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[1842 [403] VOL XLIII]

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*British
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CORRESPONDENCE WITH
FOREIGN POWERS
RELATIVE TO THE SLAVE TRADE
[CLASS B]

Slave Trade

22



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AND

THE ARGENTINE CONFEDERATION,

RELATIVE TO

THE SLAVE TRADE.

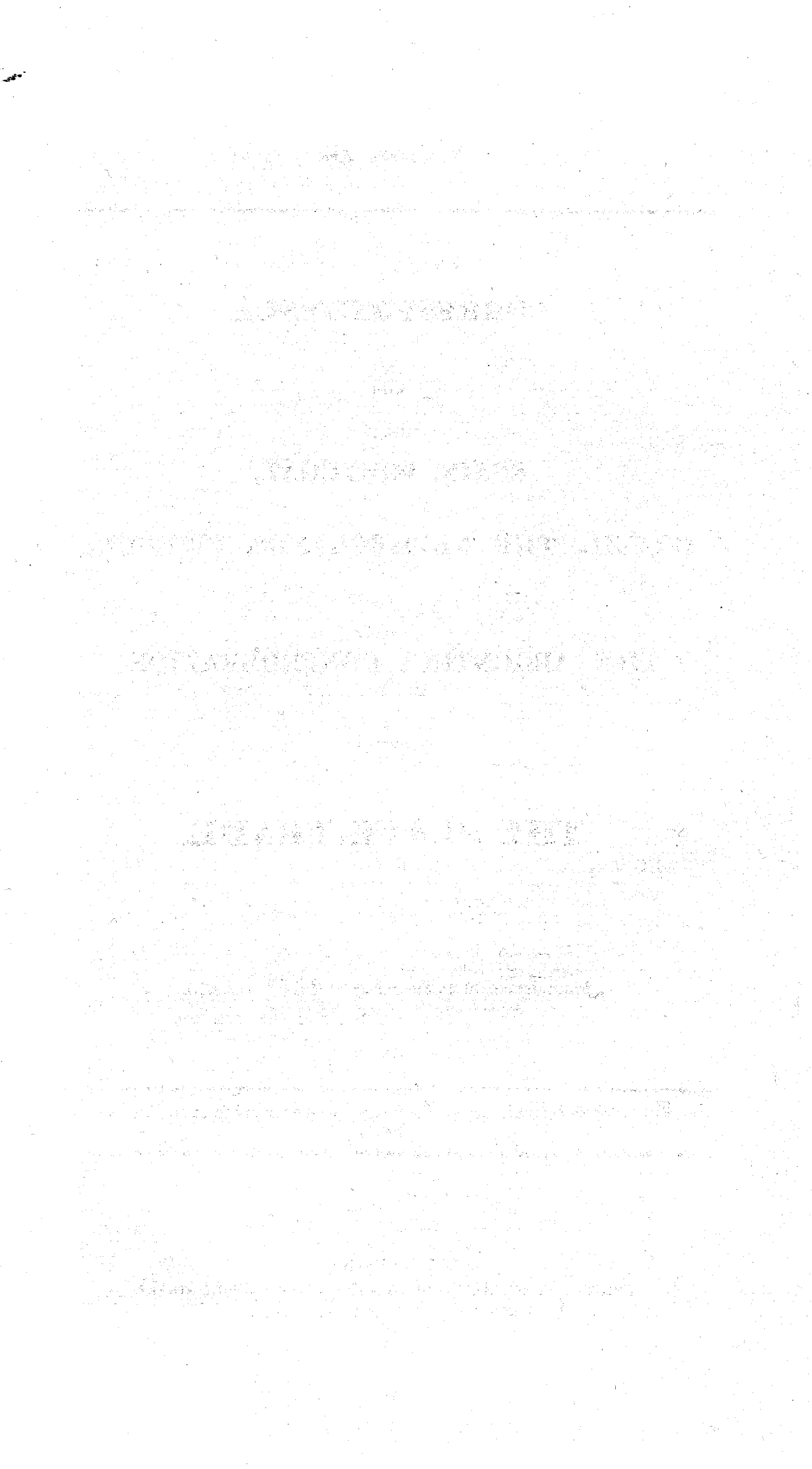
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1842.



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SWEDEN.

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Class B.—1840-41.

CORRESPONDENCE

WITH

FOREIGN POWERS.

SPAIN.

No. 1.

Mr. Aston to Viscount Palmerston.

Madrid, December 30, 1840.

(Received January 8, 1841.)

MY LORD,

I HAVE the honour to forward to your Lordship a copy of a Note which I have addressed to M. de Ferrer, enclosing the Draft of the Convention which I received from your Lordship, having for object to invest the Mixed Court of Justice established at the Havana with authority to investigate the cases of negroes who are held in slavery in Cuba, and to declare whether such negroes have or have not been imported into that island since the 30th October, 1820, and whether they ought or ought not to be restored to freedom. I had previously explained to M. de Ferrer the object of the proposed Convention.

I have also the honour to enclose a copy and translation of His Excellency's answer to my communication, in which he states that the Spanish Government will take the subject into consideration; but that before a decision can be taken it will be necessary to obtain further information from the authorities of Cuba.

I have &c.

(Signed) ARTHUR ASTON.

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

&c.

&c.

&c.

First Enclosure in No. 1.

Mr. Aston to M. de Ferrer.

SIR,

Madrid, December 17, 1840.

ALTHOUGH the Slave Trade under the Spanish flag has been in a great measure suppressed by means of the Treaty of June, 1835, between Great Britain and Spain, yet slave-traders have hoisted other flags to protect these vessels, and thus the Island of Cuba has continued to be supplied with fresh importations of negro slaves from Africa.

It has, however, been suggested that these abuses might be stopped by investing the Mixed Court of Justice established at the Havana with authority to investigate the cases of negroes who are held in slavery in the island, and to declare whether such negroes have or have not been imported into that island since the 30th October, 1820, and whether therefore they ought or ought not to be restored to freedom.

With this view, Her Majesty's Government have prepared a Draft of Convention, and I have been instructed to propose it to the Spanish Government.

I submitted to M. Perez de Castro some months ago a copy of this Convention, and His Excellency promised to take the subject into immediate consideration.

I have now the honour of transmitting to your Excellency another copy of the Draft of this Convention, the object of which I some time ago explained to your Excellency.

Her Catholic Majesty's Government have constantly professed as ardent a desire as the Government of Great Britain to concur in all the measures already proposed for the suppression of this abominable traffic; and yet the fact is undeniable, that, in the place of being diminished or modified by any of the measures of restraint which have hitherto been resorted to, the evil is actually on the increase in the Spanish colonies; a position satisfactorily established by the progressive nature of the official returns of the amount of the slave population.

To remedy this great abuse and violation of existing treaties, it is proposed to confer on the commission the power of enforcing the law of the country in which it is established, and to raise it to a degree of efficiency and vigour which will enable it to overthrow this grievance. It is by cutting off the demand for victims that the supply is to be suppressed. It is by making the purchaser and possessor of an imported African slave insecure in the enjoyment of his unlawful acquisition that he is to be deterred from paying the price. It is by demonstrating to the slave-dealer that imported Africans will no longer be a marketable commodity, and by that process alone, that he will willingly abandon a trade which has ceased to be profitable. Those objects will be attained by the conclusion of the proposed convention. It may possibly be argued that discontent and insurrection would arise amongst those slaves who will not be entitled to a declaration of freedom in their favour, in consequence of the place of their birth, or the date of their introduction, but in regard to such an objection, if raised, I have to observe to your Excellency that it forms no part of the proposed plan to disturb the condition of the Creole population or of those slaves who have been imported from Africa before the 30th October, 1820. It is, besides, by "units," and not by cargoes, that the process of liberation will take place, so that the proceedings under the proposed Convention will be much less alarming in their general aspect or in their individual amount than those already sanctioned by existing treaties.

The Court of Mixed Commission has been established in the Havana for upwards of 20 years; in the course of which discussions have frequently arisen affecting the freedom of entire cargoes of Africans, without producing a single practical case to give the captain-general or the Spanish Government any substantial cause of complaint, and this fact affords a strong presumption that the request for the enlargement of the powers of the court may be granted without danger or inconvenience.

In submitting the foregoing observations to your Excellency, I have to add that Her Majesty's Government and the British nation take a deep interest in this question; and the Government of Her Catholic Majesty will acquire great and lasting honour by agreeing to the proposed Convention, and thus putting an end to a practice so revolting to humanity.

I have, &c.

(Signed) ARTHUR ASTON.

His Excellency Don Joaquim Maria de Ferrer.
&c. &c. &c.

Second Enclosure in No. 1.

(Translation.) *M. J. M. de Ferrer to Mr. Aston.*

SIR,

Madrid, December 26, 1840.

I HAVE received the note which you were pleased to address to me on the 17th instant, relative to the measures which Her Britannic Majesty's Government propose for the purpose of preventing the continuation of the abuses which may be committed in the traffic of slaves in the island of Cuba.

The reasons which you adduce in order to prove the expediency of Her Majesty's Government's approving the project of Convention which you have enclosed to me are of the highest importance, and require that a matter which, from its grave nature, has always attracted the serious attention of the Spanish Cabinet, should be deeply meditated; and, acknowledging the honourable sentiments of the British Government and nation, I can assure you that the Provisional Regency at the kingdom are animated with the same philanthropic ideas, and that they are only restrained by having to combine them with local interests which they are bound to support and protect.

Nevertheless, as in order to take this matter into consideration, which of itself

is of sufficient interest, and besides, it being proposed by the British Government, with which Her Majesty's Government are united by such close ties of amity and good relationship, it becomes necessary to collect together all the data that can elucidate the matter; information has been demanded from the superior authorities of the island of Cuba, in order to be enabled to judge of the effects which the adoption of the aforesaid project of Convention might produce; and, flattering myself that Her Britannic Majesty's Government will view the above resolution as indispensable, I shall take care to inform you of the result, and avail myself, &c.

(Signed) JOAQUIM MARIA DE FERRER.

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

No. 2.

Viscount Palmerston to Mr. Aston.

SIR,

Foreign Office, January 20, 1841.

I HEREWITH transmit to you a copy of a communication which has been received at this office from the Admiralty, containing an account of the actual expenses and of the net profits of a successful slave-trading voyage, from the island of Cuba to Africa and back.

Among these expenses you will perceive that large sums are put down on account of money payments, which are made to the Governor of the district in the Spanish colony where the slaves are landed; for money paid also to the Commodore or senior officer in command of the Spanish naval force on the station, to the Intendente, and to the gendarmes of the district.

You will by note communicate this statement to the Spanish Government, and you will urge them to take some effectual steps for doing away with this practice so inconsistent with the engagements of the Spanish Crown, and so little in accordance with the spirit which animates the Regency of Spain.

I am, &c.

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

(Signed) PALMERSTON.

First Enclosure in No. 2.

Sir John Barrow to Mr. Backhouse.

SIR,

Admiralty, January 4, 1841.

I AM commanded by my Lords Commissioners of the Admiralty to transmit to you, to be laid before Viscount Palmerston, the accompanying copy of a letter from Commander Tucker, of Her Majesty's sloop "Wolverine," containing information as to the amount of the actual expenses and net profits of a successful slaving voyage.

I am, &c.

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

(Signed) JOHN BARROW.

Second Enclosure in No. 2.

Commander Tucker to Mr. More O'Ferrall.

*H. M. S. "Wolverine," at sea, lat. 6° 21' N.,
long. 3° 10' E. September 29, 1840.*

SIR,

CONSIDERING it an important part of my duty, as senior officer in command, to give to the Lords Commissioners of the Admiralty all the information I can give relating to the service I am employed upon, I have the honour to report the following, which I have received from sources I think may be relied upon, that, should Her Majesty's Government not have been previously informed of it, steps may be taken to ascertain its correctness, to serve as a guide in any further measures it may be deemed necessary to take for the total suppression of the Slave Trade.

At St. Jago de Cuba and the Havannah it is the general opinion that England

will never be able to stop the Slave Trade, so long as the Spanish Government does not prevent slave-vessels fitting and clearing out in the Spanish ports and harbours for the coast of Africa, and so long as it is encouraged, and the slave merchants and carriers are assisted by the officers of the Spanish Government, in command or in office at those places, who, though they publicly deny it, receive privately from the slave-merchants the following sums for the slaves landed within their command or jurisdiction:—

	<i>Dollars.</i>
The Governor receives for each slave landed	16
The Commodore or Senior Officer in command of the naval force of the whole station	4
The Intendente or Collector of Customs	7
The gendarmes, who take charge of the slaves and conduct them from the place at which they are landed to the merchants' houses, (one gendarme being allowed for that service, and to ascertain the number,) slaves not being now permitted to be landed at the seat of Government	0½

And so long as the owners or slave-merchants are induced to continue it by the enormous net profits arising from paying only 16 dollars, or trade goods which cost at St. Jago de Cuba and the Havannah that sum, and selling each slave landed, on the average, for the enormous sum of 300 dollars; and so long as the captains, officers, and crews of slave-vessels are induced to continue to carry them by the great emoluments arising to them from it, receiving as follows, viz.—

	<i>Dollars.</i>
The Captain—wages per mensem, and 10 per cent. upon the slaves landed	100
The 1st Pilot—wages per mensem, and 3½ per cent. upon the slaves landed	70
The 2nd Pilot—wages per mensem, and 1 per cent. upon the slaves landed	60
The Contra Maestre, or Boatswain—wages per mensem, and 1 per cent. upon the slaves landed	60
The Carpenter—wages per mensem	50
The Cooper	50
The Cook	40
The Steward of Provisions, and to serve slaves	40
Seamen each	30

A vessel lately detained by me, which was 105 Spanish tons, and had cleared her purchase and expenses by former successful voyages, was calculated would have realized, on the completion of the voyage she was detained, for which six months were allowed, the enormous net profit of 75,000 dollars, or 16,250*l.* sterling, which was calculated as follows, on the supposition of all the slaves being landed, to the amount of 400, the number she was to have taken from the River Nun, viz.—

	<i>Dollars.</i>	<i>Dollars.</i>	<i>Dollars.</i>
Slaves landed, 400, at 300 dollars each			120,000
<i>Deduct the following:—</i>			
First cost, of 400 slaves, at 16 dollars each		6,400	
Fees to Governor, at 16 dollars for each slave	6,400		
Commodore or Senior Officer, at 4 dollars	1,600		
Intendente, at 7 dollars	2,800		
Gendarme at ½ dollar	200		
	—	11,000	
To Captain, 100 dollars per month, for six months	600		
Ten per cent. upon 400 slaves	12,000		
	—	12,600	
To 1st Pilot, 70 dollars per month, for six months	420		
3½ per cent. upon 400 slaves	4,200		
	—	4,620	
To 2nd Pilot, 60 dollars per month, for six months	360		
One per cent. upon 400 slaves	1,200		
	—	1,560	
To Contra Maestre, or Boatswain, 60 dollars a month for six months	360		
One per cent. upon 400 slaves	1,200		
	—	1,560	
Carry forward		37,740	120,000

	Dollars.	Dollars.	Dollars.
Brought forward . . .		37,740	120,000
Carpenter, 50 dollars per month, for six months .	300		
Cooper, do. do. . .	300		
	—	600	
Cook, 40 dollars per month, for six months .	240		
Steward for provisions, do. do. . .	240		
	—	480	
Seamen, 15, at 30 dollars each per month, for six months . . .		2,700	
Provisions, Harbour-dues, Pilotage-loss . . .		3,380	
		—	44,900
Total net profits of the voyage to merchants . . .			75,100
which, at 4s. 4d. the dollar, is sterling . . .			£ 16,250

I have, &c.

(Signed) WILLIAM TUCKER,
Commander and Senior Officer.

M. O'Ferrall, Esq.
&c. &c. &c.

No. 3.

Viscount Palmerston to Mr. Aston.

SIR,

Foreign Office, January 26, 1841.

I HEREWITH transmit to you a copy of a Despatch and of its Enclosure from Her Majesty's Commissioners at Sierra Leone, containing a report of the case of the Spanish brigantine "*Palmira*," condemned in the British and Spanish Court of Justice at Sierra Leone, on a charge of having been concerned in Slave Trade.

You will by note communicate the facts of this case to the Spanish Government, drawing their attention to the circumstance that 12 leaguers or casks were permitted to be shipped on board of this vessel at St. Jago de Cuba, without the production of the security, required by the Treaty, that such casks should be employed solely for a legal purpose.

I am, &c.

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

(Signed) PALMERSTON.

Enclosure in No. 3.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, October 23, 1840.

(See Class A, No. 53, page 34.)

No. 4.

Mr. Aston to Viscount Palmerston.

Madrid February 8, 1841.

(Received February 17.)

MY LORD,

WITH reference to your Lordship's Despatch of the 20th October last, I have the honour to enclose the copy of a Note which I have addressed to the Spanish Government, upon the subject of the modification desired by Her Majesty's Government of the Spanish law, by which free negroes are forbidden to land in the Island of Cuba.

I have, &c.

(Signed) ARTHUR ASTON.

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

Enclosure in No. 4.

Mr. Aston to M. Ferrer.

SIR,

Madrid, December 28, 1840.

WITH reference to the Note which Mr. Perez de Castro addressed to Her Britannic Majesty's Chargé d'Affaires on the 1st of October 1839, stating that the Captain-General of Cuba had been directed to devise some means of reconciling the relaxation desired by Great Britain of the Spanish law, by which free negroes are forbidden to land in that Island, with the precautions requisite for the safety and tranquillity of Cuba, I have now the honour to forward to your Excellency a copy of a Despatch from Her Majesty's Consul at the Havana, from which it appears that the whole of the crew of the British vessel "Coquette" were recently imprisoned under the operation of the aforesaid law.

I am therefore instructed to call the attention of the Spanish Government to the above-mentioned Note of M. Perez de Castro, and to express the hope of Her Majesty's Government, that the Spanish Government will not any longer suffer the innocent and friendly commerce of British subjects with the subjects of Spain, to be impeded by the severe operation of the law in question.

I have, &c.

(Signed)

ARTHUR ASTON.

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

No. 5.

Mr. Aston to Viscount Palmerston.

Madrid, February 8, 1841.

(Received February 17.)

MY LORD,

I HAVE the honour to forward to your Lordship a copy of a Note which I have addressed to the Spanish Government, respecting the case of the Spanish brigantine "Diana," which was captured by Her Majesty's brig "Saracen."

I have, &c.

(Signed)

ARTHUR ASTON.

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

Enclosure in No. 5.

Mr. Aston to M. Ferrer.

SIR,

Madrid, January 26, 1841.

IN the month of last July the Spanish brigantine "Diana" was seized by Her Majesty's brig "Saracen," whilst cruising off the Gallinas, for being fully equipped for the Slave Trade, when she was taken to Sierra Leone for adjudication by the British and Spanish Mixed Court of Justice.

The Spanish character of the "Diana," and her unlawful equipment for carrying a cargo of slaves, were avowed by her master, and her condemnation was accordingly decreed on the 8th of last September, the trial having been unavoidably postponed because Lieutenant Hill, the commander of Her Majesty's ship "Saracen," had been unable for some time to spare any of his officers for the purpose of accompanying the "Diana" to Sierra Leone.

This vessel was originally the Spanish brigantine "Iberia," and was seized by Her Majesty's sloop "Brazen," and condemned at Sierra Leone on the 5th May, 1826.

She was sold at the Mixed Commission sale, and, after passing through several hands, ultimately became the property of Felipe Victorio of Cadiz, her late master.

The "Diana" sailed from Cadiz on the 15th of last June, ostensibly destined for Trinidad de Cuba, and as ostensibly equipped for the Slave Trade.

The clearance from Cadiz states that the consignee at that place had bound himself to be dealt with according to law, if, before the 13th December, 1840, he did

not deliver a certificate at the Custom House at Cadiz, that the articles mentioned in the vessel's clearance, and which have caused her condemnation at Sierra Leone as constituting illegal equipment, had been actually landed at Trinidad de Cuba. This obligation he has of course not performed, and he is therefore liable to the penalties provided by the Spanish law.

I have consequently been instructed to express to your Excellency the confident hope of Her Majesty's Government, that the Government of Her Catholic Majesty will punish the Spanish functionary who, it appears, permitted the "*Diana*" to leave Cadiz equipped for Slave Trade, and who, on that occasion, omitted to exact the bond required by the Treaty of 1835, for ensuring the legal employment of the casks on board the vessel.

I am further directed to call upon the Government of Her Catholic Majesty to exact from the consignee of the "*Diana*" the penalty to which he has become liable, for not having delivered a certificate at the Custom House at Cadiz, that the articles enumerated in the vessel's clearance had been landed at Trinidad de Cuba.

I have, &c.

(Signed)

ARTHUR ASTON.

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

No. 6.

Mr. Aston to Viscount Palmerston.

Madrid, February 8, 1841.

MY LORD,

(Received February 17.)

I HAVE the honour to enclose a copy of a Note which, in compliance with the instructions contained in your Lordship's Despatch of the 28th December last, I have addressed to M. Ferrer respecting the case of the Spanish schooner "*Sirena*," which was detained off the Gallinas, by Her Majesty's brig "*Saracen*," for being fully equipped for the Slave Trade, and subsequently condemned by the British and Spanish Mixed Court of Justice, at Sierra Leone.

I have the honour likewise to enclose a copy and translation of a Note which I have received from M. Ferrer in reply.

I have, &c.

(Signed)

ARTHUR ASTON.

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

First Enclosure in No. 6.

Mr. Aston to M. Ferrer.

SIR,

Madrid, January 24, 1841.

ON the 17th August last the Spanish schooner "*Sirena*," Manuel Muñiz master, was detained off the Gallinas by Her Majesty's brig "*Saracen*," for being fully equipped for the Slave Trade, and taken to Sierra Leone.

The clearest grounds for her condemnation were made out before the British and Spanish Mixed Court, and she was accordingly condemned on the 8th of last September.

The "*Sirena*" was from the Havana, and the evidence and facts of the case seem to make it clear that the authorities of that place cannot have been ignorant of her illegal equipment.

She was equipped with the following prohibited articles:—Hatches fitted to receive hatch-bars; a complete slave-deck; 58 shackles and bolts; a ground tier of leaguers; 170 wooden spoons; 18 mess-tins; a number of deck-tubs; and a 14-gallon boiler fitted to the cabouse.

No security whatever was taken for the lawful employment of the extraordinary number of water-casks which the vessel carried.

The different articles shipped in the "*Sirena*" were embarked by Ramon Caris y Badia, of the Havana, who it appears evident was either the owner, or the agent of the owner, of both the vessel and the cargo.

I am instructed to express to your Excellency the confident hope of Her Majesty's Government, that the Government of Her Catholic Majesty will institute an inquiry into this case, and that they will punish those of their functionaries who have thus connived at a violation of the Treaty of 1835.

I have, &c.

(Signed) ARTHUR ASTON.

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

Second Enclosure in No. 6.

(Translation.)

M. Ferrer to Mr. Aston.

SIR,

Madrid, February, 6, 1841.

I HAVE the honour to acknowledge the receipt of your Note of the 26th ultimo (24th), respecting the capture of the Spanish schooner "*Sirena*," by the British brig-of-war "*Saracen*," in consequence of being found beyond the Gallinas, completely equipped for the Slave Trade.

I have laid the details which you have afforded me before the provisional Regency of the kingdom, and they have been pleased to resolve, that they be immediately communicated to the Captain-general of the island of Cuba, ordering him at the same time to institute the necessary investigation, in order to ascertain if there was any connivance in the violation of the Treaty of 1835, as you suspect; and in the event of such being proved, that he shall proceed to render due justice, in conformity with that Treaty.

On receiving an answer on this subject from the island of Cuba, I shall lose no time in transmitting the details to you, and avail myself, &c.

(Signed) JOAQUIM MARIA DE FERRER.

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

No. 7.

Mr. Aston to Viscount Palmerston.

Madrid, February 8, 1841.

MY LORD,

(Received February 17.)

WITH reference to your Lordship's Despatch of the 29th December last, I have the honour to enclose the copy of a Note, which I have addressed to the Spanish Minister for Foreign Affairs, respecting the assault committed by a Spanish subject upon one of the soldiers of Her Majesty's ship "*Romney*," at the Havana.

I have, &c.

(Signed) ARTHUR ASTON.

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

Enclosure in No. 7.

Mr. Aston to M. Ferrer.

SIR,

Madrid, January 27, 1841.

IN compliance with the orders of my Government, I have the honour to transmit to your Excellency herewith copies of a Despatch and of its Enclosures which have been received by Viscount Palmerston from Her Majesty's Commissioners at the Havana, containing an account of an assault committed by a Spanish subject upon one of the soldiers of Her Majesty's ship "*Romney*," and of the subsequent imprisonment of the soldier by order of a Spanish functionary.

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

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

I have consequently been directed to express the confident hope of Her Majesty's Government, that the Government of Her Catholic Majesty will give the necessary orders for affording satisfaction for the outrage in question, and for preventing the recurrence of any similar proceeding.

I have, &c.

(Signed) ARTHUR ASTON.

His Excellency Don Joaquim Maria de Ferrer.
&c. &c. &c.

No. 8.

General Alava to Viscount Palmerston.

MY LORD,

81, *Harley Street, 27 de Febrero, 1841.*

(Received February 28.)

UN SUBDITO de Su Majestad Católica, llamado Miguel Pons, me acaba de dirijir una esposicion, fecha 26 del corriente, desde el Thames Police office, manifestandome que se halla allí arrestado, sin saber la causa.

Segun parece este Español fué apresado en una de las playas de la costa de Africa por los botes de un bergantin de su Majestad Britanica "Wolverine," su comandante Mr. William Tucker. Detenido á bordo de dicho buque cuarenta y dos dias, solo se le concedieron dos tercios de racion, tratandosele como á un prisionero. Verificóse su prision el 7 de Noviembre de 1840, y el 19 de Diciembre del mismo año se le puso á bordo del bergantin Ingles mercante "Governor Maclean," y en el ha sido conducido a este puerto.

Tengo entendido que sospechas infundadas han sido la causa de este procedimiento hacia un subdito de Su Majestad Católica, quien, penetrado de su inocencia, reclama mis buenos oficios, á fin de que se le juzgue de una vez, y se le facilite los medios de sincerarse para obtener cuanto antes su libertad, y hacer valer sus derechos. Siendo la demanda tan justa, me lisonjeo de que V. E. dictará al efecto las ordenes convenientes.

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

(Firmado) MIGUEL DE ALAVA.

Exmo. Sor. Vizconde de Palmerston.
&c. &c. &c.

(Translation.)

General Alava to Viscount Palmerston.

MY LORD,

81, *Harley Street, February 27, 1841.*

A SUBJECT of Her Catholic Majesty, Miguel Pons by name, has addressed to me a statement, under date of the 26th inst., from the Thames Police office, informing me that he is detained there without knowing why.

This Spaniard it would appear was made prisoner on the coast of Africa by the boats of Her Britannic Majesty's brig "Wolverine," Mr. William Tucker, commander. During the 42 days of his detention on board that ship he was only allowed two-thirds of a ration, and treated as a prisoner. He was captured on the 7th November, 1840, and on the 19th December following was transferred on board the merchant-brig "Governor Maclean," in which he was conducted to this port.

I understand that unfounded suspicions have caused this proceeding toward

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a subject of Her Catholic Majesty, who, conscious of his innocence, applies for my good offices, that he may be at once brought to trial and furnished with the means of clearing himself, in order to enable him to obtain his liberty forthwith, and establish his right. This request being no more than just, I flatter myself that your Lordship will issue the proper orders to this effect.

I avail, &c.

(Signed) MIGUEL DE ALAVA.

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

No. 9.

Mr. Aston to Viscount Palmerston.

Madrid, February 23, 1841.

MY LORD,

(Received March 3.)

I HAVE the honour to forward to your Lordship a copy and translation of a Note which I have received from M. Ferrer, complaining of the conduct of Mr. Turnbull, Her Majesty's Consul at the Havana, and requesting his recall.

I also enclose a copy and translation of a Despatch which his Excellency has addressed to the Captain-general of Cuba upon this subject.

I have, &c.

(Signed) ARTHUR ASTON.

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

First Enclosure in No. 9.

(Translation.)

M. Ferrer to Mr. Aston.

SIR,

Madrid, February 16, 1841.

WHEN I had the honour to transmit to you on the 30th of last November the Regium Exequatur, which you requested in your Note of the 10th, in order that Mr. David Turnbull might be authorised to act as Her Britannic Majesty's Consul at the Havana, subject to the conditions contained therein, and under which alone Consular Agents are admitted into the Spanish colonies, the Regency was ignorant of some peculiarities attending that individual, which came subsequently to their knowledge, the confirmation of which, as I shall presently have the honour of stating, places him under the absolute impossibility of remaining in that appointment.

Her Majesty's Government, when it received the first intimation of the said individual's proceedings, being desirous that such a contingency should not occur, as that the Captain-General of the island of Cuba might make use of the unlimited powers with which he is invested (and which, you will have seen by the said Exequatur, are quite clear and positive), with regard to the Consul of a nation with which Spain is so intimately connected, wrote to General Alava on the 18th December of last year, in order that he might state verbally to Lord Palmerston the advisableness of appointing to the Havana another Consul, in the room of the person who has lately been favoured with that situation. No reply has hitherto been received, either from General Alava or Lord Palmerston, upon this subject; but, as the official reports from the Havana allow of no longer delay, I am obliged to call the attention of Her Britannic Majesty's Government to Mr. David Turnbull's proceedings, without concealing the surprise felt by the Regency at perceiving that the choice should have fallen precisely upon a person who, without concealing it from the British Government, was going to afford cause for serious offence or disagreeable controversy.

The result is, that when Mr. Turnbull was named, he had just published in England a work entitled '*Travels in the West*,' with the intention of calling the attention of his Government to the necessity of adopting a new plan for the abolition of the Slave Trade and slavery in the island of Cuba.

In his work he describes the condition of the African race in that colony as

suffering a *systematic martyrdom*, and he recommends a sort of inquisition directed by the Mixed Commissions.

You must be surely aware that no other name can be given to the tribunal, the establishment of which is recommended by Mr. Turnbull, *to which the slaves might have the facility of applying for their freedom, whether entitled to it or not*; and he at once advises the British Government to appoint to that island employés, who may be animated by a common feeling for the cessation of the trade and the abolition of slavery.

If these exaggerated projects of philanthropy were carried into effect, would it not be (as the Westminster Review says in its 66th Number, in its criticisms upon that work) the very means most calculated to bring about a separation forever between the mother country and her transatlantic possessions?

These ideas of Mr. Turnbull being disseminated in Cuba, would it not appear to the eyes of the world as if he were a fanatical abolitionist, who would sacrifice the white race to his favourite black race? But let us for the present leave aside his work, allowing it to be nothing more than a simple publication against Slave Trade and Slavery, because Her Majesty's Government cannot believe, without deeply offending the honour and good sense of the British Government, that there ever was a question of exacting that Spain should consent to the loss of her most precious jewel, or that foreign agents should be allowed to remain in her colonies, who openly and avowedly proceed in the most determined manner to disseminate ideas of emancipation, or, what is tantamount to it, to excite an insurrection, which would, at the least, cause the ruin of millions of families, without, in the end, ensuring the happiness and prosperity of the negroes, as it is proved by the example of San Domingo, and even in Jamaica, where the condition of the emancipated negroes is not the least better than that of the Cuba slaves.

The principal authorities of the island of Cuba have become so alarmed at the arrival of Mr. David Turnbull, his ideas which he publishes being known, that they have one and all made a representation to the Metropolitan Government, pointing out the dangers which menace that colony, from the presence of the new British Consul, whose pernicious doctrines have already been disseminated amongst those peaceable inhabitants, and filled them with consternation, because they are believed to be doctrines admitted by England, from the very fact of their author being sent to the Havana as Consular Agent, with a view to prepare public opinion, before she countenances them openly and officially.

The Regency is far from supposing that the British Government has such views; but the strong remonstrances addressed to them by the Captain-General and the chief authorities of the Havana give them reason to fear an inevitable commotion in that island.

It being the duty of the Regency to watch over the safety and tranquillity of the inhabitants, the first step which they are obliged to take, so much to their regret, is to request you to transmit to your Court, as early as you can, a faithful report of the contents of this Note, in order that your Government may be convinced that it is not a vain fear which guides the Spanish Government, but that it is founded upon documents and facts which admit of no doubt.

These are the grounds for imploring Her Britannic Majesty to be pleased to recall Mr. David Turnbull, and to send in his place some other person who may not be qualified in so peculiar and dangerous a way with regard to the island of Cuba, where it is impossible that the present British Consul should remain.

To this effect I have been ordered by the Regency to address this reclamation to you, and, at the same time, I have the honour to declare to you that Her Catholic Majesty's Government is positively determined to leave no means untried in order to fulfil religiously and effectually the stipulations of the Treaty entered into with England in 1835, for the abolition of the Slave Trade, for which end the most positive orders are this very day sent to the Captains-General of the islands of Cuba and Porto Rico (as you will perceive from the enclosed copy) to carry into effect, under their own responsibility, the resolution of the Regency of the kingdom; and Her Majesty's Minister in London is also instructed to declare the same to Lord Palmerston.

These measures will prove to your Court the loyalty with which the Cabinet of Madrid proceeds in so important and momentous an affair, and that, if it does demand, with justice on its side, that the British Government should adopt a resolution which, without any harm to itself, will promote the welfare of a friendly and allied country, the consequences of such a measure, far from being an oppo-

sition to the object which was had in view when the before-mentioned Treaty of 1835 was signed, will undoubtedly contribute to render it more binding and complete.

I avail myself, &c.

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

(Signed)

JOAQUIM M. DE FERRER,

Second Enclosure in No. 9.

(Translation.) *M. Ferrer to the Captain-General of Cuba.*

MOST EXCELLENT SIR,

Madrid, February 16, 1841.

I HAVE given an account to the provisional regency of the kingdom of the contents of your Excellency's Despatches, Nos. 50, 51, 52, 53, 54, and 56 of last year, with all the preciseness required by the gravity of the subject on which they treat. Being acquainted with as much as your Excellency has been pleased to communicate to me respecting the dangers which threaten that island from the residence of the new British Consul, Mr. David Turnbull, in consequence of the baneful doctrines which are diffused through and appear in his work entitled "Travels in the West," it has thought proper to resolve that, in order not to give cause for your Excellency's expelling him from the island, which it is in your power to do in cases of urgent necessity, and of which your Excellency alone can judge, it will make known to the Government of Her Britannic Majesty the strong reasons which induce that of Her Majesty to demand the retirement of the said Turnbull, and the nomination in his room of another person, who will not be connected with the dangerous circumstances attending the present Consul, whose residence in the Havana it is by no means possible to permit.

By the accompanying copies, your Excellency will be made acquainted with the Note of this date, which I address to the Minister Plenipotentiary of Her Britannic Majesty at this court, and of the Despatch which, bearing the same date, I write to the Minister Plenipotentiary of Her Majesty in London upon this subject. The contents of both communications will calm the disquietude and alarm which your Excellency has informed me was produced by the arrival of that individual, and will enable your Excellency to efface any bad impression, and to rectify any error, into which the subaltern authorities and honoured inhabitants may have fallen, carried away by their patriotic and loyal sentiments, with respect to the intentions of the mother country. In them they will see corroborated, the firm resolution of the Regency to act as far as possible in accordance with the wishes of those inhabitants, for maintaining public tranquillity and the safety of the Island. It is thus that your Excellency should represent the matter to the Board of Patronage (Junta de Fomento) of that capital, whose exposition is enclosed in your Despatch No. 53.

But at the same time that the Regency performs so sacred a duty, it cannot fail in those which it has contracted with Great Britain, in virtue of the treaty for the abolition of the traffic in slaves concluded in 1835. It consequently does not wish that any of its measures may even bear the interpretation of an expedient sought out for the purpose of evading to a certain point the consequences of that treaty, the fulfilment of which it is firmly decided to observe with the most efficacious scrupulosity, without omitting any kind of measure for the attainment thereof.

In this supposition the Regency directs me to impart the whole matter to your Excellency, which I do, advising you in the most definite and explicit manner to take all the measures which may be within your reach, and under your immediate responsibility, to second the views of the Government of Her Majesty for putting an end to the intrigues and abusive frauds which have been denounced as of public notoriety, regarding the toleration of enterprises for the traffic and clandestine introduction of slaves into that island.

God preserve, &c.

(Signed)

JOAQUIN MARIA DE FERRER.

The Captain-General of the Island of Cuba.

No. 10.

*Mr. Aston to Viscount Palmerston.**Madrid, February 23, 1841.**(Received March 3.)*

MY LORD,

I HAVE the honour to enclose a copy of a Note which I have addressed to M. Ferrer, in execution of the instruction contained in your Lordship's Despatch of the 20th ultimo, respecting the expenses and net profits of a successful Slave-trading voyage, from the island of Cuba to Africa and back.

I have, &c.

(Signed)

ARTHUR ASTON.

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

Enclosure in No. 10.

Mr. Aston to M. Ferrer.

SIR,

Madrid, February 9, 1841.

IN compliance with the orders of my Government, I have the honour to enclose a copy of a communication from Commander Tucker, of Her Majesty's ship "Wolverine," containing an account of the actual expenses, and of the net profits, of a successful slave-trading voyage, from the island of Cuba to Africa and back.

Amongst other expenses, your Excellency will perceive that large sums are put down on account of money payments, which are made to the governor of the district in the Spanish colony where the slaves are landed; for money paid also to the Commodore or senior officer in command of the Spanish naval force on the station, to the Intendente, and to the gendarmes of the district.

I am further instructed to urge the Government of Her Catholic Majesty to take some effectual steps for doing away with this practice, so inconsistent with the engagements of the Spanish Crown, and so little in accordance with the spirit which animates the Regency of Spain.

I avail myself, &c.

(Signed)

ARTHUR ASTON.

His Excellency Don Joaquin Maria de Ferrer.
 &c. &c. &c.

No. 11.

*Mr. Aston to Viscount Palmerston.**Madrid, February 23, 1841.**(Received March 3.)*

MY LORD,

REFERRING to my Despatch of the 8th instant, I have the honour to enclose a copy and translation of the Note which I have received from M. Ferrer, in answer to mine of the 26th ultimo, respecting the case of the Spanish brigantine "Diana," which was captured by Her Majesty's ship "Saracen."

I have, &c.

(Signed)

ARTHUR ASTON.

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

Enclosure in No. 11.

*Mr. Ferrer to Mr. Aston.**Madrid, February 19, 1841.*(Translation.)
SIR,

I HAVE the honour to acknowledge the receipt of the Note which you were pleased to address to me on the 26th ultimo, stating the circumstances of the capture of the Spanish brig "Diana" by the English brig-of-war "Saracen," and demanding the punishment of the custom-house authority at Cadiz, who

permitted her to leave that port without fulfilling all the forms required by law, and of the consignee of the vessel for not having presented the certificate, which he was bound to produce in order to prove that the effects taken on board for Trinidad de Cuba had been landed there.

Having laid your communication before the provisional Regency of the Kingdom, they have been pleased to command that it shall be transmitted to the Minister of Finance, for the purpose of his directing that an investigation be made into the subject, the result of which I shall hasten to inform you of as soon as it is made known to me.

I avail myself, &c.

(Signed)

JOAQUIN MARIA DE FERRER.

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

No. 12.

Viscount Palmerston to Mr. Aston.

SIR,

Foreign Office, March 3, 1841.

I HEREWITH transmit to you copies of a Correspondence which I have had with Her Majesty's Consul at the Havana, respecting one of Her Majesty's subjects, named Henry Shirley, otherwise Francisco.

The accompanying papers state, that the individual in question was kidnapped in Jamaica, and carried to Cuba, and held many years in slavery in the last-mentioned island, at a place called Santa Cruz, but that subsequently, and for the purpose of defeating a search which had been made for him, he was taken away to Puerto Principe, or elsewhere, by his pretended owner Ledesma.

I have now to desire that you will, by note to the Spanish Government, state the circumstances of this case, and require, in the name of Her Majesty's Government, that peremptory orders shall be issued to the Governors of the Spanish West India Islands to deliver up the above-named individual, without further delay, to British authority, in order that he may be set free.

I am, &c.

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

(Signed)

PALMERSTON.

First Enclosure in No. 12.

Mr. Tolmé to Viscount Palmerston.

Havana, December 18, 1839.

(See Class B, 1839, Further Series, No. 37.)

Second Enclosure in No. 12.

Mr. Tolmé to Viscount Palmerston.

Havana, July 6, 1840.

(See Class B, 1840, No. 42, p. 35.)

Third Enclosure in No. 12.

Mr. Tolmé to Viscount Palmerston.

Havana, October 26, 1840.

(See Class B, 1840, No. 49, p. 63.)

Fourth Enclosure in No. 12.

Mr. Turnbull to Viscount Palmerston.

Havana, January 2, 1841.

(See No. 125.)

Fifth Enclosure in No. 12.

*Mr. Turnbull to Viscount Palmerston.**Havana, January 4, 1841.*

(See No. 130.)

No. 13.

Viscount Palmerston to Mr. Aston.

SIR,

Foreign Office, March 4, 1841.

I HEREWITH transmit to you a copy of a Despatch and of its several Enclosures, which I have received from Mr. David Turnbull, Her Majesty's Consul at the Havana, containing an account of communications which that officer has had with the Captain-General of Cuba, respecting an individual named Gavino.

It appears that in the year 1824 Gavino was emancipated from slavery by sentence of the mixed British and Spanish Court of Commission at the Havana, but that nevertheless he has been held in a state of bondage ever since, contrary to the engagements contracted by Her Catholic Majesty with the Crown of Great Britain, by the Treaty of the 23d September, 1817.

For the 7th article of the Regulations for the Mixed Commissions attached to that Treaty states, that the slaves emancipated by the Commission should be delivered over to the Government on whose territory the Commission which adjudged them is established, to be employed as servants or free labourers: and each Government bound itself to guarantee the liberty of such portion of those individuals as should be consigned to its care. But in Gavino's case, and as Her Majesty's Government firmly believe in almost every other case, the provisions of the Treaty in this respect have been unfulfilled.

Gavino has been assigned over to a master four several times for a period of five years at each assignment; the wages which Gavino has earned have not been given to him but to his master, and Gavino is now in the course of his fourth assignment, and employed as a slave, in the laborious occupation of water-carrier at the Havana.

You will by note communicate to the Spanish Government the accompanying papers, and, after stating the principal facts of the case, you will express the extreme regret of Her Majesty's Government at the tone and contents of the letter which the Governor of Cuba addressed to Her Majesty's Consul upon the subject, on the 22nd December, 1840, and which Her Majesty's Government cannot doubt will be marked by the disapprobation of the Spanish Government; for Her Majesty's Government cannot believe that the Government of Spain will permit the Governor of Cuba to attempt to deter Mr. Turnbull from performing his duty, by threatening him with expulsion from Cuba. Her Majesty's Government must also observe that Mr. Turnbull had a full right to receive Gavino and to hear his complaint, and they are much surprised that the Government of Cuba should question that right.

You will in conclusion state, that the British Government demand as a right, from the Spanish Government, the immediate freedom of all the negroes who have been emancipated in Cuba by sentence of the Mixed Commission, since the Treaty of 1817, but who appear hitherto to have been retained in practical slavery by the authorities of Cuba, in direct violation of the solemn engagements of the Spanish Crown.

Her Majesty's Government cannot allow themselves to believe that, when the Cabinet of Madrid shall see, as is proved by this correspondence, that the Treaty with Great Britain has in this matter been set at nought; that the faith of the Spanish Crown has been broken; that its engagements have been deliberately and systematically and during a long course of time violated; and that this has been done for the illegal profit of those public officers whose duty it was to have carried the Treaty into execution;—Her Majesty's Government cannot doubt that, when the Cabinet of Madrid shall see all this, it will hasten to redeem the honour of the Spanish Crown, by immediately putting an end to these monstrous abuses.

But it is evident that these emancipated negroes cannot hope for security from

oppression as long as they remain in Cuba; Her Majesty's Government therefore demand that they shall all be brought before the Mixed Commission, according to the lists deposited in the Archives of the Commission, and that they shall then, if they wish it, be handed over to the Superintendent of Liberated Africans, to be by him sent to a British colony, where they would by law as well as by Treaty be free.

Her Majesty's Government hope and trust that immediate orders to this effect will be sent to the Governor of Cuba; and in the mean while directions will be sent to Her Majesty's Commissioners and to the Superintendent of Liberated Africans, to place themselves in communication with the authorities of Cuba on this matter, and to make with them the preliminary arrangements for carrying into effect the orders of the Spanish Government, as soon as those orders shall have been received at the Havana.

I am, &c.

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

(Signed) PALMERSTON.

Enclosure in No. 13.

Mr. Turnbull to Viscount Palmerston.

Havana, December 30, 1840.

(See No. 122.)

No. 14.

Viscount Palmerston to General Alava.

Foreign Office, March 4, 1841.

The Undersigned, &c., has received the Note which General Alava, &c., addressed to the Undersigned under date of the 27th ultimo.

General Alava states in that Note, that a Spanish subject named Miguel Pons had been taken on the coast of Africa by Captain Tucker, of Her Majesty's ship "Wolverine," and sent prisoner to England, and General Alava adds that Miguel Pons desires to be brought to trial immediately, that he may have an opportunity of clearing himself from the unfounded charges, which have been the cause of the proceedings against him.

The Undersigned in reply hastens to transmit to General Alava, for communication to his Government, the statement which Captain Tucker sent in of the occurrence in question.

From these papers General Alava and the Spanish Government will see, that Miguel Pons was one of several slave-traders in the island of Corisco; and that the boats of Her Majesty's brigantine "Viper" having been wantonly and without the slightest provocation fired upon from the Spanish slave-factories on that island, Captain Tucker sent some forces to destroy those factories, enjoining those forces, however, not to resort to the use of fire-arms unless it should be absolutely necessary in self-defence; that Her Majesty's forces having proceeded to Corisco, were again fired upon from the slave-factories; but that Miguel Pons, who had been directing the firing, advanced with a coloured flag from among those who fired, and, the firing partially ceasing at that moment, the British commander landed, supposing the Spaniards wished to parley; but, on the British commander advancing and being in the act of addressing them, another volley of musketry was directed upon the English, by which four English subjects were wounded; and thereupon Miguel Pons was taken prisoner, and Captain Tucker sent him to England, in order that the Government might take further steps respecting him.

Altogether one British subject was killed and nine were wounded, by the fire from the persons on Corisco Island.

As soon as Miguel Pons arrived in England, Her Majesty's Government consulted the proper law-officer of the Crown, to see what could be done for bringing Miguel Pons to justice; that officer, however, replied that Miguel Pons cannot legally be detained as a prisoner in this country, inasmuch as there does not

appear to exist against him evidence of any crime which can be dealt with by British courts of law.

The individual will therefore be set at liberty without delay.

But the Undersigned cannot conclude this note, without requesting General Alava to urge the Spanish Government to take such measures as may be in its power to bring to justice, not only Miguel Pons, but every other Spanish subject who may have been concerned in the piratical acts of hostility against Her Majesty's subjects, of which the accompanying papers give an account.

The Undersigned, &c.

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

(Signed) PALMERSTON.

Enclosure in No. 14.

Commander Tucker's statement, dated November 11, 1840, enclosed in Admiralty letter of February 18, 1841.

(See Enclosure in No. 2.)

No. 15.

Viscount Palmerston to Mr. Aston

SIR,

Foreign Office, March 6, 1841.

I HAVE received and laid before the Queen your Despatch of the 23rd ultimo, enclosing copy of a note from M. Ferrer, complaining of the conduct of Mr. Turnbull, Her Majesty's Consul at the Havana, and requesting his immediate recall.

I have now to instruct you to present a note to the Spanish Minister, stating that Her Majesty's Government has no wish to protect Mr. Turnbull, or any other British agent, if proof can be adduced that he has committed any act which justly renders him liable to dismissal from his post; but that, on the other hand, Her Majesty's Government is persuaded that the Government of Spain is too just even to wish that any individual should be stigmatized by a removal from his appointment, unless some specific charge can be substantiated against him.

Now Her Majesty's Government cannot but remark that the note of M. Ferrer, applying for the removal of Mr. Turnbull, does not even allege any one single act done by him in his capacity of Consul which could justify his removal, but that note founds the application which it contains solely and entirely upon a literary work which Mr. Turnbull has published, and upon opinions which he is supposed to entertain, that the Slave Trade is a crime which ought to be severely punished, and effectually prevented; and that the condition of slavery is an evil which contaminates the social system of the country where it exists, which degrades the master as well as the slave, and which it is for the interest as well as for the honour of every nation among whom it exists to put an end to as soon as possible.

Now, in the first place, it cannot escape remark, that a demand for the expulsion or dismissal of a man, not for anything he has done, but for a book which he has published, and for opinions which he is supposed to hold, would have excited no surprise if proceeding from the Minister of an absolute and despotic Sovereign like Ferdinand VII., but could little have been expected from the Minister of a Constitutional Queen like Isabella II., who reigns over a country in which the liberty of the press, and freedom of thought and of speech, are established as fundamental principles of the social system, and as rights belonging even to the humblest man; and it was still less to be expected that such a doctrine should be acted upon by a Spanish Ministry of the present day, because it is probable that there are not many among those who hold prominent office under Queen Isabella, who have not either in their own persons, or in that of some relation or friend, been made to feel the bitter injustice of this very doctrine during the reign of Ferdinand VII.

But in the next place Her Majesty's Government can assure the Government

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of Spain, that the doctrines and opinions said to be entertained by Mr. Turnbull are so unanimously shared by the whole British nation, from the highest to the lowest, that it would be scarcely possible for Her Majesty's Government to find within the United Kingdom any person, who, by his education and attainments, was fitted for the post of Consul at the Havana, who did not entertain, upon the Slave Trade, and upon slavery, the very same opinions which are ascribed to Mr. Turnbull.

But if the opinions of Mr. Turnbull, instead of being considered in this country as blameable, are in fact thought to be highly praiseworthy, do those opinions nevertheless disqualify him for the particular duties which he has been appointed to perform? so far was Her Majesty's Government from thinking that those opinions do render Mr. Turnbull unfit for the situations of Consul and of Superintendent of Liberated Africans in Cuba, that it was precisely the book which he wrote, and the well-known sincerity and earnestness of his opinions, that pointed him out to Her Majesty's Government as a fit person to hold those appointments.

