who have signed their names. Alvaro da Costa, Notary to the Judge "de Direito," who wrote this; also signed it, Mello Pereira; Alvaro da Costa; Joze Francisco de Couttho; Cross of the Interpreter Philip Vellasco; as witness, Francisco Texeira de Mirandez, Joze Gomez Rimirez.

*Auto da Crime.*

In the year of our Lord Jesus Christ 1840, 9th of October, in this town of Loando, in the dwelling of the most deserving Judge Ordinary, Ignacio Joaquim de Mello Pereira, serving the office in the absence of the proper Judge of this province of Angola, I, the notary, attended for the purpose of proceeding to an examination of any marks and impressions of irons that might be discovered on the skin of Hemé, the black. That was done at the requisition of the lieutenant who commands Her Britannic Majesty's brig-of-war the "Waterwitch." Now there being likewise present the notary of the correctional police, Manoel Antonio Rodriguez, he, I, the present notary, and the witnesses signed below, proceeded to the said examination, during which it was found that the said negro has not any marks of iron on his whole body, save some traces of pock-marks on the arms, and a very little scar in the face, about which the black, on being interrogated, replied that it proceeded from a wound caused a long while ago with a piece of wood. On being questioned whether it was not in the Isle of Thomas, or in some other place where that wound had been given, he made answer that the wound was occasioned in the Guilengues mountains in Benguella, his country, and that he never either was at, or heard of the Isle of Thomas. The Minister having thus finished the examination, ordered the present minute to be made out, which he signed along with all the rest.

(Signed) The Judge, **IGNACIO JOAQUIM DE MELLO PEREIRA.**

Witnesses, **ARRENEO P. P. DE CARPO.**  
**FRANCISCO R. DE MORIANDA.**

I, the Advocate, Ignacio Joaquim de Mello Pereira, the Judge Ordinario, serving in lieu of the one "de direito," of the first instance, in this province of Angola and its dependencies, do make known, that to the end of its being on record, I caused the present to be made out by the notary under my orders, who wrote this, and that the signature underneath is that of the said notary, affixed for the sake of authentication. Loando, 9th October, 1840. Manoel Antonio Rodriguez wrote it.

(Signed) **IGNACIO JOAQUIM DE MELLO PEREIRA.**

Eighth Enclosure in No. 262.

(B.)

*Captain Frye to the Lieutenant commanding Her Majesty's brig "Waterwitch."*

SIR,

As you have detained the American brig "*Tigris*," under my command, under circumstances which to you are suspicious, I wish fully to explain all the circumstances of the case to you.

July 27, 1840.—I arrived at St. Thomé direct from Salem, United States of America; while there, finding my cook and steward drunk, I punished him, and sent him out of the cabin, and requested Joze de Castro to let me have a boy to carry to the United States to act as steward in the cabin; he let me have one, but as I did not much like his appearance he told me that if he did not prove good I might leave him with his friend John Almada, of Benguella, and for that purpose I got a passport for him. Upon arriving at Benguella, which I did on the 18th of September, I sent the boy on shore, and took a boy of J. de Almada on board to carry to the United States, and put him on the shipping articles. Letters which I carried to Benguella from J. de Castro to J. Almada I think explained all to him, and the purpose for which I wanted him, and what I was going to do with him.

October 7.—While I was on shore I saw your brig off the port; your boat soon after boarded the "*Tigris*," and upon the officer's asking about the boy, was told by the mate that he belonged to St. Thomé, and came from there; and his reasons were, that as I was not on board he thought there were less questions asked if he said he came from there. Soon my boat came on shore, and informed me of the boy's having been taken out of the brig by you; I immediately went on board, and upon getting there was told by the mate that he had told you the boy came on board at St. Thomé, and his reasons for so doing. Soon after your boat returned, bringing back the boy; and I now, thinking if I told you he came from Benguella, the different stories would lead to some detention, I said he belonged to St. Thomas, as J. de Castro, of there, is the one that gives him liberty to allow him to go to the United States. My log-book and shipping-articles are sufficient security for me, and even if I had him not logged, the custom of our vessels carrying these boys home to learn English would warrant me in it. You now have on board a Kroo boy that I took at Cape Palmas on my last voyage, and I had him with me 12 or 14 months; on my previous voyage I had taken one of these boys home; Cape Palmas was my first port, and then I had the boy on board, bringing him back, at the same time I took said Kroo boy on board. Were more proof wanting as regards my intention towards the boy, you will easily find it in the letters which J. de Castro wrote to John Almada of Benguella.

One part of my conduct to you I regret exceedingly, and which I am aware will lead me to great censure in the United States, that when you asked all my crew I did not check them; but seeing all give you the same answer, I was in hopes they did not recognise the boy, but was afterwards told by my mate that he had told them all to say that he came from St. Thomé, as they were not on oath.

(Signed)

N. AUGUSTUS FRYE,

*Commanding American brig "Tigris."*

(Signed)

Witness, SAMUEL BURNHAM, *Mate.*

Ninth Enclosure in No. 262.

(C.)

(Translation.)

*Minute of Deposition made by Joao Maria de Souza e Almeida, Merchant of this place, respecting a boy, Gil, in the possession of deponent, as well as respecting another of the name of Heme (or Ime), who remained at Angola, according as the undersigned deposes:—*

On the 16th of October, 1840, in this town of Benguella, in the dwelling of the most meritorious Judge Ordinary and Captain, José Nunez de Costa,

whither I, the Notary, repaired by his desire, there appeared present Joao Maria de Souza e Almeida, merchant of this place, whom I identify and acknowledge as such, and said, on being interrogated by the Judge, that having handed over the boy Heme to the American vessel "*Tigris*," in place of another of the name of Gil, who was in possession of deponent, it became the occasion of the American vessel being taken by the English brig "*Waterwitch*." At the same time there also presented himself the Commander of the said English brig-of-war for the purpose of obtaining a copy of the present minute, when Almeida made the following deposition:—

That the merchant Joze de Castro Proza Maltros having transmitted to him from the Isle of St. Thomas, in the American vessel "*Tigris*," through the agency of her Captain, a black boy of the name of Gil, whom the said Castro was to have sent to English America to learn the art of cookery, as appears by the Document No. 1. Now Castro desiring that in lieu of him there might go another boy of the same size and quality, by reason of the said Gil being already domesticated in the said Isle of St. Thomas, and well acquainted with the country, and likewise because Gil might be unwilling to submit to certain rules which Castro must needs lay down to Gil, with the view of his acquiring that art; on which account the said Castro directed the exchange alluded to, to be effected. In consequence whereof, deponent ordered Heme to go in place of Gil, inasmuch as Heme is a boy of the same size, and a menial servant of deponent, as appears from Document No. 2; and Heme was on the eve of departing from hence to that island in order to join the said Castro; and as for the said black boy Heme giving out that he had been forcibly carried on board the said vessel "*Tigris*," and that therefore he had been kidnapped, it is downright at variance with truth; because, when deponent ordered him to leave work in order to accompany a sailor of the above vessel "*Tigris*," who came to receive from deponent the correspondence for Prince's Island, deponent gave Heme to understand that though he did not speak the language of the country, he was leaving for deponent's land of nativity; and that he accompanied the said sailor to the coast without being attended by any guard; neither was he a prisoner since he stood in the relation of a domestic servant going on the business of deponent's house, and that he therefore need be under no uneasiness. In this stage, deponent presented the black boy, Gil, who is in his possession, to the English Commander,\* who recognized him for the same they had already seen on board the above American vessel "*Tigris*," when she sailed from the port of Ambriz for this port of Benguella; and when they examined that vessel, the Captain told them what is set forth in the deposition.

And in order that their declaration to that effect may be known, as well as for the purpose of its being on record for reference, he, the Judge, ordered the present minute to be drawn up, which the Judge, the deponent, the English commanders, and all those present signed with me, Joze Salomao de Lemos Pereira, examined notary, who penned it, also signed it.

(Signed) COSTA.

JOSE SALMAO DE LEMOS  
PEREIRA, 1840.  
JOAO MARIA DE SOUZA  
E ALMEIDA.  
H. J. MATSON.  
A. B. CURROR.  
FREDERICK ELSTONE.  
MANUEL ANTONIO FRED.  
BARBOZA.  
JOAQUIM MANOEL ESCO-  
RAO.

I attest that the above signatures were written at Benguella, October 16, 1840.

J. Emtr. J. S., O. Palm.

(Signed)

JOZE SALMAO DE LEMOS PEREIRA,  
1840, *Examined Notary*.

\* There is no ground for the assertion of their having recognised the boy as belonging to the nation of the Nagoinas, for they did not visit that vessel, or ever behold the boy, having departed before the time.

(Signed)

The Notary SOLOMON.

I, the Captain Joze Nunes da Costa, Judge Ordinary of the Indies and of the Mines in this city of Benguella, &c. &c., make known that the above signature is that of the notary, under my orders, who wrote this, and that he signed it for the sake of authenticity. Benguela, October 16, 1840.

(Signed) J. S. DE LEMOS PEREIRA,  
Notary.  
JOZE NUNES DA COSTA.

Tenth Enclosure in No. 262.

(Translation.)

*Public Instrument, containing an Extract from a Letter dated 6th of August, 1840, written from the Isle of St. Thomas, and signed by Joze de Castro Roza Mattos to Joao Maria de Souza e Almeida of this place, as stated below:—*

You will receive by the hands of this American captain, who is my friend, a black boy, for whom I take the liberty to request that you will send me in exchange one of the same size, to the end that the said captain may carry him among his crew to America to learn to cook. You will receive from the same captain four doubloons, for which you will have the goodness to buy for me tobacco, ivory, and bees-wax, all packed up in a small chest. In case you should be disposed to transmit to me some tobacco, as a venture on your own account, you may entrust it to the same captain, he being a safe man. It was out of my power to forward the horses to you, for want of room; the captain told me he could not bestow them, as his vessel was already over-oaded.

The above is truly and faithfully extracted from the letter to which I refer, and which was delivered to its address. And the present extract was penned, signed, compared, and collated in this town of Benguella, on the 16th of October, 1840, by me, Joze Salomao de Lemos Pereira, examined notary, who wrote, and, with a view to legalization, signed it.

J. Emittr. S. L. Devere. P. O. Palm.

(Signed) JOZE SALOMAO DE LEMOS  
PEREIRA, 1840.

I, the Captain Joze Nunes da Costa, Judge Ordinary, and of the Indies and the Mines in this city, &c., notify that from the certificate of the notary under my charge who wrote this, it is known to me that the above is the public sign and token; and that the above are the signatures of the notary, whose name is affixed thereunto, and that I deem them authentic.

*Benguella, October 16, 1840.*

I, Joze Salomao de Lemos Pereira, Notary of the General, and of the Indies and Mines, who penned this.

(Signed) JOZE NUNES DA COSTA.

Eleventh Enclosure in No. 262.

(Translation.)

*Public Instrument, exhibiting a Letter entered in the book called the Copyist of Letters, and written by Joze Maria de Souza e Almeida to Major Joze de Castro Roza de Matto, residing in Prince's Island, dated the 13th October, 1840, as set forth below:—*

ACCORDING to your desire, Sir, I made the exchange which you ordered, sending, instead of the black boy in question, another of this country,

for the purpose you mention, and I shall be most happy to learn that what I have done meets with your approbation. The American captain, our friend, has paid me the four Spanish doubloons, which, according to our present course of 16,000 rees, amounted to 64,000 rees. I have purchased all that you will find specified in the enclosed invoice. The goods I send you come to 120 contos and 4850 rees, so that you are debited in the sum 60,850 rees, which I have charged to your account. I hope you will approve all I did in compliance with your order. I have not minded the high price; indeed I should have been glad to pay even a higher, provided I could send you a good article.

The above is a true copy from the respective book and article to which I refer; and I have delivered the copy to the bearer. This was written, signed, compared, and collated by me in this city of Benguella, on the 16th of October, 1840.

I, Jose Salomao de Lemos Pereira, examined Notary, who penned and signed it with the public sign and mark.

I, the Captain Joze Nunes da Costa, Judge Ordinary, and of the Indies and the Mines in this city, &c., notify, that in reference to the certificate of the Notary under my authority, who wrote this, it is known to me that the above are the public sign, mark, and signature of the Notary whose name is affixed thereunto, and that I deem them authentic.

*Benguella, October 16, 1840.*

I, Jose Salomao de Lemos Pereira, Notary of the General, and of the Indies and the Mines, have penned the above.

(Signed) JOZE NUNES DA COSTA.

Twelfth Enclosure in No. 262.

*Lord Leveson to Sir John Barrow.*

SIR,

*Foreign Office, July 13, 1841.*

I HAVE laid before Viscount Palmerston your letter of the 24th ultimo, with its enclosures, respecting Slave Trade carried on under the United States' and Brazilian flags. And with reference to the account which these papers contain of the proceedings of Lieutenant Matson, in detaining the United States' brig "*Tigris*," on a charge of being concerned in Slave Trade, I am directed by Lord Palmerston to request you will observe to the Lords Commissioners of the Admiralty, that Lieutenant Matson ought not to have meddled with the "*Tigris*," when he found that she was really United States' property.

I am, &c.

*Sir John Barrow, Bart.*

(Signed) LEVESON.

&c. &c. &c.

No. 263.

*Viscount Palmerston to Mr. Stevenson.*

*Foreign Office, August 5, 1841.*

THE Undersigned, &c., has received the notes addressed to him on the 13th of November, 1840, and on the 1st of March last, by Mr. Stevenson, Envoy Extraordinary and Minister Plenipotentiary from the United States, complaining of the search and detention of the United States' vessel "*Douglas*," and of the ill treatment of her crew, by Lieutenant Seagram, of Her Majesty's brig "*Termagant*," employed on the coast of Africa in suppressing Slave Trade.



In these two communications from Mr. Stevenson, it is stated, that on the 21st of October, 1839, Lieutenant Seagram boarded the "*Douglas*" while she was pursuing her voyage on the coast of Africa, examined the ship's papers and the passengers' passports, broke open the hatches, hauled down the American flag, and seized the vessel as a slaver; that he kept possession of her during eight days, namely, from the 21st of October, 1840, to the 29th of the same month; that the officers and men of the "*Douglas*" became ill from their exposure to the sun, and that, in consequence, three of them died, and the captain is still in bad health. And Mr. Stevenson expresses the confident expectation of the President of the United States, that Her Majesty's Government will make prompt reparation for the conduct of Lieutenant Seagram in this case, and will take efficient means to prevent the recurrence of such abuses.

The Undersigned has, in reply, to state that, in pursuance of the wish expressed by Mr. Stevenson on the part of his Government, a strict investigation has, by order of the Lords of the Admiralty, been made into the particulars of this case, and the result is as follows:—

Lieutenant Seagram, commanding Her Majesty's ship "*Termagant*," employed in suppressing the Slave Trade on the coast of Africa, had been apprised by the commanding officer of Her Majesty's ships on that coast, of an agreement entered into by that officer with Commander Paine, of the United States' Navy, for searching and detaining ships found trading in slaves under the United States' flag; and Lieutenant Seagram having, on the 21st of October, 1839, met with the ship "*Douglas*" carrying the flag of the Union, he boarded her and made inquiries as to the voyage on which she was bound. Lieutenant Seagram was received on board the "*Douglas*" with great incivility, and a disinclination was shown to reply to any questions relating to her voyage; but he ascertained that she was bound to the River Bras, and he found on board of her seven Spaniards, who were going to that river, where no trade but the Slave Trade is carried on.

Lieutenant Seagram requested to see the papers of the "*Douglas*," but the captain of the "*Douglas*" could produce no custom-house clearance, and had made an entry on his log that on leaving the Havana he could not procure one, and that he had returned to the harbour to obtain such a paper, but had left the harbour again without it. This circumstance appeared suspicious to Lieutenant Seagram; and on examining the papers produced by the captain of the "*Douglas*," he found that the "*Douglas*" was consigned to a well-known slave-trader, Don Pablo Frexas, who was then on board of her, and to whom the slaving vessels "*Asp*" and "*Lark*," which had been recently condemned for Slave Trade, had been consigned.

Lieutenant Seagram pressed for permission to examine the hold of the vessel, and the consignee gave him permission to examine her freight, because he conceived that it was protected by the United States' flag; and under the same impression he acknowledged to Lieutenant Seagram that her cargo was Spanish, and had been shipped as American solely for the purpose of avoiding seizure.

The hatches of the vessel having then been opened, and Lieutenant Seagram having proceeded to examine her, it was discovered that she was fitted out for Slave Trade, with leaguers, hoops, and staves, a slave-deck in planks, and three complete slave-coppers.

Lieutenant Seagram reports, that under these circumstances he should have sent the "*Douglas*" to the United States to be delivered up to the authorities of that country, but that he had received orders from the commanding officer of Her Majesty's vessels on the coast of Africa, not to send any vessels to the United States until he should have been informed what course the United States' Government took as to the slave-vessels the "*Eagle*" and "*Clara*," which had been sent to the United States by that commanding officer, with a view to assist the American Government in preventing the abuse of the national flag of the Union.

But Lieutenant Seagram, not having received any information on this point at the end of eight days after the detention of the "*Douglas*," thought it his duty then to release the "*Douglas*," instead of detaining her longer or sending her to the United States.

From the facts above stated, there appears little doubt that if the "*Douglas*"

had been sent to the United States, she would have been condemned for trading in slaves under the flag of the Union; and had she been tried before the Mixed Commission at Sierra Leone, the proofs that the slave-trading voyage on which she was engaged was in fact a Spanish enterprise were strong enough to have warranted her condemnation in the British and Spanish Court, as a Spanish slaver.

With respect to the assertion that three men died from the effects of exposure to the sun, in consequence of the detention of the vessel, the Undersigned has to state, that it appears that the vessel remained on her own account in the African seas two months after her detention by Lieutenant Seagram; and as none of the men died until after those two months, there seems no reason to suppose that the death of the two men in question was occasioned by the detention of the vessel by Lieutenant Seagram.

With respect to the statement that Lieutenant Seagram ordered the American flag to be hauled down, it is to be observed, that the master of the "*Douglas*," in his protest, declares that he himself, and not Lieutenant Seagram, ordered the United States' flag to be hauled down.

As to any loss of provisions or stores, it is stated by the American master that the English prize-crew brought their provisions with them to the "*Douglas*;" and he does not even assert that they consumed any provisions belonging to the "*Douglas*," or that any of the stores of that vessel were lost.

With respect to the allegation of the American master, that the prize-crew had secreted one demijohn of rum, forming part of the cargo of the vessel, it seems probable that there is an error in that allegation, because the hatches of the vessel were opened and closed again in the presence of Lieutenant Seagram, and no complaint was made to that officer, either by the master or by the consignee, that any loss or damage had been done to the cargo; indeed the master, on resuming charge of his vessel, declared to Lieutenant Seagram that he had no complaint to make.

From the foregoing statement, it will appear that the visit, the search, and the detention of the "*Douglas*," by Lieutenant Seagram, took place under a full belief, on the part of that officer, that he was pursuing a course which would be approved by the Government of the United States; and in his conduct towards the crew of the vessel, he appears scrupulously to have avoided any act which would justly give cause of offence to a friendly Power.

The Undersigned has therefore to express the confident hope of Her Majesty's Government, that, upon a consideration of the whole case, the Government of the United States will be of opinion that, although the act of Lieutenant Seagram in detaining an United States' slave-trading vessel was in the abstract irregular, yet the impression under which he did it, and the motives which prompted him to do it, exempt him from any just blame.

But the Undersigned cannot refrain from requesting Mr. Stevenson to draw the serious attention of the Government of the United States to this case, which affords a striking example of the manner in which the vessels and flag of the United States are employed by Spanish, Portuguese, and Brazilian criminals, to protect their piratical undertakings, in utter contempt of the laws of the Union, and in open defiance of the Federal Government.

The Undersigned, &c.

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

(Signed) PALMERSTON.

No. 264.

*Viscount Palmerston to Mr. Stevenson.*

*Foreign Office, August 5, 1841.*

THE Undersigned, &c., has received the Note which Mr. Stevenson, &c., addressed to him on the 27th of February last, complaining that the schooner "*Iago*," bearing the United States' flag, and commanded by Mr. Adolphus Dupony, had been detained by Her Majesty's brigantine "*Termagant*," Lieutenant Seagram; and that the schooner "*Hero*," under the United States' flag,

and commanded by Mr. B. M'Connell, had been detained by Her Majesty's brig "Lynx."

Mr. Stevenson complains in the first place that injury was done in these cases to the purposes of the voyage, and to the cargo and stores on board the vessels detained; and he contends, in the second place, that Her Majesty's naval officers had no excuse, and much less any justification, for detaining these vessels; and he adds that it is wholly immaterial whether the vessels detained were equipped for, or actually engaged in Slave Traffic, or not.

With regard to the allegation of damages done to the cargoes of these vessels, the Undersigned begs to remind Mr. Stevenson that the papers which he transmitted to the Undersigned show that in the case of the "*Iago*," the money which was lost was stolen by the crew of the "*Iago*" while the master was absent on shore, and that it was not abstracted by the crew of the detaining vessel; and it is fair to presume that the chronometer and the watch which were also lost on board that vessel, were taken by the same persons who stole the money.

With respect to the damage said to have been done to the cargo of the "*Hero*" during the search of that vessel, the Undersigned has requested the Board of Admiralty to cause inquiries to be made upon that matter, and he will acquaint Mr. Stevenson with the result.

With regard to the justification which the British officers had for detaining these American vessels, with respect to the detention of which Mr. Stevenson says that there is "no shadow of pretence for exercising, much less justifying, the right of search or detention of vessels under the United States' flag by vessels of Her Majesty's navy," the Undersigned has to state, that a formal agreement was entered into on the 11th of March, 1840, by the commanding officer of Her Majesty's ships on the coast of Africa, and the officer commanding the vessel sent by the United States' Government to suppress the Slave Trade of the United States on the African coast; and by that agreement, those officers, for the purpose of "carrying into execution the orders and views of their respective Governments respecting the suppression of the Slave Trade, requested each other and agreed" to detain all vessels under the United States' flag, found to be fully equipped for and engaged in Slave Trade; and it was agreed that such vessels should eventually be handed over to the United States' cruisers if proved to be United States' property, and to British cruisers if proved to be Spanish, Portuguese, Brazilian, or English property.

The Undersigned would therefore submit that the commanding officers of Her Majesty's vessels had no reason to suppose that when giving effect to this agreement by detaining vessels bearing the United States' flag, and engaged in Slave Trade, they were doing a thing which would be disagreeable to the Government of the United States.

With respect to the "*Iago*," the Undersigned has to observe, that that vessel was fully equipped for Slave Trade; that the papers found on board of her were of a suspicious character; that all her crew but two were Spaniards; and Her Majesty's Advocate-General, to whom the case was referred, has reported it to be his opinion that the Commissioners at Sierra Leone would have been justified in proceeding to the adjudication of the vessel; and that if the case had been investigated by them, sufficient proof would have been afforded that the vessel was in reality Spanish, and not American property, and that, consequently, she was liable to condemnation.

The Undersigned trusts that the foregoing statement will show that there is good reason for doubting that any wilful damage was done to the cargo of either of the two vessels in question by the crews of the detaining ships; and that, although indisputably true that British cruisers have no right, as such, to search and detain vessels which are the property of citizens of the United States, even though such vessels may evidently be engaged in Slave Trade, yet in these cases the British naval officers acted in pursuance of a special agreement with a naval officer of the United States, and they were therefore justified in believing that, instead of doing anything which would be complained of by the Government of the United States, they were furthering the views and forwarding the wishes of that Government.

Such cases, however, cannot happen again, because positive orders were sent by the Admiralty, in February last, to all Her Majesty's cruisers employed for the suppression of the Slave Trade, not again to detain or meddle with United States' vessels engaged in the Slave Trade.

These orders have been sent by Her Majesty's Government with great pain and regret, but as an act due by them to the rights of the United States.

Her Majesty's Government, however, cannot bring themselves to believe that the Government of Washington can seriously and deliberately intend that the flag and vessels of the Union shall continue to be, as they now are, the shelter under which the malefactors of all countries perpetrate with impunity crimes which the laws of the Union stigmatize as piracy, and punish with death. But unless the United States' Government shall consent to make with the other Powers of Christendom, some agreement of the nature of that which their naval officer on the coast of Africa spontaneously entered into with the British naval commander on that station, these abuses will not only continue to exist, but will increase in magnitude every day; and the end will be, that the Slave Trade will be carried on exclusively under the shelter of the flag and by the special protection of the Executive Government of that nation whose Legislature was amongst the first to pronounce the crime infamous, and to affix to it the severest penalties.

The Undersigned, &c.

(Signed) PALMERSTON.

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

P.S.—I return to you, according to your request, the original papers enclosed in your Note of the 27th of February last, on the subject of the "*Iago*."

No. 265.

*Viscount Palmerston to Mr. Fox.*

SIR,

*Foreign Office, August 5, 1841.*

I TRANSMIT to you herewith for your information copies of correspondence which has passed between Mr. Stevenson and myself respecting the vessels "*Douglas*," "*Hero*," and "*Iago*," which, while bearing the United States' flag, were detained by Her Majesty's cruisers, upon a suspicion that those vessels were engaged in Slave Trade.

I have, &c.

(Signed) PALMERSTON.

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

Enclosures in No. 265.

1. *Mr. Stevenson to Viscount Palmerston, November 13, 1840.*  
(See Class D., 1840, No. 114, p. 93.)
2. *Mr. Stevenson to Viscount Palmerston, February 27, 1841.*  
(See No. 246.)
3. *Mr. Stevenson to Viscount Palmerston, March 1, 1841.*  
(See No. 247.)
4. *Viscount Palmerston to Mr. Stevenson, August 5, 1841.*  
(See No. 263.)
5. *Viscount Palmerston to Mr. Stevenson, August 5, 1841.*  
(See No. 264.)

No. 266.

*Mr. Stevenson to Viscount Palmerston.*

32, Upper Grosvenor-street, August 9, 1841

(Received August 10.)

MY LORD,

ON my return to London, after a temporary absence of a few days, I found the two communications which your Lordship did me the honour to address to me, under date of the 5th instant, in answer to my notes of the 13th of November, the 27th of February, and the 1st of March last, complaining of the seizure and detention of three American vessels, the "*Douglas*," "*Iago*," and "*Hero*," and the ill treatment of their crews, by Her Majesty's cruisers employed on the African coast in suppressing the Slave Trade. Having, in my previous communications, said all that I deemed important on the subject of these repeated aggressions upon the vessels and commerce of the United States, and the rights of their flag, I can have no inducement at this time to trouble your Lordship with any further remarks, and shall therefore content myself with transmitting to my Government, at the earliest day, copies of your Lordship's notes, with whom it will rest to decide upon the sufficiency of the explanations which they contain, in justification of the conduct of the commanders of Her Majesty's brigs of war the "*Termagant*" and the "*Lynx*."

It is proper, however, that I should seize the earliest opportunity to acquaint your Lordship that in relation to the agreement which it is alleged was entered into between the commander of the British squadron on the African coast, and the officer in command of the vessel sent by the Government of the United States to suppress the Slave Trade, allowing the mutual right of searching and detaining all British and American vessels found trading in slaves, I have no other information than that communicated in your Lordship's notes, and have had no reason to suppose that such authority had been confided by the American Government to any of its naval officers.

I pray your Lordship, &amp;c.

(Signed) A. STEVENSON.

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

No. 267.

*Viscount Palmerston to Mr. Stevenson.*

Foreign Office, August 17, 1841.

VISCOUNT PALMERSTON presents his compliments to Mr. Stevenson, and with reference to Mr. Stevenson's note of the 9th instant, has the honour to transmit herewith to Mr. Stevenson a copy of the agreement entered into between Captain Tucker of Her Majesty's sloop "*Wolverene*," and Lieutenant Paine of the United States' ship of war "*Grampus*," which was referred to in the notes addressed by Viscount Palmerston to Mr. Stevenson on the 5th inst., on the subject of the detention of the vessels the "*Douglas*," the "*Iago*," and "*Hero*," by Her Majesty's cruisers.

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

Enclosure in No. 267.

Agreement entered into between Lieutenant Tucker and Lieutenant Paine,  
March 11, 1840.

(See Class D, 1840, Fifth Enclosure in No. 89, page 76.)

No. 268.

*Viscount Palmerston to Mr. Stevenson.**Foreign Office, August 27, 1841.*

THE Undersigned, &c. &c., has the honour to acknowledge the receipt of the note from Mr. Stevenson, &c., dated the 14th of August, 1840, in reply to the note of the Undersigned, dated the 23rd of April, 1840, on the subject of a complaint made by the American Government against the officer in command of Her Majesty's brig "Grecian," for having boarded the American merchant-ship "*Susan*," when off the light of Cape Frio, in the month of April, 1839.