It has long been notorious to all the world that the Treaty with Great Britain and the law of Spain against the Slave Trade are a mere dead letter in Cuba. That the Slave Trade is carried on by many persons established in that island, and is pursued by them openly and incessantly, and not only with impunity, but even with the sanction and under the positive protection of the Governor and of all the subordinate authorities. It is well known that all the orders against Slave Trade which have been sent to Cuba from Madrid, have been either set at defiance by the Governor, or have been considered by him to be merely matters of form, issued for the sake of keeping up outward appearances, and such as he might safely disregard and disobey.

This state of things has long cast a deep stain upon the honour and good faith of the Spanish Crown, and nothing could justify the British Government in not pressing, even more strongly and more urgently than it has done, for a faithful and full execution of the engagements of the Treaty of 1835, but a consideration for the internal embarrassments under which Spain has been labouring, by reason of the civil war.

But as the Government of Madrid has shown itself unable to cause the local Government of Cuba to observe the Treaty, Her Majesty's Government has thought necessary to send to Cuba agents, whose zeal, courage, and activity would enable them to make head against all the local obstructions which they would meet with, and who in spite of difficulties, and in defiance of threats, would perform their duty to the British Crown, and watch, and denounce, and as far as possible impede, the criminal proceedings of the Cuba slave traders.

But no man could have energy enough to perform so arduous a task, who had not a strong feeling upon the subject to which his duties relate. For Her Majesty's Government well knew that every impediment would be thrown in the way of the British agents; that every white man in the island, from the Governor downwards, would do his utmost to prevent them from successfully performing their duties; that frivolous and unfounded complaints would be got up against them, and that every effort would be made to drive them away by disgust, or to obtain their recall by misrepresentation.

How then can the Spanish Government expect that Her Majesty's Government should consent to recall Mr. Turnbull, for no better reason than that he is alleged by the Governor of Cuba to possess the very qualities, which the British nation would declare render him peculiarly fit for his duties. The Spanish Government cannot seriously imagine that Her Majesty's Government would consent to do so.

It is, however, undoubtedly true that the Crown of Spain has a right to withdraw its exequatur from any foreign Consul in the Spanish dominions, if it shall think fit to do so, but the present ministers of Spain are too enlightened to advise their sovereign to exercise that right arbitrarily, capriciously, or unjustly, and without being able to assert and prove, that the Consul against whom the measure was to be directed had misconducted himself in the performance of his duties.

But if the exequatur were to be withdrawn from Mr. Turnbull as Consul, he would nevertheless continue to hold his commission as Superintendent of Liberated Africans, an office which is not subject to any instrument of confirmation by the Spanish Crown; and even if Mr. Turnbull were to be withdrawn from Cuba in both capacities, it would be the duty of Her Majesty's Government to select as his successor some other person holding the same opinions, and animated as nearly as possible with the same zeal and activity in the performance of his

duties; so that nothing would be gained for the Cuba slave-traders by the removal of Mr. Turnbull.

But Her Majesty's Government cannot disguise from the Government of Spain that if Mr. Turnbull's exequatur should be withdrawn upon such grounds as those stated by Mr. Ferrer, Her Majesty's Government would be very little disposed to maintain any consular officers in Cuba, and might probably deem it right to consider, whether it would be proper to permit any Spanish Consuls to continue to act in the possessions of Her Majesty's Crown.

Her Majesty's Government, however, earnestly entreat the Government of Spain to reconsider the whole of this matter, and Her Majesty's Government beg strongly to urge that the Spanish Government, instead of allowing itself to be led into the course, which the slave traders of Cuba and the colonial authorities who protect them would wish to point out, should come to the honourable determination of compelling the Governor and people of Cuba, to respect and to execute the Treaties, which Spain has concluded on these matters with England.

M. Ferrer indeed sends the copy of a Despatch addressed to the Governor of Cuba, and appeals to that Despatch as a convincing proof of the resolution of the Spanish Government to carry the Treaty of 1835 into execution; but Her Majesty's Government are obliged to say that they cannot consider that Despatch in any degree satisfactory; such general injunctions have over and over again been sent to Cuba; and even if the Governor for the time being has given himself the trouble to read them, he has never paid the slightest attention to their contents.

The same fate will inevitably attend the Despatch in question. But if the Spanish Government wishes to afford convincing proof of its good faith in this matter, let it send orders that all the negroes now in Cuba, who have been emancipated by sentence of the Mixed Commission, may at once be removed to a British colony, in order that they may be rescued from the real slavery under which they are suffering.

Let the Spanish Government take effectual measures for restoring all the colonial British subjects who have been kidnapped, and who are detained in slavery in Cuba, in violation of the law of nations.

Let the laws of Spain be rigidly enforced against the numerous slave traders in Cuba, whose occupation is as well and as publicly known as that of any man engaged in legitimate commerce.

And finally, let the Spanish Government take steps for restoring to freedom all those negroes who have been introduced into Cuba as slaves, in violation of the laws of Spain, and who therefore not being the legal property of any man, are *ipso facto* free by the law of the country itself.

If the Spanish Government will pursue such a course, which is recommended as much by a consideration for the well understood interests of Cuba as by a regard of the obligations of Treaties, there will at once be an end to those disagreeable discussions which have so long been carried on between the two Governments on this matter; and Spain will afford an honourable proof of its strict regard for its national engagements.

I am, &c.

(Signed) PALMERSTON.

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

No. 16.

General Alava to Viscount Palmerston.

81, Harley Street, 10 de Marzo, 1841.

(Received March 12.)

MY LORD,

HE recibido la nota que con fecha 4 del corriente se ha servido V. E. dirigirme, en la que me manifiesta los motivos que indujeron al Capitan Tucker á enviar a Inglaterra al subdito Español Miguel Pons, para ser juzgado por los tribunales Ingleses; pero que consultados los letrados de la corona habian sido de dictamen de que no se le podia legalmente detener como prisionero, por no ecsistir pruebas suficientes para que los tribunales Ingleses juzgasen el crimen que se le imputa.

Semejante acto de justicia no puede causar estrañeza a quien, como yo,

conoce por una larga experiencia la imparcialidad é incesorable rectitud de la magistradura Inglesa; en vista de lo cual, debo rogar á V. E. que para complemento de este justo proceder, se sirva dictar las medidas convenientes á fin de que se conduzca al espresado Miguel Pons á la isla de Cuba, á espensas del Gobierno Ingles, puesto que un capitán de la marina Real Britanica ha sido quien le ha enviado á Inglaterra por crímenes que no se le pueden probar.

Respecto á los deseos manifestados por V. E. de que haga yo presente al Gobierno de su Majestad Católica la urgencia de que se castigue á los subditos Españoles, reos de actos de hostilidad contra los subditos de su Majestad Britanica, me cabe la satisfaccion de informar á V. E. que con fecha 16 de Febrero ultimo, antes de que se supiese este incidente me decia el Exmo. Sñr. primer Secretario de Estado, al anunciarme la inquietud de los animos en Cuba y los temores que infundian las doctrinas y la conducta de Mr. Turnbull, "que el Gobierno Español está firmemente resuelto á que el tratado concluido con la Gran Bretaña en 1835, para la abolicion del trafico de negros, fuese fielmente observado en todas sus partes; y que se habian dado á los gefes superiores militares de Cuba y de Puerto Rico las ordenes mas terminantes, para que bajo su inmediata responsabilidad segunden las miras del Gobierno de su Majestad Católica."

En lo cual verá V. E. una prueba sincera y patente de los principios que guian al Gobierno Español; y una prenda de la acogida que tendrá la justa indicacion que se sirve V. E. hacerme en su citada Nota fecha 4 de Marzo.

Aprovecho esta ocasion, &c.

(Firmado) MIGUEL DE ALAVA.

Exmo. Sñr. Vizconde de Palmerston,
 &c. &c. &c.

(Translation.)

MY LORD,

81, *Harley Street*, March 10, 1841.

I have received the Note which your Lordship was pleased to address to me on the 4th instant, stating the motives which induced Captain Tucker to send to England Miguel Pons, a Spanish subject, to be tried in this country, but that on consulting the lawyers of the Crown, they had been of opinion that he could not be legally detained prisoner, inasmuch as there did not exist sufficient proofs, for the crime laid to his charge being taken cognizance of in the English courts of justice.

Such an act of justice can excite no surprise in one who like myself knows by long experience the impartiality and inexorable rectitude of the English tribunals; accordingly I must request your Lordship, with the view of making this just procedure complete, to be pleased to direct the proper steps to be taken for conveying the said Miguel Pons to the isle of Cuba, at the charge of the English Government, seeing that it was a captain of the Royal English Navy who had him sent to England for crimes that cannot be brought home to him.

As to the desire manifested by your Lordship, that I would state to Her Catholic Majesty's Government how urgently necessary it was to punish such of the Spanish subjects as should be guilty of acts of hostility against the subjects of Her Britannic Majesty, I am particularly gratified in being able to inform your Lordship, that under date of the 16th of February last, previous to my being aware of this incident, H. E. the First Secretary of State, in announcing to me the uneasiness that prevailed in Cuba, and the apprehensions occasioned by the doctrines and conduct of Mr. Turnbull, assures me "that the Spanish Government is firmly resolved to cause the Treaty concluded with Great Britain in 1835 for the abolition of the Slave Trade to be faithfully observed in all its parts, and that the superior military officers of Cuba and Porto Rico had received the most peremptory orders, on their immediate responsibility, to second the views of Her Catholic Majesty.

In the preceding assurance your Lordship will discern a sincere and manifest proof of the principles which guide the Spanish Government, and a pledge of the

reception that will be given to what has been justly pointed out by your Lordship in your Note of the 4th of March.

I avail myself, &c.

(Signed) MIGUEL DE ALAVA.

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

No. 17.

Viscount Palmerston to Mr. Aston.

SIR,

Foreign Office, March 18, 1841.

WITH reference to previous correspondence respecting the negro Wellington, wrongfully detained in slavery at Santiago de Cuba, I herewith transmit to you copies of recent communications between this office and the Colonial Department, Her Majesty's Consul at the Havana and Her Majesty's Consul at Santiago de Cuba, upon this subject.

From these communications there seems every reason to suppose that the negro Wellington has not yet been delivered over to British authority, but is still held in bondage in Cuba; and that the Spanish colonial authorities having in the first instance delivered up another person instead of Wellington, refer to that occurrence as if Wellington had in reality been delivered up,

I have therefore to desire that you will urge the Spanish Government again to give peremptory orders to the authorities of Cuba, to deliver Wellington up to British authority.

I am, &c.

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

(Signed) PALMERSTON.

First Enclosure in No. 17.

Mr. Turnbull to Viscount Palmerston.

Havana, November 14, 1840.

(See No. 131.)

Second Enclosure in No. 17.

Mr. Turnbull to Viscount Palmerston.

Havana, January 3, 1841.

(See No. 126.)

Third Enclosure in No. 17.

Mr. Turnbull to Viscount Palmerston.

Havana, January 4, 1841.

(See No. 129.)

Fourth Enclosure in No. 17.

Mr. Stephen to Mr. Backhouse.

SIR,

Downing Street, February 23, 1841.

WITH reference to former correspondence respecting the British negroes detained as slaves in the island of Cuba, I am directed by Lord John Russell to transmit to you, for the information of Viscount Palmerston, copies of two Despatches and their Enclosures from the Governor of Jamaica on the subject.

I have, &c.

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

(Signed) JAMES STEPHEN.

Fifth Enclosure in No. 17.

Sir Charles Metcalfe to Lord John Russell.

MY LORD,

King's House, Jamaica, December 13, 1840.

WITH reference to your Lordship's Despatch of the 11th of September, I have the honour to transmit copies of a Letter addressed to the British Consul at the Havana, and of the Enclosures therein.

I avail myself of the present opportunity to submit copies of former communications to British agents in Cuba, relating to people of Jamaica atrociously carried to that island and there enslaved.

I have, &c.

(Signed)

CHARLES T. METCALFE.

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

Sixth Enclosure in No. 17.

Sir Charles Metcalfe to Mr. Tolmé.

SIR,

King's House, Jamaica, December 13, 1840.

WITH reference to your Letter of the 6th of July to Her Majesty's Secretary of State for Foreign Affairs, I have the honour to transmit copies of communications from Montego Bay, relating to Henry Shirley, together with an original letter from that person to his aunt.

Alexander King, Thomas Watt, Gordon, and Ewing, witnesses in the case of Shirley, proceed by the same conveyance that takes this Despatch. For both purposes I have availed myself of the obliging aid of Commodore Douglas, who has ordered one of Her Majesty's vessels on this service.

It has appeared to be most expedient to send the witnesses in the case of Shirley to you in the first instance, in order that they may be at your disposal. They can be sent to Santa Cruz under your directions, if that should be the course you prefer or find necessary.

I take this opportunity of apprising you that no information has reached me of the release of Wellington, and that he is still supposed to be detained in slavery.

I have, &c.

(Signed)

CHARLES T. METCALFE.

C. D. Tolmé, Esq.
&c. &c. &c.

Seventh Enclosure in No. 17.

Mr. Higginson to Mr. Lawson.

SIR

King's House, November 6, 1840.

DIRECTIONS having been received from the Colonial Office to ascertain whether James Smith and Alexander King, traders between the ports of Montego Bay and Santa Cruz, stated to have known one Shirley, his wife, and Master Antonio la Damaux, or la Diezma, are willing to proceed to the latter port for the purpose of identifying the former, who is a British subject, and represented to be detained in slavery, you are requested to make the necessary inquiries, and report the result for the Governor's information.

You will be pleased to explain to the parties that a free passage will be found them, and their expenses paid.

I have, &c.

(Signed)

J. M. HIGGINSON, *Secretary.*

The Hon. G. M. Lawson, Senior Magistrate,
&c. &c. &c.

Eighth Enclosure in No. 17.

Mr. Lawson to Mr. Higginson.

SIR,

Montego Bay, November 10, 1840.

I HAVE the honour to acknowledge your Letter of the 6th, relative to two men, James Smith and King.

A man bearing the name of James Smith resides a good deal here, and I shall see him soon. Another, called Alexander King, left Montego Bay for Santa Cruz a few days ago, to return next week. He commands a small vessel in the employment of Messrs. Dewars, and is a trader to Cuba.

I shall have the honour to communicate to you the result, as soon as I shall have seen the men.

I have, &c.

(Signed) G. M. LAWSON, *Senior Magistrate.**J. M. Higginson, Esq.*

&c. &c. &c.

Ninth Enclosure in No. 17.

Mr. Lawson to Mr. Higginson.

SIR,

Montego Bay, November 16, 1840.

I HAVE the honour to submit the following communication to the notice of his Excellency from one David Gordon, a carpenter and trader from this port, in connexion with the letter I had the honour to receive from you by last post.

“David Gordon, a white man, was at Santa Cruz about six weeks ago; knows a negro man called Francisco, living there as a slave; he went from Kingston about six years ago, in a vessel belonging to a Captain Le Desma, to visit his wife, who had been previously transported; Le Desma made him a slave and still keeps him so; Francisco is about forty-five years of age, he gave Gordon the accompanying letter addressed to his aunt Mrs. Elizabeth Wilkins, Rum Lane, Kingston; Francisco expresses a strong wish to return to his friends. He lives at present with a woman called Rapheno. Francisco was a free man in Kingston; previously to going with Le Desma to Santa Cruz, Gordon used to stop at Francisco's House. Le Desma keeps a store at Santa Cruz. Francisco told Gordon that Le Desma wished to send him to Principe. Gordon knows no one by the name of Shirley, which, however, may have been Francisco's English name. Gordon is a ship carpenter, trading from this port to Santa Cruz and other places; expresses himself willing to go to Santa Cruz to identify Francisco, on his passage money and expenses being paid. He knows nothing of Master Antonio la Damaux, or la Diezma, unless he may be Le Desma.”

I have, &c.

(Signed) G. M. LAWSON, *Senior Magistrate.**J. M. Higginson, Esq.*

&c. &c. &c.

Tenth Enclosure in No. 17.

Mr. Lawson to Mr. Higginson.

SIR,

Montego Bay, November 23, 1840.

SINCE I had the honour to communicate to you by last post I have again seen Gordon, who saw at Falmouth a few days ago a man named William Ewing, who can identify Francisco to be the Shirley of your Letter, and that Antonio is the Le Desma of your Letter.

I have also seen Thomas Watt, who says he knows Francisco to have worked at Lucca Barracks about seven or eight years ago.

He is willing to proceed to Santa Cruz on the same terms as Gordon. The

home of both is at Montego Bay, but they move about in droggers. Alexander King has not yet returned from Santa Cruz

I have, &c.

(Signed) G. M. LAWSON, *Senior Magistrate.*

J. M. Higginson, Esq.
&c. &c. &c.

Eleventh Enclosure in No. 17.

Mr. Higginson to Mr. Lawson.

SIR,

King's House, December 3, 1840.

IN reference to your letters of the 16th and 23rd instant, respecting the unfortunate captive at Santa Cruz, I am desired to request that you will inform Gordon and Ewing, that as soon as one of Her Majesty's ships can be appointed to the service, she will be sent round to Montego Bay, and will carry them to Santa Cruz for the purpose of identifying Shirley and his master.

I have, &c.

(Signed) J. M. HIGGINSON, *Secretary.*

The Hon. G. M. Lawson, Senior Magistrate,
&c. &c. &c.

Twelfth Enclosure in No. 17.

Mr. Lawson to Mr. Higginson.

SIR,

Porto Bello, December 7, 1840.

I HAVE the honour to receive your letter of the 3rd, relative to Gordon and Ewing. The former is expected at Montego Bay to-morrow, and his employer, Mr. Fray, will point out to him the necessity of his holding himself in readiness to go to Santa Cruz when Her Majesty's ship may call for him. The latter is at Falmouth, where he is at present employed.

Since I had the honour to address you, I have seen Alexander King, who has just arrived from Santa Cruz; he cannot identify Francisco to be Shirley, although he knows him personally. He also informs me that Le Desma has sent Francisco up to Principe, for what purpose he does not know, probably hearing of the stir that is being made about him.

I have, &c.

(Signed) G. M. LAWSON, *Senior Magistrate.*

J. M. Higginson, Esq.
&c. &c. &c.

Thirteenth Enclosure in No. 17.

Henry Shirley to his Aunt.

DEAR AUNT,

September 27, 1840.

I HOPE these few lines will find You well and in a good state of Health. You says that you have only received one Letter, I wrote two Letters to You, You says that I must get some other person beside Mr. Ashbourne to do something for me. I knows no other person that would do anything for me excepting Mr. Ashbourne. I wish you would be so good as to speak for me, and try to get me from this Distant Country called Cuba Sth Cruz. Mr. Antonio Le Desma which is now claiming me as a Slave of his, is threatening every day to send me to Principy; to sell me; to avoid me from seeing my dear Family any more; Do my dear Aunt, do try and take up my business for me, as I have no person in Santa Cruz to do anything for me as quick as you possibly could, so i could return once more to my native land, so i may have comfort once more in this World

again, for Cuba slavery is the worst of slavery in the universal world. I hope at the receipt of this letter that all the family may be quite well. I have no more to say at present, but still

remains yours affectionate

Mrs. Elizabeth Wilkins,

(Signed)

HENRY SHIRLEY.

Kingston, Jamaica, Rum-Lane.

Fourteenth Enclosure in No. 17.

Sir Charles Metcalfe to Mr. Tolmé.

SIR,

King's House, November 8, 1839.

I HAVE the honour to transmit copies of a letter addressed to the Pro-Consul at Santiago de Cuba, and enclosures, and shall be greatly obliged by any assistance that you can afford in the subject-matter thereof.

I have, &c.

(Signed)

CHARLES T. METCALFE.

Her Majesty's Consul at the Havana.

Fifteenth Enclosure in No. 17.

Governor Metcalfe to Mr. Wright.

SIR,

King's House, November 8, 1839.

WITH reference to his Excellency Sir Lionel Smith's letter of the 19th July, I have the honour to inform you that the young man Wellington, aged about 24 or 25, is still supposed to be either in Cuba, or to have been removed to some other place.

I have also to trouble you with some papers regarding another individual who alleges that he was carried off from Jamaica and sold into slavery in Cuba.

I shall be infinitely obliged by any exertions you can make to effect the liberation of Wellington, and also of Henry Shirley, if the statement of the latter should prove to be well founded.

I have, &c.

(Signed)

CHARLES T. METCALFE.

J. J. Wright, Esq., Pro-Consul, St. Jago de Cuba,
&c. &c. &c.

Sixteenth Enclosure in No. 17.

Sir Charles Metcalfe to Mr. Wright.

SIR,

King's House, December 1, 1839.

I HAVE the honour to acknowledge the receipt of your letter of the 29th of November. The information communicated by you to the Governor of St. Jago de Cuba is quite correct. The name of the person condemned to death for kidnapping negroes in this island, and selling them as slaves in Cuba, is James, and he commanded a vessel which sailed from Montego Bay; others concerned with James in his crime have been arrested since his condemnation, and will be brought to trial.

The report noticed by his Excellency of the execution of Pedro Garcias is unfounded; and I am not aware that this person has appeared in Jamaica.

Captain Milne, of Her Majesty's ship "Crocodile," has proceeded to Cuba to make inquiries regarding some negroes sold in slavery there. He will, I have no doubt, receive every aid from you that it may be in your power to afford.

I have, &c.

(Signed)

CHARLES T. METCALFE.

J. Wright, Esq., Pro-Consul, St. Jago de Cuba.
&c. &c. &c.

Seventeenth Enclosure in No. 17.

Sir Charles Metcalfe to Mr. Wright.

SIR,

King's House, May 16, 1840.

I HAVE the honour to acknowledge the receipt of your Despatches of the 14th of November and the 14th of December, 1839, and of the 13th of February, 1840, and to thank you for the trouble you have kindly taken, with a view to effect the liberation of the kidnapped boy Wellington.

I am sorry to observe that your endeavours have been unsuccessful.

Having consulted the Attorney-General on the subject of your letters, I do not find that any assistance can be obtained here that would lead to the discovery of Wellington's place of concealment.

The enclosed report of the trial of James contains all the information that the liberated boys who were Wellington's companions can give regarding him.

I have, &c.

J. Wright, Esq.
&c. &c. &c.

(Signed)

CHARLES T. METCALFE,

[N. B. A further communication on the same subject as the above of the 16th of June was addressed to the Consul, a copy of which will be furnished hereafter.

(Signed)

J. M. HIGGINSON, *Secretary.*

Eighteenth Enclosure in No. 17.

Sir Charles Metcalfe to Mr. Tolmé.

SIR

King's House, May 16, 1840.

I HAVE the honour to acknowledge the receipt of your Despatches of the 20th of November, the 3rd and 9th of December, 1839, and of the 20th of January, 1840, and to thank you for the trouble you have kindly taken with a view to effect the liberation of the kidnapped negroes Wellington and Shirley.

I am sorry to add that your exertions have been unavailing, and that neither of those young men has been liberated.

I have further the honour to acknowledge the receipt of another letter of December, forwarding a parcel, and to beg your acceptance of my thanks for the same.

I have, &c.

C. D. Tolmé, Esq.
&c. &c. &c.

(Signed)

CHARLES T. METCALFE.

Nineteenth Enclosure in No. 17.

Sir Charles Metcalfe to Lord John Russell.

MY LORD,

King's House, Jamaica, December 23, 1840.

With reference to my Despatch conveying copies of correspondence with the British Consulate in Cuba regarding kidnapped negroes, I have the honour to submit copies of a communication from the late Consul at Havana, and of a letter which I have addressed to Mr. Turnbull, the present Consul.

I have, &c.

(Signed)

CHARLES T. METCALFE.

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

Twentieth Enclosure in No. 17.

Mr. Tolmé to Sir Charles Metcalfe.

SIR,

British Consulate, Havana, November 4, 1840.

I HAVE the honour to inform your Excellency that, the Queen having been graciously pleased to name Mr. David Turnbull to be Her Majesty's

Consul here, and that gentleman having arrived here, I have this day ceased to act in that character.

Whilst I announce these facts I also take leave to inform your Excellency, with reference to the subjects on which we have corresponded, that Shirley, the kidnapped negro, will, if his statement be true, no doubt be released, for I have been able, through the means of a person in Santa Cruz, to procure and communicate to the Government here particulars by which he cannot fail to be identified.

Wellington, who I presume is already free, I have claimed wages for during the time of his unjust detention, and the Captain-General informs me that this case is under consideration; and about the schooner "Charles," for which I claimed damages, the Intendente says he has written to Puerto Principe, and will in due time inform Her Majesty's Consulate of the result.

I have also to inform your Excellency that I have been able to secure the freedom of six negroes, formerly of Jamaica, who were in slavery here, namely: William Jones, Charles, Thomas, Joseph, Gregorie, and Marton. They are placed at the disposal of this Consulate, and wait only for an opportunity of being sent to your island.

I have, &c.

(Signed) C. D. TOLME.

His Excellency Sir Charles Metcalfe, Bart.
&c. &c. &c.

Twenty-first Enclosure in No. 17.

Sir Charles Metcalfe to Mr. Turnbull.

SIR,

King's House, December 23, 1840.

By the same vessel which conveys this letter, you will receive a Despatch addressed to your predecessor, before I was aware of his having been relieved, to the contents of which I solicit your attention.

I have now the honour to notice the receipt of a letter from Mr. Tolmé, announcing your having taken charge of the Consulate, and express my thankful acknowledgment for the release therein reported of six negroes, formerly of this island, for whom I hope a conveyance to Jamaica may be available in the vessel that carries this Despatch.

As Mr. Tolmé informs me that the means of identifying Shirley are forthcoming in Cuba, I abstain from sending the individuals mentioned in my communication of the 13th instant above referred to, as it would be giving them a troublesome voyage apparently to no purpose. If, however, you require their attendance, they shall be sent hereafter, in which case I beg you to mention where their presence would be desirable, whether at Havana or Santa Cruz, in order that they may be forwarded accordingly.

Mr. Tolmé appears for some time past to have been under a persuasion that Wellington has been released from slavery, but I have no other reason to suppose it. I beg therefore to solicit your attention to his case, as well as to that of Shirley, and that of the schooner "Charles," likewise noticed in Mr. Tolmé's last letter.

I have, &c.

(Signed) CHARLES T. METCALFE.

David Turnbull, Esq.
&c. &c. &c.

Twenty-Second Enclosure in No. 17.

Mr. Clarke to Viscount Palmerston.

St. Jago de Cuba, March 3, 1841.

(See No. 184.)

No. 18.

Mr. Aston to Viscount Palmerston.

Madrid, March 1, 1841.

(Received March 11.)

MY LORD,

I HAVE the honour to enclose a copy of a Note which, in obedience to the instructions contained in your Lordship's Despatch of the 26th ultimo, I have addressed to Mr. Ferrer, calling His Excellency's attention to the case of the Spanish brigantine "*Palmira*," condemned in the Mixed Court of Justice at Sierra Leone, on a charge of having been concerned in the Slave Trade.

I have, &c.

(Signed)

ARTHUR ASTON.

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

&c.

&c.

&c.

Enclosure in No. 18.

Mr. Aston to M. Ferrer.

SIR,

Madrid, February 24, 1841.

IN compliance with the orders of my Government, I have the honour to draw your Excellency's attention to the case of the Spanish brigantine "*Palmira*," which was condemned on the 19th of last October, in the British and Spanish Court of Justice at Sierra Leone, on a charge of having been concerned in Slave Trade.

This vessel was said to be owned by the master, who had lately purchased her from the house of Hisastigue and Vial, of St. Jago de Cuba, for 2000 dollars, and then fitted her out in that port for a voyage to the River Bonny, embarking a general cargo adapted to the Slave Trade in that quarter.

Amongst the articles embarked were 12 leaguers or casks, which were permitted by the Authorities of St. Jago de Cuba to be shipped, without the production of the security required by the Treaty, that such casks should be employed solely for a legal purpose, and it is this fact particularly which I am instructed to bring under the notice of the Government of Her Catholic Majesty.

I have, &c.

(Signed)

ARTHUR ASTON.

His Excellency Don Joaquin Maria de Ferrer,

&c.

&c.

&c.

No. 19.

Mr. Aston to Viscount Palmerston.

Madrid, March 6, 1841.

(Received March 17.)

MY LORD,

I HAVE the honour to enclose the copy and translation of a Note which I have received from M. Ferrer, informing me that my Note of the 24th ultimo, (a copy of which was forwarded to your Lordship in my Despatch of the 1st instant,) relative to the Spanish brigantine "*Palmira*," had been referred to the Captain-General of Cuba.

I have, &c.

(Signed)

ARTHUR ASTON.

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

&c.

&c.

&c.

Enclosure in No. 19.

M. Ferrer to Mr. Aston.

(Translation.)

Madrid, March 3, 1841.

SIR,

By order of the Provisional Regency of the Kingdom, I this day acquaint the Captain-General of the Island of Cuba with the case referred to in the Note which you addressed to me on the 24th of last month, relative to the Spanish brigantine "*Palmira*," proceeding from St. Jago, captured and condemned at Sierra Leone by the Mixed Court of Justice, for having been employed in Slave Trade.

I hope to receive a satisfactory answer upon this subject, which I shall have the honour of communicating to you the moment it reaches me.

I have, &c.

(Signed)

JOAQUIM MARIA DE FERRER.

The British Minister,

&c. &c. &c.

No. 20.

*Mr. Aston to Viscount Palmerston.**Madrid, March 6, 1841.*

MY LORD,

(Received March 17.)

WITH reference to my Despatch of the 8th ultimo, I have the honour to enclose copies and translations of a Note and its Enclosures, which I have received from M. Ferrer, in answer to the one I addressed to His Excellency on the 27th January last, respecting the assault committed by a Spanish subject upon one of the soldiers of Her Majesty's ship "*Romney*," stationed at the Havana.

I have, &c.

(Signed)

ARTHUR ASTON.

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

&c.

&c.

&c.

First Enclosure in No. 20.

(Translation.)

M. Ferrer to Mr. Aston.

SIR,

Madrid, February 17, 1841.

I duly received the Note which you were pleased to address to me on the 27th January last, enclosing four copies of certain documents from the English Commissioners at the Havana, transmitted to you by Lord Palmerston, with regard to the occurrence which took place near the house called "*Casa Blanca*," between a Spanish subject and six black soldiers of the English hulk "*Romney*."

Her Majesty's Government had received information of this affair some time previously; for the authorities of the Havana, in fulfilment of their duty, proceeded at once to form a summary investigation, which without loss of time they transmitted to the Government on the 31st October last. Having laid the communication of the Captain-General of Cuba before the Provisional Regency of the Kingdom, they were pleased to command me to write to Her Majesty's Minister in London, which I did on the 19th December last, informing him of the occurrence, and instructing him to take the necessary steps with the British Cabinet, in order that directions should be given to the commander of the "*Romney*" hulk to conform himself strictly to the conditions, in virtue of which Spain allowed permission to the soldiers of that vessel to land on a point of the coast marked for that purpose. The answer of General Alava, acknowledging the receipt of my Despatch, had scarcely reached me, when I received your Note of the 27th of January, to which I now reply.

I consider it my duty to transmit herewith to you, under condition of their being returned, the original official letter of Prince Anglona, of the 31st October, which I have already mentioned, with the four documents, likewise original, enclosed therein, viz. : No. 1. A letter from the British Commissioners in the Mixed Court of Justice. No. 2. The answer of the Captain-General of Cuba. No. 3. A certified copy of the summary investigation, in legal form, of the fact. No. 4. The official letter of the Captain-General, transmitting the same to Her Britannic Majesty's Commissioners.

By these original documents you will be made acquainted with all the details of this occurrence, in order that, in laying them before Lord Palmerston, you may be enabled to state to his Lordship the necessity of the most positive orders being issued to the commander of the "Romney" never to allow the crew of that vessel, under any pretext whatever, to land on the space allotted for their amusement, without an officer to take charge of them.

This serious omission on the part of the commander is the sole cause of the occurrence mentioned by the Captain-General, as you will perceive clearly demonstrated. To it the soldier Francis Graham owes his wound, and to it are to be also attributed the scandalous disorders committed, in disregard of public morality, by the six soldiers of the said hulk.

I trust you will recognise how disagreeable it is for Her Majesty's Government to be obliged to enter continually into correspondence with that of Her Britannic Majesty, on account of faults of this nature, which, though at first sight they may not appear of great consequence, are really so notwithstanding, and worthy of deep consideration, from being perpetrated in a colony which is so difficult to preserve from the machinations of those who, under different pretexts, are anxious for its ruin.

To this complaint another, not less founded, has to be added, and for which the Regency has commanded me to claim due satisfaction from the British Government through your medium. I allude to the little decorous conduct of the officer of the "Romney," Mr. Fitzgerald, in demanding from the justice of peace the six soldiers who had been arrested. His actions and his language were very distant from the respectability which characterizes the officers of the English Royal Navy, and they are to be found in the declaration of the interpreter Don Carlos Sivori, which forms part of the summary investigation, the perusal of which allow me to recommend to you, in order that you may be pleased to induce Lord Palmerston to cause that officer to be severely reprimanded, as he deserves.

You are aware of the restrictions imposed in the island of Cuba on the free negroes who arrive in foreign vessels, and the conditions exacted from those of the "Romney" hulk on acceding to the request of Her Britannic Majesty's Government, that they might be allowed to land on a point of the coast, for their recreation and the good of their health. The Spanish Government, however lively may be their wishes to favour in everything the subjects of their faithful ally and good friend the Queen of Great Britain, cannot avoid reclaiming the strict observance of those conditions, so wisely stipulated beforehand, and by which, if punctually fulfilled, the repetition of such occurrences, which are always unpleasant to both Governments, will be avoided.

In view therefore of all that I have stated, and of the original documents which I have the honour of forwarding to you, I trust you will be convinced that the complaint brought forward by you in your Note of the 27th January last, being grounded on data so very little exact as those transmitted to Lord Palmerston by the English Commissioners, is destitute of foundation, and that the Spanish Government, assured of the rectitude and prudence with which the authorities of the Havana have acted in this matter, cannot help making it so known to you, and reclaiming from the British Government that the most peremptory orders shall be issued to the commanding officer of the "Romney" hulk, directing him to attend strictly to the conditions established for the landing in the island of the black soldiers of that vessel; and that, at the same time, satisfaction be given for the irregular conduct observed by Captain Fitzgerald.

Her Majesty's Government might, even without such urgent causes, and in the exercise of the right which every Government possesses to adopt the measures they may consider most conducive towards the preservation of the different portions of the state, request at once that this permanent focus of altercations, of a nature so dangerous that it cannot or ought not to be allowed, should be with-

drawn from the island of Cuba; but before having recourse to this medium, which might perhaps be interpreted as showing less deference to a Government such as that of Her Britannic Majesty with which Her Catholic Majesty's Government is bound by so many and such close ties of friendship and gratitude, they wish to try the only conciliatory medium which presents itself, convinced that the English Cabinet will on their part adopt such efficacious measures to put an end to the evils complained of by that of Spain, as to render any others unnecessary.

I avail myself, &c.

(Signed) JOAQUIN MARIA DE FERRER.

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

Second Enclosure in No. 20.

The Prince of Anglona to M. Ferrer.

(Translation.)

Political and Military Government of the Havana,

MOST EXCELLENT SIR,

October 31, 1840.

ON the 12th instant the Captain, petty judge of the hamlet of "Casa Blanca," reported to me the occurrence which took place with six black soldiers belonging to the English hulk "Romney," who, having gone beyond the limits prescribed for their recreation, according to the royal order of the 3rd of April, 1839, were found in communication with eight negresses, having in the most scandalous manner introduced themselves into the country house of Donna Rafaela Cueto. I therefore directed the petty judge to proceed instantly to form the necessary investigation on the subject, and, on its being finished, to transmit it to me, for the purpose of adopting the measures which justice might demand.

In the mean time, and under date of the 13th of said month, the Commissioners of Her Britannic Majesty in the Mixed Court of Justice addressed to me the Letter, of which I enclose a copy, marked No. 1, in which they state the occurrence with inexactitude, and require the satisfaction therein expressed. By the Copy No. 2 your Excellency will observe the provisional answer which I returned, stating that, on reading the proceedings which I had ordered to be instituted, I would resolve on the case.

The investigation having been finished, I transmitted it to the Auditor of War, together with the Letter of the British Commissioners and other papers connected with the affair; and this officer, in view of what was stated by the first Fiscal of the Tribunal, returned to me his opinion in the terms contained in the Document No. 3, in which the summary investigation is likewise copied, which not only proves the excesses committed by the soldiers of the "Romney" with the aforesaid negresses, but that they had gone beyond the limits assigned to them, and introduced themselves into the beforementioned country house.

As, however, in my provisional answer to the British Commissioners, I promised to acquaint them with the result, I have done so in the terms contained in the copy No. 4. Under these circumstances it is my duty to acquaint your Excellency, in order that it may be laid before Her Majesty, that the six negro soldiers who landed on the 12th, did so without being accompanied by any English officer to take charge of them, according to the Instructions which were communicated by my predecessor to the British Commissioners, on fixing the Mondays and Thursdays of each week for their doing so, in the space of ground marked out on the Eastern coast of the bay, and which omission gave rise to this occurrence, for if an officer had been within sight of the soldiers, in fulfilment of his duty, the communication with the said negresses would have been prevented, and their going beyond the limits assigned, introducing themselves into an estate by breaking open the doors of a house, and committing the disturbances which have been detailed, and which forced the petty Judge of "Casa Blanca," in the discharge of his duty, to adopt measures to suppress them, finding himself under the necessity of calling in the aid of the commanding officer of the guard stationed at that point, whither they were conveyed, and where the English officer, on presenting himself afterwards, made use of the violent language which is proved in the summary investigation, and went so far as to throw his sword on the ground,

because the petty Judge refused to deliver up the soldier Francis Graham, having previously attacked him solely on account of that soldier having been slightly hurt on the head by the overseer of the estate, who made use of a stick to restrain him when he resisted, and refused to retire, although directed to do so; on which account the commanding officer of the guard was obliged to place his men under arms, in order to make it be respected.

The English officer hereupon withdrew, taking with him on board the "Romney" five of the black soldiers, the man Graham only remaining under arrest; and he was delivered up by my orders as soon as I was informed of the occurrence.

The fault committed by the officer in not landing in company of the negro soldiers to take charge of them and prevent their committing these disorders has given rise to the whole, and might have occasioned a disagreeable brawl: and as ulterior complaints may be made on the subject, I consider it expedient to report the occurrence to your Excellency, accompanied by documents, and to remind you how urgent it is towards the preservation of order in this country, to prevent under every circumstance all contact with negroes coming from abroad, according as is directed in repeated Royal Orders.

God preserve you, &c.

(Signed)

THE PRINCE OF ANGLONA,
MARQUIS OF JAVALQUINTO.

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

(Translation)

Third Enclosure in No. 20.

Summary Investigation with respect to the Disorders committed by the Black Soldiers of the English hulk "Romney," and the fault committed by an Officer of that Nation.

FIRST REPORT.

*Office of the Captain Petty Judge
of Casa Blanca, October 12, 1840.*

MOST EXCELLENT SIR,

I HAVE to report to your Excellency that Don Antonio Herrera, Overseer of the estate of Donna Rafaela Cueto, presented himself this day to me, complaining of the disorders which six black soldiers of the "Romney" hulk were committing; that the said negroes not only commit disorders on the grounds of the estate, but that they had introduced themselves into an unoccupied house at the end of the village belonging to the said Cueto, the doors of which they had forced open; that they were accompanied by eight negresses, named Gertrudis Gutierrez, Paula Accuedo, Josefa Carabalis, Dolores Penalua, Maria del Carmen Gutierrez, Dominga Pinillos, Francita Cabralis, and Merced Cabralis; and as they were causing great scandal in the village, I endeavoured to put a stop to it by arresting the negresses, and detaining the men until some officer of their nation should arrive, for they were without any one in charge of them. One of the negro soldiers, called Francis Graham, struck one of the persons who accompanied the overseer in order to defend the negresses, and he, in self-defence, gave Graham a slight wound on the forehead with a stick, and it was necessary to call in the assistance of the guard of the powder-magazine, in order to restrain them. Notwithstanding, when the officer of the said hulk arrived, who styled himself a captain in the army, he was given to understand, through the medium of the interpreter, Don Carlos Sivori, the orders in force, that the black soldiers should not be allowed to go about, except under the charge of an officer; but without listening to reason, and because the soldier who committed the fault was arrested, the officer drew his sword in the guard-room on the reporter, which so excited the negroes, that the guard was put under arms to contain them, and they were forced to obey, the officer carrying them all away except Graham, who was kept prisoner, and the whole of the negresses were detained; all which took place in the presence of many persons who accompanied the reporter. I have also to state to your Excellency, that the said black soldiers have gone inland to-day more than the half-mile prescribed in the official letter of the 27th May, 1839,

from your Excellency's predecessor, Don Joaquin de Espeleta. All which I report to your Excellency for your superior determination.

(Signed) JOSE LUIZ ROSILLO.

Decree.

Havana, October 13, 1840.

THE reporter will institute a summary investigation into this affair within the usual term, for which all necessary aid shall be given to him. (A rubric.)

In the village of Casa Blanca, on the 12th October, 1840, Don Jozé Luiz Rosillo, petty judge and captain ad interim, named by his Excellency the President Governor and Captain-General, said that on this day, about 10 in the morning, Don Antonio Herrera presented himself to him, complaining of the disorder which the black soldiers of the English hulk "Romney" were committing on the estate of Donna Rafaela Cueto, and in a house belonging to that lady at the end of this village, and the reporter having proceeded to the spot designated by Herrera to quell the disturbance in company with several of the inhabitants, he found them disseminated in several places, associating with some negresses, and, having collected together the latter, he cautioned the black soldiers to preserve orderly conduct, and not to go beyond the limits prescribed by the government; and whilst trying to keep them together until the arrival of an English officer to take charge of them, one of them, named Francis Graham, who was with one of the negresses, threatened Don Antonio Herrera and went so far as to raise his hand to him, upon which in self-defence he struck him on the forehead, causing a slight wound; and an officer of the said hulk, who styled himself a captain in the army, having come ashore, he was informed of what had taken place through the medium of Don Carlos Sivori who acted as interpreter; but that officer would not listen to reason; and it having been directed that the negro who had misbehaved should remain under arrest, the English officer drew his sword on the reporter in the guard-room, which caused the guard to be put under arms to restrain that officer, as well as the negro soldiers, and finding themselves surrounded by the guard he threw down his sword and continued speaking in his own language, and on going away he took it up again; in consequence of which I directed that this writ should be extended in order to serve as commencement of the process, in order that, in virtue of it, all the persons who witnessed the affair should be examined, and other necessary measures taken; and there being no public royal scrivener to write the proceedings, I name Don Feliciano Sanchez and Ramon de la Rosa as attending witnesses, who, being present, accepted and sworn duly and faithfully to fulfil their charge, and in proof thereof signed these presents with me.

(Signed) FELICIANO SANCHEZ.
RAMON DE LA ROZA.
JOSE LUIS ROSILLO.

Declaration of Don Antonio Herrera.

In the village of Casa Blanca, on the 13th October, 1840, in the presence of the actuating judge and attending witnesses, appeared Don Antonio Herrera, native of the Canary Islands, unmarried, and a farmer, who, being duly sworn to speak the truth, and examined on the subject of the foregoing writ, declared that yesterday at 10 in the morning he presented himself to the judge who now examines him, complaining of the disorder committed by the black soldiers of the English hulk "Romney," and having accompanied the judge to the place where these negroes were in the company of several negresses, the judge directed that these negresses should be collected together, which was done, and the soldiers also, who were scattered about inside the house of Donna Rafaela Cueto and other places, in order to deliver them up to an officer of their nation when he should present himself; the declarant having gone by order of the judge to look for a negro soldier and a negress who were in the high-road, the negro called Francis Graham opposed himself to the negress being taken away, and proceeded so far as to raise his hand against deponent, upon which, as is natural, he gave him a blow with his stick on the forehead, which caused a slight wound; it being necessary to state that these English negroes had committed disorders on the estate on other occasions, for which they had been repeatedly spoken to, without however paying any attention to the warnings, until the deponent resolved to complain to the judge;

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that on his way for that purpose he found some negroes inside of an unoccupied house belonging to said Donna Rafaelo Cueto, in which they had broken open the doors for the purpose of going in and out; that having collected together these negroes by order of the judge, in order to hand them over to one of their officers, an individual presented himself saying that he was a captain in the English army, it being remarkable that he wore no other insignia than a red jacket and shoulder-knots, and he asked how it was that a British citizen had been wounded, to which the judge answered through the medium of a person who acted as interpreter explaining the whole occurrence, but the English officer would listen to no reasons; on the contrary, he drew his sword against the judge, and the negroes got excited and began to speak in their language as if with intention to attack him; and as this took place in the powder-magazine guard-room, the guard got under arms to restrain them, and the English officer then threw his sword on the ground and continued speaking in his own tongue; which is all the deponent knows, and he declares it to be true by virtue of his oath; that he is 25 years of age, and does not sign because he cannot write, the judge and two attending witnesses doing so.

(Signed)

ROSILLO.
FELICIANO SANCHEZ.
RAMON DE LA ROSA.

Declaration of Don Antonio Torrealva.

ON the same day, year, and place, appeared Don Antonio Torrealva, native of Maracaibo, a married man, and owner of an establishment in the village, who, being duly sworn, &c., said, that yesterday about half past 10 in the morning, being in the guard-room of the powder-magazine at Tricornia, where the judge and other persons were assembled with six black soldiers of the "Romney" hulk, who had been found scattered about the fields and other places, and were brought together in order to be delivered over to an officer of their nation, a person arrived with a red jacket and shoulder-knots, who said he was a captain in the English army, and he asked how it was that a British citizen had been wounded, and the judge through an interpreter stated what had taken place, but the English officer paid no attention to what was said to him, and drew his sword on the judge, upon which the black soldiers became excited, and spoke in their language, intending by their gestures to attack the judge; and as this took place in the guard-room, it was put under arms to restrain them, as fortunately occurred: and that then this English officer repeated that he was a captain in the army, and threw down his sword, speaking in his own language; that this is the truth by virtue of his oath, that he is of age, and, his deposition having been read to him, he confirms it and signs it before the attending witnesses.

(Signed)

ROSILLO.
RAMON DE LA ROSA.
JOZE A. TORREALVA.
FELICIANO SANCHEZ.

Declaration of Don Antonio Ramon del Pino.

IN the village of Casa Blanca on the same day appeared Don Antonio Ramon del Pino, native of this city, and inhabitant of Casa Blanca, an unmarried man, following the occupation of a mower, who, being duly sworn, &c., deposed, that yesterday about 10 the Judge who examines him demanded his aid, in consequence of a complaint made by Don Antonio Herrera, of a disturbance which the black soldiers of the "Romney" were occasioning, and on going with the Judge to the place designated he found some negresses and soldiers of the hulk scattered about the enclosures, and the Judge directed that the negresses should be collected together, and also the soldiers, and the said Herrera having to look after two who were on the high road, the man called Francis Graham went so far as to menace him by lifting his hand against him, whereupon Herrera raised his stick and gave him a blow on the forehead, which caused a slight wound; that the said soldiers were also in a house at the end of the village, in which they had broken some of the doors for ingress and egress, for which they were reprimanded by the Judge; that having got the soldiers together, in order to be delivered over to one of their officers, and being in the guard-room of the powder-magazine, an officer with a red jacket and shoulder-knots and a sword made his appearance, and

the Judge through an interpreter stated to him what had occurred ; but without listening to what was said he drew his sword and challenged the Judge, and the black soldiers also seemed going to attack him ; that the guard then got under arms to restrain them, and the English officer threw his sword on the ground, speaking in his own language, and he afterwards took it up and went away with all the soldiers except the wounded one, who was detained ; all which is the truth, by virtue of his oath, &c. &c.

(Signed) DON ANTONIO RAMON DEL PINO.

Declaration of Don Jozé Fernandez.

In the village of Casa Blanca, on the 13th of October, 1841, appeared personally Don Jozé Fernandez, native of Ferrol, who, being duly sworn, &c., declared that he is a married man and inhabitant of this village ; that yesterday about 10 in the morning he was called on by the examining Judge to accompany him to the place called Tricornia ; that Don Antonia Herrera, who also accompanied him, with others, had complained of the disorders committing by the black soldiers of the English hulk, and on arriving at that place they found some negroes and negresses dispersed about among the enclosures, and the Judge ordered them to be brought together, it being prohibited that the said soldiers should separate themselves more than half a mile from the coast ; and having directed Don Antonio Herrera to look for two who were in the high road, one of them, called Francis Graham, lifted his hand against him, upon which Herrera gave him a slight blow on the forehead with a stick ; but after the negroes had been collected together to hand them over to an officer of their own, one presented himself, saying he was a captain in the English army, though he had no other insignia than a red jacket and shoulder-knots, and a sword by his side, and the Judge having, by means of an interpreter, stated to him the disorders that the soldiers had committed, and that they had come ashore without any officer, he only answered that a British citizen had been wounded, and, drawing his sword as if to attack the Judge, the negro soldiers seemed inclined to do the same, but fortunately this being in the guard-room of the powder-magazine at Triconia, the guard flew to arms and restrained them, upon which the English officer, speaking in his own language, threw his sword on the ground, which on going away he took up again ; which is all he knows or saw on the subject, and declares to be the truth by virtue of his oath.

(Signed) DON JOZE FERNANDEZ.

Declaration of Don Martin Aloma.

SAME place, day, and year, &c., appeared Don Martin Aloma, native of Catalonia, married, and a merchant, who, being duly sworn, declared :—That on the 12th instant, about 10 in the morning, the examining Judge sent for him to accompany him, in consequence of a complaint made by Don Antonio Herrera, of the disorders committed by the black soldiers of the “Romney” hulk, and having reached the place where they were dispersed about, the Judge ordered both negroes and negresses to be collected together, and sent Herrera to look for two who were on the high-road, and one of them, called Francis Graham, menaced him, and lifted his hand against him, upon which Herrera struck him with a stick on the forehead, and wounded him slightly ; and all the negroes having been assembled, they were taken to the guard-room to be given over to one of their officers, for they had landed without one ; that the declarant then went home, and did not witness what followed, but he has heard that the officer challenged the Judge, and drew his sword, and the guard had to get under arms to restrain them ; all of which he declares to be true in virtue of his oath.

(Signed) DON MARTIN ALOMA.

Declaration of Don Juan Jozé de la Fuente.