The Undersigned begs leave to state to Mr. Stevenson, in reply to the remarks contained in his last note, that Her Majesty's Government do not pretend that Her Majesty's naval officers have any right to search American merchantmen met with, in time of peace, at sea; and if in some few cases such merchantmen have been searched when suspected of being engaged in Slave Trade, this has been done solely because the British officer who made the search imagined that he was acting in conformity with the wishes of the United States Government, in endeavouring to hand over to the United States tribunals ships and citizens of the Union found engaged in a flagrant violation of the law of the Union. Such things, however, will not happen again, because orders have been given which will prevent their recurrence.

But there is an essential and fundamental difference between searching a vessel and examining her papers to see whether she is legally provided with documents entitling her to the protection of any country, and especially of the country whose flag she may have hoisted at the time. For though by common parlance the word "flag" is used to express the test of nationality, and though, according to that acceptation of the word, Her Majesty's Government admit that British cruisers are not entitled in time of peace to search merchant-vessels sailing under the American flag, yet Her Majesty's Government do not mean thereby to say that a merchantman can exempt herself from search by merely hoisting a piece of bunting with the United States emblems and colours upon it: that which Her Majesty's Government mean is, that the rights of the United States flag exempt a vessel from search when that vessel is provided with papers entitling her to wear that flag, and proving her to be United States property, and navigated according to law. But this fact cannot be ascertained unless an officer of the cruiser, whose duty it is to ascertain this fact, shall board the vessel, or unless the master of the merchantman shall bring his papers on board the cruiser; and this examination of the papers of merchantmen suspected of being engaged in Slave Trade, even though they may hoist an United States flag, is a proceeding which it is absolutely necessary that British cruisers employed in the suppression of the Slave Trade should continue to practise, and to which Her Majesty's Government are fully persuaded that the United States Government cannot, upon consideration, object. Because, what would be the consequence of a contrary practice? What would be the consequence if a vessel engaged in the Slave Trade could protect herself from search by merely hoisting an United States flag? Why, it is plain that in such case every slave-trading pirate, whether Spanish, Portuguese, or Brazilian, or English, or French, or of whatever nation he might be, would immediately sail under the colours of the United States; every criminal could do that, though he could not procure genuine American papers; and thus all the treaties concluded among the Christian Powers for the suppression of Slave Trade would be rendered a dead letter; even the laws of England might be set at defiance by her own subjects, and the slave traders would be invested with complete impunity. Her Majesty's Government are persuaded that the United States Government cannot maintain a doctrine which would necessarily lead to such monstrous consequences; but the Undersigned is bound in duty frankly to declare to Mr. Stevenson that to such a doctrine the British Government never could or would subscribe. The cruisers employed by Her Majesty's Government for the suppression of Slave Trade must ascertain, by inspection of papers, the nationality of vessels met with by them under circumstances which justify a suspicion that such vessels

are engaged in Slave Trade, in order that if such vessels are found to belong to a country which has conceded to Great Britain the mutual right of search, they may be searched accordingly, and that if they be found to belong to a country which, like the United States, has not conceded that mutual right, they may be allowed to pass on, free and unexamined, to consummate their intended iniquity. Her Majesty's Government feel convinced that the United States' Government will see the necessity of this course of proceeding. But Her Majesty's Government would fain hope that the day is not far distant when the Government of the United States will cease to confound two things which are in their nature entirely different, will look to things and not to words, and perceiving the wide and entire distinction between that right of search which has heretofore been a subject of discussion between the two countries, and that right of search which almost all other Christian nations have mutually given each other for the suppression of the Slave Trade, will join the Christian league, and will no longer permit the ships and subjects of the Union to be engaged in undertakings which the law of the Union punishes as piracy.

The Undersigned, &c.,

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

(Signed) PALMERSTON.

No. 269.

*Viscount Palmerston to Mr. Stevenson.*

*Foreign Office, August 27, 1841.*

THE Undersigned, &c. has had under his consideration the note which Mr. Stevenson, &c. did him the honour to address to him under date of the 15th May, 1840, complaining of the detention of a brig under American colours called the "*Mary*" by Her Majesty's ship "*Forester*."

In this note Mr. Stevenson, assuming the information furnished to the United States' Government by Mr. Trist, their Consul at the Havana, to be complete and correct, prefers a claim for indemnity to the owners of the "*Mary*," and asks for the exemplary punishment of the commander of the "*Forester*" and those concerned in the proceedings taken by that officer against the "*Mary*;" proceedings which, in Mr. Stevenson's opinion, seem to want nothing to give them the character of a most flagrant and daring outrage, and very little, if anything, to sink them into an act of open and direct piracy.

The Undersigned has now the honour to inform Mr. Stevenson that the more particular information which has been furnished to Her Majesty's Government as to this vessel, places the question in a very different light from that in which it has been presented to the Government of the United States; and the Undersigned trusts that the following statement will satisfy Mr. Stevenson that although the vessel herself, being ill-built, might not have been intended actually to convey negroes from the coast of Africa, yet she was in reality the property of a Spanish slave-dealer, and was employed by him for the purposes of Slave Trade.

The papers found on board this vessel by the commander of the "*Forester*" showed that on the 24th January, 1839, a bill of sale was prepared at the Havana by Mr. J. A. Smith, the Vice-Consul of the United States at that port, setting forth that a permanent American register, No. 48, had been granted to the brig "*Mary*," of Philadelphia, on the 17th June, 1837, and that the brig was at that time owned by Joseph J. Snowden of Philadelphia, and was commanded by J. H. Haven. Joseph J. Snowden, the original owner, then gave a power of attorney and substitution to Charles Snowden, who again nominated Pedro Manegat, the notorious slave dealer, but who was described in that document merely as a merchant at the Havana, to sell and transfer the "*Mary*."

Eight days afterwards Pedro Manegat professedly sold the "*Mary*" to a person named Pedro Sabate of New Orleans, who on the 2nd May appointed as her master Charles Snowden, the same person who three months before had named Pedro Manegat as his agent to sell the "*Mary*," and on the 18th June

Pedro Sabate replaced Snowden by appointing David Tomlinson to the command.

This Pedro Manegat, the pretended seller, but real purchaser of the "*Mary*," is the same individual who in like manner owned the following nominally American vessels, namely, the "*Hyperion*," which left the Havana in December, 1838, as an American vessel, and was afterwards condemned as the Spanish schooner "*Isabel*;" the schooner "*Hayard*," which was detained, and erroneously released in February, 1839, under circumstances similar to those which mark the case of the "*Mary*;" and the "*Octavia*," also condemned as Spanish property, which last-named vessel Pedro Manegat had only employed as he did the "*Mary*," namely, to carry goods for the purchase of slaves to agents on the coast.

The Spanish master Tomas Escheverria, and a Spanish crew, were shipped on board the "*Mary*" as passengers; among them were several individuals who were recognised as having been formerly captured in slave vessels—Escheverria himself having been master of the Spanish schooner "*Norma*" when that vessel was captured with 234 slaves on board.

The ship's articles set forth that the crew were engaged to navigate the "*Mary*" from the Port of Havana to the Gallinas, or *wherever else the master may direct*.

In two of the three papers which the master, *David Tomlinson*, produced to prove his American citizenship, he is styled *Pilo B. Tomlimertz*, and in the third *P. B. Tomlinson*, while in the log enclosed in Mr. Stevenson's note he is called *Captain Thomason*.

The clearance and bills of lading showed that the owners of the cargo were Blanco and Carvallo, Pedro Martinez and Company, Pedro Manegat, and Tomas Escheverria (the Spanish captain), all well-known slave traders; and the consignees Tomas Rodriguez Buron, Ignacio P. Rolo, and Theodore Canot of the Gallinas, long and well known to the naval officers employed in suppressing the Slave Trade on the coast, as factors for the purchase and shipment of slaves.

Thus the papers produced to the captain of the "*Forester*" by Tomlinson were of themselves sufficient to show that this was one of the then frequent cases in which the flag of the United States had been fraudulently assumed, and all doubt was removed as to the real character of the undertaking in which the vessel was employed, when on further search there were found on board of her some slave coppers, two bags of shackles, large water leaguers, and a slave deck, the latter being noted as shipped under the denomination of 500 feet of lumber.

Under these circumstances the Undersigned is of opinion that the commander of Her Majesty's ship "*Forester*" was fully justified in considering the "*Mary*" to be a Spanish vessel, and consequently in taking her before the British and Spanish Court; and accordingly when the British Commissioners reported to Her Majesty's Government that the Judges had refused to allow the "*Mary*" to be libelled in that Court, under the impression that the mere fact of her having the American flag hoisted should have protected her from visitation and search by a British cruiser, the British Commissioners were told that there was in the opinion of Her Majesty's Government reason to suppose that the "*Mary*" was a Spanish, and not an American vessel, and that the Judges ought therefore to have allowed her to be libelled in the British and Spanish Court; for that although "British ships-of-war are not authorized to visit and search American vessels on the high seas, yet if a vessel which there is good reason to suppose is in reality Spanish property, is captured and brought into a port in which a Mixed British and Spanish Court is sitting, the Commissioners may properly investigate the case, and upon sufficient proof being adduced of the Spanish character of the vessel, and of her having been guilty of a breach of the Treaty between Great Britain and Spain for the Suppression of the Slave Trade, the Court may condemn her, notwithstanding that she was sailing under the American flag, and had American papers on board."

With respect to the general question of the search of vessels under the American flag by British cruisers, the Undersigned begs to refer Mr. Stevenson to his other Note of this day's date, relative to the case of the "*Susan*," in which the Undersigned has fully, and he hopes satisfactorily, replied to the representations made by Mr. Stevenson on that subject.



The Undersigned begs to return to Mr. Stevenson the log kept by John Hutton while acting as mate on board the "*Mary*," and avails himself, &c.

(Signed) PALMERSTON.

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

No. 270.

*Viscount Palmerston to Mr. Fox.*

SIR,

*Foreign Office, August 31, 1841.*

WITH reference to my Despatch of the 5th instant, relative to the search of vessels under the American flag by Her Majesty's cruisers, I herewith transmit to you the accompanying copies of correspondence which has passed between the Minister of the United States in this country and myself, relative to the case of the "*Susan*," which vessel was boarded and examined by Her Majesty's ship "*Grecian*."

I am, &c.

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

(Signed) PALMERSTON.

Enclosures in No. 270.

1. *Mr. Stevenson to Viscount Palmerston, August 26, 1839.*  
(See No. 237.)
2. *Viscount Palmerston to Mr. Stevenson, September 9, 1839.*  
(See No. 238.)
3. *Viscount Palmerston to Mr. Stevenson, April 23, 1840.*  
(See No. 239.)
4. *Mr. Stevenson to Viscount Palmerston, August 14, 1840.*  
(See No. 241.)
5. *Viscount Palmerston to Mr. Stevenson, August 27, 1841.*  
(See No. 268.)

No. 271.

*Viscount Palmerston to Mr. Fox.*

SIR,

*Foreign Office, August 30, 1841.*

WITH reference to my other despatch of this day's date about the American vessel "*Susan*," I herewith transmit to you, for your information, copies of correspondence which has passed between the Minister of the United States in this country and myself, relative to the case of the "*Mary*," detained under American colours by Her Majesty's ship "*Forester*."

I am, &c.

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

(Signed) PALMERSTON.

Enclosures in No. 271.

1. *Mr. Stevenson to Viscount Palmerston, May 15, 1840.*  
(See No. 240.)
2. *Viscount Palmerston to Mr. Stevenson, August 27, 1841.*  
(See No. 269.)

No. 272.

*Mr. Stevenson to the Earl of Aberdeen.*

32, Upper Grosvenor Street, September 10, 1841.  
(Received September 11.)

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary from the United States, has the honour to acquaint the Earl of Aberdeen, Her Majesty's Principal Secretary of State for Foreign Affairs, that he has had the honour to receive the two communications addressed to him by Lord Viscount Palmerston, Her Majesty's late Principal Secretary of State for Foreign Affairs, under date of the 30th ultimo, upon the subject of the improper and harassing conduct of British cruisers towards the vessels and flag of the United States in the African seas. In communicating the decision of Her Majesty's Government upon the claims submitted to its consideration, it would have given the Undersigned great satisfaction to have represented that decision as one calculated to do justice to the individual claimants, and in accordance with the just rights and interests of his country. He had indulged a confident hope that the complaints which had been made upon the subject would have been followed not only by suitable atonement and reparation, but an immediate abandonment of the system of wrong and violence, to which the vessels and commerce of the United States had been so long exposed, by the misconduct of the British cruisers in the African seas.

This course he had expected, not less from the justice of Her Majesty's Government, than the friendly relations subsisting between the two countries. It is, therefore, with painful surprise and regret, that the Undersigned now learns from Lord Palmerston's communications, that these proceedings of Her Majesty's cruisers have not only been approved and justified, and the injuries which ensued to remain unredressed, but that a right is now asserted by Her Majesty's Government over the vessels and flag of the United States, involving high questions of national honour and interest, of public law, and individual rights. Having heretofore, in his correspondence with Lord Palmerston, discussed the merits of these claims, and the principles involved in them, and presented the views and expectations of his Government upon the subject, the Undersigned does not feel it incumbent on him at this time to open again the general discussion, or recapitulate the particular circumstances by which these cases might justly claim to be distinguished. Referring Lord Aberdeen to the previous correspondence which has taken place, the Undersigned will refrain from the further discussion of the individual cases, and content himself with a brief examination of those parts of Lord Palmerston's Note in which a power is for the first time distinctly asserted by Her Majesty's Government over the vessels and flag of the United States, in time of peace, on the high seas. In order to ascertain the precise nature and character of this new and extraordinary power, it may be proper to quote those parts of his Lordship's communication in which it is asserted. They are in the following words:—"The Undersigned begs leave to state to Mr. Stevenson, in reply to the remarks contained in his last note, that Her Majesty's Government do not pretend that Her Majesty's naval officers have any right to search American merchantmen met with in time of peace at sea. But there is an essential and fundamental difference between searching a vessel and examining her papers to see whether she is legally provided with documents entitling her to the protection of any country, and especially of the country whose flag she may have hoisted at the time. For though, by common parlance, the word 'flag' is used to express the test of nationality, and though, according to that acceptance of the word, Her Majesty's Government admit that British cruisers are not entitled in time of peace to search merchant vessels sailing under the American flag, yet Her Majesty's Government do not mean thereby to say, that a merchantman can exempt herself from search by merely hoisting a piece of bunting with the United States' emblem

and colours upon it. That which Her Majesty's Government mean is, that the rights of the United States' flag exempt a vessel from search when that vessel is provided with papers entitling her to wear that flag, and proving her to be United States' property, and navigated according to law." And again,—“The cruisers employed by Her Majesty's Government for the suppression of the Slave Trade must ascertain by inspection of the papers the nationality of vessels met with by them under circumstances which justify a suspicion that such vessels are engaged in Slave Trade, in order that, if such vessels are found to belong to a country which has conceded to Great Britain the mutual right of search, they may be searched accordingly; and that if they be found to belong to a country which, like the United States, has not conceded that mutual right, they may be allowed to pass on free and unexamined, to consummate their intended iniquity.”

Here we have the direct assertion of a right on the part of British cruisers to board and detain all vessels sailing under the flag of the United States, whether American or not, for the purpose of ascertaining, by an examination of their papers, their national character, and deciding whether they are entitled to the protection of the flag of the country under which they sail. Now, it is proper to remark, that the attempt which his Lordship makes to distinguish between the right of search (which, however, he disclaims) and that which he asserts, is wholly fictitious. They are essentially the same, for all the purposes of the present discussion; indeed the right to board, detain, and decide upon the national character of vessels navigating the ocean in time of peace, may justly be regarded as more odious and insulting, and giving place to wider and more important injuries, than the right of search, which is purely a belligerent right, and cannot be enforced in time of peace. If the distinction, however, was admitted to be a sound one, yet nothing would be gained in support of the right which Lord Palmerston claims for Her Majesty's Government. The inquiry must still arise, whether a power even of visitation or detention can be rightfully and lawfully exercised by one nation over the ships of another, in time of peace, upon the high seas. That it cannot, the Undersigned will now proceed briefly to show.

And first, as to the principles of public law, and the usage of nations. By these it is expressly declared, that the vessels of all nations in time of peace, navigating the ocean, shall be exempt from every species and purpose of interruption and detention, unless engaged in some traffic contrary to the law of nations, or expressly provided for by treaty or compact. Although piracy is admitted to be an offence against the public law, and therefore punishable in every country, and by every nation, no matter where committed, it must yet be borne in mind, that all piracies are still not offences against the law of nations. Piracy, therefore, by the international law, and that which may be made so by the municipal laws of particular States, are essentially of a different character, and to be treated accordingly. Hence it is, that offences declared to be piracy by the municipal laws of any State can only be tried and punished by the country within whose jurisdiction, or on board of whose ships, on the ocean, the offence may have been committed. Now, Slave Trade is not cognizable under the laws of nations. Although prohibited by most nations, and declared to be piracy by their laws, and especially by the statutes of Great Britain and the United States, it is yet not an offence against the public law; and its interdiction cannot be enforced by the ordinary right of visitation, detention, or search, in the manner that it might be if it was piracy under the law of nations. That this is the acknowledged doctrine of international law cannot, it is presumed, be doubted. It is so expressly declared by all writers upon the law of nations, and has been acknowledged by the British Government, through its highest judicial tribunals. Her annals are full of instruction on the subject. The following is the language held by one of its most distinguished jurists:—“We are disposed to go as far in discountenancing this odious traffic as the law of nations and the principles recognised by English tribunals will allow us in doing; but beyond these principles we do not feel at liberty to travel. Formal declarations have been made, and laws enacted, in reprobation of this practice; and plans ably and zealously conducted have been taken to induce other countries to follow our example, but at present with insufficient effect; for there are nations which adhere to the practice under all the encouragement which their own laws give. What is then the doctrine of our own courts of the laws of nations? Why, that this practice is to be respected, their slaves, if taken, to be restored to their owners, and if not taken under innocent mistake, to be restored with costs and

damages." Again, "It would be, indeed, a most extravagant assumption in any court of the law of nations to pronounce that this practice, the tolerated, the approved, the encouraged object of law ever since man became subject to law, was prohibited by that law, and was legally criminal." Does Her Majesty's Government now mean to contend, that the Slave Trade is contrary to the law of nations? On the contrary, is it not lawful to all Governments who have not forbidden it, and consequently no right given to any one nation over the slave ships of another in time of peace, independent of express treaty stipulations, by which the extent of the power to be exercised must be regulated. The right, then, which Lord Palmerston asserts, derives no support from the principles of the public law, but is left to stand upon the grounds of expediency and necessity, as the only means of executing the existing treaties for the suppression of the Slave Trade, and without which his Lordship asserts they would become a dead letter! Whether this be so or not, the Undersigned has no means of judging, and deems it, therefore, unnecessary either to admit or deny it. The question, then, is not whether the power asserted might be necessary or expedient, but whether any such power exists. It is incumbent, then, upon Her Majesty's Government to show upon what principle of justice and right it claims the power of deciding upon the right of an independent nation to navigate the ocean in a time of peace, and this too for the purpose of executing treaties to which such nation is not a party, and consequently not bound. The signal error of Lord Palmerston is in assuming the necessity and expediency of the power, as proof of its existence! Was such a power ever before asserted in the manner, or to the extent, which is now done? On the contrary, has not the right of visitation and search been always regarded as exclusively one of a belligerent character? In proof of this, the Undersigned need only refer Lord Aberdeen to the authority of Great Britain herself on the subject. "I can find no authority (says the late Sir William Scott) that gives the right of interruption to the navigation of states upon the high seas, except that which the right of war gives to belligerents against neutrals. No nation can exercise a right of visitation and search upon the common and unappropriated parts of the ocean, except upon the belligerent claim." And again,— "No nation has the right to force their way for the liberation of Africa by trampling upon the independence of other states, on the pretence of an eminent good, by means that are unlawful, or to press forward to a great principle by breaking through other great principles which stand in their way." Now of all the principles ever attempted to be established in the past history of the dominion of the sea, few probably could be selected of more offensive and objectionable character than those asserted in Lord Palmerston's note. Indeed it is difficult to believe that his Lordship, or Her Majesty's Government, could seriously expect that any independent nation could for a moment acquiesce in doctrines involving the extravagant supposition of yielding to another the right of determining upon the terms and conditions upon which it should navigate the ocean in a time of general and profound peace. Such a power once submitted to, and there would be no species of national degradation to which it might not lead. That such would be the consequences, the Undersigned feels himself at liberty to suppose.

But if it were admitted, for the purpose of illustration, that such a right was even doubtful, still the United States, as well as other commercial nations, would be bound to demand its discontinuance, if attempted to be exercised in the manner indicated in Lord Palmerston's note. Under what restrictions and limitations could such a power be enforced? What competent tribunal would there be to determine on the degree of suspicion which is to justify the boarding and detention, and the right of determining the national character of all vessels under the flag of the United States? Would it not make every subordinate commander of a British cruiser the exclusive judge, and not only lead to angry and exciting irritations upon the ocean, but to painful discussions between the two Governments? What security would American merchantmen have against decisions made without evidence, or where all the rules of evidence might be violated with impunity? Would it not, from its very nature, be a power the exercise of which, in whatever form it might be guarded, could admit of no just limitation? The answer to these questions will best show how inconsistent with the peace of Great Britain and the rights of other states, the exercise of any such power would be attended.

But it is unnecessary to press this view of the subject further upon Lord Aberdeen's attention. The objection is one of *principle*, and not of *expediency*, and is therefore wholly incapable of being overcome by the manner or discretion in which the power might be exercised, or the limitations thrown around it. However softened in terms, or restricted, it must still be regarded as imposing restrictions upon the lawful commerce of neutral nations, and an innovation upon the liberty of the seas; a power which no independent state could submit to without surrendering its independence and sovereignty, and disregarding the high obligations of duty which it owes to itself and the other nations of the world.

Nor is there any force in the fact alleged by Lord Palmerston, and upon which great reliance is placed, that the flag of the Union is grossly abused by other nations, as a cover to their slave traffic. To what extent the flag of the United States may have been used for this purpose, the Undersigned and his Government have no means of judging. That it has been grossly abused, there is too much reason to believe and deplore. But whatever this abuse may have been, it can have no just influence either to strengthen or weaken the right asserted by Her Majesty's Government.

In relation to the conduct of other nations who seek to cover their infamous traffic by the fraudulent use of the American flag, the Government of the United States cannot be held responsible. It has taken the steps which it deemed best to protect its flag as well as its character from abuse, and will follow it up by such other measures as may appear to be called for.

The Government of the United States are not insensible to the force of the considerations which belong to the subject of the Slave Trade, nor have they failed to manifest their sensibility to whatever concerns its abolition. Nothing is further from the wish of the American Government than a desire to increase the difficulties or throw obstacles in the way of the execution of the existing treaties for its final extinction. This the Undersigned has, upon more than one occasion, had the honour of assuring Her Majesty's Government, and takes leave now to repeat to Lord Aberdeen. Anxious, however, as the Government of the United States are to promote the views of Her Majesty's Government on this subject, it cannot consent to do so by sacrificing the rights of its citizens or the honour of its flag.

Her Majesty's Government cannot be insensible of the importance and value of guarding the rights of neutrality from every species of violation. This duty belongs especially to great and powerful nations, such as Great Britain and the United States, not only as the best means of preserving peace, but giving security to weaker communities under the shadow of impartial justice. Among neutral nations there is probably not one more deeply interested than the United States. Their attitude is that of a neutral and peaceful power. The consistent and persevering policy of their Government has been displayed in defence of the rights of neutrality and the liberty of the seas. Desirous to manifest cordial good will to all nations, and maintain with each, not only relations of the most perfect amity, but those of a commercial character, upon the basis of a fair, equal, and just reciprocity, the United States will continue to give to their system of policy a sincere and steady adherence. Upon this basis the relations between Great Britain and the United States, as well as all other nations, can alone be expected to continue. The Undersigned, therefore, is happy to see in these relations, as well as the justice of Her Majesty's Government and the firmness of his own, the best reason to expect, not only an abandonment of the power which is now asserted with the whole system of vexatious interruption and surveillance to which the vessels and commerce of the United States have been subjected, but the future relations of the two countries placed upon the solid foundation of mutual interest and comity, and a more enlarged and liberal policy.

These are the views which the Undersigned has deemed it his duty to submit to Lord Aberdeen's consideration upon the doctrines contained in Lord Palmerston's note, so new and alarming to national sovereignty and sensibility, and the friendly relations of the two countries. He has presented them with the frankness and earnestness which their importance merited, and with the high respect due to Her Majesty's Government. He has, therefore, no other duty to perform, than to transmit Lord Palmerston's two notes to his Government, and to protest in the most solemn manner against their doctrines, as

alike inconsistent with the principles of public law, with the rights and sovereignty of the United States, and with that sense of justice and right which belongs to the British nation.

The Undersigned, &c.

(Signed) A. STEVENSON.

*His Excellency the Earl of Aberdeen,*  
&c. &c. &c.

No. 273.

*The Earl of Aberdeen to Mr. Stevenson.*

*Foreign Office, October 13, 1841.*

THE Undersigned, &c., has had the honour to receive the note of Mr. Stevenson, &c., dated on the 10th of September, in continuation of a correspondence with the predecessor of the Undersigned in this office; and relating to the visitation of vessels bearing the American flag, and suspected of being engaged in the African Slave Trade.

If the Undersigned feels it necessary to offer some remarks upon the note of Mr. Stevenson, he is desirous of doing so in the manner best calculated to insure a candid and impartial consideration; for he would deeply regret that any harshness or asperity of expression should aggravate the difficulties of a subject which is, at all times, but too liable to produce excitement and irritation. The Undersigned is aware of the susceptibility of national feeling, in all that affects national honour; and he requests Mr. Stevenson to believe that it is with the most unfeigned respect for the rights, honour, and independence of the United States, that he now proceeds to address him.

The Undersigned will forbear from entering into any particulars of the visitation of the vessels which has formed the principal matter of Mr. Stevenson's complaint to Her Majesty's Government, and which has been fully discussed in his correspondence with the predecessor of the Undersigned. That proceeding may have been justifiable or otherwise; and the undersigned will be prepared, if necessary, to enter with Mr. Stevenson into the details of the question; but his present object is of a more general nature. He is desirous of placing, very briefly, before Mr. Stevenson the consequences of those principles which he has laid down; and to appeal to his candour, the Undersigned had almost said to the dictates of plain sense, in order to reject such a conclusion as that which must necessarily flow from the arguments contained in Mr. Stevenson's note.

Mr. Stevenson claims for the American flag an absolute exemption from all interference; and utterly denies the right of the British Government, under any circumstances whatever, to visit in time of peace merchant-vessels bearing the flag of the Union.

Mr. Stevenson quotes the opinion delivered by Lord Stowell upon this subject; who declares, that in order to extirpate this odious traffic, it would not be lawful to capture vessels, even if they had slaves on board; and also, that for the same purpose, however laudable, no right of search could be admitted to exist.

Now the Undersigned is the last person who would presume to question the authority of the distinguished jurist to whom Mr. Stevenson has referred. But Mr. Stevenson will recollect that the judgment of Lord Stowell was delivered in the case of a French vessel which had actually been captured, and was condemned by a British tribunal. The sentence was reversed by Lord Stowell in the year 1817. At that period Great Britain had no reason to presume that the Slave Trade was regarded as criminal by the whole civilized world, or that all nations had united their efforts for its suppression. And even if such had been the case, it would have been very far from affording any justification of the sentence reversed. But the Undersigned must observe that the present happy concurrence of the States of Christendom in this great object, not merely justifies, but renders indispensable the right now claimed and exercised by the British Government. The Undersigned readily admits that to visit and search American vessels in time of peace, when that right of search is not granted by

Treaty, would be an infraction of public law, and a violation of national dignity and independence. But no such right is asserted. We sincerely desire to respect the vessels of the United States; but we may reasonably expect to know what it really is that we respect. Doubtless the flag is *primâ facie* evidence of the nationality of the vessel; and if this evidence were in its nature conclusive and irrefragable, it ought to preclude all further inquiry. But it is sufficiently notorious that the flags of all nations are liable to be assumed by those who have no right or title to bear them. Mr. Stevenson himself fully admits the extent to which the American flag has been employed for the purpose of covering this infamous traffic. The Undersigned joins with Mr. Stevenson in deeply lamenting the evil, and he agrees with him in thinking that the United States ought not to be considered responsible for this abuse of their flag. But, if all inquiry be resisted, even when carried no further than to ascertain the nationality of the vessel, and impunity be claimed for the most lawless and desperate of mankind in the commission of this fraud, the Undersigned greatly fears that it may be regarded as something like an assumption of that responsibility which has been deprecated by Mr. Stevenson.

While Mr. Stevenson deplures the prevalence of this abuse, and the nefarious character of the trade, can he be satisfied that no remedy should be applied or attempted? The Undersigned hopes and believes that the number of *bonâ fide* American vessels engaged in the trade is very small; and thus the danger of interference with such vessels by British cruisers must be of rare occurrence.

Mr. Stevenson will admit that his objections to this interference would, under any circumstances, tend in its consequences to the protection of an abominable traffic, stigmatised by the whole Christian world; but the confession of Mr. Stevenson that the trade is extensively carried on under the fraudulent use of the American flag does in truth justify the whole claim put forward by the British Government. It constitutes that reasonable ground of suspicion which the law of nations requires in such a case. The admitted fact of this abuse creates the right of inquiry.

The Undersigned renounces all pretension on the part of the British Government to visit and search American vessels in time of peace. Nor is it as American, that such vessels are ever visited; but it has been the invariable practice of the British navy, and, as the Undersigned believes, of all navies in the world, to ascertain by visit the real nationality of merchant-vessels met with on the high seas, if there be good reason to apprehend their illegal character.

In certain latitudes, and for a particular object, the vessels referred to are visited, not as American, but either as British vessels engaged in an unlawful traffic, and carrying the flag of the United States for a criminal purpose; or as belonging to States which have by Treaty conceded to Great Britain the right of search, and which right it is attempted to defeat by fraudulently bearing the protecting flag of the Union; or finally, they are visited as piratical outlaws, possessing no claim to any flag or nationality whatever.

Now it can scarcely be maintained by Mr. Stevenson that Great Britain should be bound to permit her own subjects, with British vessels and British capital, to carry on before the eyes of British officers this detestable traffic in human beings, which the law has declared to be piracy, merely because they had the audacity to commit an additional offence by fraudulently usurping the American flag. Neither could Mr. Stevenson with more reason affirm, that the subjects of States which have granted to Great Britain the right of search, should be enabled to violate the obligation of their Treaties, by displaying the flag of the Union, contrary to the will, and in defiance of the American Government itself. Still less would Mr. Stevenson pretend to claim immunity for piratical adventurers, who should endeavour to shelter their lawless proceedings under the ensign of the United States.

But unless Mr. Stevenson be prepared to maintain these propositions, the whole fabric of his argument falls to the ground. For the Undersigned admits that if the British cruiser should possess a knowledge of the American character of any vessel, his visitation of such vessel would be entirely unjustifiable. He further admits that so much respect and honour are due to the American flag, that no vessel bearing it ought to be visited by a British cruiser, except under the most grave suspicions, and well-founded doubts of the genuineness of its character. The Undersigned, although with pain, must add, that if such visit should lead to the proof of the American origin of the vessel, and that she was avow-



edly engaged in the Slave Trade, exhibiting to view the manacles, fetters, and other usual implements of torture, or had even a number of these unfortunate beings on board, no British officer could interfere further. He might give information to the cruisers of the United States, but it would not be in his own power to arrest or impede the prosecution of the voyage and the success of the undertaking.

It is obvious, therefore, that the utmost caution is necessary in the exercise of this right claimed by Great Britain. While we have recourse to the necessary, and indeed the only means for detecting imposture, the practice will be carefully guarded, and limited to cases of strong suspicion. The Undersigned begs to assure Mr. Stevenson, that the most precise and positive instructions have been issued to Her Majesty's officers on this subject.

The United States have stigmatised this abominable trade in terms of abhorrence as strong as the people of this country. They are also actively engaged in its suppression. But if, instead of joining their efforts to those of Great Britain, and labouring with her for the attainment of this great blessing to humanity, the United States had wished to follow a different course, the reasoning employed in Mr. Stevenson's note is precisely such as would be resorted to for its defence and justification. The Undersigned, with his conviction of the perfect good faith and sincerity of the Government of the United States, would almost fear to offend Mr. Stevenson, even by disclaiming any such suspicion; but he believes Mr. Stevenson will agree with him in lamenting that the effects of the policy of the United States should have any tendency to create a different impression in the minds of those who are disposed to think less favourably and less justly upon this subject.

Great Britain makes no pretension, claims no right, which she is not ready and desirous to concede to the United States. A mutual right of search, regulated in such a manner as to prevent the occurrence of any irritating circumstances, has always appeared to the Undersigned to be the most reasonable, the most simple, and most effectual method of attaining the great object which both Governments have in view. But this proposal has already been rejected by the United States, and the Undersigned is not instructed again to offer it for consideration. It is for the American Government alone to determine what may be due to a just regard for their national dignity and national interests; but the Undersigned must be permitted to express his conviction, that rights which have been mutually conceded to each other by the Governments of Great Britain and France, can scarcely be incompatible with the honour and independence of any State upon the face of the earth.

The Undersigned requests Mr. Stevenson to accept the assurances, &c., &c.

(Signed) ABERDEEN.

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

No. 274.

*Mr. Stevenson to the Earl of Aberdeen.*

*32, Upper Grosvenor Street, October 21, 1841.*

*(Received October 22.)*

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary from the United States of America, has the honour to acknowledge the receipt of the note which Lord Aberdeen, Her Majesty's Principal Secretary of State for Foreign Affairs, did him the honour to address to him under date of the 13th instant, in answer to the one from the Undersigned of the 10th of September, relative to the visitation and interruption to which the vessels and commerce of the United States have been subjected by British cruisers in the African seas, and which has been made the subject of complaint to Her Majesty's Government; and having considered, with the attention which their importance merits, the arguments presented by Lord Aberdeen's note, the Undersigned has now the honour to submit to his Lordship's consideration the observations which he feels himself called upon to make.



Before proceeding to do so, however, the Undersigned will take occasion to remark, that he shares fully in the opinion expressed by Lord Aberdeen as to the importance of avoiding in the discussion of grave questions of national character everything calculated to embarrass or throw difficulties in the way of impartial and dispassionate consideration. The Undersigned, therefore, with great sincerity assures Lord Aberdeen of the readiness and zeal with which he is disposed to conduct the negotiations between the two countries, on his part, in a manner the most conciliatory, and best calculated to preserve peace; and that he should equally deplore with Lord Aberdeen that any harshness or asperity of expression should be suffered to mingle in the discussion of a question involving national sensibility and feeling, and so liable, as his Lordship justly supposes, to produce excitement and irritation. He begs Lord Aberdeen, therefore, to believe that it is under the influence of such feelings, and with the most perfect respect both for himself and Her Majesty's Government, that he now proceeds to reply to those parts of his Lordship's note which he deems it his duty to notice.

To enable him to do this it may be important to ascertain what is the real question in issue between the two Governments, and the precise nature of the power asserted by Her Majesty's Government over the vessels and commerce of the United States. It may be thus briefly stated:—

The Government of Great Britain, with that of other nations, regarding the African Slave Trade as a great evil, united in measures for its abolition. For that purpose laws were passed and Treaties concluded, giving to the vessels of each of the contracting parties the mutual right of search under certain limitations. Independent of these Treaties, and under the principles of public law, this right of search could not be exercised. The United States were invited to become a party to these Treaties; but for reasons which they deemed satisfactory, and growing out of the peculiar character of their institutions and systems of government, they declined doing so. They deemed it inexpedient, under any modification or in any form, to yield the right of having their vessels searched or interfered with in time of peace upon the high seas. With the history of the negotiations which took place on this subject between the two Governments, Lord Aberdeen is doubtless informed. In the mean time, some of the Powers who were parties to these Treaties, and others who refused to become so, continued to prosecute their Slave Traffic, and to enable them to do so with more effect they resorted to the use of the flags of other nations, but more particularly that of the United States. To prevent this, and enforce her Treaties, Great Britain deemed it important that her cruisers in the African seas should have the right of detaining and examining all vessels navigating those seas for the purpose of ascertaining their national character. Against this practice the Government of the United States protested, and the numerous cases, out of which the present discussion has arisen, became subjects of complaint and negotiation between the two Governments. Her Majesty's Government, however, having refused to make reparation in any of the cases, and still asserting the right of her cruisers to continue the practice of detaining and examining all vessels on the coasts and in the African seas, it becomes important that the precise character and extent of the right thus claimed should be clearly ascertained. In the last note which the Undersigned had the honour of addressing to Lord Aberdeen, he attempted to show, in the first place, that the right asserted by Her Majesty's Government in Lord Palmerston's note of the 27th of August, was substantially a *right of search*; and, in the next place, that if it was not, still the right of interference in the manner asserted with the vessels or flags of other nations, not parties to these Treaties, was not less unlawful and unjustifiable.

Now, Lord Aberdeen disclaims the right of searching American vessels on the high seas, and admits that to do so would be a gross infraction of the public law, and a violation of national sovereignty and independence; but his Lordship contends, that in requiring vessels sailing under the flag of the United States to submit to the operation of examination in the manner and for the objects proposed by his Government, there would be no violation of national rights or honour, and, consequently, nothing to which the Government of the United States ought rightfully to object. Upon this branch of the subject the Undersigned does not intend to repeat the arguments con-

tained in his previous correspondence with Her Majesty's late Principal Secretary of State for Foreign Affairs. Referring Lord Aberdeen to that correspondence, he will content himself with submitting such additional observations as his Lordship's last note has rendered necessary.

Is the right, then, claimed by Her Majesty's Government, less an infraction of the principles of public law and the rights of independent states than that of search, which is disclaimed?

Now Lord Aberdeen will remark that the right asserted by his predecessor for Her Majesty's Government is clear and explicit. It is thus stated in Lord Palmerston's note—"That Her Majesty's Government have decided that the flag of the United States shall exempt no vessel (whether American or not) from search by Her Majesty's cruisers in the African seas, unless such vessel shall be found provided with papers entitling her to the protection of the flag she wears, and proving her to be United States' property, and navigating the ocean according to law." Of what law, however, whether public or municipal, his Lordship does not state, but leaves to be inferred. This doctrine Lord Aberdeen is understood to affirm. Now, in the first place, here is an actual denial of the right of vessels of the United States to navigate the ocean in time of peace without being subjected to detention and examination, and without proof of their being the property of citizens of the United States, and documented according to law. It constitutes the commandant of every British cruiser the exclusive judge to decide whether such vessels, in the language of his Lordship, be "*properly provided with papers entitling them to the protection of the flag they wear, and proving them to be United States' property, and navigating the ocean according to law.*" What essential difference, then, is there between the right of search, in its harshest form, and that of arresting the vessels of an independent nation on their voyage, compelling their officers to leave their vessels, and subjecting them and their papers to the examination and decision of every subordinate naval commander? Is it not the right of placing British cruisers on any part of the ocean that Her Majesty's Government may select, and prescribing the terms upon which other nations are to participate in the freedom of the seas? Is it not in effect a claim of jurisdiction over the whole of the African coasts and seas, as exclusive as that which could only be enjoyed within the acknowledged limits of local sovereignty? To these questions but one answer can be given—it must be in the affirmative! But to what consequences would not such a power lead if once submitted to? Where would it end? If Great Britain can exercise such a power, why may not other nations do the same? What is there to prevent those states, especially, who have entered into Treaties for the abolition of slavery, from subjecting the vessels and commerce of the United States to similar interruptions and embarrassments?

Why should not Hayti (who has lately been induced to prohibit the Slave Trade) authorize her cruisers to follow the example of Her Majesty's Government? By one of her recent laws upon the subject she did assert a similar right, but it was afterwards changed at the instance of Great Britain upon the ground that no nation had the right, in time of peace, to enforce the provisions of their laws and treaties against states who were not parties to them, and, consequently, not bound by them. In the note addressed by the Undersigned to Lord Palmerston, under date of the 27th of February, 1841, and referred to in the one to Lord Aberdeen, allusion was made to the proceedings of Her Majesty's Government under which the Haytian Government were induced to change their laws. At that time, at least, it is presumed, Her Majesty's Government had not determined to assert this right of dominion over the sea. But again: Why might not the right of search for seamen and deserters, and that of impressment, be defended upon the principles of the present claim? Let it be supposed, for purposes of illustration, that Great Britain had entered into Treaties with other nations, by which the right of search for seamen or deserters was given to the vessels of each other, and that some of the contracting states, in order to evade their engagements, should resort to the fraudulent use of the flags of other nations; and suppose, also, that, with the view of enforcing these Treaties, it should be deemed expedient to assert a right of boarding and examining upon the high seas the vessels of nations who had not surrendered the right, and were not parties to the Treaties? Does Lord Aberdeen or Her Majesty's Government believe that such a power would

be tolerated by any independent nation upon the face of the earth? And yet what difference would there be between such a case and the one under consideration, except that the one would relate to slavery, and the other to impressment—subjects, probably, equally important in the view of Her Majesty's Government?

It was against the exercise of any such right that the distinguished jurist, to whom reference has been made, declared (whilst sitting as a Court under the Law of Nations), "that no authority could be found which gave any right of *visitation or interruption* over the vessels and navigation of other states on the high seas, except that which the right of war gives to belligerents against neutrals; and that Great Britain had no right to force her way to the liberation of Africa by trampling upon the rights and independence of other nations for any good, however eminent."

Upon what principles, then, of public law, or of common right or justice, such a power as that now asserted is to be defended or justified, Her Majesty's Government have not deemed it expedient to state. As yet it has been left to stand for its whole efficacy upon the grounds of expediency. The Undersigned must, therefore, repeat the opinion expressed in his note to Lord Aberdeen, that there is no essential difference whatever between the right of search and that now asserted for Her Majesty's Government. But Lord Aberdeen contends, that in resisting the exercise of this right in the form in which it has been made, the Undersigned is necessarily compelled to claim, not only immunity for the flag of the United States, and all the piratical adventurers who are endeavouring to shelter themselves under it, but to maintain that Great Britain herself would be bound to permit her own subjects, with British vessels and British capital, to carry on their traffic under their own eyes, provided it was done under the fraudulent use of an American flag; and his Lordship further declares, that unless the Undersigned is prepared to maintain to their full extent these propositions, the whole fabric of his argument must fall to the ground. Now the Undersigned begs to observe, that Lord Aberdeen has greatly misapprehended the principles and arguments contained in the note which he had the honour of addressing to his Lordship, and which it becomes proper to seize the earliest moment of correcting. This the Undersigned will the more readily do, because he is persuaded, from the spirit in which Lord Aberdeen's note is written, that he will take pleasure in correcting any misapprehension into which he may unintentionally have been drawn. Indeed, the Undersigned must have expressed himself very imperfectly, if, in denying the right of interfering with vessels under the American flag, he did not convey the opinion that he intended to limit his objection to vessels *bonâ fide* American, and not to those belonging to nations who might fraudulently have assumed the flag of the United States. With the vessels of other nations, whether sailing under their own or another flag, the Government of the United States can have no authority or desire to interfere. The undersigned, therefore, did not mean to be understood as denying to Great Britain or any other nation the right of seizing their vessels, or punishing their subjects, for any violation of their laws or treaties, provided, however, it should be done without violating the principles of public law or the rights of other nations. Nor are such the consequences which can fairly be deduced from the argument which he had the honour of addressing to Lord Aberdeen, and which his Lordship seems so greatly to have misapprehended. Great Britain has the undoubted right, and so have all other nations, to detain and examine the vessels of their own subjects, whether slavers or not, and whether with or without a flag, purporting to be that of the United States; but in doing this, it must be borne in mind, that they have no colour of right, nor will they be permitted, to extend such interference to the vessels or citizens of the United States, sailing under the protection of the flag of their country.

If Great Britain, or any other nation, cannot restrain the slave traffic of their own people upon the ocean, without violating the rights of other nations and the freedom of the seas, then, indeed, the impunity of which Lord Aberdeen speaks will take place. This may be deplored, but it cannot be avoided. But Lord Aberdeen asserts that it has been the invariable practice of the British navy, and he believes of all the navies in the world, to ascertain, by visit, the real character of merchant vessels met with on the high seas, if there be good reason to appre-

hend their illegal character. Now the Undersigned must be excused for doubting whether any such practice as that which Lord Aberdeen supposes—certainly not to the extent now claimed—has ever prevailed in time of peace. In war the right of visitation is practised under the limitations authorised by the laws of nations, but not in peace. What other nation than Great Britain has ever asserted, or attempted to exercise it? None, it is believed.

There is another misapprehension also into which Lord Aberdeen seems to have fallen that it may be important to correct. It relates to an admission which his Lordship supposes the Undersigned to have made as to the extent of the abuse of the American flag for purposes of slave traffic. Now the Undersigned would submit that he did not intend to express, nor did he, any opinion as to the extent to which the flag of the United States was abused by other nations. So far from it, he expressly stated, as Lord Aberdeen will perceive, by reference to his note, that neither he nor his Government had the means of forming any opinion upon the subject. He admitted the abuse of the flag, and deplored it, but to what extent he gave no opinion.

Nor can the Undersigned yield to the force of the reasoning employed by Lord Aberdeen, arising out of the limited number of *bonâ fide* American vessels engaged in the Slave Trade, to prove that the danger of interference with American vessels will be of rare occurrence. He readily admits, with Lord Aberdeen, that there are few American vessels, if any, engaged in the Slave Trade: but, in admitting the fact, he does not perceive very clearly what bearing it can have upon the present discussion, or how the smallness of the number of American slavers can at all guard against the evils which Lord Aberdeen supposes. For if it be true, as his Lordship contends, that the abuse by other nations of the flag of the United States is one of increasing extent, and that it can in no way be prevented but by the examination of all vessels sailing under the flag of the United States; and as it must also be admitted that there are numerous American vessels engaged in lawful commerce in the African seas, which, with other vessels, are to be subjected to detention and examination, what possible effect can the number of American slavers have in preventing the interference to that more numerous class of merchantmen who are to be found engaged in commerce throughout the whole of the African seas? If there was not a single vessel of the United States engaged in the Slave Trade, the evils and interruptions which Lord Aberdeen is so desirous of avoiding must still take place, whenever the right shall be attempted to be enforced against those vessels that are not slavers.

But the great caution which is to be observed in the exercise of the right, and the careful manner in which it will be guarded, is greatly relied on by Lord Aberdeen in its defence. Indeed his Lordship declares, that so much honour and respect is due to the flag of the United States, that it is only to be exercised in certain latitudes, and exclusively confined to cases where the strongest suspicion and well-founded doubts exist. Now the Undersigned would respectfully ask of what consequence it can be to the United States, if their rights or the honour of their flag are violated, whether it be done upon one part of the ocean or another? In relation to the well-founded suspicion to which Lord Aberdeen refers, it might have been desirable (if the manner of exercising an unlawful power can excuse it) that his Lordship should have stated what the particular character and degree of the suspicion was to be, which was alone to justify the interference of Her Majesty's cruisers. That such a right as that claimed, if it existed, could not safely be confided to those of Her Majesty's cruisers who have heretofore been in the habit of exercising it, the Undersigned feels himself warranted in supposing. This he presumes will be satisfactorily shown by the cases which he has heretofore presented to Her Majesty's Government, and for which no reparation has yet been made. These cases will show the embarrassments and injuries to which the trade and commerce of the United States, throughout the whole of the African seas, have already been subjected by the vexatious seizures and detentions of Her Majesty's cruisers, and, in most of them, without justification or excuse.

That the right asserted by Her Majesty's Government may be regarded as important, may not be doubted. Indeed the Undersigned would not act frankly towards Lord Aberdeen if he were to pretend that the consequences of refusing the exercise of the right by the American Government might not throw very great difficulties in the way of executing the existing treaties for

the abolition of the Slave Trade: but, as he has taken occasion heretofore to observe, the admission can neither strengthen the claim of right nor diminish the force of the objections to it, on the part of the United States.

There remains only one other part of Lord Aberdeen's note which the Undersigned deems it necessary at this time to notice. It is that in which his lordship expresses the opinion that any right of search which shall have been conceded by two such governments as France and Great Britain, can scarcely be considered as incompatible with the honour and independence of any nation upon earth. Now, if Lord Aberdeen's remark was intended to apply to the proposal which was made by Her Majesty's Government to that of the United States, for a mutual right of search, secured and granted by treaty stipulations, the Undersigned has no observation to make; but if this opinion of his Lordship was intended to apply to the right now asserted by Great Britain, and proposed by her Government to be exercised in the absence of all conventional arrangement, then the Undersigned must be allowed to express his decided dissent. That the exercise of mutual rights, properly secured, might not be incompatible with national honour and sovereignty, he readily admits, inasmuch as the contracting parties would stand upon the footing of equality and security: this he presumes to be the case between France and Great Britain; but such would not be the case between Great Britain and the United States. The Undersigned must therefore, after the most careful consideration of the arguments advanced in Lord Aberdeen's note, repeat the opinion which he has heretofore expressed, that, if a power such as that which is now asserted by Her Majesty's Government shall be enforced, not only without consent, but in the face of a direct refusal to concede it, it can be regarded in no other light by the Government of the United States than a violation of national rights and sovereignty, and the incontestable principles of international law.

That its exercise may lead to consequences of a painful character there is too much reason to apprehend. In cases of conflicting rights between nations the precise line which neither can pass, but to which each may advance, is not easily found or marked, and yet exists, whatever may be the difficulty of discerning it. In ordinary cases of disagreement there is little danger; each nation may, and often do, yield something to the other. Such however, it is to be feared, is not the present case. The peculiar nature of the power asserted, and the consequences which may be apprehended from its exercise, make it one of an important and momentous character: involving, as it does, questions of high and dangerous sovereignty, it may justly be regarded as deeply endangering the good understanding of the two countries. Ought Her Majesty's Government then, under such circumstances, to insist upon its enforcement? That it will not, the Undersigned cannot permit himself to doubt. He will therefore continue to cherish the hope that, upon a careful review of the whole subject, Her Majesty's Government will see the importance of adopting other measures for the suppression of the Slave Trade than those now proposed, and which will be far better calculated, not only to accomplish the object desired, but to preserve the friendly relations of the two countries upon principles consistent with the interest and honour of both.

The Undersigned avails himself of the occasion to renew to Lord Aberdeen assurances of his distinguished consideration and respect.

(Signed) A. STEVENSON.

*The Right Hon. Earl of Aberdeen, K.T.,*  
*&c. &c. &c.*

No. 275.

*The Earl of Aberdeen to Mr. Fox.*

SIR,

*Foreign Office, October 22, 1841.*

WITH reference to previous communications from Her Majesty's Secretary of State to you, relating to the visitation of vessels bearing the United States' flag, and suspected of being engaged in the African Slave Trade, I here-

with transmit to you, for your information, a copy of a note which I have received upon the subject from Mr. Stevenson, the United States' Minister at this Court, and a copy of the answer which I have returned thereto.

I am, &c.

(Signed) ABERDEEN.

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

P. S. The reply of Mr. Stevenson to my note of the 12th instant has reached me to-day, after Mr. Stevenson's departure, and I herewith transmit to you a copy of that reply.

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Enclosures in No. 275.

1. *Mr. Stevenson to the Earl of Aberdeen. September 10, 1841.*  
(See No. 272.)
2. *The Earl of Aberdeen to Mr. Stevenson. October 13, 1841.*  
(See No. 273.)
3. *Mr. Stevenson to the Earl of Aberdeen. October 21, 1841.*  
(See No. 274.)

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No. 276.

*The Earl of Aberdeen to Mr. Fox.*

*Foreign Office, October 30, 1841.*

Circular sending Papers presented to Parliament.

(See No. 10.)

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No. 277.

*The Earl of Aberdeen to Mr. Fox.*

SIR,

*Foreign Office, November 19, 1841.*

I HEREWITH transmit to you the copy of a Despatch from Her Majesty's Chargé d'Affaires at Rio de Janeiro, stating that several American vessels have lately entered that port after having landed negroes on the coast, and that Commodore Ridgeley, the commander-in-chief on the Brazilian station, and Mr. Slacum, the American Consul, had exerted themselves in the most praiseworthy manner in bringing the guilty parties to punishment.

I have to request that you will avail yourself of a suitable opportunity to express the satisfaction of Her Majesty's Government at the zeal evinced by the officers of the United States for the prevention of the Slave Trade.

I am, &c.

(Signed) ABERDEEN.

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

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Enclosure in No. 277.

*Mr. Ouseley to Viscount Palmerston.**Rio de Janeiro, August 31, 1841.*

(See Class B., No. 504, p. 713.)

No. 278.

*The Earl of Aberdeen to Mr. Fox.*

SIR,

*Foreign Office, November 30, 1841.*

WITH reference to Viscount Palmerston's Despatch of the 24th of May last, on the subject of orders given to Her Majesty's cruisers for their guidance in dealing with vessels carrying the flag of the United States and suspected of Slave Trade, I herewith transmit to you, for your information, a copy of a further communication, which, under my direction, has been addressed to the Admiralty upon the subject in question.

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

I am, &c.  
 (Signed) ABERDEEN.

Enclosure in No. 278.

*Viscount Canning to Sir John Barrow.*

SIR,

*Foreign Office, November 27, 1841.*

I AM directed by the Earl of Aberdeen to request that you will draw the attention of the Lords Commissioners of the Admiralty to the note addressed by Viscount Palmerston to Mr. Stevenson on the 5th of August last, on the subject of the vessels "*Iago*" and "*Hero*," a copy of which note was transmitted to the Admiralty by the directions of Lord Palmerston, in a letter from this office dated the 31st of that month.

In that note it is stated by Viscount Palmerston "that positive orders were sent by the Admiralty, in February last, to all Her Majesty's cruisers employed for the suppression of the Slave Trade, not again to detain or meddle with United States' vessels engaged in Slave Trade."

I am to request that you will observe to the Lords Commissioners of the Admiralty, that from the letter addressed on the 8th of February last by Lord Leveson to the Secretary to the Admiralty, it appears that the instructions which their Lordships were requested to issue to Her Majesty's cruisers were to the effect that they should abstain from capturing United States' vessels engaged in the Slave Trade; and I am therefore directed by Lord Aberdeen to request that you will move the Lords Commissioners of the Admiralty to send instructions to Her Majesty's cruisers to abstain from detaining or visiting vessels of the United States engaged in the Slave Trade.

I am at the same time to state to you that Lord Aberdeen is desirous, if there should be good reason to suspect that vessels bearing the United States' flag are not entitled to carry that flag, that Her Majesty's cruisers should ascertain the fact by visit or otherwise. In the event of the suspicion being confirmed, such vessels would be dealt with according to law and the provisions of Treaties; but, on the other hand, if Her Majesty's cruisers should detain or visit any vessel under the flag of the United States which should prove to belong to the Union, Lord Aberdeen requests that the commanding officers should be directed to send home a full report of all the particulars of the case by the earliest opportunity, not waiting to include it in such regular periodical report as they may be required to transmit.

*Sir John Barrow,*  
*&c. &c. &c.*

I have, &c.  
 (Signed) CANNING.

No. 279.

*The Earl of Aberdeen to Mr. Fox.*

SIR,

*Foreign Office, December 3, 1841.*

WITH reference to previous correspondence on the subject of negroes who were on board of [the Spanish schooner "*Amistad*," and who were carried to the United States, I herewith transmit to you a copy of a Memorial from the Glasgow Emancipation Society, stating that those negroes have been set at liberty, and are anxious to return to their native country, and requesting the assistance of Her Majesty's Government for conveying them to Sierra Leone, to be thence forwarded to their native place. Her Majesty's Government, upon ascertaining the facts, will be disposed to make arrangements for accomplishing the object expressed in the accompanying Memorial, provided there shall be no objection thereto; and I have, therefore, to desire that you will inquire whether the statement in that document is accurate, and how many of the negroes of the "*Amistad*" are remaining there in the United States. You will also ascertain, by such means as you shall consider most expedient, whether on the part of the United States' Government, or any other account, any objection is likely to arise to the proposed arrangement.

You will acquaint me, as soon as you can, with the result of your inquiries upon these heads.

You will understand that you are not required to address the United States' Government officially upon this subject.

I am, &amp;c.

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

(Signed) ABERDEEN.

Enclosure in No. 279.

*Memorial of the Glasgow Emancipation Society.*

Unto the Right Hon. Sir Robert Peel, Bart., the Right Hon. Lord Aberdeen, the Right Hon. Lord Stanley, and the other Members of Her Majesty's Cabinet.