In the village of Casa Blanca, on the 14th October, 1840, appeared Don Juan Jozé de la Fuente, native of Santander, unmarried, and a merchant, who, being duly sworn, &c., declared :—That on the 12th instant, about half-past 10 in the morning, the examining Judge requested him to accompany him, in consequence of a complaint made by Don Antonio Herrera, of disorders being committed by

the black soldiers of the English hulk "Romney," and having arrived at the place were they were dispersed among the enclosures in company with several negroes, the Judge directed that they should be collected together, and sent Herrera to bring two negroes who were on the high-road, when one, called Francis Graham, threatened him so far as to lift his hand, upon which Herrera struck him on the forehead with a stick which he had in his hand, and wounded him slightly; that on the negroes being brought together they were taken by the Judge to the guard-room of the powder-magazine; that the declarant upon this went away, but he afterwards heard that the officer who came for the English soldiers had challenged the Judge, who had acted with such prudence as to prevent a serious affray, and that the guard had to take up arms in order to repress the fury of the negroes; that this is the truth, &c.

(Signatures.)

Declaration of Don Carlos Sivori.

SAME place, day, and year, appeared personally Don Carlos Sivori, native of Havana, and inhabitant of this village, a bachelor, and employed in commerce, who, being duly sworn, declared:—That being called upon by the examining Judge to serve as interpreter, I communicated to the English officer the orders given to me, who answered, that a negro subject of Her Britannic Majesty had been wounded, and after various grotesque and indecent gesticulations, and speaking against the Judge and others who were present, he was told that the cause of the negro's having been hurt was, because he had lifted his hand against a white man who was aiding the authorities; that he challenged the Judge, and drew his sword whilst in the guard-room of the powder-magazine, and wished to take away with him the black soldiers, who also became unruly, but the guard having got under arms, they were repressed, and that then the English officer said he was a captain in the British army, and threw his sword on the ground, which he afterwards took up on going away, and constantly he was uttering insulting expressions against the Judge and other persons who were present; and this he declares to be truth in virtue of his oath; that he is 20 years of age, &c.

(Signed)

ROSILLO.
CARLOS SIVORI.
And the others.

Declaration of Don Lucas Jozé Padron.

SAME place, day, and year, appeared Don Lucas Jozé Padron, native of the Canary Islands, inhabitant of this village, married, and engaged in commerce, who, being duly sworn, &c., declared:—That on the 12th instant, at half-past ten in the morning, being in the company of the examining Judge, he witnessed the disorders which the soldiers of the English hulk "Romney" were committing, dispersed among the enclosures in different places, on which account the Judge directed that they should be brought together, in order to deliver them over to an officer of their nation when he presented himself; and Don Antonio Herrera having to look for two who were on the high-road, one of them, called Francis Graham, menaced him, and went so far as to raise his hand, upon which Herrera gave him a blow on the forehead with a stick he carried in his hand, and caused slight wound; that part of the soldiers were in a house at the end of the village, the doors of which they had broken open, as was stated by Don Antonio Herrera; that having collected the negroes together to give them over to one of their officers, and being in the guard-room of the powder-magazine, an officer appeared in a red jacket, without any other insignia than his sword and shoulder-knots, and the Judge acquainted him by means of an interpreter with what had taken place; but the English officer, without listening to reason, challenged the Judge, and wielded his sword as if to strike him, and the black soldiers also seemed going to attack him: that the guard then took up their arms and repressed them, and the English officer threw down his sword, and kept speaking in his own language, and on going away with the negroes, except the wounded one, he took it up again; that this is the truth by virtue of his oath, &c.

(Signatures.)

Note.

ON the same day and year I addressed an official letter to the colonel of the regiment of Isabel II., in order that the Commander of the Guard that was on duty at the powder-magazine on the 12th, a corporal and two soldiers, should present themselves to declare in this case.

(Signed) ROSILLO.

Another.

ON the same day I addressed an official letter to Her Britannic Majesty's Consul, requesting he would be pleased to cause the negro soldiers who were in this village on the 12th instant to present themselves to declare.

(Signed) ROSILLO.

Report.

*Regiment of Chasseurs of Isabel II.
(Guard at Tricornia.)
Tricornia, October 12, 1840.*

THE undersigned sergeant reports to the Town Major, that, by order of the Captain Judge of this district, he has detained under arrest a negro called Francis Graham, belonging to the English hulk, who has been slightly wounded above the right eye. He reports at the same time, that, when in the act of receiving the prisoner at the entrance of the guard-room, an officer of that nation, on presenting himself, drew his sword and said that the negro should return on board, which obliged the guard to be placed under arms, to force him to moderate himself and obey the Captain of the district, which he accordingly did, and threw his sword on the ground; that after challenging the Captain he took up his sword and returned on board; that the guard assisted in securing eight negresses who were detained in front of the powder-magazine.

(Signed) RAMON NEYRA.

Decree.

Havana, October 14, 1840.

LET this Report be joined to the Summary Investigation, which the Captain of the village of Casa Blanca is at present forming. (A rubric.)

Declaration of Don Manuel del Pino.

IN the village of Casa Blanca on the 14th October, 1840, in the presence of the said Judge and of the attending witnesses, appeared Don Manuel del Pino, native of the Havana and resident at this village, a widower and seafaring man, who, being duly sworn, &c., declared, that on the 12th, about 10 o'clock in the morning, the examining Judge requested him to accompany him to restrain the disorders which were being committed by the black soldiers of the British hulk "Romney," and as the declarant was proceeding along to assist the Judge, they found some negresses and soldiers of the said hulk dispersed about the enclosures, and others within an uninhabited house at the outside of the village, the doors of which they had broken open to go in and out, and the Judge having directed that those individuals should be collected, this was accordingly effected, and one of the negroes, named Francis Graham, made some resistance, when, being urged by Don Antonio Herrera to walk on to meet the Judge, together with a negress who was with him, he threatened him, and finally lifted up his hand, when the said Herrera struck the negro with a stick he had in his hand, and inflicted a slight wound on his forehead. That after the said negroes had been collected together the Judge ordered them to be taken into the guard-house of the powder-magazine until some officer of their nation should appear, to be delivered up to him, when one officer presented himself, to whom the occurrence having been related by an interpreter, he answered in his own language to the latter in an insulting tone that a British subject had been wounded, and without paying attention to what was being said to him, he drew his sword in a passion against the Judge, and the negroes on seeing this made also a menacing demonstration. As all this was going on

near the guard-house, the guard was compelled to get under arms in order to repress the English, and the officer, seeing himself surrounded by the Spanish soldiers, threw his sword on the ground, grumbling in his own language, until on retiring he took it up, all the time speaking and gesticulating in defiance of the Judge. This is all he knows upon this subject, all of which he declares to be true in virtue of his oath.

(Signatures.)

Declaration of the Commander of the Guard, Don Ramon Neyra.

IN the village of Casa Blanca, on the 15th of October, 1840, appeared Don Ramon Neyra, native of Galicia, a bachelor, and being duly sworn and examined as to the report he addressed to the major of the place, as commander of the guard of the powder-magazine at Tricornia, he declared that he did ratify the said report in all its parts, adding that after the arrival of the British officer the latter ordered arbitrarily the serjeant of his own nation to go and take with him the detained soldiers who had been arrested by the capitan of the district, and were guarded by an escort of the said guard-house, to whom it was answered that this could not be complied with: all of which he declared to be true, in virtue of his oath.

(Signatures.)

Declaration of the Corporal of the Guard, Don Juan Antonio Rosas.

ON the same day of the same month and year appeared the corporal of the battalion of Isabella II., Don Juan Antonio Rosas, native of Sojo, a bachelor, who, being duly sworn, &c., declared—that on the British serjeant coming to the spot where the declarant was, escorting the negroes who had been collected together, he began to call them in his language, and to draw them up in order to drive them along with him, whereupon the declarant upbraided him by gestures, signifying to him that the negroes ought to sit down again where they were, until an order should be given by the capitan of the district for their departure, or their being destined elsewhere; that the serjeant proceeded subsequently to the guard-house, where the capitan of the district was at the time, together with an officer who had arrived from on board the British hulk, and returned in search of the negroes who were intrusted to the declarant's care, and ordered them up, in order to drive them away, to which the declarant opposed himself until the Judge directed him to allow it, when they all proceeded to the guard-house, and the British officer was informed of the occurrence by an interpreter, and that the said officer, without paying attention to reasons, endeavoured to drive the wounded negro away with him, drawing his sword and attacking the Judge, whereupon the whole guard got under arms in order to repress the English. All of which he declares to be true, in virtue of his oath.

(Signatures.)

Declaration of the Soldier Ramon Valle.

IN the village of Casa Blanca, on the same day of the same month and year, appeared Don Ramon Valle, a soldier of the regiment of Isabella II., native of Berga, a bachelor, who, being duly sworn, &c., declared, that he was within the guard-house and did not move out; the only thing he witnessed was that the British officer was speaking in his own language, and endeavouring to drive the negroes away, and that he drew his sword against the capitan of the district, whereupon the negroes became turbulent, when the guard got under arms in order to repress them, and the said British officer threw down his sword, and took it up again on his going away, speaking in his own language during the whole time: all of which he declares to be true in virtue of his oath, &c.

(Signatures.)

Declaration of the Soldier Matteo Patiño.

IN the village of Casa Blanca, on the same day of the same month and year, appeared Don Mateo Patiño, a soldier of the regiment of Isabella II., native of Galicia, a bachelor, who, being duly sworn, &c., declared that he was placed as sentry at one of the sentry-boxes of the powder-magazine, and that when he

was relieved he found at the guard-house an officer and some British negroes speaking with the capitan of the district, and that the said British officer in a passion drew his sword and attacked the judge, that the negroes also became mutinous, when they were repressed by the troops having got under arms, and that then the said officer threw down his sword, and took it up again on his going off, speaking in his own language: all of which he declares to be true in virtue of his oath.

(Signatures.)

Consulate of Her Britanic Majesty, Havana, October, 1840.

IN answer to your communication of yesterday's date, which I have just received, I request you will be pleased to address to the commander of the hulk "Romney," the summons for the black soldiers in question.

God preserve, &c.

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

The Capitan of Casa Blanca.

Note.

ON the 15th of the same month and year I addressed the commander of the British hulk, in order to take the declarations from the negroes who were present on Monday the 12th in this village.

(Signed) ROZILLO.

Declaration of the Lawyer Don Lorenzo Bento.

IN the village of Casa Blanca, on the 15th October 1840, &c., appeared the physician Don L. Bento, a native of the Canary Islands, a married man, being duly sworn, &c., declared, that on the 12th instant, as he was proceeding to the Hospital of Tricornia, he met on the road the petty judge, who informed him of the complaint addressed to him by Don Antonio Herrera, and that he went along with him until they reached the spot where the negroes were scattered about, when the examining judge directed the negresses and the black soldiers of the "Romney" hulk to be collected together, in order to deliver up the latter to one of their officers when he should present himself, and upon Don Antonio Herrera going in search of those who were upon the road, the negro named Francis Graham threatened him, and went so far as to lift up his hand, whereupon the said Herrera struck him on the forehead with the stick he carried in his hand, inflicting upon him a slight wound; and that also that some of the British were within a house situated outside of the village, the doors of which they had broken open, according to the statement of the said Herrera, and that after the negroes had been collected together in order to be delivered up to the officer of their nation on his presentation, as they were in the guard-house of the powder-magazine, a person in a red jacket, without other marks of his rank than some strings and his sword, made his appearance, and presented himself to the judge, who by means of an interpreter informed him of the occurrence, and that the British person, without paying any attention to reasons, defied the judge, drawing his sword to strike him, and the negroes also rushed on, whereupon the guard got under arms and repressed them, the British man continuing nevertheless to insult the judge until he threw down his sword, speaking in his language, and took it up again on his going off.

All of which he declares to be true in virtue of his oath, &c.

(Signatures.)

Note.

ON the 15th of the same month I addressed a communication to the commander of the British hulk "Romney," in order that he would direct the black soldiers who were present in this village on Monday, the 12th, to come and give their declarations, which circumstance I mark down, in order that it may appear on record.

(Signed) ROZILLO.

Report of the Petty Judge.

MOST EXCELLENT SIR,

Casa Blanca, October 15, 1840.

UPON the official letter mentioned in the above-mentioned Note being delivered to the commander of the British hulk, he answered verbally that the negroes in question cannot come on shore except on the days which have been fixed for them according to treaty. Which I report to your Excellency for the proper information.

(Signed) JOZE LUIS ROZILLO.

When this summary investigation is finished, let it be transmitted with an official letter in due form to his Excellency the President, Governor and Captain-General.

(Signed) ROZILLO.

*Official Letter.**Office of the Capitan Petty Judge of Casa Blanca,**October 14, 1840.*

MOST EXCELLENT SIR,

I TRANSMIT to your Excellency, in 19 sheets, the summary investigation which I have instituted respecting the disturbance caused by the black soldiers of the British hulk "Romney," and the fault committed by the officer of the said nation.

God preserve, &c.

(Signed) JOZE LUIS ROZILLO.

*His Excellency the President, Governor, and Captain-General.**Decree.**Havana, October 16, 1840.*

LET this summary investigation be transmitted to the Auditor of War, in order that he may consult with me, in consequence of the official letter of the Commissioners of Her Britannic Majesty, of my answer thereto, and of the other annexed documents.

(Signed) ANGLONA.

*Consultation.**Havana, October 17, 1840.*

MOST EXCELLENT SIR,

IT is the province of the first fiscal of the tribunal to examine these proceedings in order that he may represent what he may deem just, for which purpose they ought to be transmitted to the Scrivener's office, unless your Excellency determines what you think most proper.

(Signed) ANTONIO ARMERO.

*Decree.**Havana, October 18, 1840.*

I conform myself, and let it be fulfilled.

(Signed) ANGLONA.

*Opinion of the Fiscal.**Havana, October 20, 1840.*

MOST EXCELLENT SIR,

THE Fiscal says that he has examined the above-mentioned summary investigation, instituted in consequence of your orders by the petty judge of the village of Casa Blanca, and it results from it, by the concurring declarations of 14 eye-witnesses examined in due form, that on the 12th inst., about 10 o'clock in the morning, Don Antonio Herrera, overseer of the estate of Dona Rafaela Cueto, presented himself to the said judge, complaining of the scandalous excesses which were being committed there by six of the black soldiers of the British hulk "Romney," stationed in this port, together with 8 negroes, whose names are mentioned in the report, with the circumstance of their having introduced themselves into a house of that estate, the doors of which were broken open by them; that in consequence of that he proceeded to the spot where the occurrence was going on, assisted by some of the inhabitants, where he seized the women, whom he ordered to be driven off to the village; and that, on endeavouring to collect together the said negroes of the "Romney," for the purpose of delivering them up, as soon as somebody should appear to take charge of them, both on account of the excesses they were com-

mitting, and of finding them out of the limits assigned to them for their recreation, without any officer to watch over them, as is ordered, it occurred that one of the said negroes, called Francis Graham, who was unwilling to separate himself from the negress who accompanied him, lifted up his hand against Don Antonio Herrera, who, in order to repress him, struck him with a stick he carried in his hand, inflicting upon the negro a slight wound on the forehead: it is also proved that, the six negroes being already in the guard-house of the powder-magazine, of Tricornia, where they had been conveyed by the petty judge and his people, a person, who was said to be an English officer, presented himself there, who was informed by the judge, through the medium of Don Pablo Sivory, who acted as an interpreter, of all that had occurred, and the judge consented to deliver him five out of the six negroes, keeping the wounded one in custody for the purpose of instituting the investigation; and that, without any other motive, the said officer, getting into a passion, drew his sword against the judge, whom he challenged with insulting words, on account of the wound inflicted on the black citizen; that by this hostile demonstration the other negroes became turbulent, whereupon the guard was compelled to get under arms in order to repress them, and prevent a fatal result: that the officer then took his sword up, which he had thrown on the ground, and re-embarked, carrying with him 5 of the negroes in question. The Fiscal has seen likewise that on the 13th inst. Her Britannic Majesty's Commissioners of the Mixed Court of Justice, created for the sole object of interfering with cases concerning the prohibited African Slave Trade, addressed to your Excellency a letter, in which, stating the occurrence in a very different way, they took the liberty to request from your Excellency the following measures:—First, that the man who had the temerity to give rise to the dispute, and to inflict the injury, should be punished according to the utmost rigour of the law; Second, that the petty judge who committed so unheard-of an offence against the laws of all nations, as that of taking away a soldier from his commanding officer, be dismissed from his employment; Third, that the said judge be sent on board the "Romney" in order to apologize for the offence he committed personally against the officer; and Fourth, that the guards and all other persons in that neighbourhood shall be strictly ordered not to interfere with the unarmed black soldiers in all similar cases, but to inform their commanding officer of any fault they may have reason to complain of. If that which has been proved is to be depended upon, as it is regular, it will be necessary to agree that, far from the petty judge of Casa Blanca having committed the faults attributed to him, he did his duty with praiseworthy prudence and moderation, preventing the scandal occasioned by the black soldiers of the "Romney" with their licentious conduct and outrage to public decency, by arresting them until somebody should appear to take charge of them, both on account of their having walked beyond the limits assigned to them for their recreation, and of their not being under the vigilance of an officer, even had they been within the marked limits, a circumstance stipulated in the permission for landing.

The fiscal cannot conceive how the Commissioners, when they report that, when Lieutenant Fitzgerald arrived on shore, the black soldiers of the "Romney" were arrested in the guard-house of Tricornia, can deduce as a consequence the charge they make against the petty judge of having taken off a soldier from his commanding officer. The soldier was in custody when his officer arrived to claim him, and, therefore, nobody took the man from him, because it would then be necessary to invert the order of events. In consequence of all which has been stated above, this officer is of opinion that, keeping a copy of the summary, the original be transmitted to the Political Court of Government for the proper effects in the matter relative to the wound inflicted by Don Antonio Herrera upon the black soldier Francis Graham, which, though slight, requires a judicial investigation according to law;—that an answer be given to the Commissioners, as your Excellency promised them to do, stating to them the results of the investigation, and informing them that, as regards the first measure proposed by them, justice has been done in as far as possible; that there is no founded reason to accede to the 2nd and 3rd; and that, as regards the 4th measure, this superior government, without need of foreign stimulations, has adopted the proper rules for the preservation of order:—and, finally, that on account of the connexion of this occurrence with the antecedents of the establishment of the hulk "Romney" in this port, and with the permission of landing for the black soldiers on board the

same, an official report with the documents be made to Her Majesty, with the proper information, in order to furnish the supreme Government with anticipated knowledge upon a subject in which exaggerated reclamations are to be expected.

(Signed) PEDRO DE ALCANTARA.

Opinion of the Auditor.

MOST EXCELLENT SIR,

Havana, October 26, 1840.

THE Auditor has examined this summary, instituted on account of the occurrence which took place on shore between the six black soldiers of the British hulk "Romney," and the Officers of Justice of the district of Casa Blanca. And as the report of the occurrence is exactly laid down in the statement of the fiscal, the auditor forbears repeating it, his opinion being in conformity with the measures proposed by the first fiscal of the tribunal; because they are just, your Excellency may be pleased to order their fulfilment, communicating this resolution to Her Britannic Majesty's Commissioners of the Mixed Court of Justice, as your Excellency offered to him to do; observing to them, at the same time, that the absence of a British officer of the hulk (in whose presence the excesses occasioned by the six black soldiers would not have been committed) has been the cause of the whole occurrence which gives rise to the investigation. That in order to prevent such cases, both Governments agreed, with great foresight, upon this prudent remedy, which is indispensable, not only to prevent these individuals from promoting a disagreeable conflict, but also to avoid that they should have any contact with the black slaves of this island, on account of the fatal influence that might result therefrom. For that reason the limits of the spot were fixed at half a mile, which they are not permitted to pass, although the six black soldiers in question went beyond them on the said day; and, finally, that, it being necessary to prevent that similar cases take place in future, your Excellency may be pleased to recommend to the commander of the hulk the exact observance of what has been ordered; sending a report of the whole to Her Majesty's Government for the object proposed by the said fiscal. Your Excellency will nevertheless determine, &c.

(Signed) ANTONIO ARMERO.

Decree.

Havana, October 29, 1840.

IN conformity with the preceding statement, let it be fulfilled as it is therein proposed, and the scrivener of war will make three copies of it,—two of them to be sent to Her Majesty, as is directed, and the other to be placed in the archives with its antecedents, transmitting the original to his Excellency the Political Governor for the proper effects.

(Signed) ANGLONA.

Havana, October 31, 1840.

THE preceding statements are conformable to the original proceedings instituted for the investigation of the excesses committed by the black soldiers of the British hulk "Romney," and the fault committed by one of the officers of the same vessel, which have been delivered up to me by the secretaryship of the Captain-General's office, in order to examine them, and I refer to the original, which I have sent back to the said office.

No. 21.

Mr. Aston to Viscount Palmerston.

Madrid, March 6, 1841.

(Received March 17.)

MY LORD,

I HAVE the honour to enclose a copy and translation of M. Ferrer's reply to my note of the 9th ultimo, respecting the expenses and net profits of a

successful Slave-Trading Voyage from Cuba to Africa and back, of which a copy was transmitted to your Lordship in my Despatch of the 23d ultimo.

I have, &c.

(Signed)

ARTHUR ASTON.

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

Enclosure in No. 21.

(Translation.)

M. Ferrer to Mr. Aston.

SIR,

Madrid, March 2, 1841.

I HAVE the honour to acquaint you, in answer to the Note which you were pleased to address to me on the 9th February last, enclosing a communication from Mr. Tucker, Commander of Her Britannic Majesty's sloop "Wolverine," with regard to the expenses and net profits of a successful Slave-Trading Voyage from Cuba to Africa and back, that I have under this date transmitted copies of both papers to the Captain-General of the Island of Cuba, by order of the provisional regency of the kingdom, in order that an investigation may be made into the correctness of the sums mentioned in the account alluded to by Commander Tucker, as intended for the different Spanish Employés in that colony.

I avail myself, &c.

(Signed) JOAQUIM M. DE FERRER.

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

No. 22.

Viscount Palmerston to Mr. Aston

SIR,

Foreign Office, March 23, 1841.

I HEREWITH transmit to you for your information copies of a correspondence which has passed between the Admiralty, General Alava, and myself, containing an account of a wanton and unprovoked attack which was recently made by persons stationed at the Spanish slave-factory in the Island of Corisco, upon the boats of some of Her Majesty's ships of war.

It appears by this account that, in consequence of that attack, Captain Tucker, of Her Majesty's sloop "Wolverine," had ordered a detachment from the ships under his command to land on the island and to destroy the slave-factory; and Miguel Pons, one of the Spaniards who belonged to that factory, was taken prisoner, and has been sent to England.

But it was found that the offence which Pons had committed was not cognizable by any tribunal in this country, and Pons has therefore been released.

It is however desirable that the Spanish Government should know to what extent the laws of Spain are habitually violated by subjects of Her Catholic Majesty; and I have therefore to desire that you will communicate these papers to the Spanish Government, in order that they may take such steps in the matter as they may deem proper.

I am, &c.

(Signed)

PALMERSTON.

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

First Enclosure in No. 22.

Sir John Barrow to Mr. Backhouse.

SIR,

Admiralty, February 18, 1841.

I AM commanded by my Lords Commissioners of the Admiralty to transmit herewith, for the information of Viscount Palmerston, copies of a letter and its enclosures from Commander Tucker, of Her Majesty's sloop "Wolverine," stating the circumstances of a successful attack by the boats of that sloop upon

an establishment of Spanish slave-dealers on Corisco Island, in chastisement of an unprovoked act of hostility against the boats of the "Viper," and further reporting his intention of sending to England, for the disposal of Her Majesty's Government, one of the Spaniards who had been taken prisoner.

I am, &c.

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

(Signed) JOHN BARROW.

Second Enclosure in No. 22.

Commander Tucker to R. M. O'Ferrall, Esq.

*H. M. S. "Wolverine," at Sea, lat. 0° 10', S.,
long. 8° 50' E. November 11, 1840.*

SIR,

I BEG to report, for the information of the Lords Commissioners of the Admiralty, that, having received a report from Lieutenant Burslem, commanding Her Majesty's brigantine "Viper," as per annexed copy, No. 1, that the boats of that vessel had been fired upon off the south-west point of Corisco Island by some Spanish slave-dealers assisted by negroes, without any provocation, I considered it would be highly incorrect to permit such a wanton act of hostility and insult to the British flag to pass without notice, and as the depth of the water will not allow a vessel to anchor within range of shot, without the greatest risk of being wrecked or injured by the hard bottom and heavy rollers which generally set in on that part of the coast with a strong sea-breeze, and the "Viper's" boats being too few and too defective for that service, I deemed it expedient to inquire myself further into the offence committed before taking any steps, and, for the good of the service and the effectual performance of the duty, to employ the boats of this sloop to prevent future wanton acts of hostilities and insults by the same parties, and so soon as my other duties permitted me I arrived off the north end of Corisco on the morning of the 7th instant, where some native chiefs and people reside, who are the principal traders with the English and French; and having received full confirmation of Lieutenant Burslem's report, I anchored Her Majesty's sloop under my command as close to the south-west point of the island, where the Spanish factories were situated, as the water would allow me, and sent the boats away fully manned and armed, under the command of Lieutenant Dumaresq, with orders as per annexed copy No. 2, which he executed most completely and very much to my satisfaction, but I deeply regret to say with the loss of one seaman killed, and four seamen and four marines wounded; and having taken one Spaniard, (Miguel Pons,) the second factor, a prisoner. I transmit with this the accompanying copies of Lieutenant Dumaresq's letter No. 3, and the medical return No. 4. In Lieutenant Dumaresq's report their Lordships will perceive that he speaks in the highest terms of the conduct of Lieutenant Julian (second lieutenant), Mr. Rees, supernumerary second master, Dr. Charlton, assistant-surgeon, Mr. Carden, acting boatswain, and of the seamen and marines during the short but severe affair.

I have now the pleasing duty of expressing in the strongest terms possible my approbation and admiration of the manner in which Lieutenant Dumaresq executed my orders, in defiance of the superiority of numbers opposed to him, and without the possibility of receiving any support from the guns of this sloop, and I beg to call their Lordships' attention to my report of Lieutenant Dumaresq's previous most exemplary conduct, as reported in my letter to Rear-Admiral the Honourable George Elliot, C. B., in January last, a copy of which I have annexed, No. 5.

The Spaniard (Miguel Pons) now detained on board this sloop for firing on the boats of the "Viper" and this sloop, I shall send to England by the first opportunity with duplicates or copies of the letters and orders, of the declarations or depositions of witnesses of the proceedings, that the Government may take such steps with him as it may deem proper,

I also beg to annex the copies of two letters (Nos. 6 and 7) I sent to the king or chief of Corisco Island on the subject, for their Lordships' consideration, that, in the event of their not approving of my not taking any further steps, I may receive their Lordships' commands previous to my taking them, the arrangements I had previously made for the duties of this sloop and the squadron preventing

my remaining at Corisco, and will prevent my return for some months, having arranged to inspect all the forts and establishments on the Gold Coast, as per orders, and to visit the rivers Bonny and Cameroons to ascertain that the kings have completed the arrangements made on my last visit.

I have, &c.

(Signed) WILLIAM TUCKER (b),

Commander and Senior Officer.

R. M. O'Ferrall, Esq. M.P.,
&c. &c. &c.

Third Enclosure in No. 22.

(1.)

Lieutenant Burslem to Commander Tucker.

SIR,

H. M. B. "Viper," Prince's, August 16, 1840.

I HAVE the honour to inform you of the conduct of the Europeans and natives residing on the island of Corisco. Having sent the boats of Her Majesty's brigantine under my command off that island, they were on the 2nd, 3rd, and 4th instant fired into from the south-east and south-west points of Corisco from the barracoon placed on the south islet; the Spanish flag hoisted during the time of firing, the Europeans heading the natives, and encouraging them to act, and sometimes to wade up to their arm-pits in water and fire; several musquetoons were also fired, and the shot passed over the boats.

I have reason to believe that the Spanish slave-dealers at this island were at the head.

The boats did not give them the slightest provocation, but were at length obliged to return the fire in self-defence.

I trust you will be pleased to take serious notice of such conduct on the part of the Spaniards and natives.

I have, &c.,

(Signed) G. J. BURSLEM,

William Tucker, Esq., Lieutenant and Commander.
Commander of H. M. S. "Wolverine," and Senior Officer.

Fourth Enclosure in No. 22.

(2.)

Commander Tucker's Orders to Lieutenant Dumaresq.

By William Tucker (b), Esq., Commander of H. M. S. "Wolverine," and Senior Officer of H. M. ships and vessels employed on the West Coast of Africa.

SOME Spaniards (slave-dealers) at Corisco, and negroes instigated by them, having fired upon the boats of Her Majesty's brigantine "Viper" without provocation, you are hereby directed to take the command of the boats of this sloop fully manned and armed, and proceed to the town or residence of the Spaniards. You will anchor the pinnace as close as possible to the shore, so as to cover with her gun the marines and seamen who land with you. The cutter you will also anchor close to, to cover the landing party with the rockets, both boats being left in command of Lieutenant Julian, having sufficient men in them to perform the gun and rocket duties, to weigh their anchors and pull to the shore if requisite. You will land, and detain the Spaniards and any negroes you may find under arms, make the Spaniards prisoners and the negroes disperse so as to be out of reach of shot. You will surround and plant sentries round the houses and residences belonging to the Spaniards to prevent being surprised. And then you will set fire to and totally destroy them, taking the utmost caution that no negroes be in them, and that not one single thing is taken or stolen by any person under your orders. You will not resort to the use of arms, unless it be absolutely necessary in self-defence, the object being to take the Spaniards and destroy their property,

and to save, not to destroy, the negroes said to be slaves of the Spaniards who made them fire upon the "Viper's" boats. The utmost caution will be required to be taken by you and by the officers under your orders to prevent any irregularity in the seamen, who may be led away by the excitement of the duty; so soon as you have destroyed the whole of the property belonging to the Spaniards, you will return on board with any Spanish prisoners you may have taken.

Given under my hand on board the "Wolverine," off Corisco Island, the 7th day of November, 1840.

(Signed) WILLIAM TUCKER (b).

Lieutenant Dumaresq, in charge of the boats of this Sloop.

Fifth Enclosure in No. 22.

(3.)

Lieutenant Dumaresq to Commander Tucker.

Her Majesty's sloop "Wolverine," off Corisco.

SIR,

November 8, 1840.

IN pursuance of your orders, I proceeded in command of the boats of this sloop to destroy the factories of the Spaniards at Corisco. On approaching the shore, I observed three Spaniards directing a number of armed natives hauling up a large boat, after which the Spaniards returned up the hill by the pathway. As soon as the boats were in about musket-range, a very heavy fire of musketry was opened on the boats pulling, from front, right and left, which I immediately returned with grape and round from the pinnace, and musketry from all the boats. One of the Spaniards coming down waving a coloured flag and hat, and a slight cessation of firing at the time occurring, led me to suppose it intended a flag of truce, and, accordingly gave orders to cease firing, and landed with Mr. Rees (supernumerary second master), and marines. On approaching, and in the act of speaking to him, a volley of musketry was fired upon us, wounding three marines, on which I seized and made him prisoner, and landed the seamen under cover of the pinnace and cutter; having formed them on the beach, I proceeded up the hill under a heavy fire to destroy the town. After examining the barracoons to see that no slaves were confined, I immediately set on fire two large magazines containing a great quantity of spirits, powder, and merchandize, which, being to windward, set fire to and destroyed the whole of the buildings, which I had the satisfaction of witnessing previous to embarking my men.

Of the officers and men under my command I cannot speak in too high terms; their steadiness and good conduct was well worthy of the proud title of British Seamen and Royal Marines. Lieutenant Julian, who commanded the covering party, performed that arduous duty (the whole time exposed to a heavy fire) with a promptness and precision which assisted greatly to the fulfilment of my orders. From Mr. Rees, supernumary second master, and Mr. Carden, acting boatswain, I also received the most valuable assistance, and to Dr. Charlton, assistant surgeon, I am likewise much indebted for his great attention to the wounded.

I regret to add, sir, that this has not been accomplished without a severe loss, having to contend against a force vastly superior in point of numbers, and with the advantage of a country thickly wooded to the water's edge. From the nature of the country, being thickly covered with high trees and jungle, I had no means of ascertaining the loss of our opponents, but I consider it must have been very great from the quickness and precision of our firing at the points from which we were attacked.

I beg leave to enclose the accompanying return of killed and wounded; and

I have, &c.

(Signed) HENRY DUMARESQ,

First Lieutenant.

*Commander William Tucker,
H. M. S. "Wolverine."*

Sixth Enclosure in No. 22.

(4.)

RETURN of Seamen and Mariners Killed and Wounded in the boats of Her Majesty's sloop "Wolverine," at Corisco Island, on the 7th November, 1840.

Names.	Qualities.	Nature of Wound.
James M'Clean . .	Captain, Forecastle .	Killed.
Robert Collingwood .	" "	Wounded dangerously.
John Smith . . .	Supernumerary, A. B.	" severely.
Benjamin Eastbourne	Boatswain's Mate .	" slightly.
John Dymond . .	" "	" "
Abraham Crage . .	Private, R. M. . .	" severely.
John Evans . . .	Lance Corporal . .	" "
George Holloway . .	Private, R. M. . .	" "
Josiah Potter . . .	" "	" slightly.
James Foyster . .	" "	" "

(Signed) JOHN F. CHARLTON, M.D. *Assistant Surgeon.*
Sick at Hospital.—*Surgeon.*

Seventh Enclosure in No. 22.

(6.)

Commander Tucker to the Chief or Head Man of Corisco.

*Her Majesty's sloop "Wolverine," off Corisco,
November 7, 1840.*

THE Spaniards on your Island fired at an English man-of-war's boat some moons ago. I come this day to destroy the Spaniards' houses, and I send this letter to you now to tell you, that, if you permit any people to fire at English men-of-war's boats again, I will come and destroy your place also.

The English wish to be friends with the blacks, but they cannot permit black men, or Spaniards, or Portuguese, living on black men's land, to fire at their boats.

I am, &c.

(Signed) WILLIAM TUCKER (b),
Commander and Senior Officer.
The Chief or Head Man of Corisco,
&c. &c. &c.

Eighth Enclosure in No. 22.

(7.)

Commander Tucker to the Chief or Head Man of Corisco.

*Her Majesty's sloop "Wolverine," River Gaboon,
November 9, 1840.*

It having been clearly proved to me that a great number of the people of Corisco assisted the Spaniards, and fired upon the boats, and wounded some of the men of this sloop when I sent them to take the Spaniards and destroy their houses and factory for firing upon a man-of-war's boats some moons ago, as I told you in my letter of the 7th instant, I now tell you that I shall return in a short time, when, if you do not deliver up to me, or to any man-of-war I may send, Don Francisco, the head Spaniard, and the four Spaniards under him, who caused the Corisco people to fire, I shall set fire to and destroy everything belonging to you and to your people. I therefore advise you to make the Spaniards prisoners directly, put them in irons, and deliver them up when I come or send for them. I have the second factor (Miguel Pons) a prisoner on board,

and I shall not be satisfied until I have Don Francisco and the four under him. I send you this, and my letter of the 7th, by Peter, son of George, the trader of George Town, Corisco, who came off to this sloop, and would have ventured in his own boat, had not his boys been frightened by the firing on shore, and taken his canoe away from this sloop without his permission. I have landed him at King Denis Town, Gaboon, at his own request, the wind and current not allowing me to land him at Corisco; by which you will see that I do not wish and will not hurt a black man, if he is a good man, and a friend to the English, who are in every part of the world the black man's brother.

I have, &c.

(Signed) WILLIAM TUCKER (b),

The Chief or Head Man of Corisco,
&c. &c. &c.

Commander and Senior Officer.

Ninth Enclosure in No. 22.

(Immediate)

Sir J. Barrow to Mr. Backhouse.

SIR,

Admiralty, February 24, 1841.

I AM commanded by my Lords Commissioners of the Admiralty to transmit to you for the information of Viscount Palmerston, the enclosed letters in original (dated November 11,* December 19, and December 19, 1840) from Commander Tucker, of the "Wolverine," respecting the destruction of the Spanish slave-factories at Corisco, and reporting that he had ordered the Spaniard Miguel Pons, the second factor, to be sent to England as a prisoner. I am also to transmit to you the enclosed copy of a letter from Mr. James Morley, the master of the brig "Governor Maclean," reporting his arrival at Gravesend with the said prisoner on board, and I am to request to be informed what is Lord Palmerston's wish should be done with him. I am further to request that you will return these original papers to me when done with.

I am, &c.

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

(Signed)

J. BARROW.

Tenth Enclosure in No. 22.

Commander Tucker to R. More O'Ferrall, Esq., M.P.

SIR,

*Her Majesty's Sloop "Wolverine,"
Cape Coast Castle, December 19, 1840.*

WITH reference to my letter of the 11th November, 1840, reporting the boats of this sloop having destroyed the Spanish slave factories at Corisco, and taken one Spaniard, Miguel Pons (the 2nd factor), prisoner, whom I informed you I should send to England to be disposed of as deemed most advisable by Her Majesty's Government, I have now to report for the information of the Lords Commissioners of the Admiralty, that I have ordered the said prisoner a passage in the merchant brig "Governor Maclean" to England, to be delivered up by her master to whomsoever he may be ordered by their Lordships or the Commander-in-Chief of the port, having deemed it advisable and my duty to adopt the measure, as the only one by which a stop can be put to such wanton acts of hostility and insult to the British Flag. The accompanying copies of the declarations made, and of the letters, &c., relating to it, are transmitted as evidence against the prisoner, should it be requisite to take any steps in the absence of the witnesses.

* See Enclosure 2.

The copies of the letters 5, 6, and 7, referred to in my letter of the 11th November, 1840, do not accompany the others, as not relating to the prisoner's case.

I have, &c.

(Signed)

WILLIAM TUCKER,
Captain and Senior Officer.

R. More O'Ferrall, Esq.

&c. &c. &c.

Eleventh Enclosure in No. 22.

Deposition of Lieutenant Dumaresq.

*Her Majesty's Sloop "Wolverine," at Sea,
lat. 0° 33' S., long. 6° 5' E., November 13, 1840.*

IN the case of Miguel Pons, second factor at the slave factory (of which Don Francisco Vives y Tudury, a native of Port Mahon, is head factor) on the Island of Corisco to the house of Don Juan Fales and Co. at Mantanzas in the Island of Cuba, a subject of Spain and native of Port Mahon in Minorca, a prisoner on board Her Britannic Majesty's sloop "Wolverine," for firing or directing the natives to fire upon the boats of Her Majesty's brigantine "Viper" on the 2nd, 3rd, and 4th August, 1840, and on the boats of this sloop on the 7th November, 1840, without any provocation having been given, whereby one seaman was killed, and four seamen and five marines were wounded, the two Governments of Spain and England being at peace and in friendly alliance, Lieutenant Dumaresq, First Lieutenant, in command of the boats of this sloop on the 7th November, 1840, declares as follows: That, as I was pulling into the shore near which the Spanish slave factories were situated, in obedience to the orders of my commander, I observed with my spy-glass the prisoner Miguel Pons directing some armed natives in hauling a boat on shore, he having a spy-glass in his hand, and two other Spaniards being in his company. On the boats getting within musket-range, he, with the other Spaniards, went up the hill by the pathway towards the factories; the armed negroes or natives dispersed to the right and left, and when the Spaniards had retired, opened fire upon the boats from the front, right, and left. After the firing had continued for about ten minutes, it having been returned by the long gun from the pinnace, and musquetry from all the boats, the prisoner came down the hill waving a flag and hat, and, a slight cessation of firing at the time occurring, I was induced to think the waving of the flag was intended as a flag of truce, when I landed with Mr. Rees (supernumerary second master) and marines, to communicate with him. On approaching, and in the act of speaking to him, continued volleys of musketry were fired upon the party by which three marines were wounded, on which I seized Miguel Pons, made him prisoner, and sent him to the pinnace, landed the seamen and destroyed by fire all the buildings belonging to the factory; during the whole of which, lasting from about an hour and a half to two hours, one seaman was killed and four seamen and five marines were wounded. I recognise the prisoner Miguel Pons as one of the three Spaniards who had a spy-glass in his hand (which he brought with him), and whom I saw directing the armed natives in hauling the boat on shore, as the boats of this sloop were pulling in. In obedience to my Commander's orders, I did not fire, nor allow any firing to take place from any of the party under my orders, until after we had been fired upon some time from the shore, when I found it necessary to fire in self-defence.

(Signed)

H. DUMARESQ.

Declared before me, &c.

(Signed)

W. TUCKER, *Commander and Senior Officer.*

(Signed)

J. C. PULLEN, *Second Master, "Brisk,"
doing duty as Master on board "Wolverine."*

(Signed)

W. H. BATEMAN.

Acting Purser "Wolverine."

Twelfth Enclosure in No. 22.

Deposition of Lieutenant Julian.

Lieutenant Julian, Second Lieutenant, in command of the cutter, and under orders of Lieutenant Dumaresq, on the 7th November, 1840, declares as follows:—

I WAS in command of the cutter of the sloop under the orders of Lieutenant Dumaresq, and proceeded with him and the boats towards the shore of the S.W. point of Corisco. On approaching the small bay I saw three Spaniards, with a party of men, in the act of hauling a large boat upon the beach, also a party of men on the left-hand side of the landing-place; when within about musket-range of the shore the Spaniards retired up the pathway, and the natives into the jungle, and the boats were ordered to lay upon their oars, and at that time volleys of musketry from front, right, and left, were fired at the boats, which dangerously wounded a man in my boat. The firing was immediately returned by the long gun from the pinnace, and musketry from all the boats: after the discharge a slight cessation of firing occurring from the shore, and the prisoner Miguel Pons at the same time coming down, waving a French flag and his hat, orders were immediately given for the boats to cease firing, and Lieutenant Dumaresq, and Mr. Rees (supernumerary second master), and the marines landed. The Spaniard then came down to the beach, at which time volleys of musketry were fired at the boats from right and left, which I, then in command of the boats, returned with grape, and round, and musketry. Lieutenant Dumaresq then waved his cap, as per arrangement, as a signal for the seamen to be landed, which I immediately complied with, receiving at the same time the prisoner in the pinnace. On the seamen landing in charge of Mr. Carden, acting boatswain, Lieutenant Dumaresq and party gave three cheers, and proceeded up the hill to the factory, and I continued firing the long gun and musketry at the parts of the jungle from which the natives kept up an incessant firing, and which the prisoner pointed out as the places where most people were concealed. I received with the prisoner three marines who had been wounded at the time of landing, and observed one seaman dead on the beach. The firing continuing about an hour or more, during which one seaman was killed, and four seamen and five marines wounded, I observed the fire on shore in the direction of the factory, soon after which Lieutenant Dumaresq and party returned to the beach, embarked, and returned on board; the firing from the shore ceasing (with the exception of a straggling shot or two) so soon as the boats which had embarked the party came alongside the cutter and the pinnace, then at anchor within half musket-range of the beach. I believe, but cannot positively say, the prisoner was one of the three Spaniards I saw on the beach in the act of hauling up the boat as we were pulling in. During the firing I observed three canoes with about 19 or 20 men come from the south islet, and land upon our right, and believe they came and joined in the attack. No firing or hostile movements were made, and no orders given by Lieutenant Dumaresq to fire, until we had been fired upon by numerous muskets.

(Signed) H. J. JULIAN, *Second Lieutenant.*

Declared before me, &c.

(Signed) W. TUCKER.

Witnesses.

(Signed) J. C. PULLEN, *Second Master, "Brisk,"*
Acting Master "Wolverine."

(Signed) W. H. BATEMAN, *Acting Purser of*
Her Majesty's Sloop "Wolverine."

MR. REES (supernumerary second master), who was in charge of the second gig, absent, having been sent away in charge of the Portuguese brigantine "*Emilia*," detained on the 9th instant for being equipped for and engaged in the Slave Trade.

(Signed) W. TUCKER, *Commander, &c.*

Thirteenth Enclosure in No. 22.

Deposition of Dr. Charlton.

Dr. Charlton, Assistant Surgeon, sent on duty in the whale-boat under the orders of Lieutenant Dumaresq, on the 7th November, 1840, declares as follows:—

I WAS sent in the whale-boat by the commander with the following verbal order, being the only medical man on board, to keep out of gun-shot, and be ready to render any assistance, should any man be wounded and brought to me. I proceeded with Lieutenant Dumaresq and the other boats toward the shore of the S.W. point of Corisco: on approaching I saw two white men, with some natives, doing something to a boat on the beach, but, being short-sighted, I do not know what, nor could I see that the natives were armed. As the boats got within range, a volley of musketry was fired upon us from all quarters; I, being at the same time in the whale-boat outside the other boats, according to my orders, continued there until the whale-boat was ordered in by Lieutenant Dumaresq, when I went into the pinnace, and the whale-boat went to Lieutenant Dumaresq. The firing was returned from the pinnace and other boats. After the firing had continued from the shore some time, and one man was dangerously wounded, I observed a white man waving a flag, and a slight cessation of firing from the shore, when Lieutenant Dumaresq said it was a flag of truce, and gave orders for the boats to cease firing. Lieutenant Dumaresq then went on shore with Mr. Rees (supernumerary second master) and the marines, and, as he was landing, the firing commenced again from the jungle, when the boats returned the fire, about which time the prisoner (Miguel Pons) was brought to the pinnace, and I left her and went into the cutter to attend the seaman who had been dangerously wounded, and three wounded marines, who were brought off in the whale-boat. Soon after which I saw the houses on fire, and Lieutenant Dumaresq and party returned to the boats, during which time the firing was kept up by both parties, and did not cease from the shore until we were out of gun-shot. During the time I was in the pinnace and cutter, they were at anchor within about half musket-range. No firing took place from the boats, nor were any orders given to the boats to fire, until after a great number of shots had been fired from different parts of the shore; on approaching the shore my attention was drawn to their boats and canoes coming from the islet, under sail, and paddling apparently in great haste to reach the shore, one of which, a large boat, went round the point to the eastward.

(Signed) JOHN F. CHARLTON, M. D., *Assistant Surgeon, Her Majesty's Sloop "Wolverine"*

Declared before me on board H.M.S. "Wolverine," at sea, this 13th day of November, 1840.

(Signed) WILLIAM TUCKER (b),
Commander of Her Majesty's Sloop "Wolverine," and Senior Officer in command of Her Majesty's Ships and Vessels employed on the West Coast of Africa.

Witnesses.

(Signed) J. C. PULLEN, *Second Master, "Brisk," doing Master's duty on board "Wolverine."*

(Signed) W. H. BATEMAN, *Acting Purser of Her Majesty's Sloop "Wolverine."*

Fourteenth Enclosure in No. 22.

Deposition of Mr. James Carden.

Mr. James Carden, Acting Boatswain in command of the jolly-boat, and under the orders of Lieutenant Dumaresq, on the 7th November, 1840, declares as follows:—

I WAS in command of the jolly-boat of this sloop under the orders of Lieutenant Dumaresq, and proceeded with him and the other boats towards the shore of the S. W. point of Corisco. On approaching I saw three white men assisted by several natives hauling a large boat upon the beach, and a party of armed men on the left-hand side of the landing-place. When we got within musket-range they opened fire upon us from the right and left of the landing-place, which we returned. A very short time after the prisoner (Miguel Pons) came down waving a French flag, and Lieutenant Dumaresq immediately ordered the boats to cease firing, and called the whale-boat and gig, and went on shore with Mr. Rees (super-numerary second master) and the marines, leaving orders when he waved his cap that myself and the seamen were to follow him; about which time, the prisoner (Miguel Pons) was sent to my boat, and I took him to the pinnace; soon afterwards Lieutenant Dumaresq waved his cap; I landed with the seamen and found three marines wounded; formed on the beach, and proceeded up the hill to the factory; whilst we were ascending the hill, James M'Clean (captain of fore-castle) was killed. On reaching the factories we examined them to see that no slaves were confined, and set fire to and destroyed the whole of them, during which time the firing was kept up upon us, and four of our men wounded. After seeing every building on fire we returned to the boats, and embarked in the pinnace and cutter lying at anchor within half musket-range, during which a continual fire was kept up by the natives, which did not cease until the boats were out of gun-shot. I do not recognise the prisoner (Miguel Pons) as being one of the three Spaniards who were directing and hauling up the boats, being at too great a distance to distinguish without a spy-glass. No firing took place from the boats, and no orders were given by Lieutenant Dumaresq to fire, until after the natives had fired upon us some time, and one man (Robert Collingwood) was dangerously wounded.

(Signed) J. CARDEN,

Acting Boatswain, Her Majesty's Sloop "Wolverine,"

Declared before me, on board Her Majesty's sloop "Wolverine," at sea, this 13th day of November, 1840.

(Signed) WILLIAM TUCKER (b),

Commander of Her Majesty's Sloop "Wolverine," and Senior Officer in command of Her Majesty's Ships and Vessels on the West Coast of Africa.

Witnesses.

(Signed) J. C. PULLEN, *Second Master, "Brisk," doing Master's duty on board "Wolverine."*

(Signed) W. H. BATEMAN, *Acting Purser of Her Majesty's Sloop "Wolverine."*

Fifteenth Enclosure in No. 22.

Deposition of Benjamin Eastbourne.

Benjamin Eastbourne, Boatswain and Coxswain of the Pinnace under the orders of Lieutenant Dumaresq, on the 7th November, 1840, declares as follows:—

I WAS coxswain of the pinnace and in charge of her, under the orders of Lieutenant Dumaresq. On pulling in a-head of the other boats I saw several per-

sons armed on the landing-place, amongst whom were three or four Spaniards, and as the boats came near the shore they all retired up the pathway, and when within musket-range commenced firing upon them from front, right, and left, which was not returned until they had been firing some time; just about this time the pinnace touched the ground, and Lieutenant Dumaresq immediately called the smaller boats to land himself and marines, leaving order that he would wave his cap if he wanted us to come on shore. Just about the time Lieutenant Dumaresq was going on shore, the prisoner Miguel Pons appeared coming down the hill waving a flag, and Lieutenant Dumaresq gave orders for all the boats to cease firing. When Lieutenant Dumaresq had got on shore the natives fired upon the party that were landing, and also kept firing on the boats, when Lieutenant Dumaresq waved his cap for all of us to land. We commenced again when we saw them firing on the party on shore, and continued doing so until the boats came off to take the party, and brought off the Spaniard a prisoner, when I went on shore with them. On landing I saw two wounded marines on the beach. Then Lieutenant Dumaresq, at the head of the party, said "*Hurrah, boys!*" and proceeded up the hill, when I saw James M'Clean (captain of the fore-castle) killed. Then we went up the hill, keeping a fire upon the natives as they retreated from the houses, which we immediately set fire to and destroyed. When the houses were all on fire we returned to the boats, and embarked, and came on board, during which the natives kept up their fire until we were out of musket-range.