The Memorial of the Committee of the Glasgow Emancipation Society

Humbly sheweth,

That whereas the Supreme Court of the United States of America, after a series of protracted legal processes of nearly two years' duration, has at length discharged from their jurisdiction and set at liberty from all claim the African negroes captured in the Spanish schooner "*Amistad*," on the coast of America, near New London, on the 26th of August, 1839; regarding whom this Society had the honour, on the 15th of October following, to present a Memorial to the Right Hon. Lord Viscount Melbourne, the Right Hon. Viscount Palmerston, and the other Members of Her Majesty's Cabinet, to which a favourable answer was politely returned, dated Foreign Office, December 23, 1839. In 1840, the Secretaries of this Society had again the honour to address a note to Lord Palmerston on the subject, and were in like manner favoured by his Lordship with a reply, dated Foreign Office, March 26, 1840. And the case of the said negroes was noticed in favourable terms by the Hon. Mr. Jerningham, Her Majesty's Minister at Madrid, on the 5th of January preceding, in a letter to the Spanish Minister, Don Evaristo Perera de Castro, published in the Parliamentary Papers; and, finally, by the Hon. H. S. Fox, Her Majesty's Minister at Washington, in a letter dated there the 20th of January, 1841, addressed to the Hon. John Forsyth, Secretary to the Government of the United States:

And whereas in all their correspondence with the British Abolition Societies, and with the American and Spanish Governments, Her Majesty's Government have, in their consideration of the case of these unfortunate and persecuted Africans, evinced a prompt and highly laudable interest, strongly contrasting to their credit, when compared with the treatment which these forlorn strangers experienced from the republican and professedly Christian Government of



America, upon whose shores they were cast, and who, not without the urgent solicitation of the abolitionists in their behalf, barely supplied the Africans with comfortable clothing to protect them from the severity of an American winter :

And whereas, from the education which the aforesaid natives of Africa have received, through the kindness of the abolitionists of the United States, and the more intimate intercourse thus had with them by these parties, their case has become still more interesting, considering their connection with the interior of Africa ; and whereas they are now desirous to return to their native country, called Mendi, in Africa, and which they describe as being situated six days' journey from the coast (probably north of the Gallinas) ; and whereas they are desirous to be landed at Sierra Leone, of which some of them appear to have heard, and from which they seem to think they would find their way to their homes :

And whereas the United States' Government have declined to grant a government vessel to convey these poor helpless people home, after they have needlessly detained them so long and subjected them to such barbarous treatment, that it has been only in consequence of the unceasing diligence and vigilance, the perseverance and skill of the abolitionists there, that they have at length been rescued from the fangs of the pro-slavery party :

For these reasons, therefore, we, the Committee of the Glasgow Emancipation Society, admiring, on the other hand, the very friendly and favourable interest hitherto so readily taken in the case of these Africans by the British Cabinet, feel encouraged to solicit, on their behalf, that, to promote the interests of humanity, Her Majesty's Government (who have vessels constantly cruising to suppress the Slave Trade, and frequent communication with Sierra Leone) would have the goodness to afford to these children of Africa, now in a *foreign* land, a safe conveyance in a *Government vessel* to Sierra Leone, and would instruct the authorities at that port, that so the parties might be conducted to their respective homes.

Your memorialists consider that by so doing the British Government would not only be following out to these unfortunate natives of Africa, " who," to use the language of the Hon. Mr. Fox, " have been thrown by accidental circumstances into the hands of the authorities of the United States," a continuance of that benevolent interposition which doubtless has, in some measure, indirectly contributed to " secure to them the possession of that liberty to which from the first it was clear they were by law entitled ;" but Her Majesty's Government will, at the same time, be deepening in the minds of the liberated Africans, and through them in the minds of all with whom they may have intercourse on their return to Africa, just and lasting impressions of the philanthropic designs of the Government and people of this country towards the African race ; thus may Great Britain, even by this apparently insignificant means, now be known to Africans as their benefactress, which she justly deserves to be ; and trifling as it may appear to those accustomed to great things, it may have yet a further and a beneficial influence upon her schemes of civilization and future intercourse with the African continent.

Your memorialists, in conclusion, would humbly suggest that, should Her Majesty's Ministers acquiesce in their request, thus respectfully submitted to them, and instruct that a *Government vessel* be placed at the disposal of the Committee in America by whom the case of the "*Amistad*" negroes has been conducted, and under whose care they still remain, the same may be done with the utmost possible despatch.

And your memorialists, as in duty bound, &c.

Signed in name and by appointment of the Committee of the Glasgow Emancipation Society, this 18th day of November, 1841.

(Signed)

JOHN MURRAY, }  
WM. SMEAL, } *Secretaries.*

No. 280.

*The Earl of Aberdeen to Mr. Fox.*

SIR,

*Foreign Office, December 11, 1841.*

WITH reference to my Despatch of the 30th ultimo, on the subject of the conduct to be observed by the commanding officers of Her Majesty's cruisers,

in dealing with vessels under the United States' flag suspected of Slave Trade, I herewith transmit to you, for your information, a copy of an instruction which the Lords Commissioners of the Admiralty addressed upon this subject, under date of the 7th instant, to the admirals on the India and Cape of Good Hope stations, and to the senior officers on the coasts of Africa and Brazils.

I am, &c.,

(Signed) ABERDEEN.

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

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Enclosure in No. 280.

*Sir John Barrow to the Commanders in Chief and Senior Officers at the Cape of Good Hope, Coast of Africa, West Indies, and Brazils.*

SIR,

*Admiralty, December 7, 1841.*

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith a copy of a letter from the Under Secretary of State for Foreign Affairs, dated the 27th of last month, on the subject of the conduct to be pursued by the commanding officers of Her Majesty's cruisers towards vessels hoisting the United States' flag, engaged in Slave Trade; and I am to signify their Lordships' directions to you to govern yourself accordingly, and to issue corresponding instructions to the ships and vessels under your orders.

My Lords desire you at the same time to observe that, although the said letter conveys a decided instruction that Her Majesty's cruisers are neither to capture nor interfere with, nor even to visit United States' vessels, whether they shall have slaves on board or not, yet you will perceive by it that it is not intended to allow vessels of other nations to escape visit and examination by merely hoisting an United States' flag: therefore, if one of Her Majesty's cruisers shall fall in with a vessel which may hoist an United States' flag, but which, from intelligence the officer commanding Her Majesty's cruiser may have received, or from her manœuvres, or other sufficient cause, he may have reason to believe does not belong to the United States, he is, if the state of the wind and weather shall admit of it, to go a-head of the suspected vessel, after communicating his intention by hailing, and to drop a boat on board of her (notwithstanding her American colours), to ascertain her nationality, without causing her detention in the event of her proving to be really an United States' vessel; but should the strength of the wind or other circumstances render such mode of visiting the stranger impracticable, he is to consider himself authorised to require the suspected vessel to be brought to (merely to admit of her nationality being ascertained), and he will be justified in enforcing it (*if necessary*); understanding always that he is not to resort to any coercive measure until every other means of effecting the required visit shall have failed; and however the said visit may be accomplished, whether by force or otherwise, the officer that boards the stranger is to be instructed merely in the first instance to satisfy himself, by the vessel's papers, or other proofs of her nationality, and if she proves to be really an United States' vessel, he is to lose no time in again quitting her, offering to note on the papers of the vessel the cause of his suspecting her nationality, and which had alone induced him to insist on visiting her, adding a note of the number of minutes the vessel was detained (if detained at all) for the object in question, such notation to be signed by the boarding officer, specifying his rank and the name of Her Majesty's cruiser; and whether the commander of the United States' vessel consent to such notation on the vessel's papers or not (and it is not to be done without his consent), all the said particulars are always to be immediately fully entered in the log-books of Her Majesty's cruiser, and a particular statement thereof is to be sent, addressed to the Secretary of the Admiralty, by the first opportunity direct to England, as desired in the Secretary of State's letter; and also a similar statement to the senior officer of the station; to be forwarded by you also to the Secretary of the Admiralty, for their Lordships' information, accompanied by any remarks you may have reason to make thereon.

Of course, in cases where the suspicion of the commander of Her Majesty's

cruiser turns out to be well founded, and the vessel boarded proves, notwithstanding her United States' colours, not to belong to that nation, the commander of Her Majesty's cruiser will, as also directed by the Secretary of State's letter, deal with her as he would have been authorised and required to do, had she not hoisted the United States' flag.

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

*To the Commander in Chief and Senior Officers  
at the Cape of Good Hope, Coast of Africa,  
West Indies, and Brazil.*

No. 281.

*The Earl of Aberdeen to Mr. Everett.*

*Foreign Office, December 20, 1841.*

THE Undersigned, &c., has the honour of addressing to Mr. Everett, &c. the observations which he feels called upon to make, in answer to the note of Mr. Stevenson, dated on the 21st of October.

As that communication only reached the hands of the Undersigned on the day after the departure of Mr. Stevenson from London, on his return to America, and as there has since been no Minister or Chargé d'Affaires from the United States resident in this country, the Undersigned has looked with some anxiety for the arrival of Mr. Everett, in order that he might be enabled to renew his diplomatic intercourse with an accredited Representative of the Republic. Had the Undersigned entertained no other purpose than to controvert the arguments of Mr. Stevenson, or to fortify his own, in treating of the matter which has formed the subject of their correspondence, he would have experienced little impatience; but as it is his desire to clear up all doubt, and to remove misapprehension, he feels that he cannot too early avail himself of the presence of Mr. Everett at his post, to bring to his knowledge the true state of the question at issue.

The Undersigned agrees with Mr. Stevenson in the importance of arriving at a clear understanding of the matter really in dispute.

This ought to be the first object in the differences of states, as well as of individuals; and, happily, it is often the first step to the reconciliation of the parties. In the present case, this understanding is doubly essential, because a continuance of mistake and error may be productive of the most serious consequences.

Mr. Stevenson persists in contending, that the British Government assert a right which is equivalent to the claim of searching American vessels in time of peace. In proof of this, Mr. Stevenson refers to a passage in a former note of Viscount Palmerston, addressed to himself, against which he strongly protests, and the doctrine contained in which he says that the Undersigned is understood to affirm.

Now, it is not the intention of the Undersigned to inquire into the precise import and force of the expressions of Viscount Palmerston. These might have been easily explained to Mr. Stevenson by their author, at the time they were written; but the Undersigned must request, that his doctrines upon this subject, and those of the Government of which he is the organ, may be judged of exclusively from his own declarations.

The Undersigned again renounces, as he has already done, in the most explicit terms, any right on the part of the British Government to search American vessels in time of peace. The right of search, except when specially conceded by treaty, is a purely belligerent right, and can have no existence on the high seas during peace.

The Undersigned apprehends, however, that the right of search is not confined to the verification of the nationality of the vessel, but also extends to the object of the voyage, and the nature of the cargo. The sole purpose of the British cruisers is to ascertain whether the vessels they meet with are really American or not. The right asserted has, in truth, no resemblance to the right of search, either in principle or in practice. It is simply a right to satisfy the party who has a legitimate interest in knowing the truth, that the vessel actually is what her colours announce. This right we concede as

freely as we exercise. The British cruisers are not instructed to detain American vessels under any circumstances whatever; on the contrary, they are ordered to abstain from all interference with them, be they slavers or otherwise. But where reasonable suspicion exists that the American flag has been abused, for the purpose of covering the vessel of another nation, it would appear scarcely credible, had it not been made manifest by the repeated protestations of their Representative, that the Government of the United States, which have stigmatized and abolished the trade itself, should object to the adoption of such means as are indispensably necessary for ascertaining the truth.

The Undersigned had contended, in his former note, that the legitimate inference from the arguments of Mr. Stevenson would practically extend even to the sanction of piracy, when the persons engaged in it should think fit to shelter themselves under the flag of the United States. Mr. Stevenson observes that this is a misapprehension on the part of the Undersigned; and he declares that, in denying the right of interfering with vessels under the American flag, he intended to limit his objection to vessels *bonâ fide* American, and not to those belonging to nations who might fraudulently have assumed the flag of the United States. But it appears to the Undersigned, that his former statement is by no means satisfactorily controverted by the declaration of Mr. Stevenson. How is this *bona fides* to be proved? Must not Mr. Stevenson either be prepared to maintain that the flag alone is sufficient evidence of the nationality of the vessel, which, in the face of his own repeated admissions, he cannot do, or must he not confess that the application of his arguments would really afford protection to every lawless and piratical enterprise?

The Undersigned had also expressed his belief that the practice was general, of ascertaining by visit the real character of every vessel on the high seas, against which there should exist reasonable ground of suspicion. Mr. Stevenson denies this; and he asks, what other nation than Great Britain had ever asserted, or attempted to exercise, such a right? In answer to this question, the Undersigned can at once refer to the avowed and constant practice of the United States, whose cruisers, especially in the Gulf of Mexico, by the admission of their public journals, are notoriously in the habit of examining all suspicious vessels, whether sailing under the English flag or any other. In whose eyes are these vessels suspicious? Doubtless, in those of the Commanders of the American cruisers. But, in truth, this right is quite as important to the United States as to Great Britain; nor is it easy to conceive how the maritime intercourse of mankind could safely be carried on without such a check.

It can scarcely be necessary to remind Mr. Everett, that the right thus claimed by Great Britain is not exercised for any selfish purpose. It is asserted in the interest of humanity, and in mitigation of the sufferings of our fellow-men. The object has met with the concurrence of the whole civilized world, including the United States of America, and it ought to receive universal assistance and support.

The Undersigned cannot abstain here from referring to the conduct of an honourable and zealous officer, commanding the naval force of the United States on the coast of Africa, who, relying on the sincere desire of his Government for the suppression of the Slave Trade, and sensible of the abuse of the American flag, entered into an engagement, on the 11th of March, 1840, with the officer in command of Her Majesty's cruisers on the same station, by which they mutually requested each other, and agreed, to detain all vessels under American colours employed in the traffic. If found to be American property, such vessels were to be delivered over to the Commander of any American cruiser on the station; or if belonging to other nations, they were to be dealt with according to the Treaties contracted by Her Majesty with the respective States. The Undersigned believes, and indeed after the statements of Mr. Stevenson, he regrets to be unable to doubt, that the conduct of this gallant officer, however natural and laudable in its object, has been disavowed by his Government.

It is not the intention of the Undersigned at present to advocate the justice and propriety of the mutual right of search, as conceded and regulated by treaty; or to weigh the reasons on account of which this proposal has been rejected by the Government of the United States. He took occasion in a

former note, to observe, that concessions sanctioned by Great Britain and France were not likely to be incompatible with the dignity and independence of any other State which should be disposed to follow their example. But the Undersigned begs now to inform Mr. Everett, that he has this day concluded a joint Treaty with France, Austria, Russia, and Prussia, by which the mutual right of search within certain latitudes is fully and effectually established for ever. This is, in truth, a holy alliance, in which the undersigned would have rejoiced to see the United States assume their proper place among the Great Powers of Christendom, foremost in power, wealth, and civilization, and connected together in the cause of mercy and justice.

It is undoubtedly true, that this right may be abused, like every other which is delegated to many and different hands. It is possible that it may be exercised wantonly and vexatiously; and should this be the case, it would not only call for remonstrance, but would justify resentment. This, however, is in the highest degree improbable; and if, in spite of the utmost caution, an error should be committed, and any American vessel should suffer loss or injury, it would be followed by prompt and ample reparation. The Undersigned begs to repeat, that with American vessels, whatever be their destination, British cruisers have no pretension in any manner to interfere. Such vessels must be permitted, if engaged in it, to enjoy a monopoly of this unhallowed Trade; but the British Government will never endure that the fraudulent use of the American flag shall extend the iniquity to other nations, by whom it is abhorred, and who have entered into solemn treaties with this country for its entire suppression.

In order to prove to Mr. Everett the anxiety of Her Majesty's Government, to prevent all reasonable grounds of complaint, the Undersigned believes that he cannot do better than to communicate to him the substance of those instructions under which the British cruisers act in relation to American vessels when employed on this service.

If, from the intelligence which the officer commanding Her Majesty's cruiser may have received, or from the manœuvres of the vessel, or from other sufficient cause, he shall have reason to believe that, although bearing the American flag, the vessel does not belong to the United States, he is ordered, if the state of the wind and weather shall admit of it, to go ahead of the suspected vessel, after communicating his intention by hailing, and to drop a boat on board of her, to ascertain her nationality, without detaining her, if she shall prove to be really an American vessel. But should this mode of visiting the vessel be impracticable, he is to require her to be brought-to for this purpose.

The officer who boards the vessel is merely to satisfy himself of her nationality, by her papers or other proofs; and should she really be an American vessel, he will immediately quit her, offering, with the consent of her commander, to note on her papers the cause of suspecting her nationality, and the number of minutes she was detained (if detained at all) for the object in question. All the particulars are to be immediately entered on the log-books of the cruiser, and a full statement of them is to be sent, by the first opportunity, direct to England.

These are the precautions taken by Her Majesty's Government against the occurrence of abuse in the performance of this service; and they are ready to adopt any others which they may think more effectual for the purpose, and which shall, at the same time, be consistent with the attainment of the main object in view.

Mr. Stevenson has said, that he had no wish to exempt the fraudulent use of the American flag from detention; and this being the case, the Undersigned is unwilling to believe, that a Government like that of the United States, professing the same object and animated by the same motives as Great Britain, should seriously oppose themselves to every possible mode by which their own desire could be really accomplished.

The Undersigned avails, &c.

(Signed)

ABERDEEN.

*Edward Everett, Esq.*

&c. &c. &c.

No. 282.

*The Earl of Aberdeen to Mr. Fox.*

SIR,

*Foreign Office, December 23, 1841.*

WITH reference to my recent Despatches to you, respecting the visitation of vessels bearing the flag of the United States, and suspected not to belong to that country, I herewith transmit to you, for your information, a copy of a note which I have addressed upon this subject to Mr. Everett, the United States' Minister at this Court, in reply to the note addressed to me on the 21st of October last by his predecessor, Mr. Stevenson.

I am, &amp;c.

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

(Signed) ABERDEEN.

Enclosure in No. 282.

*The Earl of Aberdeen to Mr. Everett.**December 20, 1841.*

(See No. 281.)

No. 283.

*Mr. Everett to the Earl of Aberdeen.**Legation of the United States, December 23, 1841.**(Received December 24.)*

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, has the honour to acknowledge the reception of a communication from Lord Aberdeen, Her Majesty's Principal Secretary of State for Foreign Affairs, bearing date the 20th instant, in reply to a note of Mr. Stevenson's, of the 21st of October.

The Undersigned will avail himself of an early opportunity of addressing some remarks to the Earl of Aberdeen, on the very important topics treated in his note. In the meantime, the Undersigned begs leave to express his great satisfaction at the conciliatory and dispassionate tone of Lord Aberdeen's communication, from which the Undersigned augurs the happiest influence on the renewed discussion of the subject.

The Undersigned, &amp;c.,

(Signed) EDWARD EVERETT.

*The Right Hon. Earl of Aberdeen, K.T.,*  
&c. &c. &c.

No. 284.

*The Earl of Aberdeen to Mr. Fox.*

SIR,

*Foreign Office, December 24, 1841.*

WITH reference to my Despatch of yesterday's date, I herewith transmit to you, for your information, a copy of a note which I have this day received from Mr. Everett, United States' Minister at this Court, in acknowledgment of the receipt of my note of the 20th instant to that Minister, upon the visitation of vessels bearing the flag of the United States, and suspected not to belong to that country.

I am, &amp;c.

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

(Signed) ABERDEEN.

Enclosure in No. 284.

*Mr. Everett to the Earl of Aberdeen.*

December 23, 1841.

(See No. 283.)

No. 285.

*The Earl of Aberdeen to Mr. Fox.*

SIR,

Foreign Office, December 24, 1841.

WITH reference to my Despatch of the 23rd instant, I herewith transmit to you, for your information, a copy of the Treaty, adverted to in my note of the 20th instant to Mr. Everett, as having been concluded on that day between Great Britain, Austria, France, Prussia, and Russia, for the suppression of the African traffic in Slaves.

I am, &amp;c.

(Signed) ABERDEEN.

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

No. 286.

*The Earl of Aberdeen to Mr. Fox.*

Foreign Office, December 27, 1841.

Circular, asking for all Laws upon Slave Trade.

(See No. 14.)

No. 287.

*Mr. Everett to the Earl of Aberdeen.*

32, Upper Grosvenor Street, December 27, 1841.

MY LORD,

(Received December 28.)

THE cases of American vessels, to which I alluded this morning, are those of the "*Tigris*," "*Sea Mew*," "*Jones*," and "*William and Francis*." They were brought to the notice of Lord Palmerston by a letter of my predecessor of the 16th of April last, accompanied by numerous documents. I earnestly commend them to your Lordship's attention, in the full persuasion that nothing would contribute so much to allay the excitement caused in the United States by these seizures in the African seas, nor prepare so effectually for a final and satisfactory adjustment of the controversy, as that prompt and ample reparation where error has been committed, and any American vessel has suffered loss and injury, which is promised in your Lordship's note of the 20th instant.

I have, &amp;c.

(Signed) EDWARD EVERETT,

*The Earl of Aberdeen, K.T.,*  
 &c. &c. &c.

No. 288.

*The Earl of Aberdeen to Mr. Everett.*

SIR,

Foreign Office, December 31, 1841.

I HAVE had the honour to receive your letter of the 27th instant, upon the subject of the cases of the vessels the "*Tigris*," the "*Sea Mew*," the

"Jones," and the "*William and Francis*," brought to the notice of Viscount Palmerston by a letter of the 16th of April last, from your predecessor, Mr. Stevenson.

I have to acquaint you that, on the 31st of August last, the Board of Admiralty were moved by Lord Palmerston to institute a strict inquiry into the allegations made against Her Majesty's officers in these cases, and to report to this office the result.

The result of that inquiry has not yet been received; but I have directed that the Board of Admiralty should be reminded of the desire already intimated, and be moved to transmit to this Office, as soon as may be, the information they may be enabled to procure upon the subject.

Her Majesty's Government is very desirous to give to the United States' Government, with the least possible delay, an answer upon these and any other cases which may require explanation.

But upon reference to Mr. Stevenson's note, and to the documents which accompanied it, you will perceive that the inquiry may naturally be expected to occupy a considerable time, since the transactions referred to in that note are said to have occurred at various and very distant places.

No time will be lost in obtaining all the details which can be procured, and as soon as Her Majesty's Government shall have received the necessary information, I shall have the honour to address you again upon the subject.

I have, &c.

(Signed) ABERDEEN.

*Edward Everett, Esq.,*  
&c. &c. &c.

No. 289.

*The Earl of Aberdeen to Mr. Fox.*

SIR,

*Foreign Office, December 31, 1841.*

WITH reference to my previous Despatch to you, containing copies of correspondence respecting the visitation of vessels bearing the United States' flag, and suspected of Slave Trade, I herewith transmit to you, for your information, the copies of two letters which have passed between Mr. Everett and myself since the date of my last Despatch to you upon this subject.

I am, &c.

(Signed) ABERDEEN.

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

Enclosures in No. 289.

1. *Mr. Everett to the Earl of Aberdeen, December 27, 1841.*
2. *The Earl of Aberdeen to Mr. Everett, December 31, 1841.*

(See Nos. 287 and 288.)



UNITED STATES—(*Consular*).

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No. 290.

*Mr. Consul Buchanan to Viscount Palmerston.*

*Her Majesty's Consulate, New York, December 15, 1840.*

*(Received January 19, 1841.)*

MY LORD,

I HAVE the honour to acknowledge your Lordship's Letter, transmitting two series of papers relating to the Slave Trade which had been presented to the Houses of Parliament during the last session, which shall be preserved in this office.

I have, &c.

(Signed) J. BUCHANAN.

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

*&c.*

*&c.*

*&c.*

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No. 291.

*Mr. Consul Grattan to Mr. Bidwell.*

*Her Majesty's Consulate, Boston, December 31, 1840.*

*(Received January 19, 1841.)*

SIR,

I HAVE the honour to inform you that yesterday morning the American brig "*Tigris*," of Salem, in the state of Massachusetts, arrived at that port from the coast of Africa, sent to this country under the command of Midshipman Jackson, of Her Majesty's brig "*Waterwitch*," Lieutenant Matson, Commander, having been captured by the latter officer, under the charge of having one negro slave, a boy named Teme, on board.

Mr. Jackson was the bearer of a letter from Lieutenant Matson to Mr. Fox, Her Majesty's Minister at Washington, containing various documents relative to the case; all of which I have forwarded, with a letter from myself, requesting Mr. Fox's instructions for my guidance.

In the mean time the complaint of Mr. Jackson, on behalf of the captors, has been duly lodged in the District Court of the United States in this city; the judge has issued a warrant of arrest against the "*Tigris*," and for the bringing up and examination of the master; and I have put the case into the hands of counsel, to take all measures proper in the interests of the captors. I shall forward the men composing the prize-crew, and belonging to the "*Waterwitch*," by the "*Caledonia*" steamer to Liverpool, and will afford every assistance in my power to Midshipman Jackson.

I have, &c.

(Signed) T. C. GRATTAN.

*Jno. Bidwell, Esq.,*

*&c. &c.*

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No. 292.

*Lord Leveson to Mr. Consul Grattan.*

SIR,

*Foreign Office, February 8, 1841.*

I AM directed by Viscount Palmerston to acquaint you that your letter of the 31st of December last to Mr. Bidwell, respecting the American brig "*Tigris*," detained by Her Majesty's brig "*Waterwitch*," has been referred, by his Lordship's desire, to Her Majesty's Advocate-General; and the report of the Queen's

Advocate having been received, I have now received directions from Lord Palmerston to instruct you to discontinue the proceedings commenced by you in behalf of the captors of the "*Tigris*;" and to leave the American authorities to pursue such course as they may deem advisable in the case.

T. C. Grattan, Esq.,  
&c. &c.

I am, &c.  
(Signed) LEVESON.

No. 293.

*Mr. Consul Buchanan to Viscount Palmerston.*

*Her Majesty's Consulate, New York, January 15, 1841.*

*(Received February 15.)*

MY LORD,

I HAVE the honour to state that the decision as to the schooner "*Catherine*," mentioned in my letter of the 14th August, 1840, has been set aside, and the vessel condemned: a report of such decision by Judge Thompson I have the honour to enclose.

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

Enclosure in No. 293.

*Judge Thompson's Opinion in the Case of the "Catherine."  
United States versus Schooner "Catherine."*

THIS case comes up on appeal from the District Court for the Southern District of New York. The proceeding in the Court below was for an alleged forfeiture of the vessel for a violation of the Act of Congress of the 10th May, 1800 [3 vol. L.U.S., 382], which declares that it shall be unlawful for any citizen of the United States, or other person 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 of slaves from one foreign country or place to another. And any right or property, belonging as aforesaid, shall be forfeited.

The Supreme Court, in the case of the *United States v. Morris* [14 Peters 473], have given a construction to the term employed as here used in this Act. The question, say the Court, in this case is whether a vessel, on her outward voyage to the coast of Africa for the purpose of taking on board a cargo of slaves, is "employed or made use of" in the transportation or carrying of slaves from one foreign country or place to another, before any slaves are received on board? To be "employed," say the Court, in anything, means not only the act of doing it, but also to be engaged to do it, to be under contract or orders to do it. And this is not only the ordinary meaning of the word, but has frequently been used, and in that sense, in other Acts of Congress. That the vessel in question was employed in the transportation of slaves within the meaning of the Act of Congress, if she was sailing on her outward voyage to the African coast in order to take them on board to be transported to another foreign country.

That the "*Catherine*" was an American vessel, sailing under the American flag and documented as an American vessel, is not denied. And the claimant, Charles Tyng, who interposes his claim as owner, was an American citizen. This would seem to bring the case directly within the prohibition in the Act, and subject the vessel to forfeiture. And, indeed, the District Judge in the Court below declares that he 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 in the case. That the pertinency and weight of a similar class of facts and circumstances were fully considered by the Court in the case of the "*Butterfly*," recently decided in this Court, where the vessel was condemned. And the learned Judge adds, that some particulars exist here which would probably be regarded as rendering the inferences and pre-

sumptions there adopted and recognised still more direct and conclusive ; but that it seemed to him that the enterprise assumed a new character, subsequent to the execution of the charter-party. That there is nothing in the 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 everything 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 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.

I am not disposed to give a construction to this Act which will interdict an American vessel from carrying out a cargo and delivering it upon the coast of Africa, if unconnected with the subsequent employment of the vessel in the transportation of slaves. But I am not prepared to admit that such subsequent employment must be in the character of an American vessel, in order to bring her within the prohibition in the Act. If the circumstances are such as to warrant the conclusion that the outward voyage under the American character and ownership was planned and undertaken with a view and under an arrangement that the ownership and character were to be changed on the arrival of the vessel on the coast of Africa, and there to be employed in the transportation of slaves, such vessel would clearly come within the mischief, and I think within the true intent and meaning, of the Act of Congress.

There can be no doubt but that a *bonâ fide* sale of a vessel to be delivered at any given place upon the coast of Africa, unconnected with the ulterior employment of the vessel, and not in aid of an employment in the transportation of slaves, would not subject her to forfeiture within this Act of Congress. But where the voyage is commenced and prosecuted under strong and suspicious circumstances, laden with a cargo and accompanied with preparations that are usually employed in voyages of this description, it imposes no unreasonable hardship upon a party to call upon him to explain and remove such suspicious circumstances. If the adventure is innocent, it may easily be shown to be so.

The language of the Supreme Court, in the case of the "*Josefa Segunda*" [5 Wheat., 356], is very strong on this point. In the execution of these laws (the suppression of the Slave Trade), no vigilance can be excessive, and restitution ought never to be made but in cases which are purged of every intentional violation, by proofs the most clear, the most explicit and unequivocal.

But let us look a little at the circumstances of this case, and see whether they are not such as call upon the party to give a more satisfactory explanation.

The claimant, Charles Tyng, alleges he is a citizen of the United States, residing in the Havana since the year 1837, and engaged in the business of a ship-broker and commission agent. That some time in the latter part of May, 1839, the schooner "*Catherine*," an American vessel, arrived at the Havana, under the command of — Wedge, a citizen of the United States, who applied to him and represented that he was authorised by R. W. Allen and John Henderson, citizens of Baltimore and owners of the "*Catherine*," to effect a sale thereof, and employed him for that purpose. That he succeeded in effecting a sale to the house of Don Pedro Martinez and Co.; which sale, however, owing to some misunderstanding, fell through. He, however, feeling confident that the bargain would be consummated, had advanced the purchase-money to Wedge, and he had returned to Philadelphia, after having made him his substitute under the letter of attorney from Allen and Henderson. He afterwards effected a sale of the vessel to Don Tiran of Havana; but had previously chartered her to one Thrasher, who agreed so to modify his charter-party as to meet the terms of sale to Don Tiran. Under these circumstances the "*Catherine*" sailed from the Havana, on her voyage to the coast of Africa, and was captured by the "*Dolphin*," a British armed vessel, and brought into the port of New York.

These are the general outlines of the case. But a more particular examination of the various circumstances is necessary to a proper understanding of the transaction.

It is proper, in the first place, to notice that, although the claimant, Charles Tyng, was originally an authorised agent to sell the vessel for Allen and Henderson, yet they, having received the purchase-money from him, through Captain Wedge, refused to refund it, and threw the vessel upon his hands. He, therefore, interposes his claim as owner, and alleges himself to be such.

His sale to Tiran bears date the 25th June, 1839, and was for the consideration of 10,000 dollars, provided the vessel was delivered to him at the port of Bona, on the coast of Africa, on or before the 1st day of October; part of the purchase-money was to be paid in advance, and the balance on receiving satisfactory evidence of the delivery of the vessel at Bona; the said Charles Tyng being left at liberty to load or charter the vessel until her delivery at Bona. The money advanced to be refunded to Tiran, in case of failure to deliver the vessel at Bona on or before the 1st of October.

The vessel having been captured before her arrival on the coast of Africa, the sale and transfer of the property in the vessel was never consummated, but remained in the original owner, and whether that ownership was in the house in Baltimore or in Tyng is immaterial, though Tyng asserts himself to be the owner, and must be dealt with as such. He was the owner on her outward voyage, and at the time of the capture. If he was such owner, and the vessel was employed in the transportation of slaves, according to the decision of the Supreme Court in the case of the *United States v. Morris*, how does the Act of Congress affect his interest in the vessel? It declares that it shall be unlawful for any citizen of the United States, directly or indirectly, to hold or have any right or property in any vessel employed or made use of in the carrying or transportation of slaves from one foreign country or place to another; and any right or property belonging as aforesaid shall be forfeited. The forfeiture attached upon the violation of the prohibition; and that violation occurred the instant the vessel was employed in the transportation of slaves, or, in other words, at the commencement of the voyage, if such voyage was prosecuted with the view and for the purpose of transporting slaves from one foreign country or place to another foreign country or place. That such was the purpose for which this vessel was purchased by Tiran, and was proceeding to the coast of Africa, admits of but little doubt. It was intimated on the argument, that there was no such place as Bona on the West Coast of Africa, where the Slave Trade is carried on. And if the vessel was to be delivered at Bona, on the coast of Algiers, it afforded no grounds of suspicion. But this suggestion was so utterly improbable, that it was not pressed, and is entitled to no consideration. That there is such a place as Bona (as known and understood by the parties) on the West Coast of Africa, cannot admit of a doubt.

The charter-party, entered into between the claimant and Thrasher, bears date on the 15th day of June, 1839, for a voyage from Havana to Isle of Principe, or other port or ports on the coast of Africa, as the agent of the charterer may direct. The charterer to provide a crew, and furnish them with all necessary provisions, &c., for their maintenance during the voyage, and to pay all port charges. The charterer to pay 300 dollars per month, for eight months; and if the vessel should be at sea at the expiration of said term, the charter-party to continue until her arrival and the cargo shall be discharged.

The charterer gave to Captain Peterson, the master of the vessel, instructions to proceed to the Isle of Principe, and on his arrival there to consign the vessel and cargo to Joseph Pereyra, and deliver to him the certified invoice enclosed in the letter of instructions, and giving him directions implicitly to obey the instructions of Pereyra. And, in his letter of instructions, he says, "A number of persons having applied to me for passage out in the schooner, I have consented; but you will take care that their passports are in order, and that there are no circumstances attending them which will be likely to bring you into the least difficulty." Pereyra, the consignee of the charter, was at Havana, and went out as supercargo. It appears from the deposition of Robert N. Dundas, mate of the "Dolphin," that, when the "*Catherine*" was captured, the witness demanded of the captain his papers, and a number were delivered up, which are unimportant to be noticed here. Soon after Lieutenant Holland came on board the "*Catherine*," and Captain Peterson was searched, and there was found concealed on his person a certain paper, which among the exhibits is marked No. 33, and which will be hereafter noticed. From this deposition of the mate, it appears that the crew of the "*Catherine*" consisted of eight persons with American protections, including the captain, and about twenty or twenty-five foreigners, mostly Spanish and Portuguese. That six or eight men would be quite sufficient to navigate the "*Catherine*" in a lawful trade. That there was found on board a larger boiler, or cooking apparatus, sufficiently large to have cooked for three hundred people; a quantity of lumber, which was prepared and numbered for laying a slave deck,

and would easily have been put up, as a slave deck, in a few hours after the cargo was discharged. A number of leaguers were found on board, some made up and some in shooks; about nine were made up, and materials for about six more. Each would contain five or six hundred gallons. There were found on board about five hundred and seventy wooden spoons, similar to those used in slave vessels. There were thirty-eight large tin dishes, and a number of small ones. That the equipments above-mentioned are such as are usually found on board of slave vessels, and he has never seen them elsewhere. They found no irons, but they are generally concealed in the lower part of the vessel. And from the evidence taken in this Court upon the appeal, it appears that two bags of iron manacles were found concealed under the cargo; one was counted, and contained seventy-five, and the other appeared to be about the same size. The mate further testified that the "*Catherine*" was captured three or four miles from Cape St. Paul's. That the cargo found on board was such a one as an honest trader would not have on board trading with the coast of Africa, and it was also such a one as a slaver would have on board. That the lumber and large boiler would excite suspicion. The document before referred to, which was found on the person of her master, although without date or signature, is deserving of notice. It is as follows:—  
 "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 case of 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."

It is not very certain from whom this document emanated. It must have been from some person having an interest in the vessel or in the voyage, and most probably from either Thrasher, the charterer, or Tiran, the conditional purchaser. The language as to the disposition of the register would seem more appropriately to come from Tiran, who was to become the owner. But, from whomsoever it came, being found on board the vessel, and forcibly taken from the master, it was a document connected with the voyage, and bears evident marks of suspicion that the adventure was not in reality what it purported ostensibly to be, a fair and legal voyage to the coast of Africa. If so, no disguise was necessary. The directions, in case of being boarded by a man-of-war, to take all command with the American sailors, *and all the others to be passengers*, show that they were not in reality passengers, but connected with the vessel, and were to assume the character of passengers as a disguise. It is, in the first place, highly improbable that any persons should be going out to that part of the coast of Africa as mere passengers. But, considering them connected with the ulterior employment of the vessel in the transportation of slaves, their being on board is easily accounted for. When a cargo of slaves was taken on board, it would require the vessel to be manned by a greater number than would be required for the mere navigation of the vessel.

From a careful examination of the proofs in this case, I am satisfied that this vessel was chartered, fitted out, and laden at Havana, with intent to be employed in the Slave Trade, prohibited by the Act of Congress of the 10th of May, 1800; and the circumstances connected with and attending the outward voyage, in my judgment, lead irresistibly to the conclusion, that the arrangement made with respect to the conditional sale of the vessel, and the delivery of the possession at Bona, was a part of the contrivance to avoid the interruption of the adventure by capture. If this was a real and *bonâ fide* sale of the "*Catherine*," it is a little remarkable that no person is designated to whom possession was to be given at Bona. Tiran, the purchaser, was in Havana, and would not himself take the possession. It appears, from the letter of instructions to Captain Peterson, by Thrasher, the charterer, the vessel and cargo were to be consigned to Pereyra, who went out as supercargo. But there is nothing showing any con-

nection between him and Tiran. If the outward voyage of this vessel to the coast of Africa was unconnected with the subsequent employment of the vessel in the transportation of slaves, it certainly requires explanation why she was so peculiarly fitted in every respect for the transportation of slaves. And, unexplained, they lead irresistibly to the conclusion that the whole was one connected scheme to send out this vessel to be employed in the transportation of slaves.

If this was a concerted plan between Thrasher and Tiran, in the purchase and charter of the vessel, the more easily to elude capture and condemnation, it is difficult to conceive how Tyng, the claimant, could have been ignorant of the object and purpose for which this arrangement was made, and he must therefore be considered a party to it, and the whole must be taken to be one continuous enterprise. And if so, the mere change of property in the vessel, after her arrival on the coast of Africa, could not legalise the transaction.

The penalty was incurred and the forfeiture attached from the very inception of the voyage, if it was commenced for the purpose of taking on board and transporting slaves. It is true that the penalty of this Act of Congress is levelled against American property employed in the manner prohibited; but I cannot think that the confiscation is limited to the American interest at the time she is engaged in the actual transportation of slaves. If such is the construction to be given to this Act, it may be evaded with the utmost facility in every case. I cannot yield to the construction, that the whole adventure must be performed whilst the vessel retains her American character and ownership. Where the change of ownership is a part of the scheme, the forfeiture attaches upon all interests concerned. The vessel becomes tainted with the offence, wherever she may go, or into whatever hands she may fall. The ownership of this vessel on her outward voyage was certainly American. The transfer of the title never did take place, the vessel never having arrived at Bona. The American interest was therefore forfeited within the express terms of the law. And if the arrangement made with Tiran, the purchaser, was for the purpose of evading the penalty of our law, he cannot claim any protection of his interest in the vessel in the courts of this country.

I am accordingly of opinion that the vessel became forfeited under the Act of Congress, and that the decree of the District Court must be reversed, and a decree of condemnation entered.

Under the view of the case taken by the District Judge, it did not become necessary to pass upon the question whether the claimant, Tyng, has shown a lien in respect to his advances to the owner, which would be protected in case of condemnation of the vessel. But although, according to my view of the case, a decree of condemnation has passed against the vessel, I cannot conceive on what grounds the claimant can be entitled to his claim for advances. His whole claim rests upon his setting himself up as the sole owner of the vessel, which has been thrown upon him by her former owners, by reason of the first sale made by him to Martinez and Co.; the purchase money having been paid over by him to them. It is the interest, therefore, of the claimant which has been adjudged forfeited; and a decree in his favour for the advance made by him, which was the whole purchase money, would be directly repugnant to the decree of condemnation. The ground upon which condemnation has been pronounced is, that he was an offending party, and implicated in the whole arrangement made touching the adventure. And if so, he comes with an ill grace to ask for the protection of his interest, after being defeated in his illegal undertaking.

Nor do I see how the seamen's claim for wages can be sustained as a lien upon the vessel, according to the view taken by the Supreme Court of this law, in the case of the *United States v. Morris*. Although they have in their claim denied having any knowledge that the vessel was to be engaged in any unlawful enterprise, yet nothing has been shown by them in any manner supporting this denial. And the circumstances disclosed certainly show a *prima facie* case leading to a contrary conclusion. The two seamen who have petitioned for an allowance of their wages are William Michael and James Foxcroft. I do not find their names on the crew list or in the shipping articles. But assuming them to have been a part of the crew, they must have known that the vessel was going on a voyage to the coast of Africa. There is no pretence of any misrepresentation to them in this respect. The shipping articles describe the voyage to be from Havana to the Isle of Principe, or to trade to other ports on the West Coast

of Africa, and for a voyage not to exceed eight months. No mention is made of a return of the vessel to Havana or elsewhere. But from any thing appearing on the face of the articles to the contrary, their services were to terminate on the coast of Africa, and they left there, or that they expected to be retained on board the vessel in whatever service she might be engaged at the end of the eight months. This latter expectation was most likely what they hoped to realise. And this affords very strong presumptive evidence that they understood, or had reason to believe, that the vessel was to be employed in the transportation of slaves: and if so, they were guilty of a criminal offence, within the Act of Congress now under consideration.

Their claim for wages must accordingly be denied.

No. 294.

*Mr. Consul Grattan to Viscount Palmerston.*

*Her Majesty's Consulate, Boston, January 31, 1841.*

(Extract.)

(Received February 16.)

I HAD the honour of reporting, on the 31st ultimo, to the Superintendent of the Consular Service, for your Lordship's information, the arrival at Salem, in the State of Massachusetts, of the American brig "*Tigris*," of that port, sent hither from the coast of Africa by Lieutenant Matson, commanding Her Majesty's brig "*Waterwitch*," under the charge of Mr. Henry Stanley Jackson, midshipman of the latter vessel. A letter from Mr. Matson to Mr. Fox, enclosing copies of the documents connected with the case, was forwarded by me to Washington, and I have kept Mr. Fox informed of the proceedings which have taken place here, by my letters of December 31, January 18, 23, and 29.

This case of the "*Tigris*" is of great importance, opening a wide field for discussion on questions of international law and personal responsibility. It may lead to much diplomatic correspondence and legal examination. It may force on a decision as to the true construction of the legislative enactments of the United States relative to the Slave Trade; and will be the means of testing the sincerity of the Federal Government in all that it has said on the subject, as well as of trying the true bearing of public opinion regarding it in this country. Mr. Matson and Mr. Jackson have no doubt communicated to the Admiralty the circumstances of the particular case at issue; but I, nevertheless, think it advisable briefly to state to your Lordship the facts from first to last.

On the 7th of October last, Lieutenant Matson, cruising in the "*Waterwitch*," off the coast of Africa, having received information that the "*Tigris*," then at anchor off Ambrise, had a negro slave boy on board under suspicious circumstances, he boarded the vessel, and after a course of preliminary inquiry detailed in his letter (Enclosure No. 1), he sent her to this country under charge of Midshipman Jackson, as before stated.

Mr. Jackson's orders were to take the brig to Boston. The state of the weather obliged him to make the harbour of Salem; and thus the vessel was brought back to the port whence she had sailed, with as little inconvenience as possible, under the circumstances, to the owners, Messrs. Brookhouse and Hunt, of that place, and none at all to the master or the crew, who were, with one exception, as far as I can learn, natives of the town.

The "*Tigris*" was navigated on her homeward voyage by a crew of seven men and a boy belonging to the "*Waterwitch*," under Mr. Jackson's orders. The master, mate, and seven men, forming the original crew of the "*Tigris*," came home in her, it may be said as passengers. They were nominally under a certain degree of restraint, but cannot be said to have been prisoners, for no arms of any kind except Mr. Jackson's sword were permitted to be taken on board by Mr. Matson; and from the moment the brig arrived at Salem, the crew were at perfect liberty.

The voyage was a tedious and somewhat perilous one. The ship was old and leaky; and Mr. Jackson had great difficulty in managing the American crew of the "*Tigris*," who were naturally ill-disposed towards him; so much so that one of the sailors on one occasion struck him a blow with a heavy weapon on the back of the head, so violent as to have nearly killed him, and from the effects of which he had scarcely recovered when he arrived here, four or five weeks after the transaction.



I must here take occasion to remark that the conduct of this officer throughout this arduous service, and during the proceedings which have taken place here, appears to me to be in the highest degree creditable to him, and to entitle him to the most favourable recommendation to the Lords of the Admiralty.

Mr. Jackson arrived with the "*Tigris*" at Salem on the morning of December 30. He immediately came to Boston, and called upon me according to the orders he had received from Mr. Matson, and without delay put himself into communication with Mr. E. Smith, the Deputy District Attorney of this State, formally giving up the custody of the vessel into his hands. The Marshal of the District Court accordingly took possession of the vessel and cargo. Summonses were immediately issued for the appearance of the captain and crew before Judge Davis; and they were twice examined in open court, on January 1st and January 9th, Mr. Jackson giving his testimony, and the negro boy Hemé being present.

The enclosures (Nos. 2 and 3) give the details of these examinations. There is, however, an error in the report on one point. The master of the "*Tigris*" was required to find sureties in the sum of 3000 dollars, the mate in the sum of 1500 dollars, and Mr. Jackson was bound over in his own recognisance to the amount of 500 dollars, to appear as a witness for the United States' Government, on the criminal prosecution against the master and mate, before the Circuit Court to be held at Boston on the 15th of May next.

I beg to observe to your Lordship that up to this stage of the proceedings I had taken no part beyond sending home the men of the "*Waterwitch*," supplying Mr. Jackson with money for his personal wants, putting him in communication with Messrs. Sumner and Hilliard as counsel, and giving minute attention to what was going on. It appeared to me that the affair was entirely between Mr. Matson, the owners of the "*Tigris*," and the Government of the United States. Mr. Jackson, acting for Mr. Matson and the officers and crew of the "*Waterwitch*," was now advised to file a libel against the "*Tigris*" and her cargo, which had been in the mean time returned into the possession of the owners, under an honorary engagement (which I have no doubt has been respected) that nothing should be made away with until some decision should take place on the question of the legality of the libel being filed in the name of Mr. Matson, represented by Mr. Jackson; the District Attorney, Mr. Mills, declining to file it on the part of the United States, being, as he stated, without any advice from Washington on the subject, it was proposed by Mr. Jackson's counsel to file the libel in my name; but being uninformed of Mr. Fox's opinion, and considering it imprudent at present to take a step that might seem to compromise, more or less, the British Government in a measure that might excite irritation in the public mind of this country, I declined the proposal. The libel was consequently filed in the name of Mr. Matson on the 15th instant; a "monition" to show cause was issued and served on the owners of the vessel; and Monday, the 25th instant, was fixed on for the hearing of the argument before Judge Davis, in the Admiralty side of the District Court.

On Saturday evening, the 16th instant, at six o'clock, Mr. Jackson was arrested by the Deputy Sheriff on four separate actions of trespass, brought against him by as many sailors of the "*Tigris*." The damages in each action were laid at 1000 dollars, the return of the writs being for the third week in March; and the cause of complaint, an alleged trespass on the part of Mr. Jackson, for having with eight other armed men boarded the "*Tigris*" on the coast of Africa, taken the complainants, and detained them twelve days on board the "*Waterwitch*," and subsequently transported them as prisoners to the United States. The object of this proceeding evidently was, that Mr. Jackson should have been committed to jail, from the improbability of his being able to find bail, in two sureties, each for 4000 dollars, as required by the law. The Deputy Sheriff, however, accepted my security for Mr. Jackson's appearance on the following Monday, on my signing bail-bonds to the amount of 4000 dollars.

On Monday, the 18th, I caused a writ of *habeas corpus* to be issued; and on Wednesday morning, the 20th, (the Deputy Sheriff allowing my security to continue from day to day,) Mr. Jackson appeared before the Judges of the Supreme Court, and was there served by the Deputy Sheriff with four additional writs, for actions of trespass, at the suit of the captain, mate, and two others of



the crew of the "*Tigris*;" the damages being laid altogether at 9000 dollars, making a total, on the eight actions, of 13,000 dollars.

From the complicated aspect of these proceedings I thought it necessary to engage the Attorney-General of the State, Mr. Austin, in addition to Mr. Jackson's other counsel. I had previously applied to Mr. Mills, the District Attorney, to claim the protection of the Court for Mr. Jackson, on the ground of his being detained here solely for the purpose of giving testimony as a witness, bound over in his own recognisance, on the part of the United States' Government, in a criminal prosecution instituted by Mr. Mills, and entitled to the usual amount per diem paid to witnesses. Mr. Mills declined acceding to my proposal, not having, he said, received any answer to his communication to the Attorney-General at Washington. The enclosed reports of the proceedings before the Court do not by any means do justice to the forcible reasoning of the Attorney-General, while demanding the discharge of Mr. Jackson.

The decision of the Court was pronounced the following morning by Chief Justice Shaw. He refused the protection of the Court to Mr. Jackson as a witness; not finding, as he stated, any precedent to authorize his doing so; he, however, reduced the required amount of bail one-half, fixing it at 6500 dollars on the eight actions.

This decision caused much surprise to many of the most respectable members of the bar. One of the judges forming the Court (Judge Putnam) authorized a statement in one of the public papers, expressing his dissent from it, and his opinion that Mr. Jackson was entitled to his discharge. Several gentlemen offered to become his bail; four were selected by the Deputy Sheriff, and signed the bail-bonds, those I had executed being cancelled and delivered up to me.

On the 25th, 26th, 27th, and 29th instant the question of filing the libel, and issuing process against the "*Tigris*" and her cargo, was argued at great length before Judge Davis, by Messrs. Austin and Hilliard for the seizers, and Messrs. Choate and Perkins for the owners. I regret that those arguments have not been yet reported, as it is impossible for me to give your Lordship a satisfactory abstract of them.

The immediate questions on which Judge Davis is to pronounce his decision on Tuesday next, the 2nd of February, are:—

*First.* Shall Mr. Matson (represented by Mr. Jackson) be allowed to file the libel against the vessel and cargo?

*Second.* In case he be allowed to file the libel, shall he be required to stipulate (the technical phrase for finding security) for the respondents' costs, which he would be liable to pay in case of failure of the proceedings instituted against the vessel and cargo?

*Third.* Shall he be required to stipulate for *damages*, to be proceeded for by the respondents (Messrs. Brookhouse and Hunt), in case of failure of the proceedings instituted against the vessel and cargo?

The counsel on either side have argued those questions with much ability. I cannot anticipate the decision of the Court, but I presume it probable that Judge Davis will allow the libel to be filed, requiring Mr. Jackson to stipulate for the respondents' costs, which may amount to 500 dollars, more or less. To grant the respondents' demand, that Mr. Matson, as the informer, should stipulate for *damages*, unascertained and scarcely to be calculated with any degree of precision, would be to quash the proceedings altogether. The respondents would no doubt lay their damages at an excessive amount, for which it would be impossible that Mr. Jackson could find securities in this place.

First Enclosure in No. 294.

*Lieutenant Matson to the Secretary or Registrar of either of the Circuit Courts of the United States.*

*Her Britannic Majesty's brig "Waterwitch,"  
off Angola, October 19, 1840.*

SIR,

I HAVE the honour to inform you that I have detained and sent to Boston the American brig "*Tigris*," under the following circumstances:—

Having received information that she had a negro slave-boy on board, under suspicious circumstances, I boarded her while at anchor off Ambrise, on the 7th instant, and on my calling on the mate, who was in charge of the vessel, to account for the boy being there, he stated that he was received at St. Thomas's, and was going with them to America; the master coming on board soon after, made the same statement, and produced a passport, which was evidently a false document. Finding that the boy did not understand a single word of either English or Portuguese, I disbelieved the story, and called on the crew, who all confirmed the master's statement. From the Kroomen I learned that he had lately been taken on board at Benguela; and on my asking the master if that were not the case, he boldly and confidently denied it.

I then placed an officer and six men on board the "*Tigris*," and proceeded to St. Paul de Loando (Angola), for the purpose of hearing the boy's statement through an interpreter; his deposition was taken before the Chief Judge of the city of Loando, through the medium of two sworn interpreters, and in the presence of several British and Portuguese naval officers, an attested copy of which I beg to enclose (A); by that it appears that he is a native of "Guilengues," near Benguela, from whence he was forcibly taken by the crew of the "*Tigris*." I then returned to Ambrise, and informed the master that I intended sending his vessel to America, on which he presented me the enclosed letter (B); in consequence of which letter I proceeded to Benguela, and procured the deposition of Joao Maria de Souza e Almeida, as well as attested copies of his correspondence with Jozé de Castro, relative to this boy (enclosure C).

By these documents it appears that Castro sent a Nagó slave to Benguela in the "*Tigris*," at which place he now is, a slave of Almeida's, and where he is likely to remain. It further appears that the boy "Hemé" was being transported in the "*Tigris*" from his own country to St. Thomas's, in consequence of his having been sold to Castro, whose property he now actually is; the reason for this exchange or barter is known to all who are acquainted with this coast, viz., that foreign slaves are of much greater value than natives of any neighbouring place, who cannot be trusted at large, and are generally worked in chains to prevent their going "home" without leave, which is impossible for those who are brought from a great distance. The ultimate fate of the boy "Hemé" was of course uncertain; had he been sent in the "*Tigris*" to America, he might have been sold there, or he might have returned to St. Thomas's; but it is evident that he would never have returned to his native country.

These, sir, are my reasons for taking upon myself the responsibility of detaining the "*Tigris*," but in doing so I find myself placed in a very delicate position, not having any orders or instructions to interfere with vessels belonging to citizens of the United States, whatever their employment might be; but having maturely weighed the bearings of this case, I feel it a duty which a British officer owes to the Government of the United States, not to allow a crime which our respective Governments have each declared to be piracy, to pass unnoticed. I have, therefore, sent the vessel (failing to meet a cruiser of the United States) to the port from whence she sails, to be dealt with according to those laws which have been so glaringly violated.

I have, &c.

(Signed) H. I. MATSON,  
Lieutenant and Commander of Her Britannic  
Majesty's brig "*Waterwitch*."

*Letter of Captain Frye, alluded to in the above.*

"To the Lieutenant Commanding Her Majesty's brig '*Waterwitch*.'

"SIR,

As you have detained the American brig '*Tigris*,' under my command, under circumstances which to you are suspicious, I wish fully to explain all the circumstances of the case to you. July 17th, 1840, I arrived at St. Thomas's direct from Salem, United States of America. While there, finding my cook and steward drunk, I punished him, and turned him out of the cabin, and requested Jozé de Castro to let me have a boy to carry to the United States, to act as steward in the cabin. He let me have one, but as I did not much like his appearance, he told me that if he did not prove good I might

leave him with his friend John Almada, of Benguella, and for that purpose I got a passport for him. Upon arriving at Benguella, which I did on the 18th of September, I sent the boy on shore, and before sailing I took a boy of John Almada on board, to carry to the United States, and put him on the shipping articles. Letters which I carried to Benguella from J. de Castro to John Almada, I think explained all to him, and the purposes for which I wanted him, and what I was going to do with him. On the 7th of October, while I was on shore, I saw your brig off the port. Your boat soon after boarded the 'Tigris,' and upon the officer's asking about the boy, he was told by the mate that he belonged to St. Thomas's, and came from there; and his reasons were, that as I was not on board he thought there would be less questions asked if he said he came from there. Soon my boat came on shore, and informed me of the boy's having been taken out of the brig by you. I immediately went on board, and upon getting there was told by the mate that he had told you the boy came on board at St. Thomas's, and his reasons for so doing. Soon after your boat again returned, bringing back the boy; and now, I thinking if I told you he came from Benguella, the different stories would lead to some detention, I said he belonged to St. Thomas's, as J. de Castro of there is the one that gives him liberty to allow him to go to the United States. My log-book and shipping articles are sufficient security for me, and even if I had him not logged, the custom of our vessels carrying these boys home to learn English would warrant me in it. You now have on board the 'Waterwitch' a Kroo boy that I took at Cape Palmas on my last voyage, and had him with me 12 to 14 months. On my previous voyage I had taken one of these boys home. Cape Palmas was my first port, and I then had the boy on board, bringing him back, at the time I took said Kroo boy on board. Were more proof wanting as regards my intention towards the boy, you will easily find it in the letters which J. de Castro wrote to John Almada of Benguella.

"One part of my conduct to you I regret exceedingly, and which I am aware will lead to great censure in the United States: that when you asked all my crew I did not check them. But seeing them all give the same answer, I was in hopes they did not recognise the boy; but was afterwards told by my mate that he had told them all to say he came from St. Thomas's, as they were not on oath.

(Signed) "N. AUGUSTUS FRYE,  
"Commanding the American brig 'Tigris.'

"Witness to this copy,  
"SAMUEL BURNHAM, Mate."

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Second Enclosure in No. 294.

*Extract from the "Daily Advertiser and Patriot."*

DISTRICT COURT OF THE UNITED STATES.