(Signed) B. EASTBOURNE,

Boatswain's-Mate Her Majesty's Sloop "Wolverine."

Declared before me, &c.

(Signed) W. TUCKER (*b*).

Witnesses.

(Signed) J. C. PULLEN, *Second Master, "Brisk," doing Master's duty on board "Wolverine."*

(Signed) W. H. BATEMAN, *Acting Purser, Her Majesty's Sloop "Wolverine."*

Sixteenth Enclosure in No. 22.

Deposition of Mr. Hall.

John Hall, Corporal in charge of the party of Marines under Lieutenant Dumaresq, on the 7th November, 1840, declares as follows:—

I WAS in the pinnace in charge of the party of marines under Lieutenant Dumaresq; on approaching the shore we observed a number of armed people on the beach; there appeared to be three or four white men among them. The black man in the boat pointed to one of them as the Spanish captain. On or about the time the pinnace touched the ground a heavy fire of musketry was opened on all the boats, which the marines returned. The white men and natives retired to the top of the hill, and the prisoner appeared waving a French flag, when Lieutenant Dumaresq ordered the boat to cease firing. Lieutenant Dumaresq and I with the marines landed. I was ordered by Lieutenant Dumaresq to take charge of the prisoner and see him into the boat, which I did, and then formed the marines on the beach until the seamen landed in the boats. Lieutenant Dumaresq ordered me to face to the right and march them in double quick time into the town, which I did, the seamen following, the natives firing at us from the beach all the time. We proceeded to the principal house in the square and set fire to it; from there to a store, broke it open, stove some casks of liquor, and set fire to it. After I left that house I heard of M'Clean's death, and proceeded to another large house in the corner of the square and set fire to that, during which time James Foyster and Joseph Potter, marines, and John Smith, seaman, were wounded; and the smoke became so dense in the square our people began to retire towards the beach. I was standing by Lieutenant Dumaresq when he asked what the people were running from, to which some one replied that the natives had stretched themselves across the road to intercept

us. When we got out of the smoke the natives opened their fire upon us again, which we returned until the boats took us off.

The firing continued at intervals until we got out of range.

(Signed) JOHN HALL, *Corporal of Marines.*

Declared before me, &c.

(Signed) W. TUCKER (*b*), *Commander, &c.*
Witnesses.

(Signed) J. C. PULLEN, *Second Master, "Brisk,"*
doing Master's duty on board "Wolverine."

(Signed) W. H. BATEMAN, *Acting Purser, Her*
Majesty's Sloop "Wolverine."

Seventeenth Enclosure in No. 22.

Deposition of Daniel Fisher.

Daniel Fisher, Boy, 1st class, doing duty as Signal and Maintop-boy on board Her Majesty's Sloop "Wolverine," declares as follows:—

I WAS at the maintop-masthead looking out on the boats by the Commander's orders, to report everything to him. The first thing I reported was the natives firing on the boats when they appeared to be within musket-range, and I had no sooner reported that than I saw all the boats toss their oars and return the fire. Then I saw the pinnace fire her long gun, and the boats continued firing about ten minutes; then the whale-boat landed with a number of people. Afterwards the second gig and then the jolly-boat appeared to land. I saw a smoke on the beach about five minutes after we landed, after which I saw the three boats return to the pinnace and cutter and commence firing. Then I saw seven boats under sail and pulling from the islet to Corisco, and landed on the highest point close to and to the eastward of our boats, in the largest of which there was a white man and about thirty hands pulling and sailing in apparently great haste, which boat landed round to the eastward of the point. Next thing I reported was the town on fire, and then two marines coming off in the whale-boat. Then I saw the whale-boat, gig, and jolly-boat land, and bring off the men. The boats appeared to continue firing until out of musket-range.

The natives kept up a heavy fire upon the boats the whole time.

(Signed) D. FISHER, *Boy, first class, Her Majesty's*
Sloop "Wolverine."

Declared, &c.

(Signed) WILLIAM TUCKER (*b*), *Commander, &c.*
Witnesses.

(Signed) J. C. PULLEN, *Second Master, "Brisk,"*
doing duty as Master on board "Wolverine."

(Signed) W. H. BATEMAN, *Acting Purser, Her*
Majesty's Sloop "Wolverine."

Eighteenth Enclosure in No. 22.

Extract from the Ship's Log of Her Majesty's Sloop "Wolverine," for the 7th November, 1840. Civil Time.

1. H.M. 15. Shortened sail and came to off the Spanish slave-factory in the Island of Corsico (with B.B.); veered to 24 fms.: out boats 1. 45.; sent them on shore manned and armed, in command of Lieutenant Dumaresq: reported his having fully executed the Commander's orders, having destroyed the Spanish slave factory and houses, and captured a Spaniard, one of the party who fired upon the boats, by which James McClean (captain of fore-castle) was killed, and four seamen and five marines wounded. 5. 20. In and up boats, weighed, and made all plain sail on port tack.

A True Extract.

(Signed) W. TUCKER, (*b*)

(Signed) J. C. PULLEN,

Second Master of the "Brisk," doing Master's duty on board
Her Majesty's Sloop "Wolverine."

Nineteenth Enclosure in No. 22.

*Commander Tucker to R. More O'Ferrall, Esq.**H. M. S. "Wolverine,"**Cape Coast Castle, December 19, 1840.*

SIR,

WITH reference to my letter of the 11th ultimo, No. 97, I have the honour to report, that I have sent the said prisoner Miguel Pons to England in the "Governor Maclean" merchant-brig, James Morley, Master, with instructions to write to you to inform you of his arrival, and to request instructions from you for the prisoner's disposal. A copy of the order to the Master of the "Governor Maclean" is on the other side hereof.

I have, &c.

R. M. O'Ferrall, Esq.,
Secretary, Admiralty, London.

(Signed) *W. TUCKER,*
Commander and Senior Officer.

Twentieth Enclosure in No. 22.

Order to the Master of the "Governor Maclean."

MEMORANDUM.

*H. M. S. "Wolverine,"**Cape Coast Castle, December 19, 1840.*

You will herewith receive the person named in the margin,* a prisoner taken at Corisco for firing on the boats of Her Majesty's sloop "Wolverine," when sent to destroy the Spanish slave-factory there, for firing on the boats of Her Majesty's brigantine "Viper" in August last.

You will victual him at two-thirds, as per accompanying scale of provisions.

The letters and papers relating to him you will send by post by the first opportunity, with a letter to the Secretary of the Admiralty, requesting the prisoner may be taken from the vessel and instructions to whom he is to be delivered.

You will sign a receipt for the said prisoner and documents, of which you are to take the greatest care, and for a navy bed and blanket sent with him, which you will deliver into store at Deptford Victualling Office, taking a receipt for the same.

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

Mr. James Morley, Master of the brig
"Governor Maclean," Cape Coast Castle.

Twenty-first Enclosure in No. 22.

*Mr. Morley to the Secretary to the Admiralty.**Brig Governor Maclean.*

SIR,

Gravesend, February 23, 1841.

I HAVE arrived here from the Western Coast of Africa with a prisoner from Her Majesty's sloop "Wolverine," on that station. I believe the documents relating to him have been sent to you. Will you please to send me instructions concerning him? The vessel will be in the London Docks to-morrow morning.

I am, &c.

(Signed) *JAMES MORLEY,**Master of the Brig Governor Maclean.**The Secretary to the Admiralty.*

* Miguel Pons.

Twenty-second Enclosure in No. 22.

(Immediate) *Sir John Barrow to J. Backhouse, Esq.*

SIR,

Admiralty, February 24, 1841.

I AM commanded by the Lords Commissioners of the Admiralty to transmit to you for the information of Viscount Palmerston the enclosed copy of a letter from Commander Tucker, of the "Wolverine," senior officer on the Western Coast of Africa, reporting upon the present state of the Slave Trade on that coast, and the number of vessels condemned, and the destruction of the slave-factory, Corisco Island, by the boats of the "Wolverine," and that at Gallinas by the boats of the "Wanderer."

I am, &c.

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

(Signed) JOHN BARROW.

Twenty-third Enclosure in No. 22.

Captain Tucker to R. More O'Ferrall, Esq.

SIR,

Her Majesty's Sloop "Wolverine,"
Cape Coast Castle, December 15, 1840.

WITH reference to my letter of the 29th and 30th September, Nos. 80, 81, and 85, I have now the honour to report the present state of the Slave Trade, and the number of vessels condemned to the Squadron under my orders between the 3rd of April and the 31st of December 1839, and from the 1st of January to this date 1840, the time I have been senior officer on the West Coast of Africa.

From 3rd of April to 31st December 43 slave-vessels were condemned, 10 of them with cargoes of slaves, the remainder 33 either empty or with outward-bound cargoes. From 1st of January to this date 37 vessels have been condemned to the squadron under my command, and 1 with slaves, the remainder 36 either empty or with outward-bound cargoes.

The slave-factory at Corisco Island was burnt and destroyed by the boats of this sloop on the 7th ultimo, and the slave-factory at Gallinas was burnt, and destroyed on the 19th ultimo by Commander the Honourable J. Denman, and 900 slaves taken from thence to Sierra Leone.

The total change which the slave-carrying system has undergone within this year, as explained in my letter of the 3rd September, No. 83, has been the cause of so few vessels, and particularly with slaves, being taken this year compared with the last year. Since explaining to their Lordships that plan I have the pleasure to report that I captured one of the vessels on the new system on the 14th October, after a chase of 11 hours. She had just made the land at Attocco at daylight when I discovered her: to her having sails too small for her proportions for light and moderate breezes I believe I may attribute my success; she was not to have anchored, and would have had her slaves off within an hour.

For the information of their Lordships I make the following extract from Lieutenant Broadhead's letter of proceedings respecting the Slave Trade.

"For the 97 days I have been off Popoe, I will be answerable that no vessel has sailed with slaves from there or Arway, or Great Popoe: one has attempted to enter twice, but has each time been driven off by the "Lynx," and her capture only rendered inevitable by the bad sailing of Her Majesty's brig under my command, she being in the present state of her copper useless as a cruizer, and not able to compete with the class of slavers, now arriving at the coast, even if fresh from the hands of the dockyard.

"My two last cruizes have extended to 190 days; and as I can assure you no vessels have taken in at the ports I have been stationed off, having seen into them daily, and only 2 vessels (slavers) have ever made their appearance, I feel myself justified in saying that in comparison with the last year the trade has ceased.

(Signed) H. BROADHEAD, *Lieutenant.*"

Although Lieutenant Broadhead states he is confident no vessels have taken slaves from his station, I must state that, from information I have received, I

vessel about 6 weeks ago took away 300 slaves from Whydah and Lagos (the "Buzzard" station). To prevent the possibility of slaves being taken from the rivers Nun and Brass, I have found it necessary to order the "Forester" to anchor off these rivers, to prevent the ingress and egress of any vessel equipped for the Slave Trade. She has been there since the 3rd of October, since which no return from her; but I feel confident that that is the best plan to adopt to put a stop to the Slave Trade in these rivers.

I have, &c.

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

R. More O'Ferrall, Esq., M.P., Admiralty.

Twenty-fourth Enclosure in No. 22.

(Immediate.) *Sir J. Barrow to Mr. Backhouse.*

Admiralty, February 25, 1841.

SIR John Barrow presents his compliments to Mr. Backhouse, and, with reference to Sir J. Barrow's letter of yesterday's date, and the papers sent with it, relating to the destruction of the Spanish slave-factories at Corisco, requests to be informed of Lord Palmerston's wishes as to the disposal of the prisoner, who has been sent to this country, and who is now in *custody of the police.*

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

Twenty-fifth Enclosure in No. 22.

Mr. Backhouse to the Secretary to the Admiralty.

SIR,

Foreign Office, February 27, 1841.

VISCOUNT Palmerston has referred to Her Majesty's Advocate-General the several communications from the Admiralty, named in the margin of this letter,* respecting Miguel Pons, said to be a slave-factor at Corisco, and sent to England as a prisoner by Captain Tucker, of Her Majesty's sloop "Wolverine;" and I am directed by his Lordship to acquaint you, for the information of the Lords Commissioners of the Admiralty, that the Queen's Advocate has reported it to be his opinion, that the individual in question cannot legally be detained as a prisoner, inasmuch as there is no evidence against him of any crime which can be dealt with by a British court of law.

I am, &c.

(Signed) J. BACKHOUSE.

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

* Preceding letters, dated February 18, 24, 24, and 25.

Twenty-sixth Enclosure in No. 22.

General Alava to Viscount Palmerston.

Foreign Office, February 27, 1841.

(See No. 8.)

Twenty-seventh Enclosure in No. 22.

Lord Leveson to the Secretary to the Admiralty.

SIR,

Foreign Office, March 1, 1841.

I LAID before Viscount Palmerston your letter of the 18th ultimo, and its Enclosures, respecting an attack made by the boats of Her Majesty's sloop "Wolverine," Commander Tucker, upon an establishment of Spanish slave-dealers on Corisco Island; and I am directed by his Lordship to request that you will state

CLASS B.

to the Lords Commissioners of the Admiralty, that Lord Palmerston is of opinion that the conduct of Captain Tucker upon the occasion ought to be approved.

I am, &c.

(Signed) LEVESON.

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

Twenty-eighth Enclosure in No. 22.

Viscount Palmerston to General Alava.

Foreign Office, March 4, 1841.

(See No. 14.)

No. 23.

Viscount Palmerston to Mr. Aston.

SIR,

Foreign Office, March 23, 1841.

WITH reference to my Despatch of the 3rd instant, respecting a British subject named Henry Shirley, otherwise Francisco, who had been kidnapped in Jamaica and carried into slavery in Cuba, I herewith transmit to you, for your information, a copy of a further Despatch from Her Majesty's Consul at the Havana, respecting the individual in question.

I am, &c.

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

(Signed) PALMERSTON.

Enclosure in No. 23.

Mr. Turnbull to Viscount Palmerston.

The Havana, January 24, 1841.

(See No. 136.)

No. 24.

Viscount Palmerston to Mr. Aston.

SIR,

Foreign Office, March 24, 1841.

WITH reference to my Despatch of the 4th instant respecting a negro named Gabino, emancipated by the Mixed Court of Commission at the Havana in the year 1824, but still kept in a state of slavery in Cuba, I herewith transmit to you, for your further information, a copy of a Despatch from Her Majesty's Consul at the Havana upon the subject.

I am, &c.

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

(Signed) PALMERSTON.

Enclosure in No. 24.

Mr. Turnbull to Viscount Palmerston.

The Havana, January 26th 1841.

(See No. 137.)

No. 25.

Viscount Palmerston to Mr. Aston.

SIR,

Foreign Office, March 25, 1841.

WITH reference to my Despatch of the 18th instant, respecting a British negro named Wellington kidnapped from Jamaica, and held in slavery in Cuba,

I herewith transmit to you, for your information, a copy of a further Despatch from Her Majesty's Consul at the Havana on the subject in question.

I am, &c.

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

(Signed) PALMERSTON.

Enclosure in No. 25.

Mr. Turnbull to Viscount Palmerston.

The Havana, January 11, 1841.

(See No. 134.)

No. 26.

Viscount Palmerston to General Alava.

Foreign Office, March 29, 1841.

THE undersigned, &c., has received the Note which General Alava, &c., addressed to him on the 10th instant, respecting the Spanish subject Miguel Pons.

The individual in question had been concerned in the crime of wantonly firing upon some boats belonging to Her Majesty's Navy, by which means one of Her Majesty's subjects was killed and several others were wounded; and Captain Tucker, of Her Majesty's sloop "Wolverine," had, on that account, sent Miguel Pons to England, with certified statements of the facts, in order that Her Majesty's Government might take further steps respecting him.

The offence which Pons has committed is in its nature piracy; but the law-advisers of the Crown are of opinion, that in point of law it is not cognizable by any tribunal in this country, and the undersigned therefore requested General Alava to urge the Spanish Government to take measures for bringing Miguel Pons to justice for the crimes which he had committed. But as General Alava in answer has requested that Miguel Pons may be conveyed to Cuba, steps shall immediately be taken for having him sent thither.

The undersigned is aware that Pons could not be brought to trial without evidence to prove his guilt, and it might be inconvenient to Her Majesty's service to bring home and to send, either to Spain or to Cuba, witnesses to establish his criminality. It is to be hoped therefore that the inconvenience to which Pons has been subjected, and the danger from which he has escaped, may serve as a warning to him not again to engage in his former criminal pursuits; but any admonition which General Alava might give to Miguel Pons to this effect could not fail to be useful to him and to others, with whom he will communicate on arriving at Cuba.

The undersigned, &c.

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

(Signed) PALMERSTON.

No. 27.

Vicount Palmerston to Mr. Aston.

SIR,

Foreign Office, April 6, 1841.

I HEREWITH transmit to you a copy of a Despatch from Her Majesty's Commissioners at Sierra Leone, reporting the case of the brigantine "*Vanguardia*," condemned in the Mixed British and Spanish Court of Justice at Sierra Leone, on a charge of having been concerned in Slave Trade.

It appears that the Spanish Custom House authorities allowed this vessel to clear out with articles on board constituting a full Slave Trade equipment, and that they neglected to take the security required by the Treaty of June 1835, that the extra quantity of water-casks on board should be used for a legal purpose only.

You will by note communicate the principal facts of the case to the Spanish Government, and urge them to visit with their displeasure the Spanish functionaries, who in this instance set at nought the stipulations of the Treaty, and to take some effectual measures for ensuring the fulfilment of those stipulations, in future instances of a similar kind.

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

I am, &c.
(Signed) PALMERSTON.

Enclosure in No. 27.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, December 14, 1840.

(See Class A, No. 62, page 45.)

No. 28.

Viscount Palmerston to Mr. Aston.

SIR,

Foreign Office, April 10, 1841.

WITH reference to your Despatches of the 14th November and the 2nd December last, upon the subject of the brig "*Two Friends*" alias "*Constancia*," I herewith transmit to you, for communication to the Spanish Government, the accompanying copy of a Despatch from Her Majesty's Consul in the Canary Islands, containing further particulars respecting that vessel.

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

I am, &c.
(Signed) PALMERSTON.

Enclosure in No. 28.

Mr. Bartlett to Viscount Palmerston.

Teneriffe, February 24, 1841.

(See No. 230.)

No. 29.

Viscount Palmerston to Mr. Aston.

SIR,

Foreign Office, April 10, 1841.

INFORMATION has reached Her Majesty's Government, that an individual named José Miguel Totasau, who acted as mate of the slave-vessel "*Constancia*," formerly the "*Two Friends*," mentioned in my other Despatch of this date, has been engaged by some wealthy individuals of the Havana to reside at Gallinas, on the coast of Africa, as the agent of those individuals for procuring and embarking negroes; and the account respecting Totasau states that he has already sailed from Cuba for his destined residence.

José Miguel Totasau is reported to be a clever man, regularly bred to the sea, and to have held the situation of Secretary to the Police, and subsequently that of assistant to the Marine Legal Adviser at the Canaries.

I have to desire that you will communicate this information to the Government of Her Catholic Majesty.

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

I am, &c.
(Signed) PALMERSTON.

No. 30.

*Mr. Aston to Viscount Palmerston.**Madrid, April 4, 1841.**(Received April 14.)*

MY LORD,

IN conformity with the instructions conveyed to me in your Lordship's Despatch of the 3rd ultimo, I have addressed a note to Mr. Ferrer, of which I have the honour to enclose a copy, requiring that one of Her Majesty's subjects, named Henry Shirley, otherwise Francisco, should forthwith be delivered up to British authority.

I have, &c.

(Signed)

ARTHUR ASTON.

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

Enclosure in No. 30.

Mr. Aston to M. de Ferrer.

SIR,

Madrid, March 23, 1841.

I AM instructed to call the attention of Her Catholic Majesty's Government to the case of one of Her Majesty's subjects, named Henry Shirley, otherwise Francisco, who was kidnapped some years ago in the Island of Jamaica by a Mr. La Damont or La Desma, a shopkeeper of Santa Cruz in the Island of Cuba, once owner of a coaster trading to Mantessa Bay, called the "*Lucia*." It appears that Shirley was held many years in slavery at Santa Cruz, but that subsequently, and for the purpose of defeating a search which had been made for him, he was taken away to Puerto Principe, or elsewhere, by his pretended owner La Desma.

I am directed to require, in the name of Her Majesty's Government, that peremptory orders shall be issued by the Government of Her Catholic Majesty to the Governors of the Spanish West India Islands, to deliver up the above-named individual without further delay to British authority, in order that he may be set free.

I have, &c.

(Signed)

ARTHUR ASTON.

His Excellency Don Joaquim Maria de Ferrer.

No. 31.

*Mr. Aston to Viscount Palmerston.**Madrid, April 4, 1841.**(Received April 14.)*

MY LORD,

I HAVE the honour to enclose a copy of the Note, which I have addressed to M. de Ferrer in obedience to the instructions contained in your Lordship's Despatch of the 4th ultimo, communicating to his Excellency the correspondence which has taken place between Her Majesty's Consul at the Havana and the Captain-General of Cuba, respecting an individual named Gavino.

I have, &c.

(Signed)

ARTHUR ASTON.

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

Enclosure in No. 31.

Mr. Aston to M. de Ferrer.

SIR,

Madrid, March 22, 1841.

IN compliance with the orders of my Government, I have the honour to transmit to your Excellency herewith a copy of a Despatch, and of its several

Enclosures, which has been received by Viscount Palmerston from Mr. David Turnbull, Her Majesty's Consul at the Havana, containing an account of communications which that officer has had with the Captain-General of Cuba, respecting an individual named Gavino.

It appears that in the year 1824 Gavino was emancipated from slavery by sentence of the Mixed British and Spanish Court of Commission at the Havana, but that nevertheless he has been held in a state of bondage ever since, contrary to the engagements contracted by Her Catholic Majesty with the Crown of Great Britain, by the Treaty of the 23rd September, 1817. For the 7th Article of the Regulations for the Mixed Commissions, attached to the Treaty, states that the slaves emancipated by the Commission should be delivered over to the Government, on whose territory the Commission which adjudged them was established, to be employed as servants or free labourers; and each Government bound itself to guarantee the liberty of such portion of those individuals as should be consigned to its care. But Mr. Turnbull states that Gavino has been assigned over to a master four several times, for a period of 5 years at each assignment, and that the wages which Gavino has earned have not been given to him but to his master; that Gavino is now in the course of his fourth assignment, and employed as a slave in the laborious occupation of water-carrier at the Havana.

In communicating the enclosed Paper to your Excellency, I am instructed to express the extreme regret of Her Majesty's Government at the tone and contents of the letter addressed by the Captain-General of Cuba to Her Majesty's Consul on the 22nd of last December, and which Her Majesty's Government cannot doubt will be marked by the disapprobation of the Government of Her Catholic Majesty. For Her Majesty's Government cannot believe that the Government of Spain will permit the Governor of Cuba to attempt to deter Mr. Turnbull from performing his duty, by threatening him with expulsion from the island. Her Majesty's Government is also of opinion that Mr. Turnbull had a full right to receive Gavino, and to hear his complaint, and they are much surprised that the Governor of Cuba should question that right.

I am further directed to state that the British Government demand as a right from the Spanish Government the immediate freedom of all the negroes, who have been emancipated in Cuba by sentence of the Mixed Commission since the Treaty of 1817, but who appear hitherto to have been retained in practical slavery by the authorities of Cuba, in direct violation of the solemn engagements of the Spanish Crown.

Her Majesty's Government cannot allow themselves to believe, that when the Cabinet of Madrid shall see, as is proved by the accompanying correspondence, that the Treaty with Great Britain has in this matter been set at nought, that the faith of the Spanish Crown has been broken, that its engagements have been deliberately and systematically, and during a long course of time, violated, and that this has been done for the illegal profit of those public officers, whose duty it was to carry the Treaty into execution,—Her Majesty's Government cannot doubt that, when the Cabinet of Madrid shall see all this, it will hasten to redeem the honor of the Spanish Crown, by immediately putting an end to such monstrous abuses.

But it is evident that these emancipated negroes cannot hope for security from oppression as long as they remain in Cuba. Her Majesty's Government therefore require that they shall all be brought before the Mixed Commission, according to the lists deposited in the archives of the Commission, and that they shall then, if they wish it, be handed over to the Superintendent of Liberated Africans, to be sent by him to a British colony, where they would by law as well as by treaty be free.

Her Majesty's Government hope and trust that immediate orders to this effect will be sent to the Governor of Cuba; and in the mean while directions will be sent to Her Majesty's Commissioners, and to the Superintendent of Liberated Africans, to place themselves in communication with the authorities of Cuba on this matter, and to make with them the preliminary arrangements for carrying into effect the orders of the Government of Her Catholic Majesty, as soon as those orders shall have been received at the Havana.

I have, &c.

ARTHUR ASTON.

(Signed)

His Excellency Don Joaquim Maria de Ferrer,

&c.

&c.

&c.

No. 32.

Viscount Palmerston to Mr. Aston.

SIR,

Foreign Office, April 15, 1841.

I HEREWITH transmit to you for your information 2 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.

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

(Signed) PALMERSTON.

No. 33.

Viscount Palmerston to Mr. Aston.

SIR,

Foreign Office, April 17, 1841.

WITH reference to my Despatch of the 18th ultimo respecting the British negro Wellington, held in slavery in Cuba, I herewith transmit to you the copy of a communication recently received at this Office from the Colonial Department, from which it would appear that the negro in question has not yet been released.

I am, &c.

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

(Signed) PALMERSTON.

First Enclosure in No. 33.

*Mr. Stephen to J. Backhouse, Esq.**Downing Street, April 5, 1841.*

WITH reference to former correspondence respecting the British negro Wellington, held in slavery at Cuba, I am directed by Lord John Russell to transmit to you, for the information of Viscount Palmerston, the copy of a Despatch from the Governor of Jamaica, with its Enclosure from Her Majesty's Consul at St. Jago de Cuba, from which it would appear that the boy Wellington has not yet been released.

I have, &c.

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

(Signed) JAMES STEPHEN.

Second Enclosure in No. 33.

Sir C. T. Metcalfe to Lord John Russell.

MY LORD,

King's House, Jamaica, February 28, 1841.

FROM the enclosed copy of a letter from the Consul at St. Jago de Cuba, it clearly appears, as I have all along apprehended, that the youth Wellington, noticed in former communications, has not been released. He was not among the three lads alluded to in the Consul's letter.

I have, &c.

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

(Signed) C. T. METCALFE.

Third Enclosure in No. 33.

*Mr. Wright to Sir Charles Metcalfe.**British Consulate, St. Jago de Cuba,
February 23, 1841.*

SIR,

I HAD the honour of receiving your Excellency's Despatch of the 20th ult. The statement of His Excellency the Captain-General of this island, that the lad Wellington had been delivered over to me, takes its source, I should believe, from the fact that I received, in June 1839, from the authorities of this Province, three British negro lads, one of whom was supposed to be Wellington, and he in fact answered to that name when addressed by it. These three lads were sent over by me to Jamaica in Her Majesty's steamer "Tartarus," and I was afterwards informed by Lieutenant-General Sir Lionel Smith, that the boy supposed to be Wellington proved to be another boy. It has been impossible to find a clue to the lad Wellington's whereabouts since my Despatch to your Excellency dated February 13, 1840, which transmitted copies of all the proceedings against the supposed kidnapers.

I have, &c.

(Signed) JAMES WRIGHT.

*Sir Charles Metcalfe,
&c. &c. &c.*

No. 34.

*Viscount Palmerston to General Alava.**Foreign Office, April 20, 1841.*

THE undersigned, &c., with reference to his previous correspondence with General Alava, &c., respecting the Spanish subject Miguel Pons, has the honour to acquaint General Alava that the requisite orders have been issued by the Admiralty for giving to Miguel Pons a passage from London to Falmouth, and for furnishing him also with a passage from Falmouth to Cuba by the first packet.

The Undersigned, &c.

(Signed) PALMERSTON.

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

No. 35.

Viscount Palmerston to Mr. Aston.

SIR,

Foreign Office, April 20, 1841.

I HAVE received your Despatch of the 4th instant, and I have the satisfaction to acquaint you that Her Majesty's Government approve the Note, which you addressed to the Spanish Government on the 22nd of March last respecting the emancipated negro Gavino.

I am, &c.

(Signed) PALMERSTON.

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

No. 36.

Viscount Palmerston to Mr. Aston.

SIR,

Foreign Office, April 22, 1841.

I HEREWITH transmit to you, for your information, 2 copies of a Convention concluded at Port au Prince on the 23rd of December 1839, by which the Republic of Haiti 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.

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

I am, &c.

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

(Signed) PALMERSTON.

No. 37.

Mr. Aston to Viscount Palmerston.

Madrid, April 17, 1841.

(Received April 27.)

MY LORD,

I HAVE the honour herewith to enclose a copy of a Note which I have addressed to M. de Ferrer, in pursuance of the instructions contained in your Lordship's Despatch of the 18th ultimo, urging his Excellency again to cause peremptory orders to be given to the authorities of Cuba, to deliver up the negro Wellington to British authority.

I also transmit copies and translations of M. Ferrer's answer, and of the enclosures therein referred to.

I have, &c.

(Signed) ARTHUR ASTON.

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

First Enclosure in No. 37.

Mr. Aston to M. Ferrer.

SIR,

Madrid, April 9, 1841.

WITH reference to the correspondence which has passed between your Excellency's office and this Legation, respecting the negro boy Wellington wrongfully detained in slavery at Santiago de Cuba, I have the honour to inform your Excellency that, from information recently received in London, there seems to be every reason for supposing that Wellington has not yet been delivered over to British authority, but that he is still held in bondage in Cuba, and that the Spanish Colonial authorities, having in the first instance delivered up another person instead of Wellington, have referred to that fact as if Wellington had really been given up.

I have consequently been instructed to urge the Government of Her Catholic Majesty again to give peremptory orders to the authorities of Cuba to deliver up Wellington to British authority.

I have, &c.

(Signed) ARTHUR ASTON.

His Excellency Don Joaquim Maria de Ferrer.

Second Enclosure in No. 37.

(Translation.)

M. Ferrer to Mr. Aston.

SIR,

Madrid, April 16, 1841.

HAVING made myself acquainted with the contents of the note which you were pleased to address to me on the 9th instant, relative to the negro boy Wellington, kidnapped at Jamaica, and illegally detained as a slave at Santiago de Cuba, I have the honour to transmit to you herewith the copy of a Despatch from the Captain-General of the Island of Cuba, dated the 3rd of February last, enclosing a report from the Auditor of War of this Captain-Generality, which I also transmit to you, in order that, on perusal of these communications, you may be

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convinced that the negro Williams, delivered up to the British Consul at the Havana, is undoubtedly the same individual who, at Jamaica, was called Wellington.

At the same time I have to acquaint you that, under date of this day, directions are sent, by order of the Provisional Regency of the kingdom, to the Captain-General of the Island of Cuba, immediately to take such steps as he may consider necessary for punishing, according to law, the individuals who kidnapped the said negro, and the other two lads, Francis and James, who, together with him were delivered up to the British Consul at the Havana, because a crime of this nature cannot remain unpunished. The Captain-General is further desired to report to Her Catholic Majesty's Government the punctual fulfilment of this determination.

I avail myself, &c.
(Signed) JOAQUIM MARIA DE FERRER.

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

Third Enclosure in No. 37.

The Captain-General of Cuba to M. de Ferrer.

(Translation.)

MOST EXCELLENT SIR,

Havana, February 3, 1841.

I HAVE received the order of the Provisional Regency of the kingdom communicated to me by your Excellency under date of the 20th November last, informing me that, having given a report of the summary which exists in your Excellency's office, relative to the exchange of the negro called Wellington, claimed by Her Britannic Majesty's Legation at Madrid, and upon which subject I wrote on the 14th of February last, the Regency has been pleased to resolve that, should the said exchange have taken place, I should cause Garcia to deliver up the negro who is really claimed, giving an account of the result.

With the object of giving the most exact fulfilment to what is prescribed in the said order, I transmitted a copy of it to the Auditor of War in this Captain-Generalcy, in order that he might inform me of all that had taken place in this matter, which he has done by examining the judicial acts, in the manner stated in the copy which I enclose to your Excellency, in which he explains the mistake how the negro who was claimed under the name of Wellington was the identical one known under that of Williams. Under these circumstances I consider the doubt which had arisen upon this question as cleared up, and the above-cited order as complied with.

God, &c.

(Signed) EL PRINCIPE DE ANGLONA,
MARQUES DE JAVALQUINTO.

His Excellency Don Joaquim Maria De Ferrer,
&c. &c. &c.

(Translation.)

Fourth Enclosure in No. 37.

The Auditor of War to the Captain-General of Cuba.

*Auditor of War's Office of the Captain-Generalship
of the Island of Cuba.*

MOST EXCELLENT SIR,

Havana, February 1, 1841.

THE Auditor has perused the accompanying order of the Provisional Regency of the kingdom, communicated by the principal Secretary of State, of the 20th November last, which your Excellency has been pleased to refer to him for his opinion; and in order to give it with becoming accuracy, he called for the papers connected with the subject from the office of the Tribunal of War, in which he finds that, on the 20th of October of last year, Her Majesty's Government were informed, by means of an attestation, of all that had ultimately taken place, demonstrating that the reclamation of the negro called Wellington was alone founded on the mistake of his name, because it has not been possible to discover

the introduction into the Province of Cuba of any negro of that name, distinct from the three who have been delivered over to Her Britannic Majesty's Consul.

In fact, under this name of Wellington, the first demand was made by the Governor of Jamaica, in which it was stated that the boy was carried off from Montego Bay in the month of August, 1834, by a person named James, and conveyed to Santiago de Cuba in the cutter "*Martha*," commanded by him, that he was sold to a man of the name of Garcia, who unduly held him in slavery, on which account the Governor of Jamaica demanded that he should be set at liberty.

A declaration having been taken from Garcia, who turned out to be Peter Garcies, a Frenchman, he stated that towards the end of August, 1834, he purchased three negro boys, the eldest about 14 years of age, and the other two somewhat younger; that he carried them to Santiago de Cuba, and, having to undertake a journey to Guantanamo a few days afterwards, he left two of the negro boys in the house of Don Juan Lepeyre, and the other at his own residence; but on his return when he was brought prisoner with all the crew of the vessel in which he sailed, he found that a criminal prosecution was carrying on against him before the Tribunal of Marine of that province, which had placed in deposit the three negro boys referred to, and that he was conveyed to prison. And lastly he declared that, in the short period they had been in his possession, he took no trouble to learn their names, believing that they would have none, as he considered them to be Bozal negroes.

These three negro boys were placed in deposit by order of the Tribunal in the house of the Syndic and Licenciado Don Juan Bautista Segarra, who stated in his Declaration that he considered them to be English, that one was called Williams, another James, and the third Francis, and that he kept them in his custody, affording them the good treatment recommended by the Tribunal.

They continued in this deposit whilst the process followed its course, and when the demand of the Governor of Jamaica was received, the negroes were still in the possession of the Licenciado Segarra. Certain reclamations with regard to the competency of the Tribunal had taken place between the Governor of Cuba and the Commandant of Marine of that province, which retarded the decision of the case, but the question having been settled, it was brought before the Captain-General; and your Excellency's predecessor, after hearing the Court Fiscal, and consulting the Undersigned, ordered on the 16th May, 1839, that the said three negroes should be placed at liberty, at the disposal of the English Consul at Cuba, as belonging to a foreign colony, without prejudice to the continuation of the cause against the authors of a crime of such a serious nature, in order to exact the corresponding responsibility.

The three negroes who were in the power of Segarra were accordingly delivered up, and as none of them were known in this island under the name of Wellington, but under those that have been stated, a demand is now made for Wellington, who is not to be found.

Three negro boys were claimed, and three were given up, and the absence of Wellington must consist in confounding it with the name of Williams, under which he was always known and reputed whilst he remained in this island; there would otherwise have been four, and not three, negroes, and it being proved in such an exact and formal manner, that the same negroes that were in deposit, with all the marks and circumstances of the place they came from, were those who were delivered over to Her Britannic Majesty's Consul at Cuba, what doubt can exist, or what well-grounded fear can be entertained, that one can have been exchanged for another? What interest could there be to authorize a fraud so scandalous and without object?

The Auditor repeats, without fear of being in error, that the whole arises from the mistake in the name, and that the negro known in this island under the name of Williams is the same that in Jamaica was called Wellington, for he is the one who was kidnapped in Montego Bay, carried to Cuba by James, sold by him to Garcies, deposited in the house of the Syndic Segarra, and at last delivered up to the English Consul; which negro boy was always called Williams, whether his name was Wellington or not in his native country, and this is corroborated by the fact that there is no other negro in Cuba who complains of a similar mistake which would have been so unhappy for him; the investigation of which the English Government may commit to their Consul in Santiago, and they will easily be undeceived.

Therefore the Auditor concludes by stating that, an attestation having been transmitted to Her Majesty's Government of all that has taken place in this affair under date of the 20th October last, and the mistaken notions having been cleared up by the reasons adduced in this opinion, your Excellency may be pleased to transmit a copy of it to the Minister of State, in fulfilment of superior orders, with the object of causing an error to disappear, which is occasioning useless steps on the part of Her Britannic Majesty's Government. Your Excellency will nevertheless adopt the resolution you may consider most expedient.

God grant, &c.

(Signed) ANTONIO ARMERO.

(A true copy.)

(Signed) ANGLONA.

No. 38.

Mr. Aston to Viscount Palmerston.

Madrid, April 17, 1841.

MY LORD,

(Received April 27.)

IN conformity with the instructions conveyed to me in your Lordship's Despatch of the 23rd ultimo, respecting an attack recently made upon the boats of some of Her Majesty's ships of war, by persons stationed at the Spanish slave-factories in the Island of Corisco, I have addressed a note to M. Ferrer, of which I have the honour to enclose a copy to your Lordship, communicating to His Excellency the correspondence which had taken place upon the subject.

I have, &c.

(Signed) ARTHUR ASTON.

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

Enclosure in No. 38.

Mr. Aston to M. de Ferrer.

SIR,

Madrid, April 10, 1840.

ACCORDING to the Instructions of my Government I have the honour to transmit herewith to your Excellency copies of a correspondence, which has passed between Her Majesty's Board of Admiralty, General Alava, and Viscount Palmerston, containing an account of a wanton and unprovoked attack, which was recently made by persons stationed at the Spanish slave-factories in the Island of Corisco, upon the boats of some of Her Majesty's ships of war.

It appears that, in consequence of that attack, Captain Tucker, of Her Majesty's sloop "Wolverine," ordered a detachment from the ships under his command to land on the island, and to destroy the slave-factory, and that Miguel Pons, one of the Spaniards who belonged to that factory, was taken prisoner and sent to England. But it has been found that the offence which Pons committed was not cognisable by any tribunal in England, and Pons has therefore been released.

I am directed to communicate the accompanying papers to your Excellency, in order that the Government of Her Catholic Majesty may know to what extent the laws of Spain are habitually violated by Spanish subjects, and also in order that it may take such steps as it may deem proper.

I avail myself, &c.

(Signed) ARTHUR ASTON.

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

No. 39.

*Mr. Aston to Viscount Palmerston.**Madrid, April 17, 1841.**(Received April 27.)*

MY LORD,

WITH reference to my Despatch of the 4th instant, I have the honour to enclose a copy and translation of a note, which I have received from M. Ferrer in acknowledgment of mine of the 23rd ultimo, requiring that the British subject Henry Shirley be forthwith delivered up to British authority.

I have, &c.

(Signed) ARTHUR ASTON.

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

Enclosure in No. 39.

M. Ferrer to Mr. Aston.

SIR,

Madrid, April 10, 1841.

I HAVE the honour to inform you, in answer to the note, which you were pleased to address to me on the 23rd ultimo, with regard to the negro Henry Shirley, who is supposed to have been kidnapped in Jamaica by Don Antonio La Damont or La Desma, that under this date I have communicated the case to the Captain-General of the Island of Cuba, by order of the Provisional Regency of the kingdom, directing him to institute the necessary investigation, and to render justice to the said negro, according to the result of such investigation, and inflict condign punishment on whoever may be proved guilty of the abduction.

I avail myself, &c.

(Signed) JOAQUIM M. DE FERRER.

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

No. 40.

Viscount Palmerston to Mr. Aston.

SIR,

Foreign Office, May 1, 1841.

WITH reference to my previous Despatches to you respecting the African negroes found on board the Spanish ship "*Amistad*," I herewith transmit to you, for your information, a copy of a Despatch which I have received from Her Majesty's Envoy to the United States of America, stating that, by a decision pronounced upon this case in the Supreme Court of the Union, those negroes are declared to be free men, and all claim against them is dismissed.

I am, &c.

(Signed) PALMERSTON.

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

Enclosure in No. 40.

*Mr. Fox to Viscount Palmerston.**Washington, March 9, 1841.*

(See Class D, .)

No. 41.

Viscount Palmerston to Mr. Aston.

SIR,

Foreign Office, May 3, 1841.

I HEREWITH transmit to you for your information, and to assist you in your communications with the Spanish Government on the subject of Slave Trade, a copy of a Despatch from Her Majesty's Commissioners at the Havana, containing a report upon the state of the Slave Trade at that place in the month of February last.

I am, &c.

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

(Signed)

PALMERSTON.

Enclosure in No. 41.

*Havana Commissioners to Viscount Palmerston.**March 10, 1841.*

(See Class A, No. 149, p. 193.)

No. 42.

Viscount Palmerston to Mr. Aston.

SIR,

Foreign Office, May 5, 1841.

I HEREWITH transmit to you a copy of a Despatch and of its enclosures from Her Majesty's Commissioners at the Havana, announcing that the Conde de Fernandina has resigned the office of Judge on the part of Spain, in the mixed British and Spanish Court of Justice established at the Havana under the treaties with Spain for the suppression of the Slave Trade.

I have to desire that you will communicate to the Spanish Government the resignation of the Conde de Fernandina, and that you will request that the vacancy caused by his resignation may be filled up.

I am, &c.

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

(Signed)

PALMERSTON.

Enclosure in No. 42.

*Her Majesty's Commissioners to Viscount Palmerston.**Havana, March 5, 1841.*

(See Class A, No. 147, p. 189.)

No. 43.

Viscount Palmerston to Mr. Aston.

SIR,

Foreign Office, May 6, 1841.

I HEREWITH transmit to you, for communication to the Government of Her Catholic Majesty, a copy of a Despatch and of its Enclosures from Her Majesty's Commissioners at the Havana, containing a correspondence which those gentlemen have had with the Governor-General of the Island of Cuba, respecting the importation of negroes from Africa into that island.

These papers state that 1500 negroes had been introduced into the Havana or its neighbourhood within the space of a fortnight; that it was well known that at one period upwards of 700 of these negroes were at a barracoon in San Antonio el Chiquito; and that at that period the Commissioners acquainted the Governor with the fact, in order that His Excellency might take immediate steps for making inquiries, and for bringing the delinquents to punishment. But the Governor delayed to investigate the case until time had been afforded for removing the

negroes from the place at which they were confined, and afterwards His Excellency wrote word to the Commissioners, that "on investigation no proof whatever had resulted of the facts alleged."

You will by a Note transmit these papers to the Spanish Government, and observe that these papers furnish additional proofs of the systematic protection afforded to the Slave Trade by all the Government officers in Cuba, from the Governor downwards.

For it is obvious, from the letters of the Governor, that, although that officer felt that he could not with any decency refuse to cause the barracoons to be searched, he nevertheless took good care that the search should be so delayed and so conducted that the negroes might be removed.

You will further state that Her Majesty's Government must again urge the Spanish Government to accede to the plan proposed to them on the 14th November, 1838, by the Earl of Clarendon, on the part of Her Majesty's Government, namely, that power shall be given to the Mixed Court of Justice at the Havana to call before it parties suspected of Slave Trade, and subject them to the same course of examination, which ought to be carried on by the administrative officers of the Colonial Government, but which is now wholly evaded and omitted by those officers.

Her Majesty's Government moreover beg to draw the serious attention of the Spanish Government to the fact, that the 1500 negroes who are mentioned in these papers have been imported into Cuba against the laws of Spain; that consequently they can have no legal masters, and are by law as free as any white inhabitant of Cuba.

Her Majesty's Government therefore hope that the Spanish Government, remembering that the consigning these negroes to slavery would also be a violation of the Treaty between Spain and Great Britain, will take steps for placing these negroes without delay in the enjoyment of that freedom, to which they are indisputably entitled.

I am, &c.

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

(Signed) PALMERSTON.

Enclosure in No. 43.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, March 5, 1841.

(See Class A., No. 148, p. 190.)

No. 44.

Viscount Palmerston to Mr. Aston.

SIR,

Foreign Office, May 7, 1841.

I HEREWITH transmit to you, for your information, a copy of a communication from Mr. Turnbull, Her Majesty's Consul at the Havana, containing correspondence with two American gentlemen, respecting the Slave Trade in the Island of Cuba.

I am, &c.

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

(Signed) PALMERSTON.

Enclosure in No. 44.

Mr. Turnbull to Viscount Palmerston.

Havana, March 20, 1841.

(See No. 142.)

Viscount Palmerston to Mr. Aston.

SIR,

Foreign Office, May 7, 1841.

I HEREWITH transmit to you, for your information, a copy of a Despatch from Her Majesty's Commissioners at the Havana, stating that Don Geronimo Valdes had arrived at the Havana to assume the office of Captain-General of Cuba.

I am, &c.

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

(Signed)

PALMERSTON.

Enclosure in No. 45.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, March 18, 1841.

(See Class A, No. 150, p. 195)

Viscount Palmerston to Mr. Aston.

SIR,

Foreign Office, May 8, 1841.

I COMMUNICATED to Her Majesty's Commissioners at Sierra Leone a copy of your Despatch of the 2nd December 1840, respecting the slave-vessels "*Olimpa*" and "*Josefina*," which had cleared out from the Havana fully equipped for Slave Trade, and I have now to transmit to you, for your information, a copy of a Despatch which Her Majesty's Commissioners have addressed to me in reply to that communication.

I am, &c.

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

(Signed)

PALMERSTON.

Enclosure in No. 46.

Her Majesty's Commissioners to Viscount Palmerston.

Sierra Leone, February 13, 1841.

(See Class A, No. 73, p. 75.)

Viscount Palmerston to Mr. Aston.

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 Spanish 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 Spanish Govern-

ment 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 Spanish Government a note, inviting them to do so.

I am, &c.

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

(Signed) PALMERSTON.

Enclosure in No. 47.

Circular to British Functionaries.

Foreign Office, May 8, 1841.

(See No. 196.)

No. 48.

Mr. Aston to Viscount Palmerston.

Madrid, May 4, 1841.

(Received May 15.)

MY LORD,

I HAVE the honour to enclose the copy of a Note which, in obedience to the instructions contained in your Lordship's Despatch of the 6th ultimo, I have addressed to Mr. Ferrer, communicating to his Excellency the principal facts of the case of the brigantine "*Vanguardia*," and of the culpable conduct observed by the Spanish authorities upon this occasion.

I have &c.

(Signed) ARTHUR ASTON.

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

Enclosure in No. 48.

Mr. Aston to M. Ferrer.

SIR,

Madrid, May 1, 1841.

I HAVE been instructed to bring under the notice of the Government of Her Catholic Majesty the case of the brigantine "*Vanguardia*," which has been condemned in the Mixed British and Spanish Court of Justice at Sierra Leone, on a charge of having been concerned in Slave Trade.

It appears that the Custom House authorities at Cadiz allowed this vessel to clear out with articles on board constituting a full Slave Trade equipment, and that they neglected to take the security required by the Treaty of June 1835, that the extra quantity of water-casks on board should be used for a legal purpose only.

By the ship's papers the "*Vanguardia*" should have made a voyage to Trinidad de Cuba, but this destination was fictitious, the Gallinas being the real one, near which place the detention took place on the 11th November last, about a month after the vessel's departure from Cadiz.

I am directed to urge Her Catholic Majesty's Government to visit with their displeasure the Spanish functionaries, who in this instance have set at nought the stipulations of a solemn Treaty, and to take some effectual measures for ensuring the fulfilment of these stipulations in future instances of a similar kind.

I have, &c.

(Signed) ARTHUR ASTON.

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

Mr. Aston to Viscount Palmerston.

Madrid, May 4, 1841.

(Received May 15.)

MY LORD,

IN conformity with the instructions conveyed to me in your Lordship's Despatch of the 10th ultimo, directing me to communicate to the Spanish Government some further particulars, which had been received from Her Majesty's Consul in the Canary Islands, relative to the brig "*Two Friends*," alias "*Constancia*," I have addressed a note to M. Ferrer, of which I have the honour to enclose a copy to your Lordship.

I have, &c.

(Signed) ARTHUR ASTON.

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

Enclosure in No. 49.

Mr. Aston to M. Ferrer.

SIR,

Madrid, May 1, 1841.

IN compliance with the orders of my Government I have the honour to enclose a copy of a Despatch, which has been received from Her Majesty's Consul in the Canary Islands, containing further particulars respecting the brig "*Two Friends*," alias "*Constancia*," which formed the subject of my Note to your Excellency of the 9th of November last.

I avail, &c.

(Signed) ARTHUR ASTON.

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

No. 50.

Mr. Aston to Viscount Palmerston.

Madrid, May 4, 1841.

(Received May 15.)

MY LORD,

I HAVE the honour to enclose a copy of a Note which I addressed to M. Ferrer, in obedience to the instructions contained in your Lordship's Despatch of the 10th ultimo, communicating to his Excellency certain information which had reached Her Majesty's Government, relative to an individual named José Miguel Totasau.

I have, &c.

(Signed) ARTHUR ASTON.

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

Enclosure in No. 50.

Mr. Aston to M. Ferrer.

SIR,

Madrid, May 1, 1841.

I have the honour to state that I have been instructed to inform your Excellency, that information has reached Her Majesty's Government that an individual named José Miguel Totasau, who acted as mate of the slave-vessel "*Constancia*," formerly the "*Two Friends*," has been engaged by some wealthy individuals of the Havana to reside at Gallinas, on the coast of Africa,

as the agent of those individuals for procuring and embarking negroes, and that he has already sailed from Cuba for his destined residence.

José Miguel Totasau is reported to be a clever man, regularly bred to the sea, and to have held the situation of secretary to the police, and subsequently that of assistant to the marine legal adviser at the Canaries.

I have, &c.

(Signed) ARTHUR ASTON.

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

No. 51.

Viscount Palmerston to Mr. Aston.

SIR,

Foreign Office, May 24, 1841.

I HEREWITH transmit to you copies of communications from the Colonial Department, containing evidence of crimes alleged to have been committed by the master and crew of the slave-vessel "*Jesus Maria*" upon the Africans on board that vessel, which was captured by Her Majesty's ship "*Ringdove*."

You will communicate these papers to the Spanish Government, accompanying them with a Note, in which you will request the most serious attention of the Spanish Government to the statement they contain.

You will observe that the transactions to which these papers relate are a small example of the crimes and atrocities, the perpetration of which has so long continued to be deliberately and systematically encouraged by the Spanish authorities in Cuba, for the sake of the money payments which those authorities receive from the slave-traders; and you will state that these abuses, committed by the Colonial authorities, in defiance of the orders of the Government of Madrid, in violation of the laws of Spain, and in contempt of the Treaty engagements of the Spanish Crown, cannot fail to produce an impression upon the public mind in Europe, highly unfavourable to the character of the Spanish nation.

You will say, however, that Her Majesty's Government have too great a respect for the Duke of Victoria, and appreciate too highly his liberal and generous feelings, his statesmanlike mind, and his punctilious sense of honour, not to be confident that he will set to work in good earnest to put an immediate end to these abominations; and that, after having enjoyed the glory of restoring peace to his native land, he will reap additional honour, by rescuing his fellow-countrymen in the Spanish Colonies from the guilt of participation in the crimes connected with the Slave Trade.

I am, &c.

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

(Signed) PALMERSTON.

First Enclosure in No. 51.

Mr. Stephen to Mr. Backhouse.

SIR,

Colonial Office, April 28, 1841.

I AM directed by Lord John Russell to request that you will acquaint Viscount Palmerston that a series of Despatches has been received at this department from Mr. Turnbull, Her Majesty's Consul and Superintendent of Liberated Africans at the Havana.

These Despatches, with very few exceptions, would appear to relate almost entirely to Consular affairs, but Lord John Russell having ascertained that a series of Despatches on the same subjects had been received by Lord Palmerston from Mr. Turnbull, it has not been considered necessary to transmit the former to the Foreign Office. Lord John Russell has given directions on such points as appeared to him to fall within the cognizance of this department, and I am to request that you will acquaint Lord Palmerston that, in addition to Mr. Turnbull's Despatch relating to the capture and condemnation of the Spanish Slave

schooner "*Jesus Maria*," Lord John Russell has received a Despatch from the Governor of the Bahamas (a copy of which is enclosed), reporting the arrival of the captured Africans in that colony, and forwarding documents relative to the crimes which are alleged to have been committed on board the vessel. On this subject Lord John Russell has thought it right to consult the Law Officers of the Crown, and to call for their opinion whether the parties charged with those crimes could be tried before the Commissioners for the trial of offences committed on the high seas, to whom a commission has been addressed in pursuance of the Act 46 Geo. III. cap. 54.

I have, &c.

(Signed) JOHN STEPHEN.

J. Backhouse, Esq.

&c. &c. &c.

Second Enclosure in No. 51.

Colonel Cockburn to Lord John Russell.

MY LORD,

Government House, Bahamas, February 8, 1841.

WHEN closing my Despatch, No. 81, of the 15th ultimo, I was under the impression that I should receive an answer thereto, previous to any fresh importation of Liberated Africans into this colony, but on the 4th instant a vessel arrived here with between 200 and 300 of these poor people. The particulars concerning them and the atrocities which took place in the vessel they were embarked in from Africa, as also my views and intentions thereon, will be fully detailed by the correspondence between Mr. Turnbull, the British Agent at Havana, and myself, and a copy of which is herewith enclosed; and I would earnestly request, that the doubts therein referred to may be set at rest by positive instructions, as to whether crimes, not coming under the denomination of piracy, which I take to mean only the unwarrantable seizing vessels or property on the High Seas, and committed on and by persons not British subjects at the time, can be taken cognizance of in the Admiralty Courts of Great Britain.

The investigation which I have ordered to take place, and which is referred to in my letter to Mr. Turnbull, shall be conducted with every care and attention, and the proceedings transmitted for your Lordship's information by the earliest opportunity. Of course, even if Mr. Turnbull should succeed in his application to the Spanish Authorities for the delivering over Vicente Morales and his associates, and the Admiralty Court here should convict them, I should forbear from carrying any sentence against them into effect, until further instructed by your Lordship.

The Africans now arrived are younger than those of any former cargo. They shall be taken every care of, and, in the doing so, the same system as heretofore adopted will be continued, in the expediency of which the Collector of the Customs fully concurs. I have, however, consulted, and shall continue to consult him, in all that is done concerning them.

I have, &c.

(Signed) F. COCKBURN.

The Right Hon. Lord John Russell,

&c. &c. &c.

Third Enclosure in No. 51.

Mr. Turnbull to Colonel Cockburn.

SIR,

Havana, January 20, 1841.

I HAVE the honour to acquaint you that the Spanish schooner "*Jesus Maria*," with 240 negroes on board, was brought into this harbour on Saturday the 9th instant, a prize to Her Majesty's ship "*Ringdove*." On Thursday last, the 14th instant, I received the intimation that the Court of Mixed Commission had pronounced sentence of condemnation on the slaver, by which the captured Africans were liberated and placed at my disposal. From the extreme state of emaciation and debility in which they arrived, I have to lament the loss of seven

of their number, in spite of all the care and anxiety with which they have since been attended to by the commander and medical officers of Her Majesty's ship "Romney," and by myself. The survivors, 233 in number, 136 males and 97 females, I have now the honour to consign to your Excellency's care, in the exercise of the discretion committed to me by Her Majesty's Government. Their age is far below the average of similar shipments, and I venture to suggest to your Excellency, that their case altogether is one which calls for a peculiar degree of tenderness in the arrangements to be made for their future disposal. The vessel I have engaged for this service is the British brig "Meg Lee," Captain Laing, in whose kindness and attention to these unfortunate persons, and, if the event should require it, in his firmness, circumspection, and courage, for their protection and defence, I repose the utmost confidence. This Despatch, enclosed in a sealed letter to himself, I shall deliver to him outside the harbour, with orders to open the letter when he is out of sight of land. As a further precaution against the dangers of a piratical attack on the "Meg Lee," of which I am not without some serious apprehensions, I have had the good fortune, in the absence of any British ship-of-war, to receive an offer of convoy, clear of this dangerous coast, from Captain Jameson, the Commander of the United States sloop "Warren," which, under the peculiar circumstances of the case, I have not hesitated to accept. I am not without the hope that, by thus unofficially engaging the voluntary services of the Commander, officers, and crew of an American ship-of-war in this interesting duty, the parties immediately concerned will not only in some sort feel themselves committed to the cause of protecting the unhappy race of Africa from robbery and oppression, but that this simple and graceful fact, when it becomes known in the United States, may act as a stimulus on the public mind of that country, in hastening the recognition of that principle of universal freedom, so fondly cherished by all the friends of humanity. Independently of the fact, unhappily in this island too little regarded, that these young persons now committed to your Excellency's care, and others their companions, who perished on the passage, had been stolen and reduced to slavery, it becomes my duty to acquaint your Excellency that several of them have been the victims of the most revolting and atrocious crimes, such as would be visited with condign punishment by a jury of Slave-dealers. On the deck of this wretched schooner, the "*Jesus Maria*," three murders were committed, on a grown woman and two boys, for no other motive, that I have been able to collect, than of wanton cruelty. These bloody deeds were effected by dashing the victims on the deck, and by blows of so violent a nature as to produce fatal results. One of the murdered boys bore the name of Quaddy, but for the particulars of the three cases I beg to refer your Excellency to two of the surviving females, Crefoy and Mehuma, and through them to other witnesses. In the cabin of the "*Jesus Maria*" a series of scenes were enacted of a still more odious and disgusting character. The defenceless condition of the young girls of the cargo afforded them no protection against the devouring lust of the slave-captain, Vicente Morales, his pretended passengers, and his scoundrel crew. I confess to your Excellency that I have not the courage to enter on this horrid catalogue of crime. I must content myself with referring you to Mambai, Zoobog, and Yaddy, three of this class of victims, and to the witness Crefoy, through whose superior intelligence, aided by her slight knowledge of Spanish, the facts will be more easily elicited. If your Excellency happens to have no African about you of the Ganga tribe, I must refer you to George Elder, of the 2nd West India regiment, now in Jamaica, who belonged to a detachment just relieved from the "Romney," to whose services as an interpreter I am indebted for a more accurate knowledge of the facts than I could otherwise have obtained. Her Majesty's ship "Comus," which conveyed the prize crew of the "*Jesus Maria*" to Jamaica, and also relieved the detachment of black soldiers from the "Romney," sailed so promptly after the adjudication, that she had left the harbour before the sentence of the Mixed Court was communicated to me. But I was not so fortunate as to prevail on Her Majesty's Commissioner, to whom I had previously applied on the subject, to detain George Elder, so as to enable me to send him with the victims to your Excellency's care.

At the moment of entering the harbour on Saturday the 9th instant, the slave-captain, Vicente Morales, conscious of his crimes, contrived to make his escape by jumping overboard into the sea. In the temporary absence of Her Majesty's Commissioners I lost no time in announcing the fact to his Excellency the Cap-

tain-General, of whom I begged that measures might immediately be taken for the recapture of this fugitive from justice. To this application I received an evasive answer, to the effect that the affair was then in the hands of the Mixed Commission, but I have not been able to learn that any measure whatever has been taken in consequence.

Three other prisoners brought here in the "*Jesus Maria*" were transferred on board the "*Romney*," from where they were immediately removed by a body of armed men acting under the orders of the Spanish authorities.

These three persons I have had an opportunity of examining : one of them, who calls himself a passenger, Manuel Porche by name, and who professes to be the owner of four of the victims, declared to me that he was a native of South America, and that he owes no allegiance to the crown of Spain ; him at least we are surely entitled to claim. But I submit to your Excellency that, as the victims of these atrocious crimes are now our fellow-subjects, we have a right, under the community of nations, to ask that the chief criminal, Vicente Morales, and his Spanish and American accomplices, Pepe Jaime, José Luz, and Manuel Porche, be sent to your Excellency's Court of Admiralty, there to answer for their offences committed on the high seas. On my side I propose to address myself to this effect to his Excellency the Captain-General, and I rely with confidence in your Excellency's readiness to second my humble efforts to prevent these crimes from passing with impunity.

The accounts from the "*Ringdove*" are that she was to rendezvous at Barbadoes the beginning of February, where Lieutenant Tarleton and the prize-crew of the "*Jesus Maria*" were under orders to rejoin her. Nine of the slaving crew and 2 of the pretended passengers of the "*Jesus Maria*" were transferred to the "*Ringdove*" at the time of the capture, but as to their subsequent disposal I have not the means of informing your Excellency. It is only by very great exertions that I have succeeded in getting the preparation for the despatch of the "*Meg Lee*" completed in a time so unprecedentedly short. My chief motive for this excessive promptitude consisted in the extreme debility and emaciation of these very young people, especially as I was assured by all the medical officers I have consulted, that every day's delay in landing them would necessarily add most materially to the mortality, which has already been much greater than I at first apprehended.

My earnest prayer to your Excellency therefore is, that not a moment be lost in expediting the arrangements for their going on shore.

I have, &c.

(Signed) D. TURNBULL.

His Excellency Colonel Cockburn,
&c. &c. &c.

Fourth Enclosure in No. 51.

Colonel Cockburn to Mr. Turnbull.

SIR,

Government House, Bahamas, February 8, 1841.

THE brig "*Meg Lee*" arrived here on the 4th instant ; your letter of the 20th January was delivered to me by the master, and it affords me much satisfaction to inform you that the high opinion you appear to entertain of him has been fully borne out, by the great care and attention he has paid to the Africans committed to his charge. Some of these unhappy sufferers (11) died on the passage, and 2 since their arrival. The numbers landed here were 129 males and 94 females, of which between 40 and 50 are already in the hospital (set apart for their accommodation), with I fear every chance of increasing, for the debilitating effects produced by the privations and ill treatment they receive in the slave-vessels is not easily to be got the better of. They are, however, and shall continue to be, taken every care of, and only apprenticed out to such as have the means and the disposition to educate and treat them well. Indeed, their tender age, for on an average it does not appear to exceed 11 years, calls for more than ordinary attention in this respect. So juvenile a cargo has not heretofore been landed in Nassau. I have, in compliance with your request, advanced, through the collector of the

customs here, 35*l.* sterling to Captain Laing, he having applied for that sum on account of the expenses of his voyage.

Most fully do I participate with you in feelings of horror and disgust at the atrocious conduct of Vicente Morales and his pretended passengers, and most anxious and willing shall I be to second your efforts for visiting them with that punishment they so richly deserve; but I much fear your application to the Spanish authorities for delivering them to your custody, with a view to their conduct being brought before the Admiralty Court of this colony, will be refused, or at all events evaded.

If, however, through your exertions and the authority with which you are backed by the British Government, my expectations in this respect should happily be disappointed, and you succeed in obtaining possession of, and send them here for trial, I will, as far as rests with me, endeavour to bring their conduct under the cognizance of the Admiralty Court of this colony, but whether its jurisdiction would extend to any crime but that of piracy committed on the high seas, on those and by those not subject to Great Britain, seems matter of doubt.

During the government of Sir W. Colebrook, in the year 1836, a Portuguese slave-vessel (the "*Vigilante*") was brought into this port by one of our ships of war; murders and atrocities appeared to have been committed, if possible beyond those which you describe as having taken place on board the "*Jesus Maria*." Sir W. Colebrooke, actuated by an anxious desire to warn others of the danger they would incur by a repetition of such acts of wickedness and barbarity, had evidence of what had taken place submitted to the Police Magistrate, by whom the offenders were committed to trial, but the grand jury refused to find the bill, considering the accused as not coming within the jurisdiction of a British court. I send herewith a copy of one letter of the 15th May 1836, and the extract of another of the 20th August 1836, from the Secretary of State, on this subject, the latter of which was written after the decision of the grand jury was known. I also enclose a communication of this morning's date from the Attorney-General of this colony. There can, however, be no doubt that the atrocities committed on board slave-vessels should by every possible means be authenticated, with a view to their being published to all nations far and wide, and I have therefore ordered the present case to be officially investigated by the Police Magistrate here, assisted by two of the members of Her Majesty's Council. This investigation entered on this morning will be so conducted as to give every weight to the statements it will contain, and I shall lose no time in forwarding it for the information of the Secretary of State. May it be used to such ends and purposes as I, and I am sure you, devoutly wish! You shall also be furnished with a copy by the earliest opportunity after its completion. In the mean time I have only to assure you, that any further communication you may address to me, on this, or on any other subject, shall meet with every and the earliest attention in my power.

I have, &c.

(Signed) FRANCIS COCKBURN.

P.S. I shall forward by a vessel sailing for England to-morrow a copy of your letter to me, and this my reply, for Lord John Russell's information.

D. Turnbull, Esq.,
&c. &c. &c.

(Signed) F. C.

Fifth Enclosure in No. 51.

The Attorney-General to Colonel Cockburn.

Attorney-General's Office, Nassau,
February 8, 1841.

SIR,

IN reference to the conversation which I had the honour to hold with your Excellency on Saturday last, on the subject of the power of the Court of Admiralty Sessions of this colony to try a foreigner charged with having murdered an African on board of a foreign vessel engaged in the African Slave Trade, I have now the honour to state for the information of your Excellency, that I have given the matter my most attentive consideration, but that it is one of such

a peculiar character that I cannot venture to offer a decided opinion on it. The inclination of my mind however is so strongly in favour of the existence of the jurisdiction referred to, that I should not hesitate, in the event of a person charged with a murder of this description being brought within the colony, to indict him in the Court of Admiralty Sessions for the offence, although, should a conviction take place, I would advise a respite, until a reference could be made to the authorities of the mother country.

I have, &c.

(Signed)

G. C. ANDERSON, *Attorney-General.*

His Excellency the Governor,
&c. &c. &c.

Sixth Enclosure in No. 51.

Mr. Stephen to Mr. Backhouse.

SIR,

Downing Street, May 12, 1841.

WITH reference to my letter of the 28th ultimo, transmitting various documents connected with the Spanish slaver "*Jesus Maria*," I am now directed by Lord John Russell to transmit to you, for the information of Viscount Palmerston, copy of a further Despatch from the Governor of the Bahamas, forwarding copy of the evidence obtained from the Africans of the crimes committed by the captain and crew of that vessel, previous to her capture by Her Majesty's ship "Ringdove."

I have, &c.

(Signed)

JAMES STEPHEN.

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

Seventh Enclosure in No. 51.

Colonel Cockburn to Lord John Russell.

MY LORD,

Government House, Bahamas, February 24, 1841.

IN reference to my Despatch, No. 87, of the 8th instant, I have now the honour to enclose a copy of the evidence obtained from the Africans, as to the treatment experienced by them from the captain of the "*Jesus Maria*," previous to the capture of that vessel by Her Majesty's ship "Ringdove." The document, as your Lordship will perceive, is appalling; for, such unmitigated atrocities thus proved to have occurred in one slave-vessel, there is but too much cause to suppose that similar acts are practised in them all. Surely, my Lord, if no power at present exists of bringing offenders such as the captain of the "*Jesus Maria*" to justice, in other courts than those of the nation to which the guilty and the injured parties belong, it is high time that such a power should be established by the united efforts and agreements of the civilized world, for so essentially requisite and holy a purpose. The document herewith transmitted has been got up with every care and caution, and I feel the deepest conviction that entire reliance may be placed on the accuracy of the statements it contains. Each of the Africans gave testimony without any consultation with, or even being heard by, the others. They could have no possible object in stating what was false, and their was an apparent innocence in the manner of their communications strongly indicative of truth and sincerity; every confidence may also be placed in the accuracy of the interpretations through which the evidence was obtained, the greatest pains and caution having also been taken in this essential respect; and I am the more anxious to point to these particulars, in the hope that they may assist your Lordship in originating some system of the description before referred to, for surely no Government can exist that, once aware of the occurrences on board the "*Jesus Maria*," would withhold its concurrence in making every effort, to prevent the continuance of such unprovoked, such hateful, such abominable cruelty

I have, &c.

The Right Hon. Lord John Russell, (Signed)
&c. &c. &c.

FRANCIS COCKBURN.

Eighth Enclosure in No. 51.

EXAMINATIONS.

AT Nassau, New Providence, between the 8th and 15th of February, 1841, before the Governor, Colonel Francis Cockburn; the Honourable W. Field, a member of Her Majesty's Council; the Honourable Wm. Hamlyn, a member of Her Majesty's Council, and Collector of Her Majesty's Customs; Robert Duncome, Esq., Police Magistrate of the Colony; Charles R. Nesbitt, Esq., Provincial Secretary and Keeper of the Records; and John Richardson, Esq., principal Medical Officer, and which took place in consequence of a letter, a copy of which is hereto attached, from D. Turnbull, Esq., Her Britannic Majesty's Consul and Agent for captured Slaves at Havana—referring to the treatment of certain Africans on their passage from Africa to Havana, by one Vicente Morales, the master of a slave vessel called the "*Jesus Maria*," and which was captured by Her Majesty's ship "*Ringdove*."

February 8, 1841.

Present—

The Hon. W. T. Hamlyn.

The Hon. Wm Field.

The Hon. Robert Duncome, Esq.

No. 139.—Crossy, an African girl of about the age of 14 years, one of the witnesses named in the Despatch, being examined through an interpreter named Thomas Weatherfield, a private soldier in Her Majesty's 2nd West India Regiment, states that while on board the "*Jesus Maria*," Manuel, an African, one of the captain's servants, broke a demijohn containing rum, on account of which the captain, Vicente Morales, took a stick and severely beat him, which caused his death in about two days after, as the examinant believes, and that the cotton steeped in rum and gunpowder was put up the fundaments of several of the Africans, for the avowed purpose of destroying worms.

No. 150, Mahuma, and 146, Mamboisi, African females about 12 years of age, examined, and fully corroborated the foregoing statement of Crossy, No. 139.

No. 147, Cumba, a female; No. 7, Barron, and No. 3, Duba, males, also corroborate the statement of Crossy in the fullest manner.

In reference to the cruelties and abuses committed on the females on board the schooner "*Jesus Maria*," and alluded to in the Despatch, the following examinations were taken, viz.—

No. 167.—Tumer, an African girl about 12 years, examined, and states that no Spaniard or other person had any connexion with her.

No. 148.—Yaddi, an African girl about 14 years, examined, states that one of the sailors of the "*Jesus Maria*" had connexion with her against her will, and that she was previously a virgin.

No. 147.—Cumba, a girl about 14 years of age, examined, states that one of the crew of the "*Jesus Maria*," a black man, forced her to have connexion with him, and against her will.

No. 171.—Mamber, a girl about 11 years of age, states that one of the crew of the "*Jesus Maria*" held her while another had connexion with her, they were black men, she was much hurt at the time.

No. 168.—Mania, a girl about 13 years of age, examined, states that the captain of the "*Jesus Maria*" held her nose and mouth to keep her from screaming, and had connexion with her, she was hurt at the time.

No. 140.—Mattu, a girl about 15 years of age, states that a black man, one of the crew of the "*Jesus Maria*," held her mouth and beat her with a rope, to have connexion with her, and that she cried after the rape had been perpetrated.

No. 157.—Lah, a girl about 11 years of age, states that one of the sailors of the "*Jesus Maria*" threatened to kill her if she did not allow him to have connexion with her, and that he hurt her very much at the time.

No. 159.—Cheta, a girl about twelve years of age, states that a white sailor on board the "*Jesus Maria*" flogged her, and had connexion with her, that he hurt her very much, so much so that she cried.

No. 167.—Tabbna, a girl about 14 years of age, states that the captain of the

CLASS B.

slave-vessel threatened to beat her and starve her, if she did not sleep with him, that he had connexion with her, hurt her very much, and that she cried.

No. 171, Mamber; 159, Cheta; 140, Mattu; 167, Tabbna; 147, Cumba; 168, Mamballe; reported by Dr. John Richardson as being diseased with gonorrhœa.

Examinations taken at the African Hospital on the 9th of February, 1841, through Interpreters named Jenny Colebrooke and Bella Dalzell.

No. 47.—Cattaway, a boy about 8 years of age, examined, and states that a boy named Quallabo was thrown into the sea, by order of the captain of the slave schooner "*Jesus Maria*," and drowned, in consequence of the boy refusing to take medicine; this examinant fully corroborates the statement of Crofoy, No. 189, regarding the murder of Manuel.

No. 2.—Fooly, a boy about 12 years of age, states that he saw Quallabo thrown into the sea, and drowned; it was by orders of the captain of the "*Jesus Maria*;" he was thrown overboard by the sailors.

No. 173.—Galla, a girl about 11 years of age, states that she fully corroborates the statement made by Massu, No. 138.

No. 158.—Matto, a girl about 11 years of age, states that on the approach of a man-of-war a girl named Boyce made much noise, the captain of the "*Jesus Maria*" chopped the said Boyce with a hatchet, and afterwards threw her overboard.

No. 159.—Cheta, re-examined, and fully corroborates the statement made by the preceding examinant, Matto, No. 158.

No. 23.—Quorra, a boy about 9 years, examined, states that he saw Boyce taken out of the hold at the time the man-of-war was chasing the slave schooner, and never afterwards saw the said girl Boyce.

No. 7.—Barron, re-examined, states that he knew Quaddy, a boy on board the slave-vessel, that he saw the captain of the "*Jesus Maria*" throw the said Quaddy overboard because he made a great noise on board the slave schooner, and the boy was drowned. He corroborates the statement of Matto, No. 158, and others, respecting the murder of Boyce by drowning.

Examinations taken at Rosslyn, 11th February, 1841.

Present—

His Excellency the Governor.
The Hon. Wm. Hield.

The Hon. Wm. Hamlyn.
The Hon. R. Duncome, Esq.

Interpreter, Judy Winder, an African, five years in the Bahamas, and about 18 years of age, and spoken of by her mistress as being a well-behaved good girl, having been duly examined, sworn to interpret faithfully and truly, and No. 139, Crofoy, one of the cargo of the "*Jesus Maria*," about 14 years of age, was called, and the necessity of telling the truth explained to her, which she seemed to comprehend, when she stated that she saw Manuel on board the ship, after she sailed, every day, until the captain killed him. The captain had some rum, which was kept on deck. She saw Manuel take the rum to put it into a little barrel. Manuel broke the jar of rum; the captain beat him for doing so with a stick about his arms, neck, and shoulders—he fell down—captain did not beat him very long—he cried out—captain carried him below, he was not able to get up,—she saw him below, but did not speak to him; he lived two days after; he cried out with pain; he asked for water, but they would not give him any; she did not see any blood when the captain beat him; on the same place where he was put when he was carried down, there he died; he never moved from the place; she saw him after he was dead; after he died they threw him into the sea; threw him in as soon as he was dead; before the beating Manuel was not ill; she thinks it was the beating that killed him; she heard Manuel say that the beating the captain had given him had made him ill; Manuel was swelled by the beating previous to his death; he had no shirt on; witness speaks a little Spanish.

No. 150.—Mafuma, a girl about 11 or 12 years old, the necessity of speaking the truth explained to her as in the former case, which she appeared to comprehend, stated that she had a father and mother in her own country; she went to see her sister, and a man caught her, it was one of the country people, and not a man belonging to the ship; he gave her to the Spaniards, the Spaniards took her on board the ship, where she saw a great many more people like herself; the ship sailed on the same day; after the vessel sailed, she saw a boy called Manuel, they killed him, the captain killed him; Manuel had some gunpowder in his hand, which he was going to mix with rum; Manuel broke the jug of rum, for which the captain beat him with a large stick; he fell down; he did not move, but the captain took him down below; witness saw it herself; she was so near that when the rum was spilled it wet witness; Manuel cried out; he was beat on the arms, neck, and shoulders, she saw no blood; witness saw him afterwards lying down below; he cried; he did not say anything to her; he cried out for water, but the captain would not allow him to have any; witness saw him after he was dead, his face was swelled the same day he died; he was thrown into the sea; before he was beaten he was quite well; he lived two days after the beating; this witness corroborates the other parts of foregoing testimony.

No. 146.—Mamba, a girl about 13 years of age, sworn according to the custom of the country, states that she has a mother living in her country; she was taken in war; the white people attacked their town and took her, with some black people, on board the ship with a boat; she only saw one girl on board; she was put on board the Spanish vessel afterwards, when she saw several girls; they went to sea directly; she saw a boy named Manuel on board; they killed him; the captain killed him; she does not know the captain's name, but would know him if she saw him; the captain beat Manuel with a large stick on the neck and shoulders; two days afterwards Manuel died; when the captain beat him, Manuel could not set up, all his bones were broken; she saw him when he was sick below, he cried, and said his bones hurt him; they would not give him any water; when he died they threw him into the sea; Manuel was not sick before the captain beat him; this witness corroborates the other parts of the foregoing testimony.

No. 7.—Barron, the necessity of telling the truth being explained to him, states that he was taken in war by the white people; the man that took him gave him to the Captain Vicente Morales; he lived with the captain ashore; captain took him on board, he saw several others on board, Manuel was one; Manuel is dead, the captain killed him with a stick; he saw him; he did not die immediately; he did not move from the place, he could not walk, the captain carried him down below, and he died; witness brought the stick for the captain to beat Manuel, it was a thick stick; he beat him for breaking a demijohn containing rum, accidentally; he saw him when taken below; he groaned, and complained of his bones being broken; he cried; he could not move his hands; saw blood come from his nose and mouth; he could not sleep; he heard Manuel, when he cried out, say the captain had killed him; when he died the sailors threw him in the sea; when Manuel complained of the captain beating him, the captain said in Spanish, "Well, you had no business to spill the rum;" Manuel was a white man, born in the Spanish country, he had red hair; Manuel was not quite dead when he was thrown overboard; he was wrapped up in a bed (hammock), and witness heard him holla before he was thrown over; witness saw him put in the bag, he moved when he was put in; he saw a sailor tie his hands behind him, and put him in a bag, at which time he was alive, and threw him into the sea.

No. 137.—Baga, an African girl 17 years of age, states that Manuel was killed; that the captain killed him with a stick; beat him on the head and shoulders, and broke a bone; he tried to run away and fell down near the cooking place, and then they had him carried down, and after two days he died; he begged for water, which the captain refused to give him: she saw them put him in a bag and place his hands by his side.

No. 3.—Duba, a boy about 14 years of age, states that he knew Manuel on board the slave-vessel; he is now dead; the captain killed him by beating him; witness saw him three or four days after he was beat; witness saw him put in a bag and thrown overboard; he was not quite dead when he was put in a bag; witness saw his breast heave and heard him groan; he called for water when suffering from the beating, but they would not give him any; Manuel was a white man.

Examinations taken at Roslyn on the 13th February, 1841.

Present—

His Excellency the Governor.
The Hon. William Hield.
The Hon. Wm. Hamlyn.

Charles R. Nesbett, Esq.
Robert Duncome, Esq.

No. 7.—Barron was recalled and examined in the Spanish language, through the interpretation of John F. Cooke, Esq., a merchant of Nassau, and states that he did not live on shore with the captain, but was taken on board with the other Africans by Captain Vicente Morales; witness states that the captain beat Manuel severely, and heard one of the sailors say that Manuel's neck and head was broken by the beating; that after Manuel had fallen the captain kicked him with his foot in the nose and mouth, and blood came from it; one of the sailors then carried Manuel below by order of the captain. The other parts of his evidence as given on the 11th he fully confirmed, and most particularly that part which relates to Manuel not being quite dead when thrown into the sea. He also saw the girl Boyce beaten with a large stick by the captain across the loins, which caused her death, and that Boyce was immediately thrown overboard; this took place while the man-of-war was in chase of the slave-schooner, and on the captain telling them to hush and go below, the girl Boyce was thrown overboard immediately after being beat, and witness thinks she was not dead, for she struggled and cried out in the sea; this happened in the afternoon, and the man-of-war took them at night; when the girl was thrown overboard she was taken from off the deck where she lay, and thrown over by the captain; witness states that two of the girls were taken into the cabin and slept with the captain (at least, that they told witness so the next morning, and complained of being ill-used).

No. 51.—Gomer, a boy about 12 years of age, examined through interpreters named William Curoine, a private soldier in Her Majesty's 2nd West India Regiment, and Judy Winder, and states that he knew Quaddy in Africa; that they slept together on board the slave-vessel; that when chased by the man-of-war Quaddy cried and made a great noise, upon which the Captain Vicente Morales took Quaddy by the limbs and threw him overboard; witness has not seen Quaddy since; and that a girl named Boyce died below after she had a mixture of rum and gunpowder thrust into her fundament for the purpose of killing worms, but that he knows of no girl named Boyce who was thrown into the sea by the captain, as stated by Barron, No. 7, in his examination; and it appeared there were two girls of the same name.

No. 13.—Gumer, a boy about 12 years of age, examined through an interpreter named Bella Dalzell, after being first cautioned to tell the truth, states that on the night when the man-of-war was chasing them, himself, another boy, and a girl were fighting and making a great noise, the captain beat him and the other boy, and threw the girl Boyce into the sea; it was sun down, but not dark; witness states that a moon before this, a boy named Quaddy and himself were fighting, and that the captain threw Quaddy into the sea.

No. 14.—Tongowa, after being cautioned to tell the truth, and examined through the same interpreter, states that when they were chased by the man-of-war some boys and a girl named Boyce were fighting and making a noise, the captain flogged the boys and threw the girl Boyce into the sea; witness adds that Gomer told him that Quatto was thrown into the sea.

No. 47.—Cattaway, examined, and states that a long time before the man-of-war took them, a boy was thrown into the sea because he would not take physic; he was thrown overboard by one of the sailors.

No. 2.—Fooly, examined, and states that he saw a boy named Quallabo thrown into the sea because he was sick and would not take medicine; the boy's bowels came down; this happened before the man-of-war came.

Examinations taken at Roslyn on the 15th February, 1841.

Present—

The Hon. William J. Hamlyn.
William Hield, Esq.

Robert Duncome, Esq.
Dr. J. Richardson, 2nd West India Regiment.

No. 50.—Tam, an African boy about 12 years of age, examined through an

interpreter named Judy Winder, states that he was lying in the hold close to another whose name he does not know; the other boy was sick and making a noise; a white man named Pepee, the boatswain, lifted the sick boy from beside witness, carried him on deck, and threw him overboard; he heard the captain speaking in Spanish to Pepee when he threw the boy over, but witness did not know what he said; it was at night, and a long time before the man-of-war took them.

No. 138.—Massu, a girl about 20 years of age, examined through the same interpreter, Judy Winder, after being first cautioned on the necessity of speaking the truth, states that when the man-of-war was in chase of the slave schooner, Boyce was crying and making a noise; witness heard the captain order her to be brought out of the hold (he having previously declared that if any of them made a noise they should be thrown overboard); witness never saw Boyce afterwards.

(Signed)

FRANCIS COCKBURN, *Governor.*

WILLIAM J. HAMLYN, *Collector of Customs, and
Member of Council.*

WILLIAM HIELD, *Member of Her Majesty's Council.*

C. R. NESBETT, *Public Secretary.*

ROBERT DUNCOME, *Police Magistrate.*

J. RICHARDSON, *Surgeon and Principal Medical
Officer.*

(A true Copy.)

(Signed)

J. ELWYN, *Principal Secretary.*

No. 52.

Viscount Palmerston to Mr. Aston.

SIR,

Foreign Office, May 11, 1841.

WITH reference to previous correspondence respecting the case of Henry Shirley, a negro kidnapped from Montego Bay, in the Island of Jamaica, and held in slavery in Cuba, I herewith transmit to you a copy of a Despatch and of its Enclosures from Mr. Turnbull, Her Majesty's Consul at the Havana, containing further correspondence on this subject; and I have to desire that you will embody the substance of the enclosed papers in a note to M. Ferrer, and entreat the Spanish Government to take the necessary steps for obtaining the immediate release of Shirley.

I am, &c.

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

(Signed)

PALMERSTON.

Enclosure in No. 52.

Mr. Turnbull to Viscount Palmerston.

The Havana, April 14, 1841.

(See No. 149.)

No. 53.

Viscount Palmerston to Mr. Aston.

SIR,

Foreign Office, May 11, 1841.

I HEREWITH transmit to you copies of a Despatch and of its Enclosures from Her Majesty's Consul at the Havana, stating the case of two British seamen of colour, named Louis and Buchanan, detained in confinement at the Havana.

I have to desire that you will present a note to M. Ferrer, transmitting to him copies of the correspondence between Mr Turnbull and General Valdez, and drawing the serious attention of the Spanish Government to this case.

It appears that two subjects of Her Majesty, who have committed no crime, and who are not even accused of any crime, have suffered a cruel imprisonment for several months, merely because the colour of their skin is darker than that of the Spanish authorities of Cuba, by whom they have been thus arbitrarily and unjustly imprisoned. And it appears further, that during their imprisonment they have been frequently robbed by their guards of the food sent them by the British captain of the ship to which they belonged; and that when they have tried to prevent themselves from being thus plundered, they have been beaten and wounded by these same guards. It appears, moreover, that the health of these men has suffered greatly from their confinement, and that there is ground for believing that even the intellects of one of them have in consequence been permanently impaired.

Her Majesty's Government are convinced that the Spanish Government will see the futility of the defence set up by General Valdez for the guards of the prison, and remark how unlikely it is that poor sailors confined in prison, and obliged to depend even for their food upon supplies sent them by their captain, should have money with which to get drunk; and the Spanish Government will no doubt also perceive, that the mere fact that the soldiers of the guard had the usual rations and pay of the service, in no degree negatives the assertion, that they robbed the prisoners for the purpose of eating or of selling the provisions which had been sent for the use of those prisoners.

It cannot fail also to strike the Spanish Government as extraordinary, that, when so serious an accusation was made against the guards of the prison, General Valdez should have endeavoured to get rid of it by such a denial as that contained in his letter to Mr. Turnbull, instead of instituting a searching and public inquiry into the charge, and calling before him for examination the sailors who were in confinement, the captain of the ship, the British Consul, and the guards themselves, so as to confront the accusers with the accused, for the purpose of thus ascertaining the truth.

The Spanish Government may possibly state in reply, that the imprisonment of these sailors was only the result of the execution of one of the laws of Cuba; but Her Majesty's Government cannot admit that such a reply is in any degree satisfactory.

They who make laws can change them, and if laws are at variance with natural justice and international rights, they ought to be repealed.

The law in question, which condemns a British subject visiting Cuba to imprisonment, merely because the colour of his skin may be some shades darker than that of the persons who have made and who administer that law, is inhospitable and unjust, and at variance with the friendly character of the relations which exist between Great Britain and Spain, and the Spanish Government may rely upon it that when the particulars of the present case shall come to be known publicly in England, the injuries which these British subjects have undergone within the territory of a friendly sovereign, without any fault or crime on their part, will excite great and general indignation.

Her Majesty's Government therefore entreat the Spanish Government to take this matter into its most serious consideration; and to repeal a law which cannot fail to lead to questions, which must have an injurious effect upon the relations between the two countries.

I am, &c.

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

(Signed) PALMERSTON.

Enclosure in No. 53.

Mr. Turnbull to Viscount Palmerston.

The Havana, April 7, 1841.

(See No. 146.)

No. 54.

Viscount Palmerston to Mr. Aston.

SIR,

Foreign Office, June 10, 1841.

I HEREWITH transmit to you a copy of a communication which I have received from the Executive Committee of the American and Foreign Anti-Slavery Society, enclosing a copy of a statement made by M. Vega, the Spanish Vice-Consul at Boston, respecting the laws of Cuba with regard to Slave Trade.

I have to desire that you will draw the attention of the Spanish Government to the assertion of M. Vega, that in the Island of Cuba there is not any law considered to be in force against the importation of slaves; an assertion, I apprehend, not consistent with the fact.

I have, &c.

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

(Signed) PALMERSTON.

First Enclosure in No. 54.

*The American and Foreign Anti-Slavery Society at New York to
 Viscount Palmerston.*

THE Executive Committee of the American and Foreign Anti-Slavery Society, although citizens of another country, feel emboldened by the consciousness of acting on behalf of the interests of our common humanity, to address a few suggestions to your Lordship, with respect to some developments which were made in the progress of the late trial respecting the schooner "*Amistad*."

The case of the unfortunate Africans who were taken in that vessel has heretofore arrested the attention of your Lordship, and has been made the subject of repeated representations to the Government of Spain. The happy issue of the late trial before the Supreme Court of the United States, by the liberation of the Africans unconditionally, has removed all ground of apprehension with respect to their individual safety.

They are now in the actual enjoyment of complete personal freedom in the State of Connecticut, and the hope is fondly cherished that it may yet be found practicable to procure their safe return to Mendi, the land from which they were stolen, in the interior of Africa.

Should need require, and should it be in the power of Her Britannic Majesty's Government to render any aids or facilities to so humane an enterprise as the restoration of these people to their native homes, we doubt not such aid will be freely rendered, so far as is consistent with other and paramount duties

It is the object, however, of the present communication more particularly, to call the attention of the British Government to the facts disclosed in this case, showing the state of the traffic in slaves in the Island of Cuba.

These Africans were brought to the Havana in the month of June, 1839, were placed in a barracoon near the city, were bought by José Ruiz, he knowing they were Africans, were shipped on board of the "*Amistad*" under a custom-house permit signed, by the governor, certifying that they were ladinos, and had Spanish names, although it was evident, on inspection, that they were new negroes and bore only African names, and, for additional security against British cruizers, were accompanied by a port certificate that they were passengers on account of the government, it being doubtless intended that if they were recognised as Africans, they should pass as being liberated by the Mixed Commission.

When they were brought into the United States, although Ruiz stated publicly that they were Africans, they were claimed as slaves by the representatives of the Government of Spain, with the most persevering earnestness, as the published correspondence will show; while Ruiz and Montez, instead of being discountenanced as criminals against the laws of God and man, had their claims most warmly espoused by both the ministers of Spain, and were treated in all respects as if they were the most meritorious of subjects.

In addition, we would call your Lordship's attention to the statement of M. Vega, Her Catholic Majesty's Vice-Consul at Boston, a copy of which, certified

under the seal of the United States Court, is transmitted herewith, and in which this public functionary of Spain takes it upon himself to aver, as of his own knowledge, that there is no law in force in Cuba against the Slave Trade, or against the holding of the victims of that trade in slavery, or selling them from hand to hand, and transferring them from place to place, as lawful slaves.

How far the Spanish Government is to be considered as responsible for this declaration of one of its officers, or whether such a document will be considered as requiring any notice on the part of Her Britannic Majesty's, this committee have no right to judge. Their duty to humanity will have been fully discharged by placing at your Lordship's disposal a duly authenticated copy of the declaration of M. Vega, which makes a part of the records of our courts, and although not formally sanctioned by the formalities of an oath, was, through the laxity of Admiralty proceedings, admitted to the same reception as if duly sanctioned.

Your Lordship will not charge us with any want of delicacy in thus obtruding ourselves upon the notice of a foreign government, or with any improper interference in any negotiations, which may be pending between the United States and Great Britain, but will justly ascribe this communication to its true motive, in a desire to further the general interests of justice and humanity, in which all men of all nations are equally concerned.

We have, &c.

(Signed)

ARTHUR TAPPAN, *Chairman.*
 JOSHUA LEAVITT.
 SIMEON S. JOCELYN.
 LEWIS TAPPAN.
 S. W. BENEDICT.
 THEO. S. WRIGHT.
 LA ROY SUNDERLAND.
 WILLIAM CHURCH.

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

Second Enclosure in No. 54.

(Seal.)

THE following statement was made to me by my A. G. Vega, Esq., Spanish Consul, as near as I can now recollect, and according to my best knowledge and belief, 10th January, 1840.

(Signed)

W. S. HOLABIRD.

That he is a Spanish subject; that he resided in the Island of Cuba several years; that he knows the laws of that Island on the subject of slavery; that there was no law that was considered in force in the Island of Cuba that prohibited the bringing in of African slaves; that the Court of Mixed Commission had no jurisdiction except in cases of capture on sea; that newly imported African Negroes were constantly brought to the Island, and after landing were *bonâ fide* transferred from one owner to another, without any interference by the local authorities, or the Mixed Commission, and were held by the owners, and recognised as lawful property; that slavery was recognised in Cuba by all the laws that were considered in force there; that the native language of the slaves was kept up in some plantations for years; that the barracoons are public markets where all description of slaves are sold and bought; that the papers of the "*Amistad*" are genuine, and are in the usual form.

District of Connecticut.

District Clerk's Office, April 5, 1841.

The foregoing is a true copy of the original now on file in this office.

(Attest)

CHARLES A. INGERSOLL, *Clerk.*

No. 55.

*Mr. Aston to Viscount Palmerston.**Madrid, June 13, 1841.**(Received June 24.)*

MY LORD,

I HAVE the honour to enclose a copy of a Note which, in compliance with the instructions contained in your Lordship's Despatch of the 5th ultimo, I have addressed to Mr. Gonzalez, requesting that the vacancy caused in the Mixed Court of Justice established at the Havana, by the resignation of the Conde de Fernandina, may be filled up.

I have, &c.

(Signed)

ARTHUR ASTON.

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

Enclosure in No. 55.

Mr. Aston to M. Gonzalez.

SIR,

Madrid, May 30, 1841.

HER Majesty's Government has received a Despatch from the British Commissioners at the Havana, announcing that the Conde de Fernandina has resigned the office of Judge on the part of Spain in the Mixed British and Spanish Court of Justice established at the Havana, under the treaties with Spain for the suppression of Slave Trade.

I have in consequence received instructions to request the Government of Her Catholic Majesty to cause the vacancy, occasioned by the resignation of the Conde de Fernandina, to be filled up.

I avail, &c.

(Signed)

ARTHUR ASTON.

His Excellency Don Antonio Gonzalez
 &c. &c. &c.

No. 56.

*Mr. Aston to Viscount Palmerston.**Madrid, June 13, 1841.**(Received June 24.)*

MY LORD,

IN conformity with the instructions contained in your Lordship's Despatch of the 6th ultimo, I have addressed a note to M. Gonzalez, the copy of which I herewith enclose, respecting the importation of negroes from Africa into the Havana,

I have, &c.

(Signed)

ARTHUR ASTON.

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

Enclosure in No. 56.

Mr. Aston to M. Gonzalez.

SIR,

Madrid, May 29, 1841.

I AM instructed to communicate to the Government of Her Catholic Majesty the enclosed Despatch and its Enclosures from Her Majesty's Commissioners at the Havana, containing a correspondence which these gentlemen have had with the Governor-General of the Island of Cuba, respecting the importation of negroes from Africa into that Island.

These papers state that 1500 negroes had been introduced into the Havana, or its neighbourhood, within the space of a fortnight; that it was well known that at one period upwards of 700 of those negroes were at a barracoon in San Antonio el Chiquito, and that at that period the Commissioners acquainted the Governor with the fact, in order that his Excellency might take immediate steps

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for making inquiries, and for bringing the delinquents to punishment. But the Governor delayed to investigate the case until time had been afforded for removing the negroes from the place at which they were confined, and afterwards his Excellency wrote word to the Commissioners that, "on investigation, no proof whatever had resulted of the facts alleged."

These papers furnish additional proofs of the systematic protection afforded to the Slave Trade by all the Government officers in Cuba, from the Governor downwards. For it is obvious from the letters of the Governor, that although that officer felt that he could not with any decency refuse to cause the barracoons to be searched, he nevertheless took good care that the search should be so delayed, and so conducted, that the negroes might be removed.

I am further instructed again to urge the Spanish Government to accede to the plan proposed to them by Note of the 14th November, 1838, by the Earl of Clarendon on the part of Her Majesty's Government, namely, that power shall be given to the Mixed Court of Justice at the Havana to call before it parties suspected of Slave Trade, and to subject them to the same course of examination, which ought to be carried on by the administrative officers of the Colonial Government, but which is now wholly evaded and omitted by those officers.

Her Majesty's Government, moreover, beg to draw the serious attention of the Spanish Government to the fact, that the 1500 negroes have been imported into Cuba against the laws of Spain, that consequently they can have no legal masters, and are by law as free as any white inhabitant of Cuba.

Her Majesty's Government therefore hope that the Spanish Government, remembering that the consigning of these negroes to slavery would also be a violation of the Treaty between Spain and Great Britain, will take steps for placing these negroes, without delay, in the enjoyment of that freedom to which they are indisputably entitled.

I avail, &c.

(Signed) ARTHUR ASTON.

His Excellency Don Antonio Gonzalez,
&c. &c. &c.

No. 57.

Viscount Palmerston to Mr. Aston.

SIR,

Foreign Office, June 28, 1841.

I HEREWITH transmit to you a copy of a letter and of its enclosures from the Admiralty, containing an account of piratical acts committed by the Spanish slave-vessels "*Gabriel*" and "*Scorpion*," in firing upon the boats of Her Majesty's brigantine "*Termagant*," when approaching those vessels.

I have to desire that you will communicate to the Spanish Government, by a note, the facts related in the accompanying papers, and that you will urge the Spanish Government to cause a strict investigation to be made into the circumstances of the case, and to punish the parties concerned in this transaction, if they shall be found to have been guilty of the crimes imputed to them.

I am, &c.

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

(Signed) PALMERSTON.

First Enclosure in No. 57.

Sir John Barrow to Mr. Backhouse.

SIR,

Admiralty, June 17, 1841.

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Viscount Palmerston, copy of a letter from Commander the Hon. Joseph Denman, of the "*Wanderer*," to the senior officer of Her Majesty's ships on the Coast of Africa, dated the 30th and 31st of March last, containing information relative to Slave Trade.

I am, &c.,

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

(Signed) JOHN BARROW.

Second Enclosure in No. 57.

Commander Denman to Captain Tucker.

*Her Majesty's ship "Wanderer,"
Sierra Leone, March 30, 1841.*

SIR,

I HAVE the honour to enclose a Letter from Lieutenant Seagram of Her Majesty's brigantine "Termagant," reporting the particulars of a very gallant boat attack upon the "Gabriel" slave-brig, the same vessel which beat off a small prize in charge of Mr. Marriott, mate of the "Rolla," whose conduct upon the occasion I represented to you in my Letter of the 12th November. It is my duty to add, that the conduct of Lieutenant Seagram, while under my orders, has been most zealous and indefatigable. Owing to the rigorous blockade of New Cestos maintained by him, and his strict and able execution of my orders, both in letter and spirit, that extensive Slave Trade has been entirely abandoned, and, despairing of any further prosecution of the traffic, the slaves in the barracoons, amounting to upwards of 150, have been voluntarily delivered up to him by the slave-dealers, and emancipated at Sierra Leone.

Lieutenant Seagram was himself wounded in the head with a bayonet, besides a severe contusion from a blow with a musket, but with modesty equal to his merit, his name does not appear in his list of the wounded. I earnestly hope that you will recommend Lieutenant Seagram to the Lords Commissioners of the Admiralty, and trust that he will meet with their most favourable consideration.

I also enclose two Letters from the same officer, reporting an act of piracy committed upon the boats of the "Termagant" by the "Scorpion," alias the "Volador," and detailing facts which may lead to the identification of the vessel.

I am, &c.,

(Signed) J. DENMAN, *Commander.*

*Captain Tucker, Senior Officer,
West Coast of Africa.*

Third Enclosure in No. 57.

Lieutenant Seagram to Commander Denman.