*Slave Trade.*

*Saturday, January 2.*

YESTERDAY morning Nathan Augustus Frye, master of the brig "Tigris," of Salem, and the crew of the brig, were brought before the District Judge, on the complaint of E. Smith, jun., for the Government, charged with being engaged in the transportation of slaves, contrary to the Act of Congress of 1818, chap. 86, sec. 4. On being interrogated by the Court, they severally said that they were not guilty. Their counsel proposed to go into the examination at once; but the Court consented to postpone it till Monday, when it was hoped Mr. Mills, the district attorney, would be present. It was suggested that the evidence might be of such a nature as to authorise a detention for a capital offence. The deposition of the negro boy, said to have been transported or seized as a slave, and certain other papers throwing light on the case, being in Portuguese, were placed in the hands of the Honourable John Pickering, who consented to translate them for the use of the Court. The defendants recognized with sureties in the sum of 500 dollars each, for their appearance on Monday next.

The negro boy was in court. He appeared to be about 13 years of age; he speaks nothing but his native language, and it is doubtful if there is anybody in the country who can understand him. He appeared not a little frightened by the proceedings in the midst of which he found himself. A question arose as to the custody in which he should remain. He has been with the master thus far, and it was allowed, with the consent of all the counsel in the case, that he should continue with him till the examination. This course was adopted from a desire to avoid causing the unfortunate boy needless fright by a change of custody, the reason of which it was impossible to explain to him. Messrs. Robert Brookhouse and William Hunt, of Salem, recognized for his appearance in court on Monday morning in the sum of 1000 dollars. They are the owners of the brig, and most respectable merchants, against whom there is no suspicion or suggestion of any scienter or knowledge of the alleged dealing in slaves.

The brig was sent to the coast of Africa with a cargo of merchandise, to be exchanged at different points on the coast for the produce of that country, intended for the Salem market—a trade in which the owners have for many years been engaged. At the time of her seizure by the British cruiser “Waterwitch” she had disposed of the greater part of her outward cargo, had received on board part of her homeward cargo, and purchased the residue. The cargo actually taken on board, with the undelivered portion of the outward cargo, has been brought to Salem with the vessel, and is of much value.

The “*Tigris*” was taken possession of on the African coast by Mr. Matson, lieutenant and commandant of Her Britannic Majesty’s brig “Waterwitch,” under circumstances which led him to suppose that she had on board the negro boy above mentioned, in violation of the law of the United States prohibiting the Slave Trade. Mr. Matson placed on board of her Mr. Jackson, an officer of the “Waterwitch,” and seven men, who have conducted her, with her crew, to Salem. The original master and crew of the “*Tigris*” were sent home unconfined, and attended in Court yesterday, by arrangement with the Marshal, without having been actually arrested. The brig “*Tigris*” and her cargo are now in the custody of the Marshal, to be proceeded against for a forfeiture, on account of the alleged violation of the laws of the United States against the Slave Trade, one moiety whereof accrues to the United States, and the other moiety to the informer, the British seizer. It is not probable that the case will be very fully examined in the preparatory stages.

Mr. Jackson, the British officer, attended in Court; he will probably give testimony in the criminal proceedings. He also represents the interests of the British seizers in the proceedings for a forfeiture.

It will be recollected that Mr. Matson, the commander of the “Waterwitch,” who made the seizure in the present case, was engaged in the capture of the piratical crew of the Spanish brig “*Panda*,” who was tried in Boston in 1834.

E. SMITH, Jun., for the United States.

CHOATE and J. C. PERKINS, of Salem, for the master and the owners of the “*Tigris*.”

GEORGE S. HILLARD and CHARLES SUMNER for the British seizers.

Third Enclosure in No. 294.

UNITED STATES’ DISTRICT COURT.—January 9.

*The brig “Tigris” case disposed of for the present.*

ON Saturday last the examination of the captain and crew of the “*Tigris*” actually came on before Judge Davis, and lasted from twelve o’clock till three. They were defended by Mr. Choate of this city, and Mr. Perkins of Salem. Mr. Mills, district attorney, conducted the prosecution in an energetic manner. The complaint is as follows:—

“United States of America,  
“Massachusetts District Sessions.

“To the Honourable John Davis, Judge of the District Court of the United States for the district of Massachusetts:—

CLASS D.

“Ebenezer Smith, junior of Boston, in the district of Massachusetts, in behalf of the said United States, on his oath, complains, and informs your Honour, that Nathan A. Frye, Samuel Burnham, Cornelius Hendrickson, David Asker, John P. Mansfield, Thomas Williams, George Scotchburn, Michael Gould, Daniel O. Frye, and Andrew Williams, all now commorant of Salem, in said district, mariners, being citizens of the United States, and the crew of a certain brig called the ‘*Tigris*,’ owned by certain citizens of the United States to your complainant unknown, on the 18th day of September last past, at a port called Benguella, on the coast of Africa, did take a negro boy, being a native and an inhabitant of said coast of Africa, with intent to make such negro a slave—the said negro not being held to service or labour by the laws of either of the States or territories of the United States, and contrary to the form of the statute in such case made and provided. And the said complainant further gives your Honour to be informed, that the said Frye, Burnham, Hendrickson, Asker, Mansfield, Williams, Scotchburn, Gould, Frye, and Williams, first brought into the said district of Massachusetts, after committing the said offence. Therefore, the said complainant prays that the said accused may be apprehended and held to answer to this complaint, and further dealt with relative to the same according to law.

“And furthermore, the said complainant prays that Henry Jackson, and Hemé the black boy, and Tom the steward, may be duly sworn to appear and give evidence relative to the subject matter of this complaint.

(Signed) “EBENEZER SMITH, Jun.”

When this complaint was entered Mr. Smith was acting district attorney in the place of Mr. Mills. The defendants were arraigned upon it on the first instant, and severally pleaded not guilty.

We have before published the letters of Lieutenant Matson and Captain Frye, of the “*Tigris*,” and it may be recollected that the latter fully confessed, under his own signature, that himself, mate, and crew attempted to deceive Lieutenant Matson, by telling him that he took Hemé on board at St. Thomas’s, and not at Benguella.

The first witness examined on Saturday was Henry Stanley Jackson, midshipman of the “*Waterwitch*,” and prize-master of the “*Tigris*,” and he testified that he twice boarded the “*Tigris*” with Lieutenant Matson, and heard the false statements made by the mate and crew in relation to the place where Hemé was taken on board. They suspected the untruth of the statement, which was assented to by Captain Frye, because the boy could not speak a word of English or Portuguese; the latter he must have learnt at St. Thomas, if he had belonged to that island. They said they were going to take the boy to America for instruction. Captain Frye also produced a passport for the boy from St. Thomas.

*Cross-examined.*—We took a rough inventory of the brig’s cargo. We found nothing on board of her which indicated that she had been fitted up for the Slave Trade. Most decidedly not. I was put in charge of her, and ordered to take her to the United States, and to treat the captain and men with the greatest civility.

The second witness was Andrew Williams, a coloured man, who belonged to the “*Tigris*,” and he testified that Hemé was brought on board at Benguella, in a boat, by Brown and Mansfield. There were also some Kroomen, and a bullock for the brig’s use, in the boat. There was a boy received at St. Thomas, but it was a different one from Hemé.

The following depositions, taken at Angola in the Portuguese language and translated by order of Judge Davis, by the Honourable John Pickering, the city solicitor, were put into the case, as having a tendency to show that the defendants ought to be held to answer to an indictment at the next Circuit Court.

*1st.—Hemé’s Declaration.*

“Angola.—An instrument in public form, with the tenor of a declaration, as is below set forth :—

“The tenor of the declaration which Hemé the black makes. On the ninth day of the month of October, 1840, in the city of Loando, and province of Angola, at the house of the residence of the honourable Judge in Ordinary, Ignacio Joaquim de Mello Pereira, officiating as judge at law in this province of Angola and its dependencies, to which I, the notary, come in order to take by judicial order the declaration made, at the request of the lieutenant commanding the brig-of-war of Her Britannic Majesty the ‘Waterwitch,’ Henry James Matson, by Hemé the black, found by the said commander on board of the American brig ‘Tigris.’

“And there being present Jozé Francisco de Coutto and Felipe Vellasco, appointed interpreters, the said judge administered the oath on the Holy Evangelists, under which he charged them that they should well and faithfully, and without deceit or malice, declare and translate into the Portuguese language the declarations which should be made by Hemé the black, who was present; and the said oath being taken by them, they accordingly promised to comply therewith; and having put to the said black such interrogatories as were indicated by the officer, the said black declared as follows:—

“‘That he is a native of the interior country of Quilengues of Benguella, and that he is ignorant of his age, which appears to be 13 or 14; that in the said interior country he was bought by a man of the name of Nicoláo (Nicholas), who sold him to another named Joaquim Ferreira, who again sold him to another person of the name of Alexander, and that person sold him to Miguel Baptista, a resident in Benguella, who gave him in exchange to a merchant, Joao Maria de Souza e Almeida; and this person, receiving the declarant for the service of his house, or as a house-servant, ordered him, with other slaves of his, to transport some lime, in casks, from the shore to his house; and while he was minding some of the said casks, and the slaves were carrying others, this declarant, remaining alone on the shore, was seized by the crew of a boat belonging to a foreign ship, which, taking this declarant on board, set sail the same day; and at the end of four days he went on board of another vessel, ‘Waterwitch,’ where he now is, and from which he came this day, being commanded to appear before the said officer to make the present declaration.

“And thus the said officer has completed this official act, which he has signed, together with the interpreters, and with the witnesses named below: : I, Alvarro de Costa, Notary of the Judicial District, have signed the same: : Mello Pereira: : Alvarro de Costa: : Jozé Francisco de Coutta: : The sign of the cross of the Interpreter: : Felipe Velasco: : as witnesses: : Francisco Teixeira de Mironda: : Jozé Gorres Rimires.”

#### *Act of Examination.*

“In the year of the birth of our Lord Jesus Christ 1840, on the 9th of the month of October of the same year, in the house of, &c., to which I, the notary, came in order to proceed to an examination of the marks and brands of iron which should be found on the body of Hemé, the black; which is at the request of the lieutenant commanding, &c., the ‘Waterwitch,’ there being present likewise the notary of the Correctional Police, Manoel Antonio Rodriguez; and by him and me, the notary, in presence of the witnesses whose names are hereto signed, the said examination was proceeded in, and it was found that the said black boy has no mark of iron on his whole body, and scarcely on his arms some marks of inoculation of the small pox, and, in addition to these, a smaller scar on the left cheek, which the said black, upon being interrogated why it was there, answered, that it had been made a long time before by a wound received by a piece of wood; and, upon being asked, likewise, if it was in the island of St. Thomas, or where it was that this wound had been given, he answered that his country was in Quilengues de Benguella, and that he never was in St. Thomas’s, nor did he know where that is. [Names of witnesses repeated.] And nothing more was contained in the Declaration and the Act of Examination, which I, the notary, have extracted from the originals with truth, and without anything to cause any doubt therein.

“By me written and signed, and composed, in this city of Loando, in the province of Angola, the 9th of October, 1840. Alvarro de Costa, Notary Public, who wrote and signed.”

*Almeida's Declaration.*

“ The tenor of the declaration which was made by Joao Maria de Souza e Almeida, merchant in this place, respecting a negro lad, Gil, who is in the possession of the declarant, as also another, named Imé, who was in Angola, as is hereinafter set forth :—

“ On the 16th of October, &c., in the house of the judge, &c., in Benguela, to which I, the notary in his jurisdiction, came, there appeared said Almeida, merchant of this place, whom I know to be the person in question, and attest: and of him was required by said Judge, and declared that in consequence of the negro lad Imé, whom he had sent from hence on board of the American brig ‘ *Tigris*,’ in the room of another, named Gil, who remained in possession of this declarant, and for this cause the said American brig had been taken by the English brig ‘ *Waterwitch* ;’ and at this same hearing appeared also the commander of the said English brig of war, to receive this present declaration; and the said Almeida made the following declaration: that there was transmitted to him, from the island of St. Thomas, by a merchant, Jozé de Castro Roxa Mattos, in the American brig ‘ *Taigress*,’ and by the captain of the same, a Nagó negro lad, named Gil, whom the said Castro had to send to English America to learn the business of a cook, as by the document No. 1 in public form will appear, in order for this one to go in place of another of the same size and qualities, for the reason that the said Gil being already domesticated in St. Thomas, and not merely as being acquainted with the country, would not submit himself to certain commands which the said Castro would necessarily have to impose upon him; for this reason, that the said Castro ordered the said exchange to be made, the said declarant having ordered, in the place of the said Gil, the said Imé, a negro lad of the same size, and a domestic of this declarant, as appears by document No. 2, which went from hence to that island in ordered to be delivered to said Castro; and in respect to the declaration of the said Imé, the black, that he had been carried by force on board the ‘ *Taigress*,’ and therefore stolen, it is a clear want of truth; for on the occasion when this declarant ordered him to leave other work to accompany a seaman of the brig ‘ *Taigress*,’ who came to receive from this declarant letters of correspondence for that island and Principe; and this declarant caused the said black, Imé, to perceive that, notwithstanding he could not speak the language of the country, he was going to the country (or place) of this declarant; and he, accompanying the said mariner to the shore, went without being accompanied by any guard, and he was not taken, because he was a domestic in the service of the house of this declarant, and for that reason need not be distrustful.

“ At the execution of this act, this declarant produced the Nagó negro lad Gil, who is in his possession, to the English commanders, who recognized him to be the same whom they had already seen on board of the said American brig ‘ *Taigress*,’ when she sailed from the port of Ambrise for this city of Benguela; and when they registered (or entered) the said brig, the captain confirmed to them all which appears in the declaration.”\*

[Signed by the Judge, Notary, Lieutenant Wilson, and four other witnesses.]

Extract of a letter, dated August 6, 1840, from de Castro Roza e Mattos at St. Thomas, to Almeida, the preceding declarant, at Benguela:—

“ Now by this American captain, my friend, you will receive by his hands a Nagó negro lad, concerning whom I have come to the conclusion, that as a friend you will not fail to exchange him with me, and to send me one of the same size, that the said captain may take with his ship’s company to America, in order that he may learn to cook. You will receive by the hands of the same captain four half doblas (doubloons) for you to buy, on my account, some Mapendin and yellow wax. In case you shall wish to transmit anything in tobacco, on your own account, you can deliver it to the same captain,

\* There is a marginal note against this paragraph, by the notary, as follows :—

“ This declaration is without effect, in so far as it says, they recognised the negro lad of the Nagó nation; and they did not register the vessel, nor ever saw the said negro lad. They disclaimed this in due time.

“ SALOMAO, Notary.”



as he is a safe carrier. I could not send you the horses for want of room, the captain having told me that he could not take them, as the vessel was very full loaded."

[The correctness of this extract is verified by the notary and judge.]

Extract of a letter, dated 3rd of October, from Almeida to Mattos, at St. Thomas:—

"I have made the exchange, as you directed me, of the Nagó negro lad, and in his place there goes another from hence for the purpose you state; and with this I shall be very glad if you are satisfied, which will be very satisfactory to me. By the American captain, our friend, I received the four Spanish ounces (doubloons), which according to the rate of 16 mil reis (the current rate here), amounting to 64 mil reis, I have laid out for you as the invoice herewith, the articles remitted amounting to 124 mil 850 reis, leaving you my debtor to the amount of 60 mil 850 reis, which I have passed to your debit; and I hope you will approve of whatever I have done according to your orders, and not regarding the prices being high, so much as wishing rather to pay well and send you a good article, than to give 6 mil reis for one good for nothing."

[Verified, &c., as the preceding extract.]

The next piece of evidence was delivered from the shipping articles of the "*Tigris*," which had been altered. By inspection, it was discovered that Hemé was entered under the name of "*Tom*," of "*Benguela*." Afterwards, "*St. Thomas*" was written over the word "*Benguela*." Thus the articles were made to conform to the false statement made to Lieutenant Matson by the officers and crew of the "*Tigris*."

Mr. Choate argued that there was not a tittle of legal evidence adduced tending to show that Hemé ever had been a slave, or that Captain Frye ever intended to make a slave of him, and therefore no ground existed for binding the defendants over.

Mr. Mills, for the prosecution, maintained that the evidence proved that Captain Frye intended to carry Hemé to St. Thomas, in exchange for the boy Gil, which was clearly a violation of the law. He said he should only ask to have the captain and mate, Burnham, bound over; Williams, Brown, and Marsfield, he intended to hold as witnesses, and the remainder of the crew he moved to be discharged, and they were discharged.

The court then ordered Captain Frye and Mr. Burnham to give bonds in the sum of 2,000 dollars for their appearance at the May term of the Circuit Court.

The depositions, we believe, cannot be used as evidence on the criminal accusation, but on the civil suit for forfeiture they will be admissible. The boy Hemé was placed in the custody of the United States' Marshal.

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#### Fourth Enclosure in No. 294.

#### *The "Tigris" Affair.—Habeas Corpus.*

At twelve o'clock yesterday, Chief Justice Shaw, and Judges Putnam and Dewey, met in the Supreme Court lobby, to hear the counsel on the writ of *habeas corpus* in behalf of Midshipman Jackson, prize-master of the Salem brig "*Tigris*," and held to bail on civil suits for trespass and false imprisonment by four of the crew of the "*Tigris*," and also on similar suits brought by Captain Frye, of the "*Tigris*," for 5,000 dollars, and Mr. Burnham, mate, for 2,000 dollars. The whole amount of bail demanded is 13,000 dollars. Counsel for Mr. Jackson, Mr. Austin, Attorney-General, and Mr. Hillard; for the respondents to the writ of *habeas corpus*, Messrs. Ward, of Danvers, and Perkins, of Salem.

Mr. Hillard opened the argument by stating, in the first place, that Mr. Jackson, in acting under the orders of his superior officer, Lieutenant Matson, whom he was bound to obey, was not responsible, even if a trespass had been committed upon the officers and crew of the "*Tigris*," but that the British Government was responsible. Secondly, that the plaintiffs could have suf-



ferred no pecuniary loss by having been brought back to Salem, as there was no authority to show that they were not fully entitled to their wages for the whole voyage. Thirdly, if they should ultimately make it appear that they could not recover wages, their loss could not possibly be a tenth part of the damages alleged, 1000 dollars a-piece, and therefore the bail demanded was excessive, and such as it was not to be supposed could be furnished by a young officer of the rank of a midshipman, whose pay is only 32*l.* sterling per annum, and who is an entire stranger in this country. And, fourthly, that Mr. Jackson is now a resident in this State, under the protection of the United States Court, as a witness, under recognizance to appear at the next Circuit Court, against Captain Frye and mate, on a criminal prosecution. Further than this, a libel had been filed against the "*Tigris*" as a lawful prize, and a monition had issued, requiring the owners to appear at the District Court, to show cause, if any, why process on the libel should not issue; and that at the hearing on said monition, Mr. Jackson must necessarily be a witness.

Mr. Ward, in reply, said that the plaintiffs had suffered great hardships; the sailors had been seized by a boarding officer and armed force, and imprisoned on board of the "*Waterwitch*" ten days before they were placed under the custody of Mr. Jackson, who had still further kept them prisoners on board of their own vessel for eighty days, till their arrival at Salem, when they were permitted to go at large. They were therefore entitled to redress, beyond the mere measure of wages, which may have occurred. He said, he would admit, however, that some reduction of bail on their actions might be made. Not so, however, on the part of the officers, who had, beside imprisonment, in the nature of restraint, suffered indignity by being deposed of their lawful rank and authority on board of their own vessel: they had also lost the benefit of commercial adventures in which they had lawfully engaged on the coast. The captain had advanced 3500 dollars to traders there for their produce, which Lieutenant Matson would not allow him to wait and receive; nor even allow him to go on shore to make arrangements for the security of the property engaged, and cause it to be shipped to him in some other vessel. He had only an opportunity to leave some written directions for the captain of the "*Seamew*," who was expected to touch at Ambrise, and might have an opportunity to look after the property he had contracted for; but by the last news from Africa it appeared that the "*Seamew*" had been seized and taken into Sierra Leone by a British cruiser. True, she had been discharged; but it was not likely that she proceeded thence to Ambrise, but, in all probability, made sail for the United States. It was, therefore, perfectly clear that Captain Frye was exposed to a severe pecuniary loss, by the seizure of the "*Tigris*" and the arrest of himself. The mate, too, had an adventure to the amount of 300 dollars, on which he might reasonably calculate upon realising a great profit, but which he was not allowed to take on board.

With regard to the responsibility of Mr. Jackson, Mr. Ward maintained that the seizure was illegal, and therefore a trespass by Lieutenant Matson, and that Mr. Jackson, who acted under his orders, was liable in the same manner as a deputy sheriff who makes a seizure upon the authority of a sheriff. If Lieutenant Matson were here, the plaintiff would look to him, and not to Mr. Jackson for damages; but as it was, they were justified in holding him as the only one of the co-trespassers within the reach of civil process. If the suits prevailed against Mr. Jackson, Mr. Ward said, he had too high an opinion of the honour of the other British officers interested with him, to suppose that they would allow him to suffer the whole consequences of the seizure. He did not believe that the British Government would allow him to be a sufferer, through the wrong acts of his commander, whose orders he had obeyed. Mr. Ward reiterated that the plaintiffs were compelled by the necessity of the case to proceed against Mr. Jackson; for it was impossible for them to go to England and prosecute Lieutenant Matson.

Upon the question of protection as a witness, Mr. Ward said, he had great doubts whether Mr. Jackson came within the rule. When he was arrested, he was here voluntarily, waiting for the furtherance of his own interest in the condemnation of the "*Tigris*," at the suit of Lieutenant Matson, and that he would be entitled to a share of the prize-money; and, beyond this, he had received no writ of protection from any court as a witness, agreeably to the pro-

vision of the Revised Statutes; or even if he were a witness, he was only held on his own recognizance, and therefore it was entirely voluntary on his own part if he remained here. He might have returned to England in the British steamer on the 2nd of January if he saw fit; but he concluded it would be for his interest to remain, and await the result of the judicial proceedings in reference to the whole matter.

Chief Justice Shaw and Judge Dewey incidentally remarked, that the fact of being a witness could be proved otherwise than by a writ of protection. The protection was only an instrument to be exhibited to an officer, by a party against whom he might hold process, and the exhibition of such protection would be a sufficient protection to the officer against a suit for omitting to arrest such party. Beyond this the writ had no force; and it was competent for a witness to prove the same in bar of an arrest in various other ways. If a person should obtain a writ of protection which he was not entitled to, it would not avail him if it could be proved.

Mr. Austin, in opposition to Mr. Ward, said, that there could be no pretence for vindictive damages in the case, even if a technical trespass had been committed, and therefore the bail, if any, should only be nominal. If the "*Tigris*" had been unlawfully seized by a British cruiser, the United States' Government was the proper authority to seek redress of the British Government; and such American citizens as had been injured by the conduct of Lieutenant Matson would have just claims upon the United States for indemnity. Utterly unlike the case of M'Leod, in New York, the case of the "*Tigris*" was entirely beyond the jurisdiction of the State Court. Mr. Jackson had brought with him his written orders from his superior officer, who again was to be presumed to be acting under the orders of his Government. The "*Tigris*" had been seized and sent to the United States, upon the suspicion that she had been engaged in the Slave Trade,—an inhuman traffic, which the United States had pledged its faith to endeavour to abolish, and passed solemn laws against the citizens of the United States engaging in it. Under that law (Stat. 1800) Mr. Jackson was sent to this country, as an agent, to assist the United States' Government to break up the nefarious trade; and he would have been a fool, and unworthy of his commission, and the respect of all men, if he had returned to his vessel, on the coast of Africa, or to England, and ran the risk of not arriving in the United States in time to be a witness in the Circuit Court in May next.

Mr. Austin cited a few authorities—Phillips, Dallas, and the Term Reports,—to show the extent of protection given to witnesses against arrest on civil process; and concluded by stating that if Mr. Jackson had not entered into recognizance before Judge Davis, on the criminal complaint against Captain Frye and mate, the Judge would have the power to keep him in gaol till the trial in May. He concluded by saying that the plaintiffs might proceed in their suit, and recover judgment against Mr. Jackson, without holding him to bail, without suffering any loss, for, if they recovered ever so large an amount of damages against him personally, he had no property to answer to the judgment.

Chief Justice Shaw said, if the case could be left in the same position as it then stood (that is, if Mr. Deputy Sheriff Coburn were content to take Mr. Grattan as responsible for the 13,000 dollars, for Mr. Jackson's appearance), his colleagues and himself would prefer to postpone the decision till this morning.

This suggestion was adopted, by consent of all parties; Mr. Grattan wishing to be understood as acting in his individual, and not in his official capacity.

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Fifth Enclosure in No. 294.

*Midshipman Jackson's Bail fixed.*

IN the lobby yesterday Chief Justice Shaw delivered a decision upon the *habeas corpus* case, which we reported yesterday. His Honour did not go into the international question raised by Mr. Jackson's counsel, but confined himself to the question of his protection, as a witness in the Circuit Court,

from being held to bail in a civil suit : and he was of opinion that Mr. Jackson had not brought himself within the principle of such protection, because the Court, in which he was to appear as a witness, was not now in session, nor could be for some months to come, and for other reasons. The Court, however, were of opinion, that if a trespasser at all, he was only technically so, and could not be the subject of exemplary damages, and therefore it had been decided to reduce the bail to one half of the original sum of 13,000 dollars. The bail then fixed upon is as follows :—On Captain Frye's action for 5000 dollars, the bail is reduced to 4000 dollars ; on the mate's for 2000 dollars, to 700 dollars ; and on the actions of the six seamen for 1000 dollars each, to 300 dollars. Making in all 6500.

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Sixth Enclosure in No. 294.

*Case of the "Tigris."*

IN the case of Mr. Jackson, we stated yesterday the opinion of a majority of the Court. We understand that in the consultation of the Court upon the subject, Mr. Justice Putnam differed from his brethren ; but did not consider it necessary to make public his objections to the opinion which was delivered by the Chief Justice. As, however, he was mentioned in our report as being present when the decision was given, it is proper to state, that he was clearly of opinion that Mr. Jackson, having come here in the performance of duty, and having recognised for his appearance at the next term of the Circuit Court as a witness, was protected from arrest in this case, and ought to have been discharged. He was of opinion that the subject should be viewed in a liberal manner, and somewhat in a national point of view. Mr. Jackson had ostensibly come here upon business of the greatest importance, and to assist in the execution of our own laws. He was detained here on that business and no other. He was, in one sense, in attendance upon one of our Courts, and to suffer him to be harassed with suits of this nature was in effect to discourage the nation under whose authority he was acting, from taking the pains to send to the adjudication of our own Courts vessels which might be detected in the Slave Trade. There was, in his opinion, a question of national interest here involved, of far more consequence than any private injuries which could be redressed by these proceedings. The object of the United States Court would be to ascertain the truth and justice of the case. The public good required that a witness who should be recognized should not be prevented from attending under such circumstances as were disclosed on the part of Mr. Jackson.

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No. 295.

*Mr. Consul Grattan to Viscount Palmerston.*

*Her Majesty's Consulate, Boston, February 18, 1841.*

*(Received March 17.)*

MY LORD,

I HAVE the honour to enclose a report of the decision pronounced by Judge Davis in the District Court, on the 2nd instant, on the questions arising out of the filing of the libel against the American brig "*Tigris*," the previous circumstances of the case having been fully detailed in the Despatch which I addressed to your Lordship, marked "*Slave Trade*," of January 31st.

Your Lordship will perceive that the Judge not only required an immediate stipulation for 1000 dollars, but reserved to himself the right of hereafter insisting on a further stipulation on the part of the libellant, in case new cause should appear for damages being demanded to a larger amount.

This was in fact admitting the right of the owners of the vessel to require security for whatever damages they can prove themselves to have sustained. Now, there is no question but that they have sustained loss to a very much larger amount than 1000 dollars, let the present proceedings turn out as they may. And if it be ultimately decided that the seizure was a trespass, and that the measure will not be sustained by the United States Government, heavy

damages might be awarded to the owners. It was therefore impossible for Mr. Jackson to find sureties to meet such a contingency; the Federal Government did not come forward, or order their representative here, the United States District Attorney, to interfere, although I am informed by Mr. Fox that he adopted my suggestion, and intended to apply to the authorities at Washington, with that object. The libel was consequently discharged with costs on the 12th instant, the latest day that could be obtained from the Court for keeping the case open.

I am induced to offer to your Lordship a few of the observations which I have already addressed to Mr. Fox, in case this subject may become matter for diplomatic correspondence.

The judicial decisions here have evidently proved a coincidence on the part of the judges in the views which I have reason to believe are entertained by the United States' Government, relative to the late efforts of Her Majesty's naval officers to strike a blow at the encouragement notoriously given to the Slave Trade by American merchant ships on the coast of Africa.

The captain and mate of the "*Tigris*" were held to bail by Judge Davis in the District Court, for their appearance on a criminal charge, in the amount of 3000 dollars the first, and 1500 the second. Mr. Jackson was held to bail by the Supreme Court on a charge of trespass, which the Chief Justice (Shaw) said could be but a technical one, at the suit of the same captain for 4000 dollars, at that of the mate for 700 dollars, and at the suit of the six seamen for 300 dollars each, amounting in all to 6500 dollars.