SIR,

H. M. Brigantine "Termagant," off Sulimane, Feb. 25, 1841.

I HAVE the honour to inform you that I discovered the notorious piratical slave-brig to be on the coast, known as the "Gabriel" in her last voyage to Gallinas, when she beat off a schooner in charge of Mr. Marriott (mate), of the "Rolla." I therefore went in search, and got sight of her at daylight on the morning of the 24th instant, distant about seven or eight miles. We chased her until 10 o'clock A.M., when it fell a calm, and although I had three boats absent with the picked men of the ship, I yet considered it my duty to make an effort to take her. I therefore proceeded with the only two boats on board, the one a dingy of 14 feet, with a mixed crew (of seamen, boys, and blacks) in number 22, to endeavour to capture her. She is manned with 50 men before the mast, one pivot gun, 24-pounder, and four broadside guns. Directly we were within range she commenced firing with stern guns, shot grape, langridge, and musketry, without intermission, until we ranged up on each quarter; we did not return her fire until almost within hail, when we poured in a well-directed and I believe destructive fire of musketry, as we observed several drop. We attempted carrying her by boarding, but they having prepared a strong resistance by barricading their rigging and clearing her sides of all ropes, we found it very difficult to mount, more especially as the dingy having been unfortunately sunk alongside, the whole crew directed their efforts against the other boat, myself and others being knocked out of the main rigging into the sea, and several wounded. They also assailed us with all kind of missiles—blocks, arms, billets of wood, &c., and anything they could lay their hands on. I found they were too strong for us, and therefore directed my efforts to save the drowning crew of the dingy. It was at that time a perfect calm, and they still continuing firing at us. I, however, succeeded in picking up the survivors, and other things that were floating about. Although waved off and hailed in English to go away, we did not pull away from the brig until we had taken the sunken dingy in tow, which we were obliged afterwards to abandon, in consequence of the wounded men. I feel it due to myself, Mr. Sanavell, 2nd master (who commanded the dingy), and to the men composing the crew of the two boats, to express the hope

that we shall not have merited your disapprobation at the unsuccessful result, when the disparity of the relative forces is considered. We continued the chase until we lost sight of her at dusk. I permitted the deserter from the "Wanderer" to go in the boat as a volunteer, through his good conduct while on board, and I trust, if compatible with the regulations of the service, that his heroic conduct (he is very severely wounded) may receive your favourable consideration. I beg to enclose a list of the killed and wounded; almost every one of the party received contusions. The "*Gabriel*" is a powerful brig under Spanish colours, painted black, raking masts, very deep courses, and topgallant-sails, small topsails, high bulwarks, billet head stern ports, and two ports of a side; iron plates for standing rigging, with four broadside guns, and one long gun amidships, painted green inside, carries a crew of 50 men before the mast.

I am, &c.

(Signed) H. F. SEAGRAM.

The Hon. Commander Denman, R.N.,
&c. &c. &c.

Fourth Enclosure in No. 57.

A List of Men belonging to Her Majesty's Brigantine "Termagant" who were killed and wounded while attempting to board the Spanish Slave Brig "*Gabriel*" on the 24th of February, 1841.

Name.	Age.	Quality.	Wounds, with the nature thereof.
Edward Knops . . .	21	A B	Killed.
John Steadman . . .	19	Boy, 1st class	"
Thomas Williams . . .	23	Ordinary, African	"
Bentick Gordon . . .	25	Seaman, deserter from "Wanderer"	Compound fracture of right arm, severe wound of right thigh, caused by a piece of iron passing through it, also a slight wound of chest.
James Knight . . .	21	Ordinary	Fracture of cranium, caused by a blow from a cutlass, also wound of scalp.
William Rance . . .	17	Boy, 1st class	Severe wound of neck, caused by a musket-ball passing through it.
William Goddard . . .	20	Carpenter's crew	Slightly wounded in three places.
Alfred Tubb	21	A B	Slight wound of head.
Teati	21	Krooman	Slightly wounded in two places.

(Signed)

H. F. SEAGRAM, *Lieutenant and Commander.*

THOMAS CRAWFORD, *Assistant Surgeon.*

Fifth Enclosure in No. 57.

Lieutenant Seagram to the Honourable Commander Denman.

SIR,

Her Majesty's Brig "Termagant."

I HAVE the honour to inform you that the boats belonging to Her Majesty's brig under my command were most wantonly fired at on the 26th December, by the Spanish brigantine "*Scorpion*," alias "*Volador*," Captain Jayme Moysi, despatched by Pedro Blanco from the Havana to New Cestos for slaves; the boats had been in chase in the morning, but in consequence, of a breeze springing up, had given over the pursuit, and were returning towards the anchorage, when the "*Scorpion*" bore up, came within range of her guns, fired two round shot with a volley of musketry, and then hauled off; there was a 6 or 7 knot breeze. This act of piracy committed by the captain and crew of the "*Scorpion*" upon the boats of Her Majesty's brigantine "Termagant" while pulling towards the shore, admits of no palliation or excuse. I have, therefore, to request you will forward my representation, in order that inquiries may be instituted, and punishment awarded, if possible, to the guilty parties.

I am, &c.

(Signed) H. F. SEAGRAM,
Lieutenant and Commander.

The Honourable J. Denman,
Commander of Her Majesty's Ship "Wanderer," Senior Officer.

Sixth Enclosure in No. 57.

Lieutenant Seagram to Commander Denman.

SIR,

*Her Majesty's Brig "Termagant,"
Mesurado, February 17, 1841.*

IN compliance with the directions contained in your letter of the 1st ultimo, to obtain the fullest possible information about the sale of the "*Volador*," formerly the yacht of Major Campbell (then Governor of Sierra Leone), and the means by which that vessel became the property of Pedro Blanco, I beg leave to state, from the information obtained from Mr. Theodore Canot, who was at that time at Sierra Leone, "That in the latter part of the year 1835 he knew her as a yacht, having seen her lying in the harbour; knew the Governor sold her to Mr. Savage (a coloured man), agent at that time to Pedro Blanco, who took her to the Cape Verds, fitted her for slaves, and came to Gallinas and took a cargo of slaves. This is her fifth voyage to the coast. She is now called the "*Scorpion*."

I am, &c.

(Signed) H. F. SEAGRAM,
*Lieutenant and Commander.**The Honourable Commander Denman,
Her Majesty's Ship "Wanderer," Senior Officer.*

No. 58.

Viscount Palmerston to Mr. Aston.

SIR,

Foreign Office, July 14, 1841.

I HEREWITH transmit to you a copy of a Letter, and of its Enclosures, from the Admiralty, containing intelligence that the Captain-General of Cuba has seized 400 negroes, who had recently arrived off that island from the coast of Africa, and had been illegally landed near the Havana, for the purpose of their being made slaves.

I have to desire that you will, by Note to the Spanish Government, express the satisfaction of Her Majesty's Government at the laudable conduct pursued by the Captain-General of Cuba on this occasion, and that you will request the Spanish Government to order, without delay, that these negroes may be placed in the charge of the British Inspector of Liberated Africans, in order to their being sent to a British colony to be set free; for you will state to the Spanish Government, that if these negroes are to be sold out by the Spanish Governor as apprentices, according to the practice hitherto pursued, the seizure of them will be of no benefit to the negroes themselves, and will merely have the effect of transferring to the Government of Cuba the profits, which the individuals who imported them expected to make by selling them, and though this would be a punishment to those guilty individuals, it would afford no redress to the innocent negroes.

I am, &c.

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

(Signed) PALMERSTON.

First Enclosure in No. 58.

[Sir John Barrow to Lord Leveson.

MY LORD,

Admiralty, July 2, 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 dated 26th May last from Lieutenant Hawkins, the officer in command of Her Majesty's receiving ship "*Romney*" at Havana, reporting that his Excellency the Captain-General of the Island had, in the name of the Spanish Government, taken possession of 400

negroes landed near the Havana, from a brig named the "*Golden Eagle*," from the coast of Africa.

I am, &c.

The Lord Leveson,
&c. &c. &c.

(Signed) JOHN BARROW.

Second Enclosure in No. 58.

Lieutenant Hawkins to Mr. O'Ferrall.

SIR,

H.M.S "Romney," Havana, May 26, 1841.

It is with the most heartfelt satisfaction that I have to acquaint you, for the information of my Lords Commissioners of the Admiralty, of an occurrence which took place during the past week. A brig named the "*Golden Eagle*," from the coast of Africa, with about 430 negroes, in landing ran on shore on this coast about Bahai Honda, to leeward of the Havana; in landing the unfortunate creatures 30 were drowned, the remaining 400 were landed safe, when they were taken possession of by the guard his Excellency the Captain-General had stationed along the coast for that purpose; and I have to congratulate their Lordship's on the decision which has been adopted by the Captain-General of seizing these (I must now term them fortunate) creatures in the name of the Spanish Government. His Excellency sent a steam-boat for them, and they arrived at this place yesterday, and were landed at the Naval Wharf. This most gratifying act of his Excellency I trust is the prelude of the effectual suppression of this most horrid traffic in human flesh; his prompt measure in this case I am informed has struck terror and consternation in the wretched traffickers in this town of Havana, and from reports that come to me I am given to understand he is determined to do all in his power as Governor to put an end to slavery, by rigidly examining all vessels that fit out and have any appearance of being about to be employed in that traffic. Having the power as Captain-General, I trust in the Almighty he will use that power delegated to him for the suppression of slavery, which has been carried on in the face of day and knowledge of his predecessors.

I have thought proper to apprise my Lords Commissioners of this occurrence as early as possible, and before communicating it to the Commander-in-Chief, which I intend doing by the earliest opportunity.

I have, &c.

(Signed) C. HAWKINS,

Lieutenant and Commander.

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

No. 59.

M. de Florez to Viscount Palmerston.

11, Baker Street, 14 de Julio, 1841.

(Received July 16.)

MY LORD,

TENGO el honor de poner en conocimiento de V. E. que admitida por el Gobierno de su Majestad la renuncia que hicieron por el mal estado de su salud el Conde de Fernandina i el Brigadier Don Juan Montalvo i O'Farril, el primero del Cargo de Juez Comisario del tribunal Misto de Justicia, establecido en la Habana en virtud del tratado concluido con la Gran Bretaña en 1835 para la supresion del trafico de negros, i el segundo del de Juez Arbitro del espresado tribunal, han sido nombrados para reemplazarlos en los referidos destinos i en el orden que queda indicado, el Marques de Esteva, i el Brigadier Don Francisco Illas.

Aprovecho, &c.

(Sigfiado) LUIS DE FLOREZ.

Exmo. Señor Viconde de Palmerston,
&c. &c. &c.

(Translation.)

MY LORD,

I HAVE the honour to inform your Excellency that Her Majesty's Government having allowed the retirement, on the score of bad health, of the Conde de Fernandina and the Brigadier Don Juan Montalvo i O'Farril, the first from the office of Commissary Judge in the Mixed Court of Justice established at the Havana in virtue of the Treaty concluded with Great Britain in 1835 for the suppression of the Slave Trade, and the second from the office of Arbitrator in the said Court, there have been named to replace them in the above-mentioned offices, in the order here given, the Marquis de Esteva and the Brigadier Don Francisco Illas.

I avail myself, &c.
(Signed) LUIZ DE FLOREZ.

No. 60.

*Mr. Aston to Viscount Palmerston.**Madrid, July 10, 1841.**(Received July 18.)*

MY LORD,

WITH reference to my Despatch of the 13th ultimo, I have the honour to transmit herewith the copy and translation of a Note which I have received from M. Gonzalez, informing me that the Spanish Government had appointed the Marquis de Esteva to be Judge Commissioner of the Mixed Court of Justice at the Havana, in the place of the Conde de Fernandina, and Brigadier Illas to be Arbitrator of the said Court, in the room of Brigadier Don Juan Montalvo y O'Farril.

I have, &c.

(Signed) ARTHUR ASTON.

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

Enclosure in No. 60.

M. Gonzalez to Mr. Aston.

SIR,

Madrid, June 23, 1841.

I HAVE the honour to inform you, in reply to your Note of the 30th of May last, and by order from the Regent of the Kingdom, that under this date His Highness has appointed the Marquis de Esteva to be Judge Commissioner of the Mixed Court of Justice established at the Havana, in the room of the Conde de la Fernandina, who has resigned this office, and also Brigadier Don Francisco Illas to be Judge Arbitrator of the said Court, likewise vacant by the resignation of Brigadier Don Juan Montalvo y O'Farril, both individuals residents of Cuba.

I hasten to make the above communication to you, in order that you may be pleased to make it known to your Government.

Availing myself, &c.

The British Minister,
&c. &c.

(Signed) ANTONIO GONZALEZ.

No. 61.

*Mr. Aston to Viscount Palmerston.**Madrid, July 10, 1841.**(Received July 18.)*

MY LORD,

I HAVE the honour to enclose the copy of a Note which, in obedience to the instructions contained in your Lordship's Despatch of the 25th May last, I have addressed to M. Gonzalez, respecting the liberation of the negro Henry Shirley.

I enclose likewise the copy and translation of a Note which I have received from his Excellency in reply, stating that renewed orders have been sent out to the

Captain-General of Cuba, to take every possible means in his power to discover whether Shirley really exists, and in that event to punish Le Desma, or any other guilty party, with all the severity of the law.

I have, &c.

(Signed) ARTHUR ASTON.

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

First Enclosure in No. 61.

Mr. Aston to M. Gonzalez.

SIR,

Madrid, June 21, 1841.

I HAVE been instructed to bring again under the notice of Her Catholic Majesty's Government the case of Henry Shirley, a negro, kidnapped several years ago in Montego Bay, in the Island of Jamaica, and held in slavery in Cuba.

As your Excellency will see, by reference to what has already passed on this subject between your Excellency's Office and this Legation, the name of the person by whom Shirley was stolen is Antonio Le Desma, a shopkeeper of Santa Cruz, in the Island of Cuba, having been then the master of a schooner, trading between Montego Bay and Santa Cruz.

It was stated to Her Majesty's Consul at the Havana, by the predecessor of the present Captain-General of Cuba, that Shirley had been sent to Puerto Principe, and had died there, but the inaccuracy of this statement was proved by the subsequent reception of a letter from Shirley, by one of his relatives in the City of Kingston.

Her Majesty's Consul at the Havana has renewed to General Valdez the offer he had repeatedly made to his predecessors, namely, to bring the most unexceptionable witnesses to prove—

- 1st. Their knowledge of Shirley as a British subject residing at Montego Bay.
- 2nd. His sudden disappearance from his home.
- 3rd. The fact of his being recognized at Santa Cruz, in the condition of a slave, in the very house of Le Desma.

Her Majesty's Consul has further requested the Captain-General to bring Le Desma to immediate trial, when he would be ready with clear and sufficient evidence to prove his having kidnapped and reduced to slavery the above-mentioned British subject.

Under these circumstances, I have the honour again to entreat the Government of Her Catholic Majesty to take the necessary steps for the immediate release of the negro in question.

I have, &c.

(Signed) ARTHUR ASTON.

His Excellency Don Antonio Gonzalez,
&c. &c. &c.

Second Enclosure in No. 61.

(Translation.)

M. Gonzalez to Mr. Aston.

SIR,

Madrid, June 24, 1841.

I HAVE the honour to acknowledge the receipt of your Note of the 21st instant, relative to the negro Henry Shirley, and to inform you in answer, that I shall transmit it to the Captain-General of the Island of Cuba by the first packet to the Havana, again charging him, by order of the Regent of the kingdom to adopt all possible means to discover if that negro was actually kidnapped at Montego Bay by Antonio Le Desma, as is alleged, and that if this occurrence should turn out to be certain, and Le Desma or any other should be proved guilty, that

condign punishment should be inflicted on them, according to the orders communicated to his predecessor from the office under my charge on the 10th of April last.

I avail, &c.

(Signed) ANTONIO GONZALEZ.

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

No. 62.

Mr. Aston to Viscount Palmerston.

Madrid, July 10, 1841.

MY LORD,

(Received July 18.)

WITH reference to your Lordship's Despatch of the 25th May last, I have the honour to enclose the copy of a Note, which I have addressed to M. Gonzalez, calling the serious attention of the Spanish Government to the particulars of the case of the two British seamen of colour, named Lewis and Buchanan, detained in confinement at the Havana.

I have, &c.

(Signed) ARTHUR ASTON.

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

Enclosure in No. 62.

M. Aston to M. Gonzalez.

SIR,

Madrid, June 26, 1841.

IN compliance with the instructions I have received from my Government, I have the honour to transmit herewith to your Excellency copies of the correspondence, which has taken place between Her Majesty's Consul at the Havana and His Excellency the Governor-General, respecting the case of two British seamen of colour, named Lewis and Buchanan, detained in confinement at the Havana. I am directed to draw the serious attention of the Spanish Government to this case.

It appears that two subjects of Her Majesty, who have committed no crime, and who are not even accused of any crime, have suffered a cruel imprisonment for several months; and it appears further that during their imprisonment they have frequently been robbed by their guards of the food sent to them by the British captain of the ships to which they belonged; and when they have tried to prevent themselves from being thus plundered, they have been beaten and wounded by these same guards.

It appears moreover that the health of these men has suffered greatly from their confinement, and that there is ground for believing that even the intellects of one of them have in consequence been permanently impaired.

Her Majesty's Government are convinced that the Spanish Government will see the futility of the defence set up by General Valdez for the guards of the prison; and will remark how unlikely it is that poor sailors, confined in prison, and obliged to depend even for their food upon supplies sent them by their captain, should have money with which to get drunk; and the Spanish Government will no doubt also perceive that the mere fact that the soldiers of the guard had the usual rations and pay of the service, in no degree negatives the assertion that they robbed the prisoners for the purpose either of eating or of selling the provisions which had been sent for the use of those prisoners.

It cannot fail to strike the Spanish Government as extraordinary that, when so serious an accusation was made against the guards of the prison, General Valdez should have endeavoured to get rid of it, by such a denial as that contained in his letter to Mr. Turnbull, instead of instituting a searching and public inquiry into the charge, and calling before him for examination the sailors who were in confinement, the captain of the ship, the British Consul, and the guards themselves, so as to confront the accusers with the accused, for the purpose of thus ascertaining the truth.

CLASS B.

It may possibly be stated in reply, that the imprisonment of these sailors was only the result of the execution of one of the laws of Cuba; but Her Majesty's Government cannot admit that such a reply is in any degree satisfactory.

They who make laws can change them, and if laws are at variance with natural justice and international rights they ought to be repealed.

The law in question which condemns a British subject visiting Cuba to imprisonment, merely because he is a man of colour, is inhospitable and unjust, and at variance with the friendly character of the relations which subsist between Great Britain and Spain; and the Spanish Government may rely upon it, that when the particulars of the present case shall come to be known publicly in England, the injuries which these British subjects have undergone, within the territory of a friendly sovereign, without any fault or crime on their part, will excite great and general indignation.

Her Majesty's Government therefore entreat the Spanish Government to take this matter into its most serious consideration, and to repeal a law which cannot fail to lead to questions, which must have an injurious effect upon the relations between the two countries.

I have, &c.

(Signed) ARTHUR ASTON.

His Excellency Don Antonio Gonzalez,
&c. &c. &c.

No. 63.

Mr. Aston to Viscount Palmerston.

Madrid, July 10, 1841.

(Received July 18.)

MY LORD,

IN conformity with the instructions contained in your Lordship's Despatch of the 24th May last, directing me to communicate to the Spanish Government the documents containing evidence of the crimes, alleged to have been committed by the master and crew of the slave-ship "*Jesus Maria*," upon the Africans on board that vessel, I have addressed a note to M. Gonzalez, a copy of which I have the honour to enclose.

I have, &c.

(Signed) ARTHUR ASTON.

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

Enclosure in No. 63.

Mr. Aston to M. Gonzalez.

SIR,

Madrid, June 23, 1841.

I AM instructed by my Government to transmit to your Excellency the enclosed copies of documents, containing evidence of crimes, alleged to have been committed by the master and crew of the slave-vessel "*Jesus Maria*," upon the Africans on board that vessel, which was captured by Her Majesty's ship "*Ringdove*."

In communicating these papers to your Excellency, I am directed to request the most serious attention of the Spanish Government to the statement they contain.

The transactions to which these papers relate are a small example of the crimes and atrocities, the perpetration of which has so long continued to be deliberately and systematically encouraged by the Spanish authorities in Cuba, for the sake of the money payments which those authorities receive from the slave-traders.

These abuses committed by the Colonial authorities in defiance of the orders of the Government of Madrid, in violation of the laws of Spain, and in contempt of the treaty engagements of the Spanish Crown, cannot fail to produce an impression upon the public mind of Europe unfavourable to the character of the Spanish nation.

Her Majesty's Government, however, have too great a respect for the Duke de la Victoria, and appreciate too highly his liberal and generous feelings, his states-

manlike mind, and his punctilious sense of honour, not to be confident that he will set to work in good earnest to put an immediate end to these abominations; and that after having enjoyed the glory of restoring peace to his native land, he will reap additional honour, by rescuing his fellow-countrymen in the Spanish Colonies from the guilt of participation in the crimes connected with the Slave Trade.

I have, &c.

(Signed) ARTHUR ASTON.

His Excellency Don Antonio Gonzalez,
 &c. &c. &c.

No. 64.

Viscount Palmerston to Mr. Aston.

SIR,

Foreign Office, July 26, 1841.

I HEREWITH transmit to you a copy of a Despatch from Her Majesty's Commissioners at the Havana, containing their report upon the Slave Trade of the Island of Cuba for the year 1840.

Her Majesty's Government have had satisfaction in learning from that report, that the Slave Trade carried on by the merchants of Cuba has decreased during the last year.

But Her Majesty's Government regret to find that the authorities of Her Catholic Majesty in Cuba still connive at the Slave Trade, instead of assisting to put it down; and that the Spanish ships of war on the Cuba station, though in general quite as numerous as the British cruizers in that quarter, make no effort to detain the vessels concerned in the illegal traffic. But as it appears that a spirit of hostility to the Slave Trade has arisen in Cuba, and prevails especially among the planters of that island, Her Majesty's Government hope that the Government of Her Catholic Majesty will find less difficulty than heretofore in enforcing the execution of the stipulations, to which Spain is bound by treaty with Great Britain upon Slave Trade.

You will communicate to the Spanish Government, by note, the sentiments of Her Majesty's Government upon this subject.

I am, &c.

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

(Signed) PALMERSTON.

Enclosure in No. 64.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, January 1, 1841.

(See Class A, No. 137, p. 166.)

No. 65.

Viscount Palmerston to Mr. Aston.

SIR,

Foreign Office, July 31, 1841.

WITH reference to my former Despatches, respecting the state of the negroes emancipated by the Mixed Court of Commission at the Havana, under the Treaty of 1817 between Great Britain and Spain upon Slave Trade, I herewith transmit to you a copy of a Despatch which I have recently from Her Majesty's Commissioners at the Havana upon this subject, and I have to desire that you will press the Spanish Government for an answer to the demand which, by my Despatch of the 4th March last, you were instructed to make, that those negroes shall all be brought before the Mixed Commission, according to the lists deposited in the Archives of the Commission; and that they shall then, if

they wish it, be handed over to the Superintendent of Liberated Negroes, to be by him sent to a British colony, where they would by law, as well as by treaty, be free.

I am, &c.

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

(Signed) PALMERSTON.

Enclosure in No. 65.

Her Majesty's Commissioners to Viscount Palmerston.

Havana, May 15, 1841.

(See Class A, No. 159, p. 201.)

No. 66.

Viscount Palmerston to Mr. Aston.

SIR,

Foreign Office, July 31, 1841.

WITH reference to previous correspondence respecting the British negroes "Shirley" and "Wellington," supposed to be detained in slavery in Cuba, I herewith transmit to you copies of a Despatch and of its Enclosures, which I have received from Mr. Consul Turnbull, on the subject of those two negroes.

I am, &c.

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

(Signed) PALMERSTON.

Enclosure in No. 66.

Mr. Turnbull to Viscount Palmerston.

The Havana, May 17, 1841.

(See No. 153.)

No. 67.

Viscount Palmerston to Mr. Aston.

SIR,

Foreign Office, July 31, 1841.

I HEREWITH transmit to you a copy of a communication which I have received from the British and Foreign Anti-Slavery Society, transmitting—1. A copy of the Royal Order for the suppression of the Slave Trade, addressed to the Captain-General of Cuba, dated the 2nd of January, 1826. 2. A Memorial of El Conde de Santo Venia to the present Captain-General of Cuba. 3. A Memorial from the Municipal Corporation of the Havana to the Provisional Regency of Spain; and 4. A Memorial of the Tribunal of Commerce of the Havana to the provisional Regency of Spain.

I have to desire that you will by note to the Spanish Minister transmit copies of the documents Nos. 1 and 2, pointing out that the Royal Order, No. 1, has remained a dead letter, and requesting that it may be carried into effect, and that all vessels arriving at any port in Cuba from the coast of Africa may be required to produce their log, and that such log may be carefully examined, and that the parties may be punished, if it be found that slaves have been landed from the vessel.

But I do not think it worth while that you should send to the Spanish Government extracts about the Slave Trade from the documents Nos. 3 and 4, because the value of the opinions therein expressed about Slave Trade is more than counterbalanced by the erroneous and prejudiced opinions, which those documents contain upon the question of slavery and emancipation.

I am, &c.

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

(Signed) PALMERSTON.

Enclosure in No. 67.

Mr. Scoble to Viscount Palmerston.

MY LORD,

27, New Broad Street, London, July 17, 1841.

PRESUMING that your Lordship may not have had transmitted from Cuba the documents referred to in the copy of a Letter from their correspondent at the Havana, forwarded to your Lordship on the instant the Committee of the British and Foreign Anti-Slavery Society have requested me in the absence of their secretary to hand you copies of the same, namely:—

1. Copy of the Royal Order for the Suppression of the Slave Trade, addressed to the Captain-General of Cuba, dated January 2, 1826.
2. Memorial of El Conde de Santo Venia to the present Captain-General of Cuba.
3. Memorial from the Municipal Corporation to the Provisional Regency of Spain.
4. Memorial of the Tribunal of Commerce to the Provisional Regency of Spain.

In looking over these important papers your Lordship will not fail to perceive that the inhabitants of Cuba, as represented by the memorialists, throw the entire blame of the continuance of the Slave Trade on the Spanish Government. The Municipal Corporation distinctly say, "The inhabitants of Cuba are not to blame, because their Government permits and protects the abominable traffic in slaves;" and ground on this fact, "a better right to demand the preservation of their lives than the slave race have to ask for their liberty." "The ultimate abolition of slavery," says this same body, "supposes the entire suppression of the execrable traffic with Africa;" and they add, "if the faith of Treaties has been disregarded, if the trade in men has been permitted, it is but just that such abominable excesses be repressed, as every other illegality should be suppressed. But those who have committed these excesses are not in the island of Cuba; and it is not just that the native inhabitants should pay with their lives, and the loss or conflagration of their property, for the delinquencies of others, on the erroneous pretext that our dependency on the mother country is to be maintained by the increase of the negro population." In the prayer for the suppression of the Slave Trade the Tribunal of Commerce joins. "Cut away," say they, "at once and for ever all that remains of the contraband traffic in negroes, which may still be carried on in fraud of the Treaty for its abolition, and in defiance of the laws of the country: and this may be done by the Spanish Government, without any foreign intervention whatever."

The foregoing extracts show conclusively that the responsibility of continuing the Slave Trade between Africa and the Spanish colonies will rest exclusively with the Spanish Government. It is, however, devoutly to be hoped that the present liberal and enlightened Government of Spain will not tread in the footsteps of its predecessors, but in good faith will second the generous efforts of Great Britain to put an end to so great a scourge of humanity as the African Slave Trade. If it have the will it has the power.

The Committee take advantage of the present opportunity of again calling your Lordship's attention to the important fact that all the slaves introduced into the Spanish colonies since the year 1817, together with their descendants, are fully entitled to their liberty, both by Spanish law and under the Treaties of Spain with Great Britain for the abolition of the Slave Trade; and that this country has therefore a right to demand their liberty.

I have, &c.

(Signed) JOHN SCOBLE.

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

&c.

&c.

&c.

The Papers enclosed in this Letter will be found—

- 1, as Enclosure in No. 152.
- 2, as Fourth Enclosure in No. 156.
- 3, as Second Enclosure in No. 156.
- 4, as Third Enclosure in No. 156.

No. 68.

*Mr. Aston to Viscount Palmerston.**Madrid, July 24, 1841.*

MY LORD,

(Received August 2.)

IN compliance with the instructions contained in your Lordship's Despatch of the 10th ultimo, I addressed a note to M. Gonzalez, a copy of which I have the honour to enclose, calling the attention of the Spanish Government to the assertion, stated to have been made by M. Vega, Spanish Vice-Consul at Boston in the United States of North America, to the effect that in the Island of Cuba there is not any law considered to be in force against the importation of slaves.

I have, &c.,

(Signed)

ARTHUR ASTON.

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

&c.

&c.

&c.

Enclosure in No. 68.

Mr. Aston to M. Gonzalez.

SIR,

Madrid, July 4, 1841.

I HAVE been instructed to draw the attention of Her Catholic Majesty's Government to an assertion made by M. Vega, Spanish Vice-Consul at Boston, in the United States of North America, and which has been communicated to Viscount Palmerston by the Executive Committee of the American and Foreign Anti-Slavery Society of New York.

The assertion in substance is, that in the Island of Cuba there is not any law considered to be in force against the importation of slaves.

Her Majesty's Government apprehend that this assertion is not consistent with the fact.

For your Excellency's information I have the honour to enclose a copy of M. Vega's assertion, as furnished by the above-mentioned Anti-Slavery Society.

I have, &c.,

(Signed)

ARTHUR ASTON.

His Excellency Don Antonio Gonzalez,

&c.

&c.

&c.

No. 69.

*Mr. Aston to Viscount Palmerston.**Madrid, July 24, 1841.*

MY LORD,

(Received August 2.)

I HAVE the honour to forward to your Lordship copies and translations of a Note and its Enclosures, which I have received from M. Gonzalez, in answer to the representation which, in obedience to the instructions contained in your Lordship's Despatch of the 25th May last, I addressed to his Excellency, upon the subject of the detention in prison, and ill treatment by the Spanish guard, of the two British seamen, Lewis and Buchanan.

I have, &c.,

(Signed)

ARTHUR ASTON.

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

&c.

&c.

&c.

First Enclosure in No. 69.

(Translation.)

M. Gonzalez to Mr. Aston.

SIR,

Madrid, July 12, 1841.

I HAVE the honour to acknowledge the receipt of the Note which, with six copies enclosed therein, you were pleased to address to me on the 26th June last, with regard to the correspondence which took place in the month of April preceding between the Captain-General of the Island of Cuba, and Mr. D. Turnbull, Her Britannic Majesty's Consul at the Havana, in consequence of the detention, in the barracks of La Fuerza, of two seamen of the English vessel "Ninian Lindsay," called Lewis and Buchanan.

The cases to which these communications refer, you cannot but be aware, from their contents, and from those of the enclosed copies relative to the same subject which have been transmitted by the Captain-General of the Island of Cuba to this First Secretary of State's Office on the 30th April last, that the British Consul represents them completely disfigured and beyond measure exaggerated, in order to display, even at the expense of truth, a spirit of philanthropy which would be very laudable were it sincere, instead of having, as it has, for its only object the portraying of the situation of the men of colour who arrive at the Havana to be so full of misery and wretchedness, as is unexampled even among the most barbarous nations. The Spanish Government has considered it expedient not to allow the entrance of free negroes into their Antilles, and in order to secure the punctual observance of this measure, it obliges those who arrive at the ports, to reside in the barracks of La Fuerza, a place chosen as a depôt in preference to any other, on account of the advantages which it affords to the parties interested, from being close to the mole. They remain there all the time that the vessel exists in the harbour, in the event of the bail required by the authorities to permit them to continue on board not being given, but always at the disposal of their captains, consignees, or consuls, in order to take them away on the departure of the vessel, or when they choose to give the above-mentioned guarantee.

This preventive measure, which is similar to that in force in South Carolina in the United States of America, was adopted under the full conviction that it would be the means of preserving the tranquillity of the islands and the welfare of their inhabitants.

Her Majesty's Government are aware of the machinations of the different parties who wish to separate the Island of Cuba from the dominion of Spain, and of those who, in another sense, are working to abolish slavery in it, even although it should be, as it necessarily would, by sacrificing all the white population, towards whom they do not show such noble sympathies. The Government exercises its rights and does its duty in dictating the laws which they consider best adapted towards the maintenance of order in all Her Majesty's dominions, and it cannot depart from them because they may be in opposition with the interests of a few individuals. No objection has been offered to these measures by the foreign consuls in Cuba, neither in the object nor in its execution, which proves that Her Majesty's authorities have known how to conciliate their measures with the principles of a real philanthropy.

The two seamen, Lewis and Buchanan, who have given rise to the above communications, were exactly in the situation before described, and it being a general measure to which all free negroes of whatever nation are subject, Her Majesty's Government cannot, by any means, avoid carrying it into effect, because it tends exclusively to prevent the contact of the docile and pacific negroes with the turbulent agents, who, under one pretext or other, wish to excite the population of Cuba to revolt, expecting by this means to attain their designs. The interests with which the Spanish Government ought to attend to the preservation of the tranquillity of Cuba is so much the greater, that even Her Britannic Majesty's Government, knowing the causes which exist for the Spanish Government being on the alert, was pleased, in 1839, to inform them, confidentially, through the medium of Her Majesty's Legation in London, of the news which the British Government had received of the alarming state of that colony, in order that they might double their vigilance.

The sudden and pretended serious illness of Buchanan, you will perceive from the enclosed copy, No. 1, was a mere pretext, in order to be enabled to withdraw him, under a subterfuge, from the barracks of La Fuerza, when it was seen

that the first idea of his having enlisted in the Royal British Navy had produced no effect, because the Captain-General, now mistrusting the veracity of Mr. Turnbull, waited until any of the commanders of the English vessels of war should demand him. That there was more than sufficient reason for doubting in both cases is demonstrated in the letter of General Valdes, of which the enclosed, No. 2, is a copy; the perusal of which I recommend to you, as it therein appears that Buchanan cheerfully availed himself of the departure of his ship "Ninian Lindsay," to go in her, which he did, as it appears, without any objection, against the wish of Mr. Turnbull, in consequence of the latter not having applied in time at the barracks of La Fuerza to send him to the pontoon "Romney," nor having advised the competent authority of his departure, and he cannot allege ignorance in this proceeding, because he is practically aware of the established uses. I shall add another circumstance which is worthy of the greatest consideration, viz.: that the captain of the port, on demanding of the master of the "Ninian Lindsay" why he left Buchanan in Cuba, was answered, "that such was not his wish, but that he was obliged to do so by his consul pretending to the captain of the port that the man was sick; which proves, 1st, The reprehensible inexactness of Mr. Turnbull. 2nd, That the illness of Buchanan, if it existed, was so slight as not to give the smallest uneasiness. And 3rd, that that seaman wished to return to his vessel, and the captain to receive him on board, which, as it actually took place, leaves a certain doubt with regard to the enlistment in the Royal British Navy. With regard to the accusations in which Mr. Turnbull indulges against the guard of the barracks of La Fuerza, I shall only state to you that the treatment received by the individuals detained in that extensive building, the liberty in which they live, being allowed to walk about the whole of it, *are notorious*, as is the frequency with which numbers of English seamen have been assisted by these very soldiers, so ill-treated by the British Consul with gratuitous suppositions entirely destitute of all proof, and which, if the acts complained of had been certain, notwithstanding his assertion that he saw the scars of the wounds inflicted on these seamen, nobody can doubt that the parties themselves would have complained to the chief of the barracks or to the officer on guard, access to whom they always have, and which is frequently made use of in order to obtain leave to go out, which is granted under the necessary precautions. In coming to the two points which you are pleased to mention in your Note, that of the supposed theft of the rations of the seamen, and the arbitrary conduct of the serjeant of the guard, who beat Buchanan with the flat of his sword, I beg to state to you with regard to the first case, that I consider it so improbable that from this moment I venture to say it is incorrect, and in this you will agree with me if you reflect on the extreme sobriety of the Spanish soldiers, which is a guarantee against the pretended accusation of their having repeatedly stolen the food of the said seamen, when it is well known that they want for nothing. With regard to the second point, I must say frankly, that the inclination towards inebriety of seamen all over the world, particularly when they have an opportunity of giving themselves up to this depraved vice, is so general, that no force of reason is enough to convince one that it was not true that Buchanan was drunk and quarrelsome when the serjeant of the guard was obliged to punish him; nor is it credible either, that if another was the culpable person the serjeant should have proceeded to chastise, in presence of the officer of the guard and of almost all his regiment, precisely an innocent individual, already the victim, according to Mr. Turnbull, of every species of misery and misfortune.

The enclosed copy, No. 3, will also acquaint you with another demand of Mr. Turnbull in favour of a lad of colour detained in the barracks of La Fuerza, called John Grandbran, steward of the English schooner "Julia of Guernsey," and from the copy No. 4, you will perceive the remarkable inaccuracy of the statement of the British Consul, who criminales the delay in putting Grandbran at liberty, attributing it to negligence of the employés in the discharge of their duties, and taking it for granted that the Memorial was presented on the 10th of April last, when, in fact, this did not take place until the 13th, and on the 15th Grandbran might have been at liberty, if his captain had been active in taking him away from the depôt.

Her Majesty's Government would attach no value to these almost insignificant circumstances if they did not perceive in them a pretext to act hostilely towards the authorities of Cuba, and if other much more serious grounds of complaint did not exist. Allow me to express to you, by order of the Regent of the kingdom, the dissatisfaction with which he has observed the improper and uncourteous

language which the British Consul at the Havana permits himself to make use of in his official communications to the Captain-General.

Have the goodness to peruse with care the enclosed No. 5, in which Mr. Turnbull, alluding to the crew of the English shipwrecked vessel "London Packet," some of whom had remained at the Havana detained in the barracks of La Fuerza, because neither the British Consul, nor the captain of the vessel, nor the consignees, claimed them as they ought to have done, says: "When the white portion of this crew returns to Halifax they will naturally be assailed with questions regarding the fate of their coloured comrades, and in order to protect them against the suspicion of having reduced these two individuals to slavery, I have provided them, at their request, with a certificate, addressed to his Excellency Lord Falkland, Governor of Nova Scotia, attesting their perfect innocence, and attributing the fact of their detention, as truth and justice require, to the extreme rigour with which your Excellency administers a cruel and barbarous system." Further on he continues to say: "And it is now your Excellency's pleasure, by compelling these shipwrecked seamen to leave their coloured comrades behind them in a Spanish prison, exposed to all the horrors of hunger, to show palpably to a whole population (not incapable of forming a judgment) how dangerous it is to approach the coasts of an island where the risks of shipwreck are so much aggravated. Once more I have the honour to entreat that your Excellency will be pleased to permit me to extend the hospitality of Her Majesty's ship "Romney" to all the English seamen at present confined by your Excellency's orders on account of their colour, and thus save them from the intolerable accumulation of misery which they are now obliged to suffer."

On perusal of these communications, I leave it to the impartiality of Her Britannic Majesty's Government to decide whether it would be decorous for the Spanish Government longer to consent to the residence in Cuba of a Consul, who scoffs at the constituted authorities of the country where he resides, calumniates them, and treats with contempt a Government which admitted him, as if his real mission were to endeavour to interrupt the good relations of amity which happily subsist between Spain and his court. Would Her Britannic Majesty's Government have tolerated in her dominions, even the half of the time which Her Catholic Majesty's Government have done, a foreign Consul who should presume to go to the lengths that Mr. Turnbull has done since his arrival at the Havana? Most assuredly not, whatever might be the motives which occasioned his irregular proceedings; for such conduct, entirely opposed to the sentiments of perfect harmony, which Governments expect from the agents who reside in their countries, would at least demonstrate that that individual did not correspond to the confidence which his Government had reposed in him, and that therefore his removal was indispensable. You are well aware that the Spanish Government has already addressed to your court different representations, urgently demanding the dismissal of that officer, and it is only a few days since they have found themselves under the necessity of again directing Her Majesty's representative in London to present a fresh reclamation on the same subject. The Regent of the kingdom is intimately convinced of the sincere desires of the British Cabinet; but it being now impossible that Mr. Turnbull can remain any longer in Cuba, he awaits with extreme impatience for the dismissal of that focus of perpetual discord. Convinced, as you must be, of this truth, I earnestly beg that you will be pleased to acquaint Viscount Palmerston with this communication, laying before him the necessity of acceding to the reclamations addressed to him by Her Catholic Majesty's Legation in London.

I avail, &c.,

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

(Signed)

ANTONIO GONZALEZ.

Second Enclosure in No. 69.

(No. 1.)

The Captain-General to Mr. Turnbull.

(Translation.)

SIR,

Havana, April 8, 1841.

I HAVE taken into consideration what you state to me in your communication of yesterday, received this day, on the subject of the illness complained of

CLASS B.

by the seaman James Buchanan, belonging to the crew of the "Ninian Lindsay," confined in the Fuerza. I have to inform you in reply, that this individual ought to have stated his case to the officer on guard in that station, in order that, being reported to me, in the event of his being really ill, he might be examined and sent to the hospital, for it is my authority alone which is competent to dictate measures of this description, as has been and always is done in all cases of this sort. Consequently I have directed the regimental surgeon, who lodges in the fortress, because of this and because he speaks English, to proceed to the said examination; and, I am happy to say the result thereof has demonstrated that your fears were unfounded. In future, should there appear the slightest symptom of malady, Buchanan, as well as any other individual in the dépôt, will be furnished with every assistance humanity can require, and which civilised nations know reciprocally how to dispense to each other.

I have, &c.

D. Turnbull, Esq.,
&c. &c. &c.

(Signed)

GERONIMO VALDES.

Third Enclosure in No. 69.

(No. 2.)

(Translation.) *The Captain-General to the British Consul.*

SIR,

Havana, April 27, 1840.

IN reply to your communication of the 22nd instant, I have to state to you, that on the 20th of last month I allowed you to take out of the barracks of La Fuerza to the "Romney" hulk the seaman of colour, James Buchanan, belonging to the British merchant-vessel "Niniau Lindsay," but as nobody went to take him out of the dépôt before the clearance of the said vessel, which took place on the same 22nd, at half-past seven in the morning, nor did the person you employed show to the Captain of the port on the 21st the order issued to that effect, that officer having no previous instructions, fulfilled his duty by sending the sailor to his vessel, according to the rules established since the creation of the dépôt, and you are practically, and by documents, aware that the orders of that kind are addressed to the Commander of the corps who keeps the man in custody, and not to the Captain of the port. You may therefore impartially judge who has been the cause of Buchanan's not being sent to the hulk. With regard to the remonstrance which you take the liberty of making, by attributing this event to a premeditated design of counteracting the humane object of your request, although its want of correctness is sufficiently proved by this simple statement, I will add on that account, that as the Captain of the port was reproaching to the master of "Lindsay" his leaving the sailor on shore, he answered that this was against his will, and only because you had compelled him to do so, under the pretext alleged to me, that the sailor was ill; this, and the report given by the physician of La Fuerza, prove at least that the illness of Buchanan, should it really exist, was so slight that it gave no occasion for the apprehension you entertained about it, and that he was perfectly in a fit state to continue in his vessel, a wish which was expressed by the man himself; and since, in your communication of the 19th March last, on requesting his removal to the "Romney," you obliged yourself to have him taken out of this island by the first opportunity, I consider that with his departure all points are conciliated. Respecting the last passage of the communication to which I am answering, I stated to you already on the 27th of March last, in a similar case, that when due evidence should be presented to me that this individual had enlisted in the navy of Her Britannic Majesty, and when he should be claimed by the competent officers, I would determine what I should think most just; and this not having taken place, I must repeat to you the same thing, and with still greater reason, because this sailor belongs to the crew of a merchant vessel, and is therefore at the disposal of his own Government, who will know how to render effective the rules existing upon this matter, whatsoever the place may be where he is now proceeding.

God, &c. &c.

(Signed)

GERONIMO VALDES.

(Signed)

VALDES.

(A true Copy.)
The British Consul,
&c. &c. &c.

Fourth Enclosure in No. 69.

(No. 3.)

Mr. Turnbull to the Captain-General.

(Translation.)

Her Majesty's Consulate, Havana, April 15, 1841.

MOST EXCELLENT SIR,

I HAVE the honour to inform your Excellency that the English schooner "Julia," from Guernsey, Heppenstull master, arrived at this port last Saturday, the 10th instant, on her voyage from Grenada, and bound to this place, having on board, as steward, a young man named J. John Grandbran, who was sent to the prison of La Fuerza the moment he arrived. On Monday last, the 10th instant, the captain and consignees of the "Julia" offered the required security, according to the port regulations, in order to obtain the liberty of that young man, the captain being rather apprehensive that his morals should be contaminated in the society of the persons among whom he is confined. In consequence of Monday being a holiday, the request was renewed on Tuesday to the captain of the port, in order to abridge the preparatory formalities required for his liberty, and on Wednesday, that is to say, yesterday, two applications were made to the same effect, but without any result. A fresh application has been made this morning, and, as the extension of a further delay seems to be almost indefinite, I have the honour to request that your Excellency, while taking your time for examining and revising these regulations, will be pleased to issue at least your Excellency's orders for a more speedy observance of the formalities prescribed by the existing regulations.

I have, &c.

(Signed) D. TURNBULL.

(Signed) LUIS PAYNE.

VALDES.

(A true Translation.)

(A true Copy.)

His Excellency the Captain-General,

&c.

&c.

&c.

Fifth Enclosure in No. 69.

(No. 4.)

The Captain-General to Mr. Turnbull.

(Translation.)

Havana, April 15, 1841.

INFORMED of your communication of this day respecting the youth of colour, J. John Grandbran, of the English schooner "Julia," of Guernsey, in dépôt in the fortress of the Fuerza, I have called for information upon the subject, from which it appears by documentary proof that it was not the 10th, but the 13th, when the consignees presented the request to put in the established bail, which yesterday, the 14th, was acceded to by me, and to-day, the 15th, the necessary orders have been issued, and it is most probable that when I received your communication to which this is an answer, the sailor was already on board his ship, if the captain was active in getting him out of the dépôt. This will convince you that there has been no neglect on the part of the captain of the port in fulfilling the forms prescribed in the regulations existing upon the matter.

The British Consul,

(Signed)

GERONIMO VALDES.

&c. &c. &c.

Sixth Enclosure in No. 69.

(No. 5.)

*Mr. Turnbull to the Captain-General.**Her Majesty's Consulate, Havana,
April 4, 1841.*

MOST EXCELLENT SIR,

I HAVE the honour to inform your Excellency that the captain, officers, and part of the crew of the wrecked vessel "London Packet," whom your Excellency did not allow to be received on board the English brig "Bluenose," bound to Halifax in Nova Scotia, to which harbour they belong, have been compelled, with infinite regret and mortification on their part, to leave behind them two unfortunate individuals, whom your Excellency is pleased to keep in confinement on account

of their African origin. When the shipwrecked portion of this white crew shall arrive at Halifax, they will, of course, be pressed with questions respecting the fate of their black comrades, and, in order to protect them against the suspicion of having reduced to slavery the two mentioned individuals, I have furnished them, at their own request, with a certificate addressed to his Excellency Lord Falkland, the Governor of Nova Scotia, attesting their complete innocence, and attributing the fact of their detention, as truth and justice require, to the extreme rigour with which your Excellency *administers a cruel and barbarous system*. The place to which this intelligence is actually being conveyed is the same port of Halifax to which the "Vernon" also belonged, the captain and crew of which were so inhumanly murdered by pirates on the coast of this island a few months ago. It was at the request of the fellow-citizens of the murdered Captain Cunningham and his shipwrecked crew of the "London Packet," that I had recently the honour to present, in your Excellency's presence, to Don Antonio Veguilla, a rich token of their gratitude for his meritorious services, rescuing from death the surviving men of the "Vernon," and bringing the criminals to justice. And now it is your Excellency's pleasure, by compelling these shipwrecked sailors to leave behind their coloured companions in a Spanish prison, exposed to all the horrors of hunger, to show palpably to a whole population (not incapable of forming a judgment) how dangerous it is to approach the coasts of an island where the risks of shipwreck are so much aggravated. I have once more the honour to request your Excellency to be pleased to allow me to extend the hospitality of Her Majesty's ship "Romney" to all the British sailors actually in confinement by your Excellency's orders on account of their colour, and to relieve them in this way from that intolerable accumulation of misery which they are now compelled to endure.

I have, &c.

(Signed) D. TURNBULL.

His Excellency the Captain-General,

&c. &c. &c.

(A true Translation.)

(A true Copy.)

(Signed)

LUIS PAYNE.
VALDES.

No. 70.

Viscount Palmerston to Mr. Aston.

SIR,

Foreign Office, August 6, 1841.

WITH reference to my Despatch to you of the 25th of May last, containing correspondence respecting the seaman James Buchanan detained in prison at the Havana, I transmit to you herewith copies of a Despatch and of its Enclosures from Mr. Consul Turnbull, containing further correspondence between that gentleman and the Captain-General of Cuba upon this subject; and I have to desire that you will communicate these papers by note to the Spanish Government, observing that Her Majesty's Government regret to see that this correspondence affords a proof of the disinclination of the Governor of Cuba to comply with the just demands of the British Consul.

I transmit to you also, for communication to the Spanish Government, a copy of a Despatch which I have addressed to Her Majesty's Consul at the Havana upon the subject.

I am, &c.

(Signed)

PALMERSTON.

A. Aston, Esq.,

&c. &c.

First Enclosure in No. 70.

Mr. Turnbull to Viscount Palmerston.

The Havana, May 17, 1841.

(See No. 154.)

Second Enclosure in No. 70.

*Viscount Palmerston to Mr. Turnbull.**Foreign Office, August 3, 1841.*

(See No. 163.)

No. 71.

*M. de Florez to Viscount Palmerston.*11, *Baker Street, 4 de Agosto de 1841.**(Received August 6.)*

MY LORD,

TENGO el honor de transmitir á V. E. de orden del Gobierno de Su Majestad veinte i una copias en las dos adjuntas Carpetas señaladas P i V, de la correspondencia que ha mediado entre el Consul Ingles en la Habana, Mr. David Turnbull, i el Capitan-General de aquella Isla; à fin de que por ellas pueda V. E. enterarse del irregular i descomedido proceder de Mr. Turnbull, i convencerse de que el Gobierno de Su Majestad no puede ni debe consentir que et referido Turnbull quede por mas tiempo en su puesto.

De las copias citadas contiene siete la Carpeta P, i lo son de las comunicaciones que mediazon entre Mr. Turnbull i el Capitan-General de la Isla el Principe de Anglona. Por esta correspondencia i por la que ha mediado entre el mismo Turnbull i el Actual Capitan-General de dicha Isla Don Geronimo Valdes, cuyas catorce copias contiene la Carpeta letra V, se ve por una parte contestadas i satisfechas completamente todas las quejas presentadas por Turnbull; i por otra la ligeresa con que este procede à hacer sus reclamaciones, su empeño en mezclarze en asuntos que no lo conciernen, i de aparecer en la Isla como el protector i gefe de los negros emancipados; i en fin los descompasados terminos en que se derije a la primera autoridad de aquella Colonia, faltandola al respecto, i no guardandola la consideracion, que debe i que la tienen los Consules i subditos que alli residen de las demas naciones.

Permitame V. E. que con este motivo i para comprobar lo que dejo espuesto llame principalmente su atencion al Legago No. 4 de la Carpeta letra P. Por las copias que contiene de los oficios de Mr. Turnbull parece que este se ha propuesto hacer ver alli, que es el protector de los negros emancipados, que como tal puede oir sus quejas, i tomar su voz para representar à las autoridades.

Ni como Consul ni como Superintendente de Africanos emancipados puede ni debe tener tales atribuciones Mr. Turnbull, pues la unica que le corresponde por su destino de Superintendente de Africanos emancipados se limita solamente à recibir los que apresados por las cruceros Ingleses despues del tratado de 1835, deban entregarsele para su pronta reesportacion fuera de la Isla.

Demasiado conocidos i publicos son los antecedentes de Mr. Turnbull para que sorprenda su irregular proceder en el puesto que ocupa; hasta como escritor publico se ha mostrado fanatico abolicionista; i una persona de tan ecsajerados principios es mui dificil ó casi imposible que en el puesto indicado se limite al ejercicio de sus funciones.

De las instrucciones que me ha transmitido el Gobierno de Su Majestad i de los antecedentes que existen en esta legacion resulta que por las conferencias del General Alava con V. E. i por la nota que en 17 de Febrero ultimo dirijio el Señor Ministro de Estado en Madrid à Mr. Aston, hace tiempo tiene V. E. conocimiento no solo de las quejas del Gobierno de Su Majestad contra el referido Mr. Turnbull; sino tambien de su deseo de que este fuese reemplazado por otra persona, que con tribuyese à estrechaz las buenas relaciones que ecsisten entre ambos paises. Por lo tanto V. E. podra haber observado que no obstante tan fundados motivos como tenia el Gobierno de Su Majestad para hacer salir inmediatamente de la Isla de Cuba à Turnbull, prefirio aguardar las comunicaciones del Nuevo Capitan-General Don Geronimo Valdes, sucesor del Principe de Anglona, i persona de esperiencia é instruccion, i de consumada prudencia i rectitud. Llegaron sus comunicaciones, i en ellas confirma i esfuerza quanto espuso su antecesor respecto de Turnbull, transmitiendo las copias que quedan citadas de la correspondencia que ha tenido con dicho Consul.

No puedo poner en duda que el Gobierno de Su Majestad Britanica sabrá apreciar tanta consideracion i deferencia como el de Su Majestad le ha mostrado en el caso in cuestion; puesto que tampoco la ofrece que escediendose el Consul Turnbull en el desempeño de sus funciones de un modo que puede comprometer la tranquilidad de la Isla, debió hace tiempo no permitirle continuar en ella.

El Gobierno de Su Majestad que tiene la sagrada obligacion de procurar la tranquilidad i seguridad de la Isla de Cuba, por cuantos medios esten à su alcance, i à quien constan tan evidentemente los riesgos que amenazan à la misma; se halla intimamente convencido, despues de haber visto las comunicaciones del Capitan-General Don Geronimo Valdes, de que el actual Consul Ingles en la Habana no puede ni debe continuar en su puesto; i ha tenido à bien prevenirme reclame en su nombre, nuevamente, del de Su Majestad Británica, como tengo el honor de ejecutarlo, la separacion de Mr. David Turnbull del consulado en la Habana que actualmente desempeña.

Me lisonjeo de que tan justa demanda no puede menos de ser pronta i favorablemente acogida por un Gobierno amigo i aliado del de Su Majestad i al que sera facil designar otra persona para el reemplazo de Mr. Turnbull, que sin escerderser como este en sus funciones, cumpla con celo los deberes de su destino, i contribuya à estrechar mas las buenas relaciones que felizmente ecsisten entre España i la Gran Bretaña; creyendo al mismo tiempo deber asegurar à V. E. que esta demanda no tiene la menor relacion con la observancia del tratado de 1835, sobre abolicion del trafico de negros, i prueba de ello es que el Gobierno de Su Majestad, fiel i celozo observador de las obligaciones que contrae, ha dirijido al Capitan-General de la Isla de Cuba las ordenes mas terminantes i esplicitas, para que procure por cuantos medios esten à su alcance, i bajo su inmediata responsabilidad, el segundar las mises del Gobierno de Su Majestad, poniendo termino à los manejos i fraudes que se han denunciado como de notoriedad publica, con respecto à la tolerancia de armamentos para la trata, i clandestina introduccion de esclavos en aquella Isla.

Aprovecho, etc.,

(Sigñado) LOUIS DE FLOREZ,

Exmo. Señor Vizconde de Palmerston,
&c. &c. &c.

(Translation.)

MY LORD,

11, *Baker Street*, August 4, 1841.

I HAVE the honour to transmit to your Lordship, by order of Her Majesty's Government, *21 Enclosures, in two packets marked P and V, being the correspondence which has passed between the English Consul in the Havana, Mr. David Turnbull, and the Captain-General of that island, that your Lordship may thereby inform yourself of the irregular and discourteous proceedings of Mr. Turnbull, and thence derive the conviction that Her Majesty's Government neither can nor ought to allow Mr. Turnbull to continue any longer at his post.

Packet P contains seven† Enclosures, being the communications that passed between Mr. Turnbull and the Captain-General of the island, the Prince de Anglona. From this correspondence and from that which took place between Mr. Turnbull and the present Captain-General of that island, Don Geronimo Valdes, contained in the 14 Enclosures of Packet V, it will be seen on the one part that all the complaints presented by Turnbull were completely answered and satisfied; and, on the other, with what levity the latter proceeds in making his reclamations, with what eagerness he interferes in matters not concerning him, and how he would fain be considered in the island as protector and head of the emancipated blacks; and, finally, in what an improper manner he addresses the first authority of that colony, being wanting in the respect and consideration which he owes to it, and which is paid to it by the Consuls and subjects of the other nations resident there.

While on this subject, and in order to prove what I have stated above, your Lordship will permit me to call particularly your attention to No. 4 of Packet P. It would appear from Mr. Turnbull's letters contained therein that he sets up for a protector of the emancipated negroes, and that he thinks he can, as such, receive their complaints and trust to their statements, with the view of communicating them to the authorities.

* Thirty.

Sixteen.

This neither is nor can be within Mr. Turnbull's competence either as Consul or as Superintendent of Liberated Africans. In the latter capacity it is only competent to him to receive those who, after being taken by the English cruisers, under the Treaty of 1835, are to be given up to him in order to be immediately re-exported out of the island.

Mr. Turnbull's sentiments are too well known for any one to be surprised at his irregular conduct in the post he occupies. He has even, as an author, evinced himself a fanatical abolitionist; and as he harbours such extreme principles one can hardly, or not at all, expect that he should in his situation limit himself to the exercise of his functions.

From the instructions transmitted to me by Her Majesty's Government, as well as from the data which I find in the archives of this legation, it appears that the conferences which General Alava held with your Lordship, and the Note which the Minister of State in Madrid on the 17th of February last addressed to Mr. Aston, must have a considerable time ago informed your Lordship, not only of the complaints of Her Majesty's Government against Mr. Turnbull, but also of its desire to see him replaced by another person who might contribute towards drawing closer the happy relations subsisting between the two countries.

Your Lordship will accordingly have observed that notwithstanding the well-grounded motives which Her Majesty's Government had for sending Mr. Turnbull immediately out of the island of Cuba, it preferred waiting for the communications of the new Captain-General Don Geronimo Valdes, the successor of the Prince of Anglona, and a gentleman of experience, information, and consummate prudence and rectitude. When his communications came to hand they confirmed and strengthened all that had been stated by his predecessor respecting Turnbull, as will be collected from the correspondence he had with that Consul. Her Britannic Majesty's Government will doubtless know how to appreciate the great consideration and deference displayed by that of Her Majesty in the case under review, it being very manifest that as Consul Turnbull overstepped his powers in the discharge of his functions, in a manner which might possibly have endangered the quiet of the island, he ought long ago to have been refused permission to continue in it.

The Government of Her Majesty, which is under the sacred obligation of watching over the tranquillity and security of the Isle of Cuba by all the means in its power, and which is intimately acquainted with the dangers that threaten it, is fully convinced, after perusing the communications of the Captain-General Don Geronimo Valdes, that the present English Consul in Havana neither can nor ought to continue in his post, and has thought proper to direct me to demand once more, in its name, from the Government of Her Britannic Majesty, as I now have the honour to do, the removal of Mr. David Turnbull from the Consulate in Havana which he actually holds.

I flatter myself that so just a demand cannot but meet immediately with a favourable reception from a friendly Government, the ally of that of Her Majesty, and which will find no difficulty in appointing some other gentleman to replace Mr. Turnbull, who without exceeding, like the latter, his powers, may zealously comply with the duties of his station, and contribute to draw closer the happy relations which fortunately subsist between Spain and Great Britain, deeming it at the same time my duty to assure your Lordship that this demand has not the least reference to the observance of the Treaty of 1835 on the abolition of the Slave Trade, and in proof thereof Her Majesty's Government, the faithful and zealous observer of its engagements, has sent out to the Captain-General to the Isle of Cuba the most peremptory and explicit orders to endeavour by all means in his power, and on his immediate responsibility, to second the views of Her Majesty's Government by putting an end to the manœuvres and frauds, denounced as notorious, relative to the tolerance of armaments and outfittings for the traffic and clandestine importation of slaves into that island.

I avail, &c.

(Signed)

LOUIS DE FLOREZ.

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

PAPERS ENCLOSED IN PACKET P.

The first nine Papers are not given, as they do not relate to the Slave Trade.

LEGAJO II.

No. 9.

*Translation into Spanish of the following Letter from
Mr. Turnbull to the Captain-General.*

*Her Britannic Majesty's Consulate,
Havana, December 15, 1840.*

MOST EXCELLENT SIR,

I HAVE the honour to acquaint your Excellency that the American brig "*Sophia and Eliza*" arrived in this port yesterday, with nine British subjects on board, whose names are noted in the margin,* the master, mate, and crew of the British schooner "*Plover*," which, after shipwreck, had been abandoned.

The Master of the "*Sophia and Eliza*," who has rendered this service to my unfortunate countrymen, has just called at this Consulate, and has informed me that the Captain of the port, in the ordinary execution of your Excellency's orders, has required that the master, the mate, and five of the seamen of the "*Plover*," should be delivered up to him, with a view to their being imprisoned. Against so cruel an arrangement I do not hesitate to tender to your Excellency my solemn protest. For Captain Chollet and his mate, Mr. Newell, I respectfully claim your Excellency's hospitality on shore. To the rest of the crew I offer an asylum on board Her Majesty's ship "*Romney*," and I request your Excellency to authorise their immediate transfer from the "*Sophia and Eliza*" to the "*Romney*" accordingly.

I have, &c.

(Signed) D. TURNBULL, *Consul.*

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

(LEGAJO II.)

No. 10.

*Translation into Spanish of the following Letter from
Mr. Turnbull to the Captain-General.*

*Her Britannic Majesty's Consulate,
Havana, December 16, 1840.*

MOST EXCELLENT SIR,

I HAVE just learned, with the utmost pain and surprise, that, notwithstanding my letter to your Excellency of yesterday's date, the seven British subjects therein referred to, whose names are noted on the margin,* have this morning been removed from the American brig "*Sophia and Eliza*," and are at this moment in the custody of the captain of the port in a state of confinement. For this act of cruelty there is no sort of pretence, inasmuch as it was well known that I was ready to receive the whole of them, if your Excellency desired it, on board Her Majesty's ship "*Romney*." I pray your Excellency, therefore, to order their instant liberation.

I have, &c.

(Signed) DAVID TURNBULL, *Consul.*

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

* H. N. Chollet, Master; Wm. Newell, Mate; Andrew Lloyd, Samuel Ellam, Samuel Dermoy, William Noble, Hugh Campbell, Alex. M'Kenzie, Jack Abbott.

(LEGAJO II.)

(Translation).

No. 11.

The Acting Government Secretary to Mr. Turnbull.

SIR,

Havana, December 16, 1840.

IN your communication of yesterday you require that the captain and the mate of the English schooner "Plover" may be suffered to land, and that the crew may be conducted to the receiving-ship "Romney," now in this harbour, to prevent the captain of the port from sending them to prison. In your other letter of this date you assert that these individuals are already prisoners, and that you are ready to receive the whole of them on board the "Romney."

Under such circumstances I am directed by his Excellency the Prince of Anglona, Governor and Captain-General of this Island, to state to you that, in virtue of a general regulation, originating with his predecessors in this Government, all negroes, mulattoes, and other persons of colour, arriving in this harbour in foreign vessels, may remain on board, provided there be any merchant in the place who will answer for their leaving the place in the very vessel in which they arrived; and if not they are to be detained in one of the barracks of the place until their re-embarkation, at the moment of the sailing of the vessel which brought them.

This general regulation does not reduce such individuals to imprisonment, since they have the whole extent of the barracks for their place of confinement, and may be said to enjoy more conveniences than on shipboard.

Nevertheless, if you prefer their removal to the "Romney," his Excellency has no objection to its taking place, but this only in consideration of their having been shipwrecked, and of their not having come to this port of their own accord, and also on the condition that you are to be answerable for their leaving the island by the first opportunity, and that on the day of their sailing you are to give notice of it to the authorities; and also on the understanding that this concession is not to be cited as a precedent, so as to affect, in other cases, the operation of the general regulation, adopted a long time ago, of which you ought to take cognizance.

This I state to you, in answer, by his Excellency's order, in order that an arrangement may be immediately made with me for the transfer of these persons, and for whatever else may be required in furtherance of this resolution.

God grant, &c.

(Signed) GABRIEL GRANADO,
The Interim Political Secretary of the Government.

D. Turnbull, Esq.,
&c. &c.

(LEGAJO III.)

No. 12.

*Mr. Turnbull to the Captain-General.**December 20, 1840.**"Juan Fontanales."*

(See Enclosure 3 in No. 121.)

No. 13.

*The Government Secretary to Mr. Turnbull.**Havana, December 22, 1840.**Same subject.*

(See Enclosure 4 in No. 121.)

* H. N. Chollet, Master; Wm. Newell, Mate; Andrew Lloyd, Samuel Ellam, Samuel Dermoy, William Noble, Jack Abbott.

SPAIN.

(LEGAJO IV.)

No. 14.

Mr. Turnbull to the Captain-General.

December 21, 1840.

"Gavino."

(See Enclosure 1 in No. 122.)

No. 15.

The Captain-General to Mr. Turnbull.

December 22, 1840.

Same subject.

(See Enclosure 2 in No. 122.)

No. 16.

Mr. Turnbull to the Captain-General.

December 28, 1840.

Same subject.

(See Enclosure 3 in No. 122.)

PAPERS ENCLOSED IN PACKET V.

No. 1.

Mr. Turnbull to the Captain-General.

April 3, 1841

"Lewis and Buchanan."

(See Enclosure 3 in No. 146.)

No. 2.

The Captain-General to Mr. Turnbull.

April 4, 1841.

Same subject.

(See Enclosure 4 in No. 146.)

No. 3.

Dr. Brenan to Mr. Turnbull.

April 7, 1841.

"Certificate as to James Buchanan's ill-health."

(See Enclosure 5 in No. 146.)

No. 4.

The Captain-General to Mr. Turnbull,

April 8, 1841.

"James Buchanan."

(See Enclosure 2 in No. 69.)

No. 5.

*Mr. Turnbull to the Captain-General.**April 19, 1841.**"James Buchanan."**Certificate of Dr. Brennan.*(See Enclosures 1 and 2 in No. 154.)

No. 6.

*The Captain-General to Mr. Turnbull.**April 20, 1841.**"James Buchanan."*(See Enclosure 3 in No. 154.)

No. 7.

*Mr. Turnbull to the Captain-General.**April 22, 1841.**"James Buchanan."*(See Enclosure 6 in No. 154.)

No. 8.

*The Captain-General to Mr. Turnbull.**April 27, 1841.**"James Buchanan."*(See Enclosure 9 in No. 154.)

No. 9.

*Mr. Turnbull to the Captain-General.**April 4, 1841.**"Black Sailors of the London Packet."*(See Enclosure 6 in No. 69.)

No. 10.

*The Captain-General to Mr. Turnbull.**April 5, 1841.**Same subject.*(See Enclosure 4 in No. 147.)

No. 11.

*Mr. Turnbull to the Captain-General.**April 6, 1841.**"Confinement of Black British Seamen."*(See Enclosure 5 in No. 147.)

SPAIN.

No. 12.

The Captain-General to Mr. Turnbull.

April 20, 1841.

Same subject.

(See Enclosure in No. 150.)

No. 13.

Mr. Turnbull to the Captain-General.

April 15, 1841.

"Black Seamen of the Julia."

(See Enclosure 1 in No. 151.)

No. 14.

The Captain-General to Mr. Turnbull.

April 15, 1841.

Same subject.

(See Enclosure 2 in No. 151.)

No. 72.

Mr. Aston to Viscount Palmerston.

Madrid, July 31, 1841.

(Received August 8.)

MY LORD,

I HAVE the honour to enclose the copy and translation of a Note which I have received from M. Gonzalez in answer to mine of the 29th of May last, respecting the importation of 1500 negroes from Africa into the Havana.

The summary* enclosed in his Excellency's Note is so extremely voluminous that it has been impossible to have it translated in time to be ready for the present messenger; I shall not fail to transmit it to your Lordship by the earliest opportunity.

I have, &c.

(Signed)

ARTHUR ASTON.

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

Enclosure in No. 72.

(Translation.)

M. Gonzalez to Mr. Aston.

SIR,

Madrid, July 4, 1841.

I RECEIVED the Note which you were pleased to address to me on the 29th of May last, enclosing copies of the correspondence which has taken place between the British Commissioners of the Mixed Court of Justice established at the Havana, and the Captain-General of the island of Cuba, in consequence of a denunciation made of "1500" Africans having been clandestinely introduced into the Havana within the short space of a fortnight.

I have the honour to transmit to you herewith the annexed certificate of the summary drawn up at the Havana in consequence of the said denunciation, which the Captain-General of the island of Cuba has forwarded to Her Majesty Government, in order to prove, should it be necessary, that the information on which the British Commissioners founded their denunciation was without foundation.

You will observe, if you have the goodness to examine the annexed document, that, from the inquiries made in the jurisdiction of San Antonio Chiquito, it results

* For this summary see Enclosure in No. 108.

that not only the said negroes were not to be found, but that according to the declaration of the Judge Pedaneo himself no bozal negro recently arrived from Africa existed in his jurisdiction, nor any barracoon whatsoever where they might be lodged, and still less, that the British Commissioners indicated them as the property of Don Jozé Mazorra, this individual not being resident in his jurisdiction, nor possessing any property whatever in it.

Notwithstanding this declaration of the Pedaneo judge, the principal edifices of the district were examined, and although on the part of the employés charged with the examination of the places denounced, there was no further delay than that indispensably necessary, notwithstanding the scrupulous examination effected, not a single bozal negro was discovered.

This will convince you that such negroes did not exist, as is shown to be the case in a manner which does not leave the slightest doubt from the report taken from the port-captain of the Havana, who certifies that the Portuguese brig "*Duquesa de Braganza*" entered the port with ballast, coming from Goa, on the 11th day of February, and not the 30th of January preceding, and that the entrance of no other Portuguese vessel took place on the said day, 30th.

Notwithstanding this declaration of an authority to which credit ought to be given, the vessel was ordered to be examined, but none of the articles prohibited by the Treaty of 1835 were found. Besides these prolix investigations, it was thought necessary to take a declaration upon oath from Messrs. Forcade, Roch, Mayner, and Mazorra, and the final result of this new step was that no vessels belonging to these individuals had either entered into or departed from the port, on the days mentioned by the British Commissioners.

In consideration therefore of all that I have had the honour of communicating to you, and of that which appears from the documents coming from the Captain-General's office at Cuba, I trust that the Government of Her Britannic Majesty will be perfectly convinced, that the denunciation of its Commissioners is void of foundation.

With respect to the measure proposed by Lord Clarendon on the 14th of November, 1838, to which you refer in your Note, it is extremely painful to me to have to state to you, by order of the Regent of the kingdom, that Her Majesty's Government considers its adoption to be neither possible nor politic, because it would amount to an alienation of the jurisdiction, which ought only to reside in the first authority of the island.

I avail myself, &c.

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

(Signed) ANTONIO GONZALEZ.

No. 73.

Mr. Aston to Viscount Palmerston.

Madrid, July 31, 1841.

(Received August 8.)

MY LORD,

I HAVE the honour to enclose the copy and translation of a Note which I have received from M. Gonzalez on the subject of the excesses committed by the six black soldiers of the "*Romney*" hulk stationed at the Havana, and requesting that Her Majesty's Government will direct the officer commanding the hulk not to allow his soldiers to go on shore, without observing the necessary formalities required by the authorities of Cuba.

I have, &c.

(Signed)

ARTHUR ASTON.

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

First Enclosure in No. 73.

M. Gonzalez to Mr. Aston.

SIR,

Madrid, July 17, 1841.

IN addition to that which my predecessor had the honour of stating to you in his Note of the 17th of February last, respecting the excesses committed in the district of Casa Blanca by six soldiers of the British hulk "*Romney*," stationed in the Bay of the Havana, I transmit to you the enclosed copy of the summary drawn up by order of the Captain-General of the island of Cuba, in consequence of the

British Commissioners of the Mixed Court of Justice established in that city having represented to him, with reference to the above-mentioned occurrence, "that they ought not to be surprised at the summary (the first one) being full of falsehoods, since its drawing up had been entrusted to the petty judge of Casa Blanca, who was the real cause of the excesses of which they had complained."

It results from the amplification and rectification of the summary, and from the statement of the said soldiers of the "Romney" hulk, that they were abandoned by the serjeant who was in charge of them; that they had connexion with the negresses of the country, as the negresses also confess to have been the case; and that they went beyond the limits of the territory assigned to them for their recreation.

The Spanish Government trusts therefore that the Government of Her Britannic Majesty will hasten to issue the most peremptory orders to the commander of the said hulk, in order that he may not allow under his most strict responsibility his coloured soldiers to go ashore, without the formalities required by Her Majesty's authorities in Cuba, since this is the only means of preventing the excesses they can commit, and the unpleasant compromises to which they inevitably give rise.

I have, &c.

(Signed)

ANTONIO GONZALEZ.

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

Second Enclosure in No. 73.

(Translation.)

Havana, March 23, 1841.

CERTIFIED COPY of the Protocol, Summary, or Verbal Process of the Disorders committed in the District of Casa Blanca on the 12th of October, 1840, by Lieutenant Lionel Charles Fitzgerald and six English Black Soldiers, belonging to the Pontoon of Her Britannic Majesty, "Romney."

Office of War attached to the Tribunal of the Captain-General.

The first document of these proceedings is a letter from Her Britannic Majesty's Commissioners of the Mixed Court of Justice at the Havana to his Excellency the Captain-General, dated November 2, 1840.

(See Class A., 1840, page 290.)

Fiscal's Report.

(Translation.)

MOST EXCELLENT SIR,

Havana, December 9, 1840.

THE Fiscal says, that if the preceding statement of Her Britannic Majesty's Commissioners of the Mixed Court had no other ostensible object than that of communicating to your Excellency their ideas on the subject in question, for the information of our supreme Government, as stated therein, in furtherance of the truth, he would have confined himself to the rectifying of some facts stated with manifest inaccuracy, but as it comprehends other particulars of the greatest importance which they cannot deny, he cannot but offer to your Excellency's judicious discernment such observations as his sincere desires of setting the matter in its true light suggest to him. The Commissioners find fault with a most proper act of your Excellency, namely, that of having directed the justice of Casa Blanca to take cognizance of the affray which occasions this proceeding, in order to infer therefrom that as this official has incurred the faults principally complained of, it would excite no surprise that the summary process teems with falsehoods, and that the opinions founded thereon are different from what they had expected. They ought, however, to be told that the direction alluded to was given in conformity with justice, inasmuch as the said act is prescribed by the police ordinance, and peculiarly belongs to its agent as one of "first instance," even in places where ordinary judges reside, to whom the causes are responsible for their ulterior plenary cognizance, especially when there was no question of any grave matter which from its nature requires a more extensive investigation, and when your Excellency took the precaution of fixing an early day for further examination, with such additional evidence as might be deemed necessary for the purpose.

The establishment of those functionaries in the districts would be useless if their necessary intercourse with the criminals in the act of their apprehension were sufficient, without more strictly inquiring into their actions by means of a summary

examination of witnesses, to be rectified in the sequel, and which those functionaries alone can institute with any benefit, partly from the knowledge they acquire of the persons and the circumstances of the case, partly because otherwise an acquaintance with the real fact would be scarcely attainable if the precious moments immediately after the commission of the crime were suffered to pass by, as that time could calm the sensations of horror excited in the minds of the witnesses.

When your Excellency desired the Justice of Casa Blanca to proceed to the summary process, there did not exist against him any of the complaints which now after the lapse of so long a time have been brought forward, nor indeed the slightest motive for mistrusting his proceedings, which all along have borne the character of mildness; still, however, if he has incurred any blame, it must be for permitting the officer who came to claim the black soldiers to take them away with him, because magistrates of his grade are prohibited from setting at liberty those who have been detained as guilty; but that concession was sanctioned by your Excellency, when you forthwith ordered the wounded man to be given up, whom together with his comrades the Justice might very well have detained, with a view of setting on foot a regular investigation, whereby would have been avoided the evasive answer of the Commander of the "Romney," when application was made to him for the purpose of examining them, as appears from the certificate inserted in folio 19 over leaf. The detention of the black soldiers, which is styled an outrage, having taken place at a very short distance from the shore, and consequently within the limits assigned them for their recreation, does not exclude the certainty of their faults having been committed in the prohibited limit; and this circumstance could have little or no influence in justifying the proceeding, because the demarkation of the spot allotted to the negro soldiers of the "Romney" for their exercise does not exclude the territorial jurisdiction, or place them under a foreign domination, so as to allow them to infringe our laws with impunity. The Fiscal, on promulgating his opinion, dated the 20th ultimo, deliberately refrained from blaming the conduct of Lieutenant Fitzgerald in the case under review, inasmuch as, being aware of the strictness of the English discipline, he was certain that the proceeding would be legally examined, and that the faults would be corrected which he committed against the magistrate and against the armed force, whose duty it was to check his violence, and though not officially informed of the results, he makes no doubt that as was to be expected, they were in accordance with justice; but seeing that the Commissioners of Her Britannic Majesty have permitted themselves to characterize his opinion as inadmissible, in that the whole transaction, accompanied with all the documents, would be laid before Her Majesty in order to afford to the Government the necessary information on a matter which would probably call forth exaggerated complaints, as in fact were those preferred by them, and which had been submitted to the Fiscal's legal consideration, this will place on record an incontestible proof that, devoid of partiality, he only desires that while the authority of the laws and a good understanding are preserved inviolate, justice may be completely administered, for which purpose he proposes to your Excellency to be pleased to direct the summary process to be confirmed and enlarged by some competent individual to be nominated to that effect, not as if the proceedings already had were not sufficient for the measures adopted up to this moment, not as if their value were lessened by the assertion of the Commissioners, who refer to private communications which they may have collected on the subject, nor as if from this act there could be deduced a tacit recognition of any right on their part for similar demands in matters foreign to their special mission, but because inasmuch as the discovery of truth is the principal end of all tribunals for securing the application of the laws, every indication likely to contribute to its attainment becomes of value.

Should your Excellency think proper to adopt the proposed expedient, you may have the goodness to intimate it to Her Britannic Majesty's Commissioners of the Mixed Court, for them on their part to contribute to so laudable an object by furnishing to the Commissioner the needful information respecting the data of which they allege they have possessed themselves, as well as by specifying the names of the English and Spanish witnesses to whom they refer, that they may be formally examined, and that the result may be communicated to this office for such further proceedings as may thereupon become necessary.

(Signed)

PEDRO DE MEANTARA.
ANGEL BEJARARO.

MOST EXCELLENT SIR,

Havana, November 10, 1840,

THE expedient proposed by the Office of the Fiscal in its opinion is, in the estimation of the Judge, such as ought to be adopted.

Accordingly your Excellency may have the goodness to nominate the individual who possesses your confidence, that he may confirm and enlarge the summary process, giving directions that the said opinion may, as quickly as possible, be transmitted to Her Britannic Majesty's Commissioners of the Mixed Court, for the ends therein set forth. Your Excellency may issue a decree to that effect, or as you shall think it most proper.

(Signed) ANTONIO ARMERO.

Havana, November 11, 1840.

IN full conformity with the above opinion I nominate for the enlargement of the summary process the Adjutant-Major of the fortress; Captain Don Manuel Perez Alderete.

(Signed) ANGLONA.
LORENZO DE LARRAZABAL.

Memorandum No. 1.

Havana, November 12, 1840.

I HAVE caused certified copies to be taken of Mr. Fiscal's opinion, of that of the Judge of War, and of the preceding decree, with the view of transmitting them to Messrs. the Commissioners of Her Britannic Majesty, together with the official Note hereinafter transcribed.

[Initials.]

I TRANSMIT to you, Gentlemen, certified copies of the representation made by the first Fiscal of this Captaincy-General, of the opinion given me by the Judge of War, and of my decree to that effect, in consequence of your Letter, Gentlemen, dated the 2nd instant, for the purposes indicated, and by way of reply.

God preserve, &c.

(Signed) THE PRINCE OF ANGLONA,
Marquis de Javalquinto.

Messrs. the Commissioners of the Mixed Court of Justice.

(Signed) LARRAZABAL.

Memorandum No. 2.

Havana, November 12, 1840.

I MADE copies of the above-mentioned three documents, and sent them to Messrs. the Commissioners of Her Britannic Majesty, together with the following communication.

[My Initials.]

I TRANSMIT to you, Gentlemen, authenticated copies of the Fiscal's representation, of the opinion given by the Judge of War, and of my Decree to the same effect, in consequence of your statement of the 2nd instant, for the ends mentioned in the answer.

God grant, &c.

(Signed) THE PRINCE OF ANGLONA,
Marquis de Javalquinto.

*Messrs. the Commissioners of Her Britannic Majesty
of the Mixed Court of Justice.*

(Signed) LARRAZABAL.

Havana, same date.

I DELIVERED to Lieutenant Don Juan José Guerrero, the head Alguacil of the tribunal of this Captaincy-General, the sealed packet containing the Letter and

legalised copy specified in the preceding Memorandum, to the end of its being handed to Messrs. the British Commissioners, and I sign in witness thereof.

(Signed) GUERRERO.
MUÑOZ.

HAVING had delivered to me by the head Alguacil, Don J. J. Guerrero, the above papers for the purpose of forwarding them, I repaired without side the walls to the dwelling of Captain Don Manuel Perez Alderete, and handed to him the said packet on the 12th of November, 1840.

(Signed) JOZE ANTONIO VALDEZ.

I, DON MANUEL P. DE ALDERETE, Captain of Infantry and Adjutant-Major of this fortress, do certify, having received direct from his Excellency the Captain-General the preceding summary process, and it being necessary for the witnesses who have deposed in this matter that they should confirm their evidence, and that further steps should be taken, in pursuance of his Excellency's decree of the 11th instant, I appoint to the office of notary the soldier of the regiment of infantry, Jozé Tane, who having been made acquainted with the obligation contracted by him, promised on oath, as in the ordinance prescribed, to observe secrecy and fidelity in all that shall be committed to his charge. And to the end of its being on record he signed it along with me at Havana, the 13th November, 1840.

(Signed) MANUEL P. DE ALDERETE.
JOZE TANE.

WHEREUPON the Señor Fiscal addressed a Letter to the Captain of the "Caserio" (row of houses) of Casa Blanca, requesting him, as well as the other inhabitants who have deposed in this summary process, to come forth as soon as possible in order to confirm their depositions, which Letter I, the notary, handed to the said Captain; and that it may be on record I write the present, which that gentleman signed.

(Signed) ALDERETE.
JOZE TANE.

IMMEDIATELY thereafter the above, Mr. Fiscal addressed another Letter to the Colonel of the regiment of Infantry Chasseurs of Isabel II., requesting the attendance, at half-past nine on the next ensuing morning, in his house, for the above-stated purpose, of the second sergeant Ramon Neyra, of the first corporal Juan Antonio Rosas, and of the soldiers Ramon Valle and Mateo Patiño, who were on duty at Triscornia the 12th of October ultimo; which Letter I, the Notary, handed to the said officer, and with the view of placing it on record I sent it here, and it was signed by Señor Alderete.

(Signed) JOZE TANE.

(Translation.)

IN the same fortress, on the 14th of the same month, and the same year, there appeared, in consequence of the preceding citation, the Captain *ad interim* of the Caserio of Casa Blanca, Don Jozé Luis Rossello, who, after taking the prescribed oath, promised to tell the truth respecting what he should be asked, and on the contents of folio 21 having been read to him he was interrogated whether he confirmed and ratified them, as also whether he had anything to add or to retract. He replied, that both the documents authorised by his signature are of his, the deponent's, own framing, and that he confirms and ratifies the contents, having to add, that on reference to the superior arrangement of his Excellency the Captain-General, it appeared that the said negroes had overstepped the limits marked out for their walk on shore towards the east and north, as is proved by the points traced by the deponent. That though he did not see the blacks break the doors and windows, as stated in the record, he was told so by the mayoral; still, however, they have not been examined yet, and are in the same state as on the day of the occurrence; nor has any medical man looked as yet expressly at the hurt of the negro Graham, though the surgeon and superintendent of the hospital at Triscornia, Don Lorenzo Vento, examined him and observed to deponent that Graham

CLASS B.

had only a slight scratch over the right eyebrow, and he signed this, together with the Fiscal and the present Notary.

(Signed) MANUEL J. ALDERETE.
JOZE LUIS ROSILLO.

Before me, TANE.

SUBSEQUENTLY the captain of the district, Don Jozé Luiz Rosillo, again presented himself to intimate to the fiscal that he had to exhibit some evidence additional to the preceding, for which purpose he took the prescribed oath that he would speak the truth, and being interrogated by the fiscal what particulars he had to communicate, he manifested that not only on the occasion specified in the record, but twice before, about two months ago, he saw six blacks of the same pontoon in the houses of Don Domingo Nogueyra, and Don Andres Castillo, the sub-lieutenant of the militia regiment of infantry, situated the first in the centre, and the second two houses before you go from the village of Casa Blanca, in which houses he found them without any officer to accompany them, as is directed, and having sent for the person that was to have been with them, there presented himself in both houses an English serjeant, with whom he had to remonstrate on those occasions, and to point out to him the localities which the blacks could not pass, adding that they should not walk alone, when the serjeant acknowledged the faults that had been committed, and not only expressed his gratitude to deponent, but promised that such a thing should never occur again, all which took place through the agency of Don Enrique Brane, who acted as interpreter, and is now at New Orleans; that he has nothing further to say; that the above is the truth under the oath taken by him, and, having had this declaration read to him, he confirmed and ratified it, being 32 years old; and he signed it along with the fiscal and the present notary.

(Signed) MANUEL PEREZ ALDERETE.
JOZE LUIS ROLILLO.

Before me, JOZE TANE.

THEREAFTER presented himself Don Jozé Fernandez, promising, according to the prescribed oath, to answer the truth to the interrogations put to him; he had read to him the deposition recorded at folio 6, and being asked whether it was his, and whether he confirmed it, also if he had anything to add or to retract, he replied that what has been read to him is the same that he had given in evidence, which he confirms and ratifies under his oath, not having anything either to add or to retract, and he signed it with the fiscal and the present notary.

(Signed) ALDERETE.
FERNANDEZ.

Before me, TANE.

Continuation.

THERE appeared Don Antonio Ramon del Pino, who, having been sworn, &c., declared that the declaration at page 5 of the record was his, and that he confirms it, &c.; and, not knowing how to write, he made a cross.

(Signed) ALDERETE.
✕
J. TANE.

WHEREUPON presented himself the second serjeant of the regiment of infantry of Isabel II., Ramon Neyra, and being sworn, &c., confirmed his deposition, adding that his information of the English officer's having challenged the captain of the district was received from their countryman, Don Carlos Sivori, who served as interpreter in the communications that passed between them, &c.

(Signed) ALDERETE.
RAMON NEYRA.
J. TANE.

IN the next place presented himself the second serjeant of the same regiment, Juan Antonio Rosas, &c., who also confirmed his deposition, &c.

(Signed) ALDERETE.
JUAN ANTONIO ROSAS.
J. TANE.

AFTER him appeared the soldier of the same regiment, Mateo Patiño, &c., who also confirmed his deposition, &c., making his cross.

(Signed) ALDERETE.
✕
JOZE TANE.

THEREUPON presented himself Don Jozé Antonio Torrealva, who, having been sworn, &c., confirmed also his deposition.

(Signed) ALDERETE.
TANE.

THEREAFTER appeared Don Manuel del Pino, and was sworn, &c. He also confirmed this deposition, and make his cross

(Signed) ALDERETE.
✕
JOZE TANE.

WHEREUPON none of the witnesses who are to ratify their evidence being in attendance, and among the rest also the soldier Ramon Valla, I, the notary, by the direction of Mr. Fiscal, summoned them once more through the colonel of the regiment of Isabel II., desiring those individuals more particularly, and as speedily as might be, to attend, and having thus put it on record, it was signed by the said Señor Alderete and by Jozé Tane.

On the 15th appeared the soldier Ramon Valle, was sworn and confirmed his former evidence. Made his cross.

(Signed) ALDERETE.
✕
TANE.

THE next that presented himself was the peasant Don Antonio Herrera, who, having confirmed his former evidence, now added that the irregularities committed by the black soldiers of the pontoon previous to the 12th of October last, consisted in their placing themselves in some troughs in sight of the lodging-house, and in the presence of the landlady of the lodging-house, along with negro women in indecent attitudes, for which reason deponent summoned them, and also because on another occasion some of the above-mentioned negroes approaching his house, one of them beat deponent's dog; cannot say for certain whether the indecencies alluded to were committed, with the same negroes who were in their company on the 12th, as he does not know them.

That though he is not able to affirm that it was the blacks of the pontoon who broke the door and windows in order to get into the house, he yet cannot but believe it was they, seeing that on the day when he informed the Justice of their disorders, he saw them go out of the house, wherefore it is thought they must have broke the windows in order to get into the house, deponent not having seen the windows broke two days before when he passed by. And this he affirms on oath, but as he cannot write he made a cross by way of signature.

(Signed) ALDERETE.
✕
TANE.

SOME other witnesses not being in attendance, the notary, by the fiscal's orders, cited them once more.

In consequence there appeared on the 16th Don Lucas Jozé Padron, to confirm and ratify his former deposition.

(Signed) ALDERETE.
PADRON.
J. TANE.

IN the next place appeared Don Martin Alomar, who, being sworn, &c., also confirmed his evidence.

(Signed) ALDERETE.
ALOMAR.
TANE.

AFTER him presented himself Don Juan Jozé de la Fuente, who, being sworn, &c., confirmed his former evidence, &c.

(Signed) ALDERETE.
DE LA FUENTE.
J. TANE.

NEXT there presented himself Don Carlos Sivori, who, being sworn likewise, ratified his recorded evidence with this addition, that the English officer challenged the captain of the district through the intervention of deponent, saying that if the captain was a gentleman, he, the officer, was ready to fight him, which he also gave to understand by putting his hand to the sword and drawing it about a quarter of its length out of the scabbard, and making other movements which left no doubt of his intention, so that the magistrate seeing him pull out the sword, found it necessary to place his hand on the hilt of it to check him, in which he succeeded, expressing himself all the time only in terms of the greatest mildness; and this he signed, &c.

(Signed) ALDERETE.
SIVORI.
J. TANE.

WHEREAFTER presented himself Don Lorenzo Vento, who, being sworn, ratified his former deposition, to which he added, that if the captain of the district stated the wound inflicted on the English black soldier to be but slight, it was from the information given to Sivori by the British surgeon, who examined it for deponent; forbore taking cognizance of it by reason of not having received any order to that effect from the Justice.

(Signed) ALDERETE.
J. TANE.

IN continuation of the proceedings, Mr. Fiscal wrote to the president of the Supreme Royal College of Medicine and Surgery, requesting it at half-past 10 on the day following to depute to the Captaincy-General of the port two surgeons, to examine the person of Francis Graham, who had been wounded, as he deemed it of necessity in their cause, and this letter, I, the notary, carried to the said president.

(Signed) ALDERETE.
J. TANE.

I CERTIFY that Mr. Fiscal received from the president of the Medical Board the following answer:—

(Signed) ALDERETE.
J. TANE.

Havana, November 16, 1840.

I HAVE directed, this day, Messrs. Vicente de Castro and Don Isidro Cordovez to proceed to-morrow at half-past 10 o'clock to the Captaincy of the port, for the purpose stated to me by you, Sir, in your letter of this day, to which I herewith reply.

God preserve, &c.

(Signed) DR. TOMAS ROMAY.

Don Manuel Alderete, Major of this Fortress.

IN the same fortress, on the 17th of the same month and year, at the instance of Mr. Fiscal, there attended, by order of his Excellency the Captain-General, the interpreter of the Government, Lieutenant Lewis Payne, who promised on his word of honour faithfully to discharge his office, and that it be known, I place it on record, signing it along with that gentleman.

(Signed) ALDERETE.
LEWIS PAYNE.
J. TANE.

In the same fortress, on the same day, Mr. Fiscal, accompanied by me, the notary, by the interpreter, and by the physicians Vincente de Castro and Isidro Cordovez, proceeded to the English pontoon "Romney," and he, by means of the interpreter, put himself in communication with the second in command of that vessel, the first being absent, stating to him the object of his mission, wherewith the said gentlemen immediately complied by producing the black soldier Francis Graham; and that it may be known, &c.

(Signed)

ALDERETE.
THORNTON POWELL,
Boatswain, Commander on Shore.
LEWIS PAYNE.

Before me,

J. TANE.

WHEREUPON Mr. Fiscal administered to Drs. V. de Castro and J. Cordovez the oath laid down in the Ordinance, in virtue of which they engaged to speak the truth as to the queries put to them; and the first of these physicians having had presented to him the black soldier Francis Graham, was desired to examine him, and say whether he had in the forehead any wound or scar, indicating that it had been inflicted on him, also to explain of what nature it was, and with what instrument it might have been given, as also whether it is or could be of moment. The doctor, after a long inspection, stated that Graham has in the forehead, and over the right coronal eminence, an uneven and oblique scar extending upwards about an inch and a half, formed in consequence of a wound given, according to appearance, with some sharp instrument, which divided the skin and the fleshy texture called the occipital frontal muscle; that the said wound being external, did not exhibit any ground for apprehension, unless perhaps it had been attended with a concussion of the brain; and as, according to the patient's account, there was no fever, and the wound was nearly cicatrized on the third day, he is of opinion that it is quite a common one, which appears to be of about a month standing, as it is at present quite healed; and the second physician, having likewise looked at and examined the wound, made the same statement with his colleague, both of them ratifying their joint opinion on their oath, and signing, &c.

(Signed)

ALDERETE.
V. A. DE CASTRO.
DR. ISIDRO CORDOVEZ.

Before me,

J. TANE.

PROCEEDINGS continued. Mr. Fiscal having been informed that it was the surgeon of the pontoon, Mr. Alexander Scott, who cured the black soldier Francis Graham, begged to see him to take his deposition; but as that gentleman was not on board, the Fiscal commissioned the second in command, through the interpreter, to procure his attendance as soon as possible, at No. 16, Calle de la Amistad, outside the walls: which I hereby put on record.

(Signed)

ALDERETE.
JOZE TANE.

THE Government interpreter, Mr. Lewis Payne, sworn to interpret faithfully. Evidence of Mr. Scott: Is a native of Scotland, and surgeon's mate on board the English pontoon "Romney;" attended Graham, whose wound was on the forehead over the right eyebrow; his attendance lasted from the 12th to the 17th of October, when it ceased because the patient was cured. The wound was of the length of an inch and a half, the common integuments being cut, but the covering of the bone sound. The wound seemed to have been inflicted with a stick or some sharp instrument. Is not quite sure whether it is dangerous or not, but inclines to think that it is not so. He affirmed that this was the truth.

Also the interpreter affirmed on oath the faithfulness of his translation from the English to the Castilian.

(Signed)

ALDERETE.
ALEXANDER SCOTT, *Assistant Surgeon,*
Her Majesty's Ship "Romney."
LEWIS PAYNE.

Before me,

J. TANE.

WHEREUPON the Fiscal, accompanied by me, the notary, proceeded to the lodging-house of Donna Rafaela Fernandez del Cueto, and called for her daughter, Donna Maria Ignacia de Villafranca, who is stationed at this place, administering to her the prescribed oath that she would speak the truth, and having been told that she was summoned in consequence of the evidence given by Don Antonio Herrera, as well as having been made acquainted with the other particulars that were deemed necessary, she deposed: that she had several times seen the blacks in question pass by her house; that one came once for water and struck a dog; that they were driven away by the head shepherd, who told her that these blacks had been seen thereabouts in indecent attitudes with some negro women, but that she herself did not observe them with such companions, or in such attitudes, nor has any person in the farm, to her knowledge, noticed them; added that she was turned of 26 years of age.

(Signed)

ALDERETE.

MARIA IGNACIA DE VILAFRANCA.

Before me,

JOZE TANE.

IN the same place Mr. Fiscal called for the captain of the row of houses which go by the name of Casa Blanca, Don J. L. Rosillo, and desired him to indicate the points mentioned in his evidence, up to which he gave the English serjeant to understand that his blacks must confine themselves, when the captain, together with Mr. Fiscal and the present notary, walked along the road leading from Triscornia to Guanabacon, and in the latter place he stated that the English blacks might go from it on the right to the east and south, but that they must not pass either to the north or west, he having thus pointed it out to the serjeant who before had come with them, and having marked the limits in compliance with his Excellency's direction's, now in deponents possession; and these limits were transgressed on the 12th of last October.

(Signed)

ALDERETE.

J. L. ROSILLO.

Before me,

JOZE TANE.

Evidence of the Sub-Lieutenant of Infantry Militia, Don Andres Castilla

IN a cellar situate two houses before going out of the village of Casa Blanca, on the road of Triscornia, and kept by deponent, he has seen ten or twelve times, up to last October, some English black soldiers buying bread and other provisions. No officer accompanied them, but always a white serjeant; they spoke in some, foreign idiom with different black men and women of the island who went near them, but none of the latter were known to deponent.

(Signed)

ALDERETE.

A. CASTILLA.

Before me,

J. TANE.

Evidence of the Proprietor of the Pier of Triscornia, Jozé Berre, native of Cadiz, Trader.

ABOUT midday, being upon the pier of Triscornia, he from it observed Don J. L. Rosillo, who with some peasants was going to take from an adjoining field various black women of the country "mingled and in union" with black soldiers from the English pontoon "Romney;" he conducted the latter into a detached house near Casa Blanca, whence he carried them to the watch-house of the powder-magazine of Triscornia, and deponent hearing somebody, knows not who, say that one of the blacks had been wounded, it excited his attention, and he went to the above guard-house, where he found Rosillo with some of those that accompanied him (for he had not yet sent for the black soldiers, which he did some time after), when a white man appeared in a scarlet coat, and having no other distinction to show him to be an officer than his sword, who ordered a serjeant, a countryman of his, to go for the black soldiers, which he did; the captain also ordered they should come down. Whereupon as the man with the sword wanted to take all the blacks away with him, Rosillo refused to permit the wounded man to be carried off. Then the man just mentioned, in a passion, was about drawing his sword on the

magistrate, and actually unsheathed part of it, challenging the Justice and saying that if he was a gentleman he would fight him with sword, pistol, or any other weapon.

Rosillo made answer that it would be for his Excellency the Captain-General to decide on this subject, as he would forthwith report the occurrence to his Excellency.

The Englishman immediately took off his sword, belt and all, and threw them on the ground, exclaiming that he too was a prisoner, though he presently took up the sword again, and marched off with the black soldiers, all but the wounded man.

Here it ought to be observed that when the Englishman showed an intention to draw upon the magistrate, the serjeant of the guard ordered his men under arms, and surrounded the Englishmen. The interpreter on this occasion was Don Carlos Sivori, who as well as other persons who accompanied the Justice witnessed the incident.

Berri was asked whether when the Englishman challenged Rosillo, or when he drew the sword on him, the English black soldiers made any movement with an intention of assisting him, Berri replied that he saw nothing which showed any such design.

(Signed) ALDERETE.
JOZE' BERRI.

Before me,
(Signed) JOZE' TANE'.

IN the next place presented himself Don Domingo Nogueyra, who has a house at Casa Blanca, and is a dealer in provisions.

He only recollects that about two months ago he saw before his house three or four black soldiers, whom the captain *ad interim* of the district sent off to the road of Triscornia, but who were unaccompanied by any white English officer; that he had no more to say.

(Signatures.)

Thereupon the fiscal, attended by me, the notary, went to Casa Blanca to examine and ascertain the sites of the houses owned by Domingo Nogueyra and Don Andres Castilla, and found the former in the centre of the village, and the latter three houses from the extremity of the place going to Triscornia.

(Signatures.)

And Captain Rosillo being desired to state on his oath the spot where he apprehended the English negroes, he pointed out that he captured two near the cocoa-nut tree beside the house let out in lodgings belonging to Donna Rafaela Hernandez de Cueto, in company with two negro women; two on their quitting a house whose street-door was broken, attended by a like number of negresses,—one the wounded man, accompanied by a negro woman, stood and was taken on the descent from (the Fort) "Numero Quatro," and the last with a negress in the road going from Triscornia to Guanabacoa; and the present notary having thereafter, by order of Mr. Fiscal, counted as accurately as possible the paces pointed out from those spots by the Justice to the English serjeant, there resulted from the cocoa-nut tree to the road of Guanabacoa 216, to the north of Triscornia up to the place where he took the wounded man, and 380 from the same to the western enclosure, the spot on which stands the house with the broken street-door; but no account was taken of the distance up to the road of Guanabacoa where the last of the negroes was apprehended, by reason of its being in the line traced by the magistrate.

(Signed) ALDERETE.
ROSILLO.
J. TANE'.

HEREUPON it being found necessary to inspect the house where two of the English blacks were met with, Mr. Fiscal cited the two master carpenters, Don Pedro Demetrio Vega and Don Gabriel Trigo, who, after being sworn, having proceeded to the house indicated by the captain of Casa Blanca, were asked whether the door and windows were broken by violence, or whether wear and tear had reduced them to such a state? When Vega, on examining them, answered that the panels of the two window shutters and one of the doors of the said house are forcibly wrested from their frames, the hinges have been violently rent asunder, which must have been

done with the view of entering the house, and that a month may have elapsed from the time that they were broke.