The intention of the Chief Justice Shaw, and of Judge Dewey (Judge Putnam dissenting), was undoubtedly that Mr. Jackson should have gone to gaol. They could not have supposed he would have been able to find bail to that amount, in two sureties, on the spot. Had it not been for my previous exertions in explaining the case to some gentlemen of my acquaintance, he would not have been bailed. I need not dwell on Mr. Mills's (the District Attorney) refusal to claim the protection of the Court for his witness Mr. Jackson, nor the Court's refusal of it, in spite of Mr. Austin's (the Attorney-General) unanswerable reasoning.

Judge Davis, in the District Court, in nominally admitting the libel to be filed, coupled it with a condition meant beyond doubt to nullify his consent. He knew it to be impossible for Mr. Jackson to find sureties, not merely for 1000 dollars for costs and towards damages, but for an indefinite amount of contingent damages which there was no attempt to calculate.

A stipulation for damages at all was not necessary for the ends of justice. The damage, if any, to the owners of the ship was done already. The filing of the libel and the demand of their personal security for the value of the cargo (all that was required) to await the question of guilt or innocence, would not have added one farthing to the damage done. They might, had the libel been filed, have sold their cargo, as they may do now that it is dismissed; and every means of redress which they have now they would have had if the libel had been filed. They now stand in this position: if the captain and mate are found guilty, the ship and cargo will be proved to have deserved forfeiture, yet they will have escaped by an arbitrary exaction of the Admiralty Judge. If the men are acquitted (which I think very probable by a jury), there will be no opportunity of trying before the Supreme Court the important question involved in the seizure and prosecution of the ship and cargo.

Again, Mr. Matson and the officers and crew of the "*Waterwitch*" are, in the person of Mr. Jackson, liable to the heavy damages claimed by the master and crew of the "*Tigris*;" but no chance is given them to establish their own claim against the "*Tigris*," the decision of which, should it have been in their favour, would have defeated the adverse claim set up against them for trespass.

The dismissal of the libel involves the payment of the respondents' costs by Mr. Jackson, the representative of Mr. Matson. He is also exposed to the attack of the owners for any amount of damages they may claim. Perhaps they will prefer making their demand for indemnity to the United States' Government, forcing the latter to apply to Her Majesty's Government for reimbursement.

The only foundation for complaint against Mr. Matson, on the part of the owners of the "*Tigris*," or of the United States' Government, is, that he

avowedly obstructed the trade of an American merchant, and that this country has refused to British ships the right of search. It may be remarked that it has been by the protection of the British cruisers alone that these very owners have amassed a large fortune in that trade, no ships of war of the United States being on the coast of Africa to prevent the outrages of pirates who, but for Her Majesty's vessels, would surely have infested those seas. And it appears to me that a distinct difference exists between the right of search on vague suspicion, and the right of seizure on positive information. The latter was the case with respect to the "*Tigris*." But the ship was not seized as a prize to the captors, and sent to a British Possession. She was seized, not searched, by virtue of the authority which the laws of the United States give to every one to seize a felon on land or a pirate at sea; sent home by an unarmed crew to her own port, and instantly on her arrival delivered up to justice by the British officer who had her in charge.

I do not think a shadow of complaint can be laid against Mr. Matson or Mr. Jackson, if the Act of Congress of May 15, 1820, was ever meant to be carried into execution. The Slave Trade is not piratical by the common law of nations; but it has been made so by the United States and by England respectively, and if they cannot reciprocally act for its repression, with all due delicacy to national feelings, their enactments are so far a dead letter.

The authorities which I have found particularly applicable to the present case are, Kent's Commentaries, vol. I., pp. 25, 185, 187, 191, to p. 200; and the Acts of Congress relating to Piracy and the Slave Trade, of 1800 and 1818, of March 3, 1819, and especially that of May 15, 1820.

There is every reason to apprehend that the actions brought against Mr. Jackson will be decided against him. And I have not thought it advisable to urge his prosecution of the sailor by whom he was so treacherously and desperately wounded on the voyage.

Mr. Choate, a leading member of the Boston bar, employed by the owners of the vessel, stated in one of the arguments before Judge Davis, that the crew of the "*Tigris*" would have been justified in putting the officer and men of the "*Waterwitch*" to death on the homeward voyage. I know not whether this was stated in anticipation of proceedings being taken against the sailor for the assault on Mr. Jackson, but it might be a very palatable doctrine to an American jury trying the case.

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Enclosure in No. 295.

*Extract from the "Daily Advertiser and Patriot."*

District Court of the United States, Wednesday, February 3.

IMPORTANT DECISION.—CASE OF THE "*TIGRIS*."

IN the United States' District Court yesterday Judge Davis delivered his opinion in the case of the "*Tigris*" at length. It was the case of a libel filed on the 15th day of January last, by H. J. Matson, of the Kingdom of Great Britain and Ireland, Lieutenant in the Navy of Her Britannic Majesty, and Commander of Her Britannic Majesty's brig "*Waterwitch*," prosecuting as well for the United States as for himself against the brig "*Tigris*," of Salem, in this district, and the goods and effects on board said vessel, for a forfeiture of the said vessel and her lading, for certain alleged violations, on the coast of Africa, on the 7th day of October last, of several statutes of the United States for the suppression of the Slave Trade; the "*Tigris*" being then under the command of Nathaniel Frye, of Salem.

On notice to show cause why Admiralty process should not issue as prayed for by the libellant, Robert Brookhouse and William Hunt, of Salem, asserted owners of said brig and cargo, offered the following objections against the issuing of a warrant of arrest on the aforesaid libel.

1. Because the libellant had seized and brought said vessel and cargo into this district by force and unlawful violence, and the same being so seized and brought in by him was not now liable to this process in behalf of said Matson.

2. Because no offence had been committed on board of said vessel, such as is charged in said libel, and that of this they were ready to make proof.

3. That said libellant was an alien, and is now in a foreign country, and had not appeared in this Court by himself, and no one exhibiting or offering any power or authority to act on his behalf has appeared for him, to sue and prosecute the above libel.

4. That an alien cannot sustain a libel *qui tam*, in the manner of this case.

These points were argued with great ability at a former day by Attorney-General Austin and George S. Hillard for the British seizers, and by Choate and Perkins, of Salem, for the owners.

Judge Davis then expressed a wish that the question whether the seizers should enter stipulations to respond in damages in case they did not succeed, should be argued, which was accordingly done by the same counsel on Friday last.

The learned judge wished for time for consideration, and yesterday delivered his opinion.

In regard to the second objection, he said it did not present a pertinent subject of inquiry in this stage of the suit, but must be taken, at present, merely in way of protest.

In reference to the third objection, considering the tenor of Lieutenant Matson's letter of October 19, written off Angola, and sent with the "*Tigris*," there appeared reason to infer, that his proceedings in detaining and sending this vessel to the United States, and to the port to which she belonged, was merely for the purpose of having her delivered with her cargo to the proper authorities here, with the persons on board supposed to have offended against the laws of the United States respecting the Slave Trade; and not with intent to prosecute in the manner of this libel, if no suit of that description should be instituted by or in behalf of the United States. It seemed reasonable, therefore, to require evidence of some authority from that officer for the commencement and prosecution in this case. In that respect the affidavits of Mr. Jackson, the officer who came in charge of the "*Tigris*," in regard to Lieutenant Matson's instructions, were so far satisfactory. That the process prayed for would not be denied on that ground, nor would it be denied on the mere fact that the libellant is an alien.

It remained, then, to consider the first objection, which presented a question of no ordinary interest, that had been fully and ably urged and argued by the learned counsel for the respective parties.

This vessel, admitted to be a vessel of the United States, examined and sent to Salem, by Lieutenant Matson, for an alleged breach of the laws of the United States in reference to the Slave Trade, arrived at Salem on the 30th of December last, in charge of a midshipman of the "*Waterwitch*," Mr. Jackson, with nine men; the original officers and crew of the "*Tigris*" remaining on board. On the 1st of January six of the men from the "*Waterwitch*" left the country for England, in the steamer "*Caledonia*;" one absconded. On the day of the arrival of the "*Tigris*" she was delivered up, as is alleged, to the district attorney. Proceedings were had on the complaint of that officer against Captain Frye, his mate, and crew, and those officers and two of the crew were held to recognize for their appearance at the next Circuit Court for the offence alleged to have been committed by them; and the African boy, found on board the "*Tigris*" on the coast of Africa, and sent in that vessel to Salem, was committed to the care of the Marshal of this district. The owners have, from that time, had possession of the property, but held, as is averred, in their behalf, under embarrassing circumstances, especially in reference to the cargo, from constant expectations of a threatened suit for forfeiture.

In the disposal of the case in its present stage, he was to consider, first, whether Admiralty process shall be ordered; and, secondly, if so, on what terms? It was contended, that the seizure of the "*Tigris*" by the libellants was unlawful, a violation of immunity from any such examination and detention by the "*Waterwitch*," or any other cruiser of another nation, and in the exercise of a right of visitation and search, which is strictly a belligerent right, and not allowable in time of peace. This alleged unlawful act on the part of Lieutenant Matson, it had been alleged, precluded all proceedings on his part and in his behalf against the property thus seized and sent to the United States.

In support of these positions, several authorities had been produced from

judicial decisions at common law and in Admiralty in the Courts of Great Britain, as well as in the United States.

The law respecting the right of search was clear and decided; that it was strictly a belligerent right, arising in that crisis from necessity and for self-preservation, and not allowable in time of peace, unless against pirates or other offenders against the laws of nations. Commercial nations, and none more than the United States, had been uniformly tenacious of this doctrine, and repeated, but unsuccessful, essays had been made between this country and Great Britain to arrange a mutual modified right of search for the suppression of the Slave Trade—a cruel and detestable traffic, the guilt and enormity of which awakened humanity has aroused its energies to put down. By our law, a certain description of this trade was declared piracy in 1820. So, also, was it declared by Great Britain in 1824. This declared character of the Trade, however, did not render it piracy by the law of nations. It was a statute provision, only affecting the citizens of the respective nations.

From the regretted failure of conventional agreement with Great Britain relative to a regulated search, there was reason to apprehend that vessels of the United States have not unfrequently become participators in that inhuman traffic. This, indeed, was distinctly announced, and with just expressions of reprobation, in the Message of the President of the United States at the opening of the present session of Congress. The evidences of guilt in this particular have been so apparent in some instances, that vessels of the United States, bearing the American flag, have been visited, examined, and detained by British cruisers on the African coast, and sent to the United States for trial and adjudication. None, however, of this description have been sent to this district but in the present instance.

The case of the "*Catherine*," recently decided in New York by Mr. Justice Thompson, was of that description. That vessel was the property of a citizen of the United States, and by the righteous judgment of the Court was decreed forfeit, though captured and sent in by a British cruiser. Vessels of the United States in that predicament were, therefore, considered as liable to process and condemnation at the suit of the United States. So, also, it was as to proceedings, at their suit, *in personam*, against the offending individuals in command of such vessels, or employed in them, in that prohibited trade.

In the present instance the United States proceeded by complaint against the alleged offenders brought to Salem in this vessel, taking humane and suitable care of the African boy found on board; but the officers of the Government, doubtless after due and sufficient examination and deliberate consideration, have instituted no proceedings against the vessel and cargo, and it remained to be determined whether the commander of the "*Waterwitch*" can sustain this libel against the "*Tigris*" and cargo, or whether he is incapacitated by a wrongful exercise of the right of search.

The learned judge said, that the case involved questions of peculiar difficulty when considered in all its bearings, and was of such importance, that he was not prepared to direct an immediate dismissal of the libel, especially as it might be questionable whether such a disposal of the case might not preclude a remedy by appeal, if such a course be erroneous. He should, therefore, order the usual Admiralty process; but in view of all the circumstances of the case, the order would be on condition that stipulation be previously given to the libellant, or in his behalf, with competent surety or sureties, to abide the final decree and such interlocutory orders as might be made in the premises.

This disposition of the case appeared to him conformable to the character of the transaction, and the position of the libellant. It might be denominated a *tentative* suit. Security for costs and damages appears to be a reasonable requisite preliminary to further proceedings; and public considerations, which a Court of Admiralty should dutifully regard, have also an influence in deciding in this direction. Lieutenant Matson's proceedings have been carried on with all the alleviations and mitigations which were compatible with a coercive custody of the property. But the practice is a hazardous one, liable to hardship and abuse; and commanders should be impressed with a sense of their liabilities, in adopting a course with the navigators of other nations, in which they act on their own responsibility, and avowedly, as in this instance, "without orders or instructions to interfere with vessels belonging to citizens of the United States, whatever their employment may be."



As to the amount in which stipulation should be required, the learned judge said, that, not considering it a case for award of vindictive damages, if the libellant should fail in his suit, the sum of 1000 dollars would, in his opinion, be sufficient; but the terms of the stipulation would admit of enlargement of the sum, if in the progress of the trial it should appear to be requisite.

An early day would be assigned for the hearing, with a reserve of further discussion and consideration of all the objections which had been offered and urged against the issue of Admiralty process.

He added, that, in the discussion on the present position of this case, the whole subject to which it related was of such interest, that many impressive considerations inevitably came into view, in regard to which it might not be proper to enlarge in this stage of the suit. The present position of the lawful commerce of our fellow-citizens with Africa was attended with peculiar difficulties. The culpable incidents occasionally accompanying the trade on that coast, were fully expressed in the last paragraphs of the President's Message already mentioned. The course commenced by British cruisers with supposed offenders against the laws of their respective countries, without orders or instructions from their Government, was of an irritating and questionable character. Some legislative expression on the subject appeared to be of pressing necessity, if an engagement by Treaty be considered as hopeless. Such a discouraging view, in reference to negotiations, it would be painful to be compelled to indulge. The language of Mr. Clay, in his official letter as Secretary of State, to Mr. Addington, April 6, 1825, was doubtless from the heart, sincere as it was impressive:—"It is the anxious hope of the President, that the Government of His Britannic Majesty should see, in all that has occurred, nothing towards it unfriendly on the part of that of the United States, and nothing that ought to slacken their separate or united exertions in the employment of all other practical modes to effectuate the great object, so dear to both, of an entire extirpation of a traffic which is condemned by reason, religion, and humanity." Where there is a will, it is said, there is a way. In regard to the object in view, the suppression of the Slave Trade, there is manifestly a will, a cordial good will, in both nations. In concurrence with their advancement in commerce and the arts, might we not hope for a consummation of an acceptable and salutary arrangement on this subject, by which they may richly enjoy "the peaceful fruits of righteousness," and be the happy instruments of diffusing the precious boon among all the nations of the earth?

No. 296.

*Mr. Consul Grattan to Viscount Palmerston.*

*Her Majesty's Consulate, Boston, February 25, 1841.*  
(Received March 17.)

MY LORD,

I HAVE the honour to transmit to your Lordship herewith copies of a letter addressed by Mr. Hillard, counsel for Mr. Jackson, to Mr. Mills, the district attorney, and of Mr. Mills's answer thereto. By the latter, your Lordship will perceive that Mr. Mills declines proceeding further in the case of the "*Tigris*," and also that he admits Mr. Jackson to have been "entitled to the *per diem* allowance," as a witness for the criminal prosecution against the master and mate of the "*Tigris*," at the time when he (Mr. Mills) declined claiming for him the protection of the Supreme Court. I have nothing further to communicate to your Lordship on this subject, beyond what was detailed in my Despatches marked Slave Trade, of January 31 and February 18, except my having received a letter from Mr. Fox, with copies of his letter of the 5th instant to Mr. Forsyth, the Secretary of State, hoping that the United States' Government might find it advisable to desire Mr. Mills to co-operate in the proceedings against the "*Tigris*," and Mr. Forsyth's reply to Mr. Fox, dated the 10th instant, wherein he states that no information on the subject had, at that time, been received at the State Department.

I have, &c.

(Signed)

T. C. GRATTAN.

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

&c.

&c.

&c.



First Enclosure in No. 296.

*Mr. Hillard to the Hon. J. Mills.*

DEAR SIR,

*Court Street, February 12, 1841.*

WE have been arrested in our proceedings on behalf of Lieutenant Matson, against the brig "*Tigris*," by the necessity of stipulating for costs and damages. In the case of the "*Catherine*," which was sent into New York, the United States filed a libel for forfeiture, and the vessel has been condemned, and a petition is now before the Circuit Court from the captors, praying the Court to award to them one-half of the proceeds adjudged to the United States, and it is understood that the District Attorney is entirely willing that the petition should prevail, and will not oppose it. My purpose in now addressing you is to ascertain whether a similar arrangement cannot be made in regard to the "*Tigris*," so that a libel may be filed on behalf of the United States, which will relieve the case from all difficulty and embarrassment on the ground of security for costs and damages, with an understanding that in case the vessel and cargo should be condemned, the British captors may be allowed to come in and petition for one-half of the value.

With much respect, &amp;c.

*The Hon. J. Mills,*  
&c. &c. &c.

(Signed) GEO. S. HILLARD.

Second Enclosure in No. 296.

*The Hon. J. Mills to Mr. Hillard.*

*United States' District Attorney's Office, Boston,*  
*February 23, 1841.*

SIR,

IN answer to your inquiry respecting the brig "*Tigris*," I have to state, that I do not think it expedient to file a libel in behalf of the United States against the brig and cargo, and that I shall not do it unless I am so instructed by the Department at Washington.

Under the peculiar circumstances of the case, I think that Mr. Jackson will be entitled to the usual *per diem* allowance of a witness in the case of the United States *versus* Frye *et alios*, from the time he was recognized till he is discharged as a witness in May next.

I am, &amp;c.

*G. S. Hillard, Esq.,*  
&c. &c. &c.

(Signed) JOHN MILLS,  
*United States' Attorney.*

No. 297.

*Mr. Consul Grattan to Viscount Palmerston.**Her Majesty's Consulate, Boston, March 16, 1841.*

MY LORD,

*(Received April 1.)*

I HAVE the honour to inform your Lordship that Mr. Fox communicated to me a few days since at Washington, the copy of a Despatch addressed by Lord Leveson to me, by your Lordship's orders, on the subject of the "*Tigris*," instructing me to give up all proceedings against that vessel. The original Despatch has not reached me, nor is it to be found at New York, either at the British Consulate, or at the office of the post-office agent.

My Despatches to your Lordship, subsequent to that of December 31, 1840, will have informed you that I was no party in the proceedings instituted against the "*Tigris*," my only interference in the case being for the protection of Midshipman Jackson, and for enabling him to do what appeared advisable in justice to the officers and crew of the "*Waterwitch*."

Mr. Jackson remains here, awaiting the result of the various actions to which

he has been made a party, being without instructions of any kind from the Admiralty or the ship's agent.

I have, &c.

(Signed) T. C. GRATTAN.

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

No. 298.

*Viscount Palmerston to British Consuls.*

*Foreign Office, April 15, 1841.*

Circular, sending Treaty with the Argentine Confederation.

(See No. 1.)

No. 299.

*Mr. Consul Buchanan to Viscount Palmerston.*

*Her Majesty's Consulate, New York, March 24, 1841.*

*(Received April 17.)*

(Extract.)

THE schooner "*Butterfly*" has been finally condemned. A Spaniard, Mr. Montero, has filed his libel, and claimed one-third the cargo, and the claim has been argued three days; the result I shall communicate as soon as the Court deliver their opinion. The schooner "*Catherine*," which was condemned, was this day sold by the Marshal of the United States, and was bought by Peter Harmony and Co., a Spanish house here, the known agents for the slave-dealers. From the clamour raised as to the right of search, (in consequence of the vessel sent into Boston by one of Her Majesty's cruisers,) I have endeavoured to conduct the condemnation of these vessels so as to exhibit the course pursued as proceeding from courtesy to the United States, leaving the vindication of their flag to their own courts, so that my proceedings have escaped the abuse of the press; while I trust I have faithfully done my duty, my most anxious desire is that my course may meet your Lordship's approbation.

I have, &c.

(Signed) JAMES BUCHANAN.

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

No. 300.

*Mr. Consul Grattan to Viscount Palmerston.*

*Her Majesty's Consulate, Boston, March 27, 1841.*

*(Received April 17.)*

MY LORD,

THE Despatch from Lord Leveson, dated February 8, alluded to in mine addressed to your Lordship of the 17th instant, has since then reached me. Having been addressed merely to Boston, it was sent to that town in England; and the word America being there put on the cover, it arrived here by the steam-packet "*Caledonia*" on the 20th instant.

I have now to inform your Lordship that the actions brought against Midshipman Jackson, by the six seamen of the "*Tigris*," were called at the Court of Common Pleas at Salem on the 16th instant. Petitions were then put in on the part of Mr. Jackson, for the removal of the actions to the Circuit Court of the United States, to be tried at the next term, which commences May 15, in conformity with the Act of Congress of 1789, cap. 20, which secures to aliens, when sued by citizens of the United States, the right to have the process against them

removed, where the matter in dispute exceeds the sum of 500 dollars. The damages on the present writs were laid at 1000 dollars each.

It was moved by the counsel for the plaintiffs (with the view of defeating this application) to amend the *ad damnum*, by reducing the damages claimed in each case to 400 dollars. After the question had been argued at some length, Judge Warren took three days to consider it; and on the 19th instant he pronounced his decision in favour of Mr. Jackson's petition, ordering the removal of the actions to the Circuit Court, on the defendant's entering into the bonds required by the statute.

A great point towards giving the chance of a fair trial is thus gained. Had the actions been tried by a Salem jury there would have been little doubt that the result would have been unfavourable to Mr. Jackson. The Judge before whom the actions will now be tried, Mr. Justice Story, is a most upright and liberal man, of independent mind and high authority in this country. His recent decision on behalf of the Supreme Court of the United States, in the case of the "*Amistad*" negroes, is a guarantee of his wish to discourage the African Slave Trade and its abettors, whatever form it may take. So strong is the general impression to this effect, that I shall not be surprised if the actions against Mr. Jackson are altogether abandoned. He must, however, be prepared to meet them should they be persevered in; and I hope to receive from your Lordship, before the day of trial, instructions as to the means of obviating further inconvenience to Mr. Jackson should damages be awarded to the plaintiffs.

He has not received, since his arrival here, any communication whatever from the Admiralty, the commander of the "*Waterwitch*," the ship's agent, or his own private agent. I have in consequence become responsible for his hotel expenses, as well as for those of the law proceedings against him, and I am not yet informed if the bills he drew in my favour are paid; but even if they have been paid they would be insufficient to cover the amount of my advances and liabilities.

I cannot avoid expressing to your Lordship my great regret that the District Attorney of this State should have declined to follow up his prosecution of the master and mate of the "*Tigris*" by proceedings against the ship and cargo. From many recent indications, as well as from the obvious nature of the case, I have no doubt that on a trial before Judge Story, in the United States' District Court, the probabilities were that both ship and cargo would have been condemned, and that public opinion in this country might have been so prepared for such a result as to have not only borne it, but approved of it. I am ignorant of the general feeling of Her Majesty's Government on the important question of which this case of the "*Tigris*" forms a branch. My predecessor in this consulate left me no printed papers nor copies of correspondence on the subject, nor have I received any since my arrival here. Apprehending, however, from the tenor of Lord Leveson's Despatch, that Her Majesty's naval officers on the coast of Africa may be prohibited from taking measures similar to those pursued by Lieutenant Matson in regard to the "*Tigris*," I trust I may, without presumption, be allowed to suggest to your Lordship, that if Her Majesty's Government ever countenanced or approved of such measures, the existing state of feeling in this country would be rather favourable than contrary to their continuance now.

It is true that the late Administration at Washington strongly reprobated Lieutenant Matson's conduct and approved of that of the District Attorney here. The majority of the Judges also showed a disposition to thwart and embarrass Mr. Jackson. The public press, urged by the owners and lawyers of the "*Tigris*," was loud in attacks on the British Government and its naval officers. But on the other hand it is to be observed, that Mr. Forsyth's tone on this subject (diametrically opposite to the principles of the President's late speech to Congress) was assuredly adopted for the purpose of leaving another subject of embarrassment to the present Administration, in their discussion of grievances with Her Majesty's Government; several of the Judges, the whole of the Supreme Court, with one exception, and Judge Story, Judge Putnam, and Judge Warren in this district, have strongly marked their feeling of sympathy with the opponents of the Slave Trade in every shape; and there has certainly been a reaction in the public mind, arising from the scandalous proceedings against Mr. Jackson, and the spirit in which they are carried on.

The sacrifices of England in maintaining her cruisers off the coast of Africa are beginning to be understood, and the unworthy motives ascribed to her

policy to be disbelieved. The fact of the United States' ships of war being so lately forced to abandon their stations on account of sickness, while the British cruisers maintain their post in spite of all sufferings, thus protecting the lawful trade of both countries, has excited much attention. The result of the "*Amistad*" question has had great effect. In short, my Lord, everything at the present moment tends to prepare the mass of the American people (and the Administration could not, in all probability, long hang back) to hail with approval measures on the part of Her Majesty's Government to induce that of the United States to co-operate in carrying out their own enactments against the Slave Trade. One vessel, in circumstances analogous to those of the "*Tigris*," seized, prosecuted, and condemned, would have more effect on the question in this country than all the reasoning that might be brought to bear on it for years; while the insertion from time to time in the newspapers of such articles as the two I beg leave to enclose, would, I am sure, be of considerable utility.

I have, &c.

(Signed)

T. C. GRATTAN.

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

&c.

&c.

&c.

First Enclosure in No. 300.

*Extract from the "Daily Advertiser and Patriot" of February 20, 1841.*

#### RIGHT OF SEARCH.

"SHE has recently seized our vessels and exercised a power involving the right of search, under the pretext of suppressing the foreign Slave Trade, which, if persevered in, will sweep our commerce from the coast of Africa, and which is incompatible with our rights as a maritime power."

The above extract from Mr. Pickens's bill of charges against Great Britain is the echo of many paragraphs which have of late appeared, seemingly to excite hostility in the minds of people against that Government, and incidentally to draw attention from the circumstances attending the seizures alluded to. Some of these cases have been tried in our Courts, and condemnation followed; another is now under judicial action, and it is fair to presume that the course adopted by the officer who commanded the vessel and sent her to the port of registry for trial was not wholly indefensible.

"The right of search," what is it? Some imagine that because a vessel displays our national flag, she is, merely by that act, to be exempted from any visit or question from any ship of war in any sea, and however employed. Such, we believe, is not the truth. The utility to commerce of having national vessels cruising either in remote seas, or in those in our vicinity, for the protection of the unarmed merchantmen against lawless violence or wreck, is universally recognised, and we are often called to bear witness to international courtesies arising from the exercise of such power; but no sooner does a case happen where inconvenience has been caused to a merchant vessel in being "brought to and overhauled" by a ship of war, than the circumstance is magnified into an atrocious infringement upon our rights and the laws of nations. The right of visiting vessels should be conceded to all national ships, else how is it to be known whether they have any authority to sail under the flag which they hoist? A pirate or a slaver may hoist any colours whatever, and nothing but a careful examination of the "register" and roll of equipage can afford proof of the nationality of the vessel or crew. The more therefore a vessel attempts by carrying sail or change of course to avoid a cruiser, the more she becomes an object of suspicion. It not unfrequently occurs that men-of-war are despatched purposely to seek for piratical vessels which have been reported in some particular quarter. We would ask whether, in such a case, they should not carry with them the right to compel all vessels they meet to heave to, in order to procure information as to the whereabouts of the object of their present search, as well as to satisfy themselves that "the chase" is in the hands of lawful possessors.

In respect to the trade with Africa which Mr. Pickens seems to think an

CLASS D.

object of hostility by the British naval officers, it has certainly become an object of suspicion, to say the least, by our own Government, and particular attention has been drawn to it by President Van Buren in his last annual message. Nevertheless, by the unpardonable neglect of his administration, that important station was left during many months of the past year without any United States' vessel of war, and it was pending that interval that the seizures complained of were enforced. Had the schooner "Grampus" not been withdrawn until some other vessel had been despatched to relieve her, the English commanders would gladly have turned these cases into the hands of our own officers, who would have borne the responsibility, and thus one source of bitter waters would have been stopped.

PAX.

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Second Enclosure in No. 300.

**"THE SLAVE TRADE UNDER THE AMERICAN FLAG."**

THE following article we found in a London paper, avowedly taken from the "Allgemeine Zeitung," though it was doubtless written by an Englishman:—

The difficulties experienced by England in her struggle for the abolition of the Slave Trade are such, that it requires all the energy of the nation not to sink under the discouragement which it is exposed to. Lord Palmerston is at present engaged in a correspondence with the United States, and that correspondence has, on both sides, been conducted with some asperity. According to the laws of the United States, the conveyance of slaves under the American flag is an act of piracy, but the Yankees have indirectly found means to promote the Slave Trade very considerably, and to appropriate to themselves a large share in the enormous profits that accrue from it, the greater portion of the Slave Trade of Cuba being at present carried on by Americans.

The outfitting clause has now been recognised by the Treaties between Spain and England, by which clause a ship, even though it had no slaves on board, may be condemned for a slaver if fitted up for the conveyance of slaves, and such destination may be known with certainty from the appearance of the between decks, from the extent of the cooking apparatus, and from the number of water-casks on board. Since the adoption of that clause, the large slave-dealers at Havana seek to engage vessels that may not be exposed to the danger of capture before they arrive on the African coast. Now America, under the pretext that she is able to prevent the Slave Trade under her own flag, has always refused to England the mutual right of search, that is the right of the ships of war of the one nation to search the merchant vessels of the other. Ships, accordingly, sailing under the American flag, and provided with American papers, are in no danger from a British cruiser, so long as they have no slaves on board, for if they have they are delivered up by the English to the American tribunals. For these reasons, the slave-dealers of the Havana have, for three years past, been in the habit of causing quick-sailing slave-ships to be built at Baltimore, whence they proceed to Havana under American colours, with an American captain, and with American papers. At Havana the papers are examined by the American Consul, a Spanish crew is put on board, and the ship is provided with private Spanish papers; but the American captain continues in command, and with this double set of papers the vessel starts for the African coast. If on the way a British cruiser be met with, the American papers are shown, and the vessel must not be detained; but once arrived on the slave coast, the American captain takes possession of the American papers, which are cut up, and sent back to Baltimore by different conveyances, that no trace of American participation may remain. A Spanish captain then assumes the command, the human cargo is taken on board, and the ship starts on her return to Cuba. The whole risk incurred is that the vessel may be captured by a British cruiser while at anchor, but that danger is comparatively trifling. The English Commission at Sierra Leone has found in slave-ships the correspondence between the Havana merchants and their factors at Gallinas, and at other places on the African coast; the merchants write that the only reason they do not send more ships is, the

scarcity of American vessels; but that the supply increases daily, and that, therefore, the factors may rely on the early arrival of more ships.

These crimes lie chiefly at the door of the American Consuls; particularly at that of the Consul of Havana, where the notorious Trist first established the system of fraudulent American papers. This man has, indeed, been recalled, in consequence of the remonstrances of the British Embassy; but his successor, Smith, apparently lends himself quite as readily to the fraud. The English Commissioners of the mixed tribunals for the condemnation of slave-ships at Sierra Leone, Havana, Bermuda, and Rio, are unanimous in their accounts of the magnitude of the evil, and require that England should declare the Slave Trade piracy, while the British cruisers on the Slave Coast are constantly exposed to the temptation of searching and detaining vessels under the American flag, and provided with American papers. The British officers, in fact, are placed in a most trying position. If they search a *bonâ fide* vessel, the consequence is a formal complaint from Washington; and if they consent to be blinded by appearances, they may just as well give up altogether their cruising against slave-ships. A few months ago, four vessels (the "*Cassard*," "*Clara*," "*Eagle*," and "*Wyoming*") sailing under the American flag were brought by British cruisers to Sierra Leone, on account of their being fitted up for the Slave Trade, and evidently belonging to Spanish houses. The Court at Sierra Leone gave a decision first on the case of the "*Cassard*," which was liberated on the ground of her American papers. The three other vessels were thereupon sent by the captors to New York, and delivered over to the American authorities. These decided that the ships were Spanish property, and as such, not liable to American jurisdiction. The officers then carried their prizes to Bermuda; and should they not be able to obtain a decision there, they mean to take them to Havana, and bring them before the Spanish tribunals. The Attorney-General in London has since then declared the liberation of the "*Cassard*" to have been illegal, so that the captors have unnecessarily been compelled to carry their prizes from port to port, in search of a judge, by the confusion to which these American papers give rise.

Lord Palmerston has protested with great energy at Washington against this system of fraud, and has renewed his demand for a right of search; but the President's only reply has been, that he sees himself compelled to send American ships of war to the African coast, in order to protect American merchantmen from being searched by British cruisers. To a renewed application from Lord Palmerston, the President has answered, that these are not the proper means for the suppression of the Slave Trade, and that what the English ought to do is, instead of attempting to prevent the conveyance of slaves, to destroy the slave markets of Rio and Cuba. This piece of advice is mere insolent irony, for no one knows better than the President that England can destroy the slave market of Havana only by occupying the island, and that such occupation would immediately lead to a war with the United States.

The false position in which the United States have placed themselves in respect to everything nearly or remotely connected with slavery is such that, in matters of this kind, neither justice nor even decorum is to be expected from them, the President being well aware that the elections depend on slave-holders and slave-dealers. How long England will tolerate these wretched subterfuges, it is difficult to say; but the question will probably become one of a more serious discussion than that which respects the Canadian boundary, for the people of England will never allow their Government to relax in its efforts to obtain the suppression of the Slave Trade.

No. 301.

*Viscount Palmerston to Mr. Consul Grattan.*

SIR,

*Foreign Office, April 22, 1841.*

I HAVE received your Despatch of the 27th ultimo.

In that Despatch you acknowledge the receipt of the letter which was written to you, under my directions, by Lord Leveson, on the 8th of February last, conveying to you instructions for your guidance in respect to proceedings in the

United States' Courts, consequent upon the detention of the United States' vessel "*Tigris*," by Her Majesty's brig "*Waterwitch*," Lieutenant Matson commander; and you express a hope that you may receive from me instructions as to the means of obviating further inconvenience to Midshipman Jackson, in case the result of those proceedings should be that damages should be awarded against him.

I have transmitted your letter to the Admiralty for any instructions which that board may think it right to give to Lieutenant Matson, or to Mr. Jackson, upon this subject; and with respect to your own conduct in this matter, I have to refer you to the instructions contained in the above-mentioned letter from Lord Leveson.

I am, &c.

*T. C. Grattan, Esq.*  
&c. &c. &c.

(Signed) PALMERSTON.

No. 302.

*Viscount Palmerston to British Consuls.*

*Foreign Office, April 22, 1841.*

Circular sending Convention with Hayti.

(See No. 2.)

No. 303.

*Mr. Consul Grattan to Viscount Palmerston.*

*Her Majesty's Consulate, Boston, April 15, 1841.*

MY LORD,

(Received May 3.)

NOT having received any communication from the Foreign Office on the subject of the "*Tigris*" since I had the honour to address your Lordship on the 23rd ultimo, I have now only to report the law proceedings which have since then taken place.

As I anticipated, the parties in the six actions against Mr. Jackson have attempted to withdraw them. They gave notice that they would voluntarily become "non-suited" in each action, but coupled it with an intimation that six new actions were to be commenced in the Court of Common Pleas, damages to be laid at 300 dollars in each, so as to secure the trials before a Salem jury.

To defeat this attempt to evade a fair trial in the Superior Court, and force one before a prejudiced tribunal, Mr. Jackson's counsel argued that the original actions were *in transitu* to the Circuit Court, and could not be withdrawn until that Court was in Session. This was opposed by the plaintiff's counsel, but decided in favour of the defendant by Judge Warren. The actions, therefore, stand over till the 15th of May.

The two other actions by the master and mate, where the damages are so high as to bring them within the jurisdiction of the Supreme Court of Massachusetts, will also be removed at the proper time to the District Court of the United States; so that all the trials will take place (if persevered in) before Judge Story.

On the 13th instant, Mr. Jackson was served with a summons (but not with a writ of arrest) to appear in another action commenced against him by a seventh seaman belonging to the "*Tigris*," named Hendrickson, damages laid at 400 dollars, in the Court of Common Pleas, with the object of having it tried at Salem. Mr. Jackson must enter an appearance in this suit on Tuesday, the 27th instant.

I have, &c.,

(Signed) T. C. GRATTAN.

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

No. 304.

*Viscount Palmerston to British Consuls.**Foreign Office, May 8, 1841.*

Circular on holding or being interested in Slave Property.

(See No. 43.)

No. 305.

*Mr. Consul Buchanan to Viscount Palmerston.**Her Majesty's Consulate, New York, April 22, 1841.*

MY LORD,

*(Received May 17.)*

I HAVE the honour to inform your Lordship, that the two steam ships built here avowedly for the Spanish Government for Cuba, which I mentioned in my letter of the 15th August last, are now finished, and about to proceed to Havana: their speed and power is greater than has been set forth.

I had, from mere conjecture, considered these vessels were building for slave merchants in Cuba rather than for the Government; but this day a gentleman, who is very intimate with the Portuguese minister near Washington, has informed me such was the case. My opinion arose from the fact that the disbursements have been made by a Spanish officer, while, it is believed, the funds were furnished by the commercial house of Peter Harmony and Co. in this city, and intimately connected with Cuba, while another house appear as the agents. The slaver "*Catherine*" sent in here by Her Majesty's ship "*Dolphin*," which was condemned and sold, was purchased by the house above mentioned, and will be again in the trade. It is worthy of observation, that although so many vessels have been engaged in that trade under the American flag, yet I have not heard of a single vessel having been brought in by any of the United States' vessels.

I have, &amp;c.,

(Signed) J. BUCHANAN.

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

&amp;c.

&amp;c.

&amp;c.

No. 306.

*Mr. Consul Grattan to Viscount Palmerston.**Her Majesty's Consulate, Boston, April 30, 1841.*

MY LORD,

*(Received May 17.)*

I HAVE the honour to inform your Lordship, that a new motion in the "*Tigris*" case came on before the Supreme Judicial Court of the State of Massachusetts, on the 29th instant, at Ipswich, the result of which was that Chief Justice Shaw directed the removal to the Circuit Court of the two actions brought against Mr. Jackson by the captain and mate of the "*Tigris*," so that they may take the same course with the other six actions brought by the sailors, and which had been previously removed from the Court of Common Pleas.

In the case of the action brought by the seventh seaman, Hendrickson, mentioned in my last communication to your Lordship on this subject on the 15th instant, Mr. Jackson's counsel also moved for the "continuance" of the action till the next November term of the Supreme Court. This was opposed by the plaintiff's counsel, who pressed for an immediate trial; but Chief Justice Shaw granted the motion, so that this last action has not been allowed to come between the course of the other proceedings and a fair trial in the Circuit Court of the United States.

I have, &amp;c.

(Signed) T. C. GRATTAN.

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

&amp;c.

&amp;c.

&amp;c.



No. 307.

*Mr. Consul Sherwood to Viscount Palmerston.**British Consulate, Maine and New Hampshire,  
Portland, May 14, 1841.*

MY LORD,

(Received June 12.)

I CRAVE the honour to acknowledge the receipt of your Lordship's Despatch dated the 15th of April last, together with its enclosed printed copy of a Treaty concluded at Buenos Ayres on the 24th of May, 1839, and ratified on the 16th of May, 1840, between Her Majesty and the Argentine Confederation, for the Abolition of the Slave Trade.

I have, &amp;c.

(Signed) JOS. T. SHERWOOD.

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

&amp;c.

&amp;c.

&amp;c.

No. 308.

*Mr. Consul Grattan to Viscount Palmerston.**Her Majesty's Consulate, Boston, May 30, 1841.*

MY LORD,

(Received June 15.)

I HAVE the honour to acknowledge the receipt of your Lordship's letters of April 15th, transmitting a copy of the Treaty with the Argentine Confederation; and of 22nd April, referring me to a former letter from Lord Leveson for my guidance with respect to the case of the "*Tigris*."

The intervening letter has not reached me. The only letter received by me from Lord Leveson was that of February the 8th; and as that letter merely directed me to discontinue the proceedings which your Lordship believed me to have commenced against the "*Tigris*," I am without instructions as to the course I should pursue for Mr. Jackson's protection, in case he should be made liable to damages by the verdict of a jury. The Lords of the Admiralty have authorized me to draw on the Accountant-General of the Navy for my advances for Mr. Jackson's expenses, and the costs of the law proceedings against him, but nothing further. I have, therefore, only to continue my exertions to cause the actions to be abandoned, and

I have, &amp;c.

(Signed) T. C. GRATTAN.

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

&amp;c.

&amp;c.

&amp;c.

No. 309.

*Mr. Consul Peter to Viscount Palmerston.**British Consulate, Philadelphia, May 19, 1841.*

MY LORD,

(Received June 22.)

I HAVE to acknowledge the receipt of a copy of the Treaty concluded at Buenos Ayres on the 24th of May, 1839, between Her Majesty and the Argentine Confederation, for the Abolition of the Slave Trade.

I have, &amp;c.

(Signed) WILLIAM PETER.

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

&amp;c.

&amp;c.

&amp;c.

No. 310.

*Mr. Consul Buchanan to Viscount Palmerston.**Her Majesty's Consulate, New York, June 10, 1841.*

MY LORD,

(Received July 1.)

I HAVE the honour to forward for your Lordship's information a copy of the judgment of the United States' Court for this district, dismissing the suit brought by Francis Montero, requiring me to hand over the cargo of the "*Butterfly*," condemned and sold for being engaged in the Slave Trade, under the flag of the United States.

As a considerable part of the cargo has been much injured by the long detention on board the vessel, and inasmuch as the Mixed Commission at Sierra Leone, as stated in my letter of 30th December last, had declined to interfere, and inasmuch as I have expended a considerable sum on the insurance, storage, and care of the cargo, independent of the heavy law expenses which I am subject to pay, through the protracted litigation to which the parties have resorted, and inasmuch as I have not received any instructions in consequence of my letter above mentioned of last year to your Lordship, I am advised that it is my duty, as it is but just, without waiting for any directions from the Mixed Commission, (as the vessel has been condemned and sold, and from the Court declining to take cognizance of the demand of the Spanish claimants,) to sell that part of the cargo which is daily becoming less valuable, and as much of the remainder as will cover all my costs and charges, all which I beg to submit to your Lordship.

I have, &amp;c.

(Signed)

JAMES BUCHANAN.

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

&amp;c.

&amp;c.

&amp;c.

Enclosure in No. 310.

*Decree of Judge Betts.*

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 Hall, in the City of New York, on Tuesday, the eighth day of June, in the year of our Lord one thousand eight hundred and forty-one,

PRESENT—*The Honourable Samuel R. Betts.*Francis Montero *v.* Sixteen Bales of Merchandise.

The Queen of Great Britain, Claimant.

THIS cause being brought to hearing upon pleadings and proofs, and the advocates of the respective parties being fully heard thereupon, and due deliberation being had in the premises, and it appearing to the Court that the libellant is a subject of the Queen of Spain, and that the goods, wares, and merchandise, demanded by the libel, were seized and captured and taken from the possession of the libellant on the high seas, by a vessel of war and subjects of the Queen of the United Kingdom of Great Britain and Ireland, and that possession thereof thereafter continued and remained with the captors until the said property was brought by them into this port, and delivered to the British Consul here resident, so as to be subject to the cognizance of the Courts of the United States, because of being laden on board a vessel alleged to belong to the United States, and to be employed in the Slave Trade or transportation of slaves, in violation of the laws of the United States:

And it further appearing to the Court, that although the said vessel was proceeded against by the United States, and condemned to forfeiture by due process of law for the cause aforesaid, yet that the United States interposed no claim to said goods, wares, and merchandise, nor in any way controverted the validity and legality of such seizure and capture by the claimant:

And it further appearing to the Court, that the right to retain and hold the said property by means of said capture, and by virtue of treaty stipulations between the Governments of Great Britain and Spain, for the purpose of submitting the same to the adjudication of a tribunal constituted by the said powers, on the allegation of the captor, that the said property is lawful prize, and subject to condemnation as such, is asserted and claimed by the Queen of the United Kingdom of Great Britain and Ireland, intervening in this behalf in this cause, through her accredited and recognised Envoy Extraordinary and Minister Plenipotentiary to the United States:

And it further appearing to the Court, that the vessel of war making the capture and seizure complained of, had been theretofore in no way fitted out, commissioned, or employed, in violation of the neutrality of the United States:

Whereupon, in view of the premises, it being considered by the Court, that whether or no the libellant be shown, by competent and satisfactory proof, to be the *bonâ fide* owner of the said property, or entitled at the time the same was seized and captured to its exclusive possession, yet that he was not divested of the possession thereof in such manner as to be entitled to the interposition of this Court to reclaim it from the captors and restore it to him, the libellant:

It is thereupon ordered, adjudged, and decreed, that the libel of the libellant in this behalf be dismissed, with costs to be taxed.

And it is further ordered, that the said goods, wares, and merchandise, arrested in this cause, by process of this Court, and now detained by the same, be surrendered and delivered up to the Queen of England, the claimant in this cause, or to her agent duly authorized and empowered in this behalf.

(A true copy.)

(Signed)

CHARLES D. BETTS, *Clerk.*

No. 311.

*Mr. Consul Buchanan to Viscount Palmerston.*

*Her Majesty's Consulate, New York, June 10, 1841.*

MY LORD,

(Received July 1.)

I HAVE the honour to inform your Lordship, that since the condemnation and sale of the slaver "*Catherine*," an appeal has been lodged, with a view to enable the owners, who are Spanish residents in Cuba, to bring an action against me, as Consul having possession of the cargo, but I should hope the decision in the case of the cargo of the "*Butterfly*" would stop further proceedings, and the more so, as the criminality of the "*Catherine*" was much more glaring, and so proved on the second hearing, in having found 150 pairs of iron manacles on board among the cargo. I have taken the necessary steps to resist the suit, and have little doubt of defeating, should the parties persevere; and I beg to add, that I should feel at liberty to pursue the same course in disposing of as much of the cargo of the "*Catherine*" as would pay costs and charges, upon the same principle as in my other letter of this date.

I have, &c.

(Signed)

JAMES BUCHANAN.

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

&c.

&c.

&c.

No. 312.

*Mr. Consul Buchanan to Viscount Palmerston.*

*Her Majesty's Consulate, New York, June 10, 1841.*

MY LORD,

(Received July 1.)

I HAVE the honour to acknowledge the receipt of your Lordship's despatches, dated April 15th and 22nd and May 8th respectively.

I have, &c.

(Signed)

JAMES BUCHANAN.

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

&c.

&c.

&c.

No. 313.

*Mr. Consul Grattan to Viscount Palmerston.**Her Majesty's Consulate, Boston, June 14, 1841.**(Received July 1.)*

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's letters "Slave Trade," of April 22, transmitting a copy of the Convention with the Republic of Hayti, and your Lordship's despatch of May 8th, accompanying a copy of a memorial from the General Anti-Slavery Convention.

I am glad to be able to inform your Lordship, that the vexatious proceedings in the case of Midshipman Jackson may be considered as nearly, if not entirely, at an end. By promptly meeting the attempts of the lawyers employed against him to embarrass the regular course of the various suits, and by rejecting all their offers of adjustment, they have been induced to abandon seven out of eight of the actions of trespass. One only, in the case of one of the sailors of the "*Tigris*," in which the damages are laid at 500 dollars, is still pending, and it now stands over till the month of September next, before which time I have every reason to hope it will be withdrawn. The main object, at present, of the owners of the "*Tigris*," at whose instigations these actions were brought, is to have the facts of the case of trespass (supposing the seizure of the vessel and the subsequent proceedings to be such) established by proof, or admitted by compromise, so as to found a demand for the loss sustained in the interruption of the voyage, &c., against the United States' Government, with a view to the amount being ultimately claimed from the Government of Her Majesty. Several insidious attempts to obtain these admissions, under pretext of arguing points of international law, or laying down rules for the conduct of subaltern officers, have been made by the plaintiffs' lawyers. But on every reference to me, by the counsel employed by Mr. Jackson, to sanction any arrangement that could in the least degree compromise Her Majesty's Government, or the Admiralty in particular, I have invariably refused. I prefer leaving the parties to establish their case in a court of law, if they can do so; believing that they will not, under all the circumstances, risk the public sifting of motives and conduct which would result from a trial before a jury in the District Court of the United States, presided over by so honourable and independent a man as Judge Storey.

I have, &amp;c.

(Signed)

T. C. GRATAN.

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

No. 314.

*Viscount Palmerston to Mr. Consul Grattan.*

SIR,

*Foreign Office, July 14, 1841.*

I HAVE received your despatch, Slave Trade, of the 14th ultimo, reporting the course which you had pursued about the actions brought in the United States' Courts of Law against Midshipman Jackson, on account of the detention of the American vessel "*Tigris*." And I have to acquaint you that Her Majesty's Government approves thereof.

I have, &amp;c.

(Signed)

PALMERSTON.

*T. C. Grattan, Esq.,*  
&c. &c.

No. 315.

*Mr. Consul Sherwood to Mr. Bidwell.**British Consulate, Maine and New Hampshire,  
Portland, June 29, 1841.*

SIR,

*(Received July 31.)*

ON the 5th current, I had the honour to receive from your department the Despatches dated April 22, 1841, enclosing a copy of a Convention with the Republic of Hayti, concluded at Port au Prince on the 23rd of December, 1839, between his late Majesty and the King of the French, and May 8, 1841, covering a copy of a Memorial to the Right Honourable my Lord Palmerston, from the General Anti-Slavery Convention, held in London on the 20th of June, 1840, on the subject of slavery, in which property I beg leave to assure his Lordship that I am not interested either as a holder, employer, or in any other way.

I have, &amp;c.

(Signed) JOS. T. SHERWOOD.

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

No. 316.

*Mr. Consul Molyneux to Viscount Palmerston.**British Consulate, Savannah, July 1, 1841.*

MY LORD,

*(Received August 10.)*

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 15th of April, transmitting a copy of a Treaty concluded with the Argentine Confederation for the abolition of the Slave Trade.

I am, &amp;c.,

(Signed) E. MOLYNEUX.

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

No. 317.

*Mr. Consul Molyneux to Viscount Palmerston.**British Consulate, Savannah, July 3, 1841.*

MY LORD,

*(Received August 10.)*

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, dated the 22nd of April, transmitting a copy of a Convention concluded with the Republic of Hayti, for the more effectual suppression of the Slave Trade.

I am, &amp;c.,

(Signed) E. MOLYNEUX.

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

No. 318.

*Mr. Consul Molyneux to Viscount Palmerston.**British Consulate, Savannah, July 16, 1841.*

MY LORD,

*(Received August 31.)*

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 8th of May, transmitting a copy of a Memorial from the Anti-Slavery

Society, and communicating the opinion of Her Majesty's Government, that it would be unfitting in any officer holding an appointment under the Crown to be interested in slave property.

Constituted as society is in slave-holding countries, it is at all times difficult, and very often impossible, to induce white persons to act as domestic servants, and the expense of English servants I know, from many years' experience, to be enormous—those I brought out in the year 1839 having cost me that year 90*l.* each—not unfrequently, too, do they leave without giving a moment's warning—domestic service being considered here a state of great degradation. If then the occasional hiring of the servants of the country be strictly prohibited by Her Majesty's Government, a very serious inconvenience must necessarily ensue.

I am, &c.,

(Signed) E. MOLYNEUX.

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

No. 319.

*The Earl of Aberdeen to Mr. Consul Buchanan.*

SIR,

*Foreign Office, September 30, 1841.*

YOUR several Despatches respecting the United States' vessels "*Catherine*" and "*Butterfly*" have been referred to the Queen's Advocate.

The United States' Courts in which those vessels were condemned as American, have refused to pass sentence on the cargoes because they are Spanish property; and the question how the cargoes are to be disposed of is become embarrassing, because they were unfortunately placed in your custody, instead of having been in the first instance delivered over with the vessels themselves to the United States' authorities.

Under these circumstances, the Queen's Advocate is of opinion that you should deliver up the cargoes to the Spanish owners, after deducting all expenses, provided the owners give you a full and unequivocal discharge from all further demands on account thereof; and that, if the owners refuse this offer, you should sell the goods forthwith, and remit home in bills to Her Majesty's Treasury, any balance which may remain, to be disposed of as may hereafter be determined.

You will accordingly lose no time in taking this course; observing to the owners, that as by the 5th Article of the Treaty of 1835 with Spain, upon Slave Trade, it is declared that all traffic in slaves, on the account of Spanish subjects, under whatever flag, is illicit, the Spanish owners could not be allowed to maintain any claim or demand against the British captors or Her Majesty's Government, for damage or loss sustained by the effect of any disposition which may be made of the goods in question.

I am, &c.

*J. Buchanan, Esq.,*  
&c. &c. &c.

(Signed) ABERDEEN.

No. 320.

*The Earl of Aberdeen to British Consuls.*

*Foreign Office, October 30, 1841.*

Circular sending Papers presented to Parliament.

(See No. 10.)

No. 321.

*Mr. Consul Buchanan to the Earl of Aberdeen.**Her Majesty's Consulate, New York, October 28, 1841.*

(Extract.)

*(Received November 22.)*

I HAVE the honour to acknowledge your Lordship's letter of the 30th ultimo, as to several of my Despatches respecting the United States' vessels "*Catharine*" and "*Butterfly*" having been referred to the Queen's Advocate, and that as the United States' Courts, in which the vessels had been condemned, had refused to pass sentence on the cargoes as Spanish property, whereby it is become embarrassing, because they were unfortunately placed in my custody, instead of having been in the first instance delivered over with the vessels to the United States' authorities; and that under such circumstances the Queen's Advocate is of opinion that I should deliver up the cargoes to the Spanish owners, after deducting expenses, provided the owners give a full and unqualified discharge, otherwise I should sell the goods, and remit any balance to Her Majesty's treasury.

In reply I beg to call your Lordship's attention to my letter of March 28th, 1840, and the 31st of same month, accompanied by Mr. Butler, the United States' Attorney-General's note, which I humbly hope will remove the charge that by my course I have occasioned any embarrassment, as I promptly waited upon Mr. Butler, and offered to place the vessels and cargoes at his entire disposal, and alone in all steps I took acted under his orders.

I now beg to state that, under the sanction of your Lordship's letter, I shall feel myself at liberty to act in accordance with such your Lordship's instructions, and from having throughout acted in accordance with the instructions of Mr. Butler, I submitted your Lordship's directions to that gentleman; he stated the appeal against the decision respecting the condemnation of the "*Catharine*," under which that vessel was sold for being engaged in the Slave Trade, was a mere scheme to keep alive the claim as to the cargo, and, to use his own words, so unrighteous a cause should not be compromised, and that he would press the cause forward.

I have, however, directed my solicitor, Mr. Edwards, to sound the solicitors for the claimants as to the course of adjustment authorised by your Lordship, and hope that the course I shall pursue may meet your Lordship's approbation, as the matter of these vessels has proved to me truly embarrassing, and hitherto I have kept clear of committing Her Majesty's Government or myself.

No. 322.

*Mr. Consul Buchanan to the Earl of Aberdeen.**Her Majesty's Consulate, New York,  
December 15, 1841.*

(Extract.)

I BEG beg to lay before your Lordship a newspaper, in which is set forth the correspondence with your Lordship and Mr. Stevenson. I beg to call your Lordship's attention to the leading article of that paper.

Enclosure in No. 322.

*From the New York Commercial Advertiser, Tuesday afternoon,  
December 14.*

DIPLOMATIC CORRESPONDENCE.—We publish to-day the whole of the correspondence between Mr. Stevenson and Lords Palmerston and Aberdeen, on the subject of the right of search asserted by Great Britain for the suppression of the Slave Trade; or at least so much of it as has been communicated to Congress by the State Department.

In the earlier part of the correspondence, relating to particular cases of alleged grievance, it must be admitted that Lord Palmerston comes out triumphant; the cases, as presented by him, affording only justification, and that very ample, of the proceedings complained of. As Mr. Stevenson did not attempt any denial of the facts stated by Lord Palmerston, it is to be presumed that the vessels examined

were in reality slavers, having no right to the protection of the American flag, and that the proceedings of the British officers were altogether justifiable.

Not so, however, with the subsequent portion of the correspondence, which turns upon the question of principle. The ground here assumed by Lord Palmerston, and after him by the Earl of Aberdeen, is clearly untenable. As a matter of principle neither a British naval commander nor any other has the right to detain and examine a vessel bearing the American flag, on any pretence whatever. That flag affords, and must afford, complete protection to all who sail under it, except in time of war, or under the provisions of express Treaty. Lord Aberdeen is clearly wrong and Mr. Stevenson as clearly right in their discussion of this subject.

Nevertheless it is greatly to be regretted that the flag of our country can be and is thus prostituted for the protection of slavers; and that an arrangement cannot be entered into by the two Governments for the effectual prevention of so great an evil. If we had a score of armed cruisers on the coast of Africa, as Britain has, that would accomplish the object; but as we have not, there is undeniably reason to wish that the British cruisers might be empowered to make the needful inquisitions—of course with all proper checks, limitations, and safeguards.

We have reason to believe that a proposition for this object, capable of being made entirely unobjectionable on our part, is now or soon will be taken into consideration by the British Government, and in due season presented to the Government of the United States. With the principle of the measure we are thoroughly acquainted, and can see no fault in it; but until its details are perfected we do not feel at liberty to say more.

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