Trigo, the second carpenter, coincided in what his brother master had stated.

(Signed)

ALDERETE.
P. D. VEGA.
G. TRIGO.

Before me,

JOZE' TANE'.

Citation of the Negress Gertrudis Gutierris.

Is of the Ganga nation ; slave to Donna Marcellina Gutierrez, and employed as laundress. About 9 o'clock in the forenoon in question at the pier of Caballeria she joined seven other negro women, as agreed upon, to take a walk to the hills adjacent to (the Fort) "Numero Quatro." They took two boats and landed on the pier called Quisino ; the names of her companions were Merced, Carmen, Paula, Transita, Dominga ; does not recollect the names of the other two that were with Paula. On disembarking they went to the right by the Road de la Plaza, and after passing the houses they turned to the left, intending to go up the hill called Juan Perez, but ere they reached the top they were seized with apprehension that some harm might be done them, which made them turn back. On descending they were stopped by the Captain of Casa Blanca and other persons, who took them to a place where the other negro women were imprisoned, and whence they altogether were transferred to a house in the village, and there put in the stocks : they, however, had not any communication with English black soldiers ; and the day on which they were apprehended was the first time that she, Gertrudis, visited the above localities ; lives within the walls opposite the guard-house of San Jozé ; saw no black man whatever that day ; should not be able to point out the spot where they apprehended her if she were conducted thither.

Supposes her age to be about 18 or 20. Signed with a cross.

(Signed)

ALDERETE.
JOZE' TANE'.

It is expressly specified that Gertrudis herself refused signing the cross just mentioned, alleging that she did not know how to make it.

Proceedings continued.

THE negro woman Paula Acebedo presented herself and deposed : Is a Conga woman ; slave to Donna Marcellina Gutierrez, laundress, and is paid wages, for which reason she by permission of her mistress lives at a house fronting the water course at the end of the Street de la Lamparilla. About 10 A.M., 12th of October last, she embarked with seven other negresses at the Pier de la Machina, and by way of amusement they passed to Casa Blanca, where they again went on shore near one of the piers of that part of the bay. She only knew some of her companions, namely, Gertrudis, Dominga, Transita, Merced, and Candelaria. The latter and herself having parted from the rest, went to gather mallows by the roadside, when a man came up and apprehended them ; they were put into the stocks ; a little before some other woman had joined them ; she never had either that day or previously intercourse with any English black soldiers, nor did she see any thereabouts ; and if she were conducted to the spot where she was taken, she would be unable to identify it. Supposes that she is about 30. Made her cross.

(Signed)

ALDERETE.
J. TANE'.

THE next that presented herself was the negro woman Josepha Carabali, giving the following evidence : She is one of the Carabali nation ; slave to his Excellency Don Joaquim Gomez, and a laundress. About 10 A.M. on the 12th of October she strolled to Casa Blanca, accompanied by the negress Dolores Peñalver, who was going to Guanabacoa with a letter from her master. On landing at the pier called Puntdo Claro, they struck to the right in quest of the road which leads to that place. Deponent having to satisfy a call of nature, went into some enclosures near an uninhabited house, whence she was expelled by a man in attendance on the Captain of the district, who conducted her, her companion, and some other black women who had stopped under the pent-house of the deserted premises, to the

stocks in the village. Has never had dealings with nor has seen in that vicinity any English negroes. Were she to be taken to the place of her capture she should be unable to identify it, never having been there before. Does not know her age. Refused to make a cross under her deposition, alleging that she did not know how to handle a pen.

(Signed) ALDERETE.
Before me,
J. TANE'.

THE negro woman Dolores Peñalver said that she does not remember either the day or the hour of the occurrence in question. As she took boat one morning at the pier of Caballeria with another negress whom she only knows by sight, to proceed to Guanabacoa for a walk, when they went on shore at the pier of Casa Blanca they made for the village, and then, while passing on to the sea-side, prior to reaching the road of Guanabacoa, they were detained in their way by the lieutenant of the district, and apprehended without any motive; he took them to a cellar where there were other negresses whom she does not know; they were altogether taken to the stocks in the village; has never had any communication with English negroes of the soldiers on board the English pontoon in the bay, nor has she seen any in the environs; lives in a street of the district Jesus Maria, is unable to describe the house; but can point out the place where she was taken. *Query.* Did she on that day go to Guanabacoa to carry a letter from her master, and had the negro woman then in her company to attend to any natural occasion? *Answer.* She had no letter to take on that day, and when they took the woman that accompanied her she had not to satisfy any natural urgency. Is 18 years old. Refused to sign a cross, under the pretext of not knowing how to use a pen.

(Signed) ALDERETE.
J. TANE'.

MR. FISCAL perceiving the inconsistency of the preceding evidences, directed the confrontation of Josepha Carabali and Dolores Peñalver, which he effected, not withstanding that both of them refused to be sworn.

Maria del Carmen Gutierrez, being sworn, said that she is of the Ganga nation, and slave of Donna Marcellina Gutierrez; takes in washing by leave of her mistress to earn a livelihood, and sleeps out of the house—for this reason she lives opposite a supply of water or plug near the West Wall. About 9 A.M. of the 12th of October last she with seven other negresses went to Casa Blanca for a walk; she alone and Merced Cabrales went out of the village towards (the Fort) "Numero Quatro;" the others sat down on the ground as they came out of the village; they were detained by the Justice of Casa Blanca, who without any cause put them into the stocks; she has had no communication with any negro, and least of all with those on board the English pontoon, whom she has not even seen on that quarter. Is able to point out the place where she was taken. Is ignorant of her age. Made her cross.

(Signed) ALDERETE.
J. TANE'.

DEPOSITION of the negro woman Merced Granados: Is a Ganga women, and slave to the present commandant of the arsenal; is ignorant of her master's name; is a charwoman, which makes her pass her nights in another house, situate near the Confectionary at the market of Santo Cristo, all with her master's permission. On the 12th of last October, about 10 A.M., she took water at the pier of San Francisco and went alone to the pier of Casa Blanca, whence she made for the house of Don Juan Perez, situated on a hill near "Numero Quatro," for the purpose of paying a visit to a negro woman called Josepha, who was then afflicted with illness. She was apprehended by the lieutenant of Casa Blanca without any motive, for she neither on that day, nor ever before, had any intercourse or communication with English or other negroes, nor did she ever see any thereabouts. Cannot point out the place where she was taken, having been there only once. Supposes she is about 25 years old. Made her cross.

(Signed) ALDERETE.
J. TANE'.

In the next place, Transito Cabrales presented herself to give evidence : Is of the Carabali nation ; a slave of Don Ramon Cabrales, and a laundress. Lives in her master's house situated in the Pueblo Nuevo, opposite to Tacon's promenade. On one of the moons of last month she embarked at the pier of Cabellaria, and proceeded to Casa Blanca ; she went on shore at one of the piers of that village, and was walking on the beach gathering mallows, when two men came behind, threw themselves on the ground, gave her some blows, and instantly conducted her to the stocks in the village, where she encountered other black women, among whom she knew two, Merced and Candelaria ; cannot account for her imprisonment, as she had given no occasion for it, never having been connected with any black man, either English or Spanish, nor has she been ever in that place before, and cannot therefore point it out. Is 28 years of age. Cannot make a cross, from ignorance of using a pen.

(Signed) ALDERETE.
J. TANE'.

WHEREUPON Dominga Pinillos presented herself ; under pretext of not being baptized, she refused being sworn : Is of the Carabali nation ; slave of Don N. Pinillos ; lives by washing and selling fruit, whenever an opportunity offers ; lives in the house of her master in the Plaza de Armas. Some day last month (does not know which), about 10 in the forenoon, she went into a boat alone at the pier of the Contaduria, and was proceeding to Casa Blanca to take away the foul linen of some blacks for whom she washed, but whose names she does not know.

She refused to answer any more questions, saying she could not speak.

Identification of the Place where the Negro Women were apprehended.

ON the 24th of the same month and year the Fiscal, accompanied by the Captain of Casa Blanca, by me, the Notary, and by negresses Paula Acebedo and Maria del Carmen Gutierrez, (it not having been possible to find out Dolores Peñalver, by the Captain's account), proceeded to the camp adjoining the entrance of Casa Blanca, and the black women having been sworn to speak the truth, the Fiscal desired the woman Acebedo to point out the spot where she was taken on the 12th of October, and she having done so, it was found that she was apprehended about 10 paces from the house of which the doors and windows had been destroyed. The second negress having been directed to indicate where she was stopped, she pointed at the spot situated about 100 yards from the same house, saying, that near it she had parted from an English black soldier in a red uniform, whom she might know again. Both these women said that several of their female acquaintances had been, up to the moment when they were apprehended, in company with English black soldiers, and in illicit intercourse within the places contiguous to it, which women they recognised to be Gertrudis Gutierrez, Maria Antonia Josepha Carrabali, N. Peñalvez, Domingo Pinillos, Fransito, and Merced Cabrales, thus invalidating their former evidence, when they asserted that they had neither seen, nor themselves been in communication with, the English black soldiers, which assertion, they said, was made by them from a fear of being subjected to some chastisement. They all ratified the above by a cross.

(Signed) MANUEL PEREZ.

X
X
X
X
X

Before me, JOSE' TANE'.

Confrontation of the above referred to Negresses.

PAULA ACEBEDO, and Maria del Carmen Gutierrez being sworn, Gertrudis Gutierrez was called in, and the different evidences having been read with proper remonstrances, the former females confessed that they had been in contact with English negroes dressed in scarlet jackets, the woman Gertrudis insisting that

illicit intercourse had been between them, while the two females in question maintained that such was not the case. They marked their crosses.

(Signed) ALDERETE.

XXX

Before me,

JOSE' TANE'

THEREUPON Josepha Carrabali being confronted with the females Acebedo and Maria del Carmen Gutierrez, they affirmed having seen English negroes dressed in scarlet in the porch of the empty house, where the latter were encountered with negro women by the Captain of the district, but Gutierrez and Acebedo declared that the women confronted with them was not one of those who had been forbidden intercourse with the black men.

(Signed) ALDERETE.

XXX

Before me,

JOSE' TANE.

THE woman Dolores Peñalves being brought face to face with Gutierrez and Acebedo, the latter deposed that, though Peñalves had not been seen by them in company with any negro woman, yet she must have witnessed the black men in the porch of the house, where the Captain met them conversing with the negresses, which, however, the woman Peñalves denied having been the case.

(Signed) ALDERETE.

XXX

Before me,

JOSE TANE'.

DOMINGO PINILLOS also denied the preceding assertion made by Acebedo and Gutierrez.

(Signed) ALDERETE.

XXX

Before me,

JOSE' TANE'

THE negress Fransito Cabrales having been brought into the presence of Acebedo and Gutierrez, she owned to what the latter had asserted.

(Signed) ALDERETE.

XXX

Before me,

JOSE' TANE'.

THE negro woman Merced Granados being confronted with the other two before mentioned, confessed to, and agreed in, the fact asserted by Acebedo and Gutierrez.

(Signed) ALDERETE.

XXX

Before me,

JOSE' TANE'.

THEREUPON Mr. Fiscal addressed a Letter to Messrs. the Commissioners of Her Britannic Majesty of the Mixed Court, saying—

Staff of the Fortress of Havana, November 25, 1840.

HAVING been nominated by his Excellency the Captain-General of this island to proceed to the ratification and amplification of the summary process instituted in consequence of the occurrence that took place on the 12th of October ultimo, in the locality of Casa Blanca, relative to your black soldiers belonging to the English pontoon "Romney," I shall be obliged to you, Gentlemen, if you will have the complaisance to direct the said individuals to attend at seven in the morning at the guard-house of the powder-magazine of Tricornia, as also the serjeant who, unknown to us by name, presented himself on the said day, for such purpose, at the point referred to in Tricornia, inasmuch as all of them are to be interrogated touching the particulars under consideration.

God grant, &c.

(Signed) M. P. DE ALDERETE,
The Adjutant-Major.

Messrs. the Commissioners of the Mixed Court of Justice,
&c. &c. &c.

Which Letter I, the notary, delivered to the above gentlemen.

(Signed) JOSE' TANE'.

Certificate to the answer of the above having been received, and handed to the Government interpreter for translation.

Mr. Kennedy's Answer, dated *November 25, 1840.*

In reference to the answer of Her Britannic Majesty's Commissioner, Mr. Fiscal directed the suspension of proceedings until his Excellency the Captain-General should transmit the documents referred to in that communication.

Minutes respecting the Trespass committed by some Black Soldiers of the Pontoon "Romney."

MOST EXCELLENT SIR,

Casa Blanca, July 11, 1840.

IN compliance with what your Excellency was pleased to intimate to me in your Letter of the 27th of last May, respecting the ground set apart for the black soldiers of the English pontoon "Romney," on the days they come on shore, to take their exercise, I have to state to your Excellency that yesterday, from half-past 10 A.M. to midday, six of them were, unattended by any officer of their nation, walking through the streets of this hamlet, and entering several shops, whereby they overstepped the bounds indicated in your Excellency's above-mentioned Letter.

By order of the Captain,

God preserve, &c.

(Signed) F. JOZE' LUIS ROSILLO.

His Excellency the Governor and Captain-General of the Island,
&c. &c. &c.

Captaincy of the Justice at the Village of Casa Blanca.

MOST EXCELLENT SIR,

Casa Blanca, June 17, 1840.

BEING informed at this moment, 10 o'clock A.M., by different persons, that five blacks in military uniform, belonging to the English ship which serves as a pontoon, were in a wanton and arrogant manner passing through the village, I went in quest of them, and having met them near the house of Don Juan Perez, I inquired of them by what order they were passing through this village; they answered, that they had permission to do so from their commander. I took down their names, which were King, Sergeant, John Royer, W. Walker, W. White, and John Wales, soldiers belonging to the said vessel, and who had been conducted on shore by a white officer of the name of Aigan (Aikin?); I therefore gave them to understand that they should only pass through the village. I acquaint your Excellency herewith for the proper ends, and in compliance with my duty.

God preserve, &c.

(Signed) JOSE' LUIS ROSILLO.

His Excellency the President, Governor and Captain-General,
&c. &c. &c.

Here are inserted two letters addressed by Her Britannic Majesty's Commissioners to the Captain-General, dated 19th June, 1839, and 17th November,* 1840.

Decree.

Havana, November 20, 1840.

To be transmitted with the documents thereunto belonging to the Judge of War.

(Signed) ANGLONA.

Another Decree.

Havana, November 21, 1840.

GIVE the proper sight of this to the First Fiscal of the Court of Justice. Two "*Rubricas.*"

(Signed) LORENZO DE LARRAZABAL.

On the same day I notified it to the Procurator Agent Fiscal. Certified.

(Signed) BEJARANO MUNIZ.

MOST EXCELLENT SIR,

November 23, 1840.

THE Fiscal says that he has seen the communication of the Commissioners of Her Britannic Majesty in the Mixed Court, and considering what may conduce for the perfect illustration of the facts, he is of opinion that your Excellency might have the goodness to order to be transmitted to the Adjutant-Major of the fortress, Captain Don M. P. Alderete, entrusted with the ratification and enlargement of the summary process, the list of witnesses it contains, for them to be examined in conformity with the ordinance, yet without mixing the methodical practice of the proceedings with any strange innovations, and the results to be communicated to this office for the promotion of justice.

Ongel de Bejarano, (Signed) PEDRO DE ALCANTARO.
&c. &c. &c.

Decree.

Havana, November 26, 1840.

SEEN and entered in conformity with the Fiscal's representation. Let there be done what he proposes.

(Signed) ANGLONA.
ARMERO.
LORENZO DE LARRAZABAL.

On the said day I notified it to the Fiscal.

(Signed) BEJARANO.
MUNIZ.

Delivered to the Adjutant-Major, M. P. de Alderete. November 27, 1840.

(Signed) J. J. GUERRERO.

Here follows a letter from Her Britannic Majesty's Commissioners to the Adjutant-Major of the fortress, Don Manuel Perez de Alderete. Dated November 27, 1840.

Answer.

Same Fortress, November 28, 1840.

THE Fiscal sent to Her Britannic Majesty's Commissioners the following Letter:—

In consideration of your Letter of yesterday, Gentlemen, in answer to mine of the 25th instant, I am to repeat my request as to the attendance of the individuals whom I cited therein, since the nature of the cause requires it, it being understood that this request extends also to those persons mentioned in your communication alluded to; I beg therefore, Gentlemen, that you will be pleased to direct the

attendance of them at the guard-house of the powder-magazine of Triscornia, on the 1st of next December, at 7 in the morning, with the view of their being examined, which will be done in conformity with the ordinance, and with what his Excellency the Captain-General has commanded relative to not permitting the introduction of any strange innovation into that practice.

(Signed) ALDERETE.

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

Swearing of the Interpreter.

ON the 1st of December in the same year Mr. Fiscal, accompanied by me the notary, proceeded to the guard-house of the powder-magazine at Triscornia, where Serjeant Sullivan was in attendance, and likewise, by order of his Excellency the Captain-General, the Government Interpreter, Mr. Lewis Payne, who on his word of honour promised faithfully to comply with his office; and that it may be known I record it.

(Signed) ALDERETE.

Before me, JOZE TANE.

John Sullivan sworn.

Is a native of Ireland, and sejeant of the 2nd West India Regiment. On the 12th of October, at 10½ A.M., we, by order of the Commander of the "Romney," landed on the pier of Triscornia, accompanying in their usual walk the black serejant and black soldiers Robert Ingram, Jacob James, Francis Graham, George Grant, John Hatchet, and John Moore, to whom he pointed out as bounds the briers behind and near the powder-magazine of Triscornia, to the south the point called Maramelina, and to the east he directed them not to proceed more than half a mile, and, as Ingram stated, they had been conducted to this place from within the bounds when he left him. Among the said soldiers he observed that Francis Graham was wounded, and asked him who had reduced him to that condition, to which he answered that a white man had hurt him with a stick, and as the same Ingram acquainted him that the Captain who was the captor was in the guard-house of the powder-magazine, he proceeded thither, and requested, by means of a man who acted as interpreter, that the soldiers might be surrendered to him, and might return with them on board; he answered that there was no objection to his taking five with him if he left the wounded man; that at that moment arrived from on board the pontoon the lieutenant of infantry, Mr. Lionel Charles Fitzgerald, who, on learning from deponent what had happened, caused the blacks to be conducted to the spot where he was, saying to the Justice that as the wounded man was a prisoner, his aggressor should be so too, but the Justice refused to comply. By order of Lieutenant Fitzgerald deponent set out on his march to the pier, with intention to embark with the black English soldiers, inclusive of the wounded man and of the officer, but on their way thither they were overtaken by troops from the guard-house, who surrounded them with level bayonet, at which demonstration the officer took off his sword in its scabbard, and threw it on the ground, saying to the Justice that as he had made the soldiers prisoners he himself was also his prisoner; then a gentleman who was present, and whom he does not know, took up the sword and gave it back to the lieutenant, who, leaving the wounded man behind, went with the others on board the pontoon. Only deponent alone had accompanied the soldiers from the ship, and no other officer came on shore with the blacks.

Q. Does he know wherefore the black soldier was wounded by the peasant? Was it because the former had lifted up his hand to the latter.

A. Is unable to account for it.

Q. When the troops took arms and surrounded the English, was it because Lieutenant Fitzgerald was going to draw upon the Justice, and the blacks put themselves in motion, as if inclined to defend the officer?

A. All he can say is, that he only observed the troops surrounding the blacks.

Q. If the officer challenged the captain because the latter refused giving up the English black soldier, let the deponent state what words the lieutenant made use of?

A. When Lieutenant Fitzgerald saw the guards coming up to stop the blacks

he said to the Justice, he, the Lieutenant, did not look upon him as a gentleman for calling in armed troops against defenceless individuals, but if the Lieutenant knew that the Captain was a gentleman he would be called to an account by the Lieutenant.

Q. Whether as there had been six of those blacks at two different times on the road to Casa Blanca the Captain acquainted him therewith, requesting the officer to accompany them, and encountering deponent, not only remonstrated with him on account of being at a distance from the blacks, but pointed out to him the bounds up to which they might go? and if so, let him state whether deponent promised that thereafter they should not again commit the same fault, as also whether he informed his superior of this occurrence?

A. The fact is correctly stated in the preceding query; he reported the occurrence to Lieutenant Fitzgerald, who, by way of punishment, forbade the blacks to go on shore for a month to come; he must, however, observe that they were not the men that disembarked on the 12th of October last.

Q. Whether did the English black soldiers commit on the 12th of October last any disorders with the negresses of the country?

A. To his knowledge the blacks in question committed no such fault.

Q. Can he point out the localities traced by the Captain of the district?

A. Those pointed out by the magistrate are the localities stated before by deponent. Is 40 years of age.

Robert Ingram sworn.

Is a native of Africa, and sergeant in the 2nd West India Regiment. About half-past 9 A.M. of the 12th of October last he went ashore with the black soldiers—Jacob James, F. Graham, G. Grant, J. Hatchet, and J. Moore, being conducted by the white sergeant John Sullivan, there being no other officer present. The moment they were landed at Tricornia the white sergeant retired for a moment, leaving deponent under care of the other blacks, and charging them to proceed from that place only to Marimelena, without leaving the road leading from Tricornia to Guanabacou, with which order they complied, all of them remaining together. They joined company with five negro women of the country, but without committing any disorder: a white man, seemingly a Justice, as he carried a cane, together with others of his complexion, gave those females some blows to make them go away, and thereafter he apprehended them. Deponent had no idea that it was forbid to walk with these negresses; was taken when in company with two negro women with whom he was sitting beneath a shed of a lone house standing by the side of the road leading from Tricornia to Casa Blanca, in which, though situated beyond the bounds designated by the white sergeant, deponent chose to sit down, because being there on elevated ground, he was there able better to keep within sight of the negroes.

Q. Was Graham wounded with a stick in the forehead by a white man, because he not only resisted the apprehension of the person with whom he was, but also because he dared to lift his hand against the white man?

A. Is ignorant of the reason why Graham was wounded, for when he came to deponent with his head tied round with a handkerchief, from under which blood was issuing, deponent asked him about the accident, when he made answer that a white man had wounded him, but deponent cannot tell whether the white man had been provoked to commit such an act.

Q. In which place was he with his companions? And was he there by order of the Captain of the district?

A. The Justice had directed the other blacks to be assembled in the place where deponent was; they all remained assembled in the porch of the said house, and when the sergeant arrived deponent acquainted him with what had happened. The sergeant went away, but returned again by order of Lieutenant Fitzgerald, and conducted them to the guard-house, where the Lieutenant was. The Lieutenant certainly was for taking the wounded man with him, and the magistrate did not allow it, but Lieutenant Fitzgerald showed no inclination to draw upon him or to challenge him. No threat was offered by Lieutenant Fitzgerald to the Justice, but when the latter directed all the blacks to repair on board and take the wounded man with them, the Captain-Justice called the troops, who with their arms detained the former, when the Lieutenant took off his sword, together with the belt, and threw them on the ground, exclaiming that he also was a prisoner, but deponent does not remember whether he again picked it up himself, or whether

some other person took it up for him. They then left the wounded man behind and went altogether back on board. Neither deponent nor any of his comrades broke the doors and windows of the house in question, nor did they enter it. Is 17 years old.

Jacob James sworn.

Is a native of Africa, and a private in the Second West India Regiment. On the 12th of last October, about half-past 9 A.M., he came ashore with the black soldiers and Sergeant F. Graham, G. Grant, J. Hatchet, J. Moore, and R. Ingram, also accompanied by the white sergeant, John Sullivan, for they were not headed by any commissioned officer. On their disembarkation Sullivan retired for a moment, leaving them in charge of the black sergeant, with a caution not to go beyond the bounds which extended from the powder magazine to Marimelena, and not to penetrate up into the country beyond the road leading from Triscornia to Guanabacou. Does not know why Ingram went into the porch of the house, which, as Sullivan had said, they ought not to have approached, the others staying where they were. Though they went up to some negro women of the country, they only took a walk with them, without being guilty of any disorderly conduct. Though several white men took some of them and conducted them to the porch of the house where the black sergeant was, he is ignorant from what provocation. Among the men alluded to one seemed to be the Justice by reason of his carrying a cane. Had no notion that the black soldiers of the pontoon were prohibited from walking with the negresses of the country. Deponent was apprehended in the porch of the said house, where he was standing with a negro woman. Graham was standing behind the guard-house with two negresses, when he was wounded with a stick by one of the white men accompanying the magistrate without any provocation, inasmuch as he did not oppose the carrying off of the two negresses, nor did he lift up his hand to that individual: all of them were standing together under the porch of the said house, whither the white sergeant came twice, the first time to tell them what had happened, and the second by order of Lieutenant Fitzgerald to conduct all the blacks to the guard-house, which he did; but when the Lieutenant offered to carry off his men on board along with the wounded man, the magistrate opposed it, on which account Lieutenant Fitzgerald took off his sword, and flung it on the ground, saying, that if he stayed with his men he would also surrender as a prisoner; at this time the guards seized their arms, put the bayonets thereon, and surrounded the English, and the sergeant commanding them took up the sword and handed it to the Lieutenant, who thereupon retired with only 5 blacks; the wounded man was left behind, perhaps in consequence of an agreement entered into with the Justice. Lieutenant Fitzgerald never uttered threats, nor did he make any motion as if intending to draw his sword on the magistrate, any more than the negroes seemed inclined to give him offence. Neither he nor his comrades broke the doors and windows of the house in whose porch deponent was taken.

George Grant sworn.

His evidence is exactly and literally the same as that of the other black soldiers. He says the negress with whom he walked was one of the black laundresses who used to come frequently on board the "Romney" for the linen of the crew.

John Hatchet sworn.

His evidence only differed in this, that it was more explicit, because he distinctly owned their carnal knowledge of the black women in the following broad terms:—"but committed no disorderly act with them, as they only employed themselves in what properly belongs to the two sexes."

Francis Graham sworn.

His evidence does not differ from that of the rest, except in the following trifles:—Sullivan on landing went for some shoes; it was a white man that wounded Graham in the forehead with a stick, without having received any provocation. Lieutenant Fitzgerald exclaimed "These soldiers are in the service of the Queen of England," and ordered them to follow him. The Spanish soldiers levelled their bayoneted muskets at the black ones. Graham was detained on shore till 8 o'clock P.M., when they conducted him back on board; there was no challenge, no violence done to houses or windows. Does not know how old he is.

ON the same day Mr. Charles Hawkins, Lieutenant of the "Romney," informed the Fiscal that Lieutenant Fitzgerald could not attend to be interrogated inasmuch as he had sailed for the Bahamas to restore his health, but that he, Hawkins, was desirous to be present at the examination of the witnesses, his countrymen, and take notes of their evidence. The Fiscal replied that if he consented to that, it would be in contravention to the Captain-General's orders of the 26th of November last. Mr. Hawkins rejoined that he left the Fiscal at liberty to examine the witnesses that had been cited, or any others he might want from the "Romney," but that he must enter his protest against the act in question.

James Young examined.

Is a native of Scotland, and sailor on board the "Romney." On the 12th October last, between 11 and 12 A.M., he with his messmate, Thomas Garretti, took Mr. Fitzgerald in one of the Romney's boats to the pier of Tricornia. When the Lieutenant had stepped on shore Garretti followed him, and deponent stayed behind. Garretti with his hat made signs to him when he too when ashore. He there saw Lieutenant Fitzgerald and the 6 English black soldiers surrounded by the guard of Tricornia, who had couched their bayonets. Immediately after he saw the Lieutenant in conversation with a man who was seemingly a magistrate, to whom he presently left one of the black soldiers, who was wounded while the Lieutenant returned on board; has no knowledge whatever about the sword.

Thomas Garretti examined.

AFTER repeating what has been stated above, he said he heard the Lieutenant express his belief that the Justice was no gentleman, otherwise he would challenge him; could not hear the rest of their conversation; saw also the Spanish soldiers couch their bayonets at the English blacks.

The above proceedings or protocol having been delivered to his Excellency the Captain-General, he issued the following decree:—

PASS it for the opinion of the Judge of War.

(Signed) ANGLONA.

Antonio Armero to the Captain-General.

MOST EXCELLENT SIR,

Havana, December 9, 1840.

THE late proceedings under consideration ought to be laid before the first Fiscal of the Court, for him to state what belongs to his office; and the Secretary ought to forward it to the office of the Court. Your Excellency may decree this, or whatever you think proper.

(Signed) ANTONIO ARMERO.

PROCEED as set forth in the above opinion, to which I agree.

(Signed) ANGLONA.

To Angelo Bejarano.

MOST EXCELLENT SIR,

Havana, December 12, 1840.

THE Fiscal says that with the view of proceeding with the consideration which he desires, he ought to be informed of what took place prior to the permission for the black soldiers of Her Britannic Majesty's pontoon "Romney," stationed in this port, to land; as also the reasons justifying the authorization or power, mentioned under date of the 17th November last, by Messrs. the Commissioners, as having been conceded to that vessel, with a view to the arrangements necessary for duly fulfilling the treaty which prohibits the African Slave Trade. Accordingly your Excellency will be pleased to direct a certified copy of those minutes to be added to the proceedings, by the competent Secretary's office, to the end that this department may on a mature view of all the facts promulgate its opinion.

Angelo Bejarano,
&c. &c. &c.

(Signed) PEDRO DE ALCANTARA.

Havana, December 15, 1840.

As pleases Mr. Fiscal.

(Initials of two names.)

(Signed) LORENZO DE LARRAZABAL.

CLASS B.

Havana, May 17, 1839.

HIS Excellency the Secretary of State writes to me by the royal order under date of the 3rd of April last as follows :—

“Here is inserted the royal order, and for the purpose of complying therewith I have determined that six of the before-mentioned soldiers of the pontoon ‘Romney’ shall have permission to go on shore on Mondays and Thursdays, in each week, from sun-rise to mid-day, under the vigilance of an English officer, to be nominated by the commander of that ship; and I mark out for their diversion the extent of the eastern coast of the bay, comprehended from the pier of Tricornia to the north as far as Marimelena, inclusive of the pier of Parra; the southern limit being the road leading from Marimelena to Guanabacou, yet they shall not have leave to proceed inland more than half a mile; all which I state to you that you may so understand it.

“God preserve, &c.”

The Commandant-General of the Marine of this naval station,
&c. &c. &c.

A copy hereof was made out to the port-captain.

Letter to the Captain-General from the Commissioners of Her Britannic Majesty, acknowledging a communication to the above effect, dated May 31, 1839.

(See Class A, 1839, First Series, p. 121.)

The circular to the Alcaldes of Guanabacou, and the Captains of Regla and Casa Blanca, embodies the preceding particulars with the following addition :—

“Which I state to you for you to understand it so, and that you may inform me if they go beyond the distance allowed above.”

The Spanish Minister, Evaristo Perez de Castro, to the Captain-General of the Isle of Cuba.

First Secretary of State's Office,
Madrid, April 3, 1839.

MOST EXCELLENT SIR,

UNDER date of the 1st of August last, this department forwarded to your Excellency a royal order, of which I have subjoined a copy in case the former should not have come to hand, in which your Excellency was informed of the request made by the British Government for permission to be given to the black soldiers of the pontoon “Romney,” stationed in this port, to go ashore, and of the answer returned by the Conde de Ofaia to the British representative at this Court, stating to him the conditions under which he would grant that permission, in just deference to the desire expressed by the British Government, provided that the latter agrees to those conditions. The British Minister at this Court having intimated that his Government agrees to what has been proposed by that of her Majesty on this subject, and having requested that in consequence your Excellency might be furnished with the proper orders, Her Majesty the Queen Regent has commanded me to desire your Excellency, as by the royal order I herewith do, immediately to permit the black soldiers of the “Romney” stationed at the Havana to go ashore from time to time, under the precautions contained in the answer returned to the British representative at this Court, dated the 31st of August last year; it being Her Majesty's express wish that your Excellency should fulfil this royal disquisition with the greatest efficacy and punctuality, with the view of duly corresponding on our part to the grateful obligation which the exemplary, upright, and decided conduct in favour of the national cause constantly observed by the British Government imposes on that of Her Majesty the Queen.

God grant, &c.

(Signed) EVARISTO PEREZ DE CASTRO.

The Captain-General to Her Britannic Majesty's Commissioners of the Mixed Court of Justice.

Havana, May 27, 1840.

To Angelo Bejarano.

MOST EXCELLENT SIR,

THE Fiscal says, that in reference to the enlargement and ratification of the summary process instituted by the desire of Messrs. the Commissioners of Her Britannic Majesty, of the Mixed Court of Justice established in this island for such matters as relate to the prohibited traffic of slaves, with which your Excellency complied, in concurrence with this department, for the laudable object of clearing up the truth of the facts, to the end that speedy and complete justice might thereupon be administered; the merits of the case which induced him to deem that the moderate course might be adopted which he had the honour of proposing in his opinion of the 20th of last October, so far from being attenuated, have acquired greater moment, seeing, that according to the evidence of the black soldiers themselves that guard the "Romney," that they not only pressed beyond the bounds laid down for the recreation, but were in connection and in the last communication with the eight black women of the country, whose names are specified in the summary process, occupying themselves, as one of them states, in the acts peculiar to both sexes; others adding, with the view of excusing themselves, that such communication did not appear to them prohibited; when these negresses were frequently resorting on board the "Romney" for the purpose of washing the clothes, which disclosure, in the estimation of the Fiscal, obliges the Government to take steps for impeding the intercourse of the negroes proceeding from the alien colony with those of the country, as is especially enjoined to it by reiterated royal orders, inasmuch as it would be of no avail to prohibit the black soldiers of the "Romney" from freely coming ashore, if it were suffered that the others might visit and communicate with them, either within the scope marked out for them, or on board the vessel of their exile.

Considering all which, and that this department refrains from entering on the ground of the "exotic" pretensions brought forward, or into the questions of a different nature started, out of respect for the good understanding which, at whatever cost, must be preserved with the Government of Her Britannic Majesty, and with those who in any way invoke its name, to appeal to that harmony and good intelligence, he is of opinion that your Excellency may be pleased to direct the literal fulfilment of the measure adopted last October, notwithstanding what is stated in answer to Messrs. the Commissioners, since the said resolution cannot with any propriety be altered, while a report ought to be addressed to Her Majesty, together with an authenticated copy of folio 26 for the cognizance of the Government.

Angelo Bejarano.

(Signed)

PEDRO DE ALCANTARA.

DECREE.

Havana, February 3, 1841.

CARRIED into execution and annexed to the proceedings. Let this be carried into effect throughout according as seems to Mr. Fiscal.

(Signed)

ANGLONA.

ARMERO.

LORENZO DE LARRAZABAL.

The above was notified to Her Britannic Majesty's Commissioners on the 5th of February, 1841; to which they replied on the 10th of February, 1841.

(See Class A, p. 184.)

Havana, February 16, 1841.

A CERTIFIED copy of the whole of these proceedings has been deposited in the office of the Secretary of the Captaincy General.

(Signed)

LARRAZABAL.

Havana, March 23, 1841.

THE above originals were correctly transmitted for this occasion.

(Signed)

LORENZO DE LARRAZABAL.

Mr. Aston to Viscount Palmerston.

Madrid, July 31, 1841.

(Received August 8.)

MY LORD,

I HAVE the honour to enclose the copy of a Note which, in obedience to the instructions contained in your Lordship's Despatch of the 28th ultimo, I have addressed to M. Gonzales, calling upon his Excellency to cause a strict investigation to be made into the circumstances of the piratical acts committed by the Spanish slave vessels "*Gabriel*" and "*Scorpion*," in firing upon the boats of Her Majesty's Brigantine "*Termagant*" when approaching those vessels.

I have, &c.

(Signed)

ARTHUR ASTON.

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

&c. &c. &c.

Enclosure in No. 74.

Mr. Aston to M. Gonzales.

SIR,

Madrid, July 27, 1841.

I HAVE the honour to forward to your Excellency copies of official Despatches which have been received by Her Majesty's Government, containing an account of piratical acts committed by the Spanish slave vessels "*Gabriel*" and "*Scorpion*," in firing upon the boats of Her Majesty's Brigantine "*Termagant*" when approaching those vessels.

In communicating these papers to your Excellency, I am instructed to urge the Spanish Government to cause a strict investigation to be made into the circumstances of the case, and to punish the parties concerned in this transaction, if they should be found to have been guilty of the crimes imputed to them.

I have, &c.

(Signed)

ARTHUR ASTON.

M. Gonzales,

&c. &c.

No. 75:

Viscount Palmerston to Mr. Aston.

SIR,

Foreign Office, August 9, 1841.

BY reference to the archives of the British Mission at Madrid, you will find that on the 6th January, 1826, the Duke del Infantado announced to His Majesty's Envoy at Madrid, that at the instance of the British Government, special orders, the purport of which His Excellency then explained to His Majesty's Envoy, had been transmitted from the Spanish Government to the Captain-General of Cuba, containing regulations for the effectual suppression of the Spanish Slave Trade in that island.

You will find a copy of those orders *in extenso*, enclosed in a Despatch of the 30th June of the same year, from Mr. Secretary Canning to His Majesty's Envoy at Madrid; and you will perceive by the last-mentioned communication, that these orders of His Catholic Majesty were published in the Official Journal of the Havana.

For your more ready reference, however, and to supply the deficiency in case the communication last referred to should not be at hand, I transmit to you the accompanying copy and translation of this order, extracted from the *Diario de la Havana* of the 12th April, 1826.

But the great extent to which Slave Trade is now carried on in Cuba, and the impunity with which Spanish slave-traders are suffered to continue their practices in that island, show that this order has become obsolete. I have, therefore, to desire that you will request the Spanish Government to direct that it shall be re-

published in the Official Journal of the Havana, and that the Captain-General of Cuba shall be at the same time enjoined to see to the faithful execution of that order, according to its real meaning and intent.

I am, &c.
(Signed) PALMERSTON.

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

Enclosure in No. 75.

Copy and Translation of a Royal Order, extracted from the Diario de la Havana of the 12th April, 1826.

(See Enclosure in No. 152.)

No. 76.

Viscount Palmerston to Mr. Aston.

SIR,

Foreign Office, August 10, 1841.

I HAVE received from Mr. Turnbull, Her Majesty's Consul at the Havana, a Despatch, together with four documents, which show that a feeling exists in Cuba in favour of the suppression of the Slave Trade.

And I herewith transmit copies of these papers to you for such use as you think may be made of them advantageously at Madrid.

I am, &c.
(Signed) PALMERSTON.

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

Enclosure in No. 76.

Mr. Turnbull to Viscount Palmerston.

Havana, May 25, 1841.

(See No. 156.)

No. 77.

Viscount Palmerston to Mr. Aston.

SIR,

Foreign Office, August 12, 1841.

I HAVE received your Despatch of the 31st of July, 1841, enclosing the reply of M. Gonzales to the representation which you had made to the Spanish Government, on the subject of the importation of 1500 negroes from Africa into the Havana.

With reference to the summary transmitted to you by M. Gonzales, I have to desire that you will address a Note to that minister, stating that this prolix report of the Captain-General is only an additional proof that the authorities of the Queen of Spain seem determined not to carry into execution the treaty engagements of the Spanish Crown.

You will state that it is notorious as the sun at noon-day, that a great many thousand negroes are annually brought into Cuba from Africa, in violation of the Treaty between Great Britain and Spain; it is equally notorious that the introduction of these negroes is systematically permitted by the Captain-General, and that a sum of money is regularly paid to him by the slave-dealers for every negro so imported; and that thus the Captain-General is not merely cognizant of the general fact that the Slave Trade is carried on, but he even knows with accuracy how many thousand negroes are imported in the course of each year. These things are publicly known in Cuba. These things were publicly confessed by General

Valdez on his first arrival in Cuba in March last. But yet whenever a slave ship is denounced to the Captain-General, either by the British Commissioners or by the British Consul, a mock inquiry is set on foot, and a formal report is drawn up, declaring that there was no foundation for the charge.

You will add that there must, however, be a time when these shameless violations of a solemn treaty must cease; and since the Government of Spain has of late been so peremptory in requiring, as it did, some months ago, in the case of Portugal, the performance of engagements entered into by other countries towards Spain, that Government will no doubt feel that a due regard for the honour of the Spanish Crown demands, that Spain should faithfully execute the treaty engagements which she has entered into towards other Powers.

I am, &c.

(Signed)

PALMERSTON.

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

No. 78.

Viscount Palmerston to Mr. Aston.

SIR,

Foreign Office, August 13, 1841.

I HAVE received your Despatch of the 31st ult., enclosing a note from M. Gonzales relative to the excesses alleged to have been committed by six of the black soldiers of the "Romney" receiving ship stationed at the Havana.

With respect to the request made by M. Gonzales, that Her Majesty's Government will direct the officer commanding the "Romney" not to allow his soldiers to go on shore without observing the formalities required by the authorities of Cuba, I have to instruct you to assure M. Gonzales that orders have been given that these black soldiers shall give the authorities of the Havana no just ground of complaint, and there can be no doubt that these orders will be obeyed; but Her Majesty's Government is persuaded that the Spanish Government will see, that if the authorities of Cuba would take as much pains, and bestow as much time, in suppressing the Slave Trade as they seem to have given to the comparatively trivial squabble to which the papers transmitted by M. Gonzales relate, some advance would probably have already been made in carrying into effect in Cuba the Treaty of 1835.

I am, &c.

(Signed)

PALMERSTON.

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

No. 79.

Viscount Palmerston to M. Flores.

Foreign Office, August 17, 1841.

THE Undersigned, &c. has had the honour to receive the note which was addressed to him on the 4th instant by M. Flores, &c., enclosing copies of correspondence, which had passed between Mr. Turnbull, Her Majesty's Consul at the Havana, and the Captain-General of the Island of Cuba; and demanding in the name of Her Catholic Majesty the removal of Mr. Turnbull from the consulate at the Havana.

The correspondence in question appears to have arisen out of the following cases:—

1. The detention of the British vessel "Ninian Lindsay," in quarantine.
2. The conveyance of letter bags between the British Consulate and the post office at the Havana.
3. The imprisonment of black British subjects belonging to the British vessel "Plover."
4. A demand for wages for Juan Fontanalez, a British subject who had been detained in slavery in Cuba.
5. A demand for the liberation of Gavino, an emancipado, whose term of service under the regulation annexed to the Treaty of 1817 had expired.

6 and 7. The imprisonment of several black British subjects, belonging to the British vessels the "London Packet" and the "Julia."

The Undersigned begs to inform M. Flores that copies of the several letters enclosed in M. Flores' note had been already duly transmitted to the undersigned by Mr. Turnbull, and that on a re-examination of the several cases above enumerated, the Undersigned can by no means admit M. Flores' assertion, that all the complaints made by Mr. Turnbull have been completely answered and satisfied by the Captain-General, and that Mr. Turnbull has urged his representations upon light grounds.

And, first, with regard to the "Ninian Lindsay," it appears that this vessel having arrived at the Havana on the 24th of December from George Town, British Guiana, without a bill of health, was, on that account, put in quarantine; but as the want of the bill of health was to be attributed to there being no Spanish Consul in British Guiana, the Undersigned considers that Mr. Turnbull did not exceed his duty in urging, as he did, that the vessel might be released, especially as a similar indulgence had been granted a short time before to the British vessel "Barbados."

The Undersigned must also observe that the remarks of the Board of Health on the alleged inaccuracies in Mr. Turnbull's application, are not borne out by the facts of the case; as the extract from the log-book of the "Ninian Lindsay," and the letter from the master of the English brig "Barbados," declaring that he had no bill of health on board when he came to the Havana, show that Mr. Turnbull was right in his statement on the two points on which the Board of Health impugned his correctness, namely, the date of the arrival of the vessel, and the fact that the case of the "Barbados" was a parallel one.

With respect to the second question, namely, the conveyance of bags of letters between the British Consulate and the post office at the Havana, the Undersigned has to acquaint M. Flores that on receiving from Mr. Turnbull copies of his correspondence upon that subject, Her Majesty's Government instructed Mr. Turnbull to make arrangements for sending, as formerly, to the Spanish post office for the letters.

The third case to which the correspondence enclosed by M. Flores relates, is that of the master, mate, and four of the crew of the British schooner "Plover," who were taken out of that vessel just before she sunk at sea by the American brig "Sophia and Eliza," which brought them to the Havana, where they were imprisoned by the authorities, under the law forbidding free blacks to land on the island, and were only released upon Mr. Turnbull's engaging to receive them as distressed British subjects on board Her Majesty's ship "Romney," which is stationed in the harbour of the Havana as a receiving ship for negroes emancipated under the Treaty of 1835.

With regard to this case and those of black British seamen belonging to the other British vessels named in this note, the Undersigned has to inform M. Flores, that the endeavours made by Mr. Turnbull to protect free British subjects of colour from the effects of the Spanish law, under which so many of them have suffered imprisonment at the Havana, are entirely approved by Her Majesty's Government.

Her Majesty's Government has itself made frequent representations to the Spanish Government against the application of this most unjust, and, as Mr. Turnbull very properly describes it, barbarous law, to British subjects; but the Spanish Government has done nothing towards meeting the wishes of Her Majesty's Government on this head, beyond promising to refer the question to the Captain-General of Cuba, with orders to devise some means of rendering a compliance with the request of Great Britain compatible with the precautions, supposed by the Spanish Government to be necessary for the safety and welfare of the West India possessions of Her Catholic Majesty.

With respect to the claim advanced by Mr. Turnbull in behalf of Juan Fontanalez, the Undersigned begs to acquaint M. Flores, that the individual in question is a British subject who was kidnapped from British territory, and who has been held as a slave in the Island of Cuba for nearly eight years, by a family of the name of Fontanalez, for whom it appears that he earned a dollar a-day. Juan has recently been released, and has been restored to freedom in his native land by the exertions of Her Majesty's Consul at the Havana, and the Undersigned cannot doubt that M. Flores will agree with him in considering that the claim advanced by Mr. Turnbull against the persons, who have for so many years profited by the wrong done to Juan Fontanalez, is well founded: indeed it appears that the

Captain-General does not deny this, and the prosecution of the question is only delayed for the want of a legally constituted representative of Juan Fontanalez at the Havana, a want which will be supplied as soon as Her Majesty's Government has decided on the best means of doing so.

The Undersigned will now draw the attention of M. Flores to the case of the emancipated negro Gavino, which is the only remaining subject treated of in the correspondence enclosed in M. Flores' note.

In the year 1824 Gavino was emancipated from slavery by sentence of the Mixed British and Spanish Court of Commission at the Havana, but he has nevertheless been held in a state of bondage ever since, contrary to the engagements entered into by the Crown of Spain with the Crown of Great Britain, by the Treaty of the 23rd of September, 1817.

For the second article of the regulations for the Mixed Commission, attached to that treaty, states, that negroes emancipated by the Commission shall be delivered over to the Government on whose territory the Commission which adjudged them is established, to be employed as servants or free labourers; and each Government binds itself to the other Government to guarantee the liberty of such portion of those individuals as may be consigned to its care.

But in Gavino's case, and Her Majesty's Government firmly believes, in the case of almost all the other emancipated negroes, the provisions of the Treaty in this respect have been unfulfilled.

Gavino has been sold to a master four several times, for a period of five years at each time.

The wages which he has earned have been given not to him, but to his master; and he is now in the course of his fourth assignment, and is employed as a slave in the laborious occupation of water carrier at the Havana.

After this statement it is almost needless for the Undersigned to inform M. Flores, that Her Majesty's Government entirely approve of Mr. Turnbull's having brought this case forward, with a view to secure to Gavino, and to his numerous companions in misfortune, that freedom which is their undoubted right, and which has so long been withheld from them by the successive Captains-General of Cuba.

Her Majesty's Envoy at Madrid has also, in compliance with instructions from the Undersigned, communicated the principal facts of Gavino's case to the Spanish Government, and has called upon that Government to mark its disapprobation of the tone and contents of the letter addressed by the Prince of Anglona to Mr. Turnbull on the 22nd of December, 1840, in which Mr. Turnbull is threatened with expulsion from Cuba.

But the Undersigned, in concluding his remarks upon the correspondence between Mr. Turnbull and the Captain-General, must admit that although Mr. Turnbull is for the most part right in his views, and in the measures he has taken for carrying them into effect, yet his eagerness has sometimes betrayed him into an improper style of addressing his correspondents; but the Undersigned begs to assure M. Flores, that Mr. Turnbull has been repeatedly admonished on the want of courtesy evinced in some passages of his letters, and the Undersigned is convinced that the Captain-General of Cuba will have no occasion for future complaint on this point.

With regard to M. Flores' remark that Mr. Turnbull exceeded his duty by setting himself up as a protector of emancipated negroes, the Undersigned must observe that Her Majesty's Government cannot admit that it belongs either to the Governor of the Havana or to the Government of Madrid to determine what are the duties which properly belong to an officer of the British Crown.

It rests solely with the British Government to assign to those officers such duties as it may think proper and fitting that they should perform.

Now in the present case, the Undersigned has to inform M. Flores that so far from its being correct, as represented by the Government of Cuba, that Mr. Turnbull has gone beyond the limit of his proper functions in constituting himself the protector of the emancipated negroes, the very title of one of the offices which he holds, namely, that of "Superintendent of Liberated Africans," shows that he has in this respect only performed his duty.

But the Undersigned has further to state to M. Flores that it is Mr. Turnbull's duty, even as Consul, so to act; and the Undersigned has approved of Mr. Turnbull's conduct in this respect, as is stated in the former part of this Note, in regard to the case of Gavino, and has instructed Mr. Turnbull to continue to be the protector of the emancipated Africans in Cuba.

With regard to the book which M. Flores says Mr. Turnbull has written, and

which contains certain opinions with respect to slavery and the Slave Trade, which, in the judgment of M. Flores render Mr. Turnbull unfit for his present situation, the Undersigned is sorry to be obliged to differ on this point from M. Flores; for the fact is, that it was that very book which brought Mr. Turnbull to the notice of Her Majesty's Government, and which led to his being chosen for the appointment he now holds in Cuba.

It is quite true, as M. Flores states, that complaints were made to the Undersigned some time ago against Mr. Turnbull by General Alava and M. Gonzales, while the latter was in England, but to those complaints the Undersigned thought it his duty to make the answer of which a copy is enclosed.

To the demand now again made for the recall of Mr. Turnbull, the Undersigned can only refer to the reply which he gave on the former occasion.

If a foreign Government can prove misconduct on the part of any British Consul, Her Majesty's Government will not hesitate immediately to recall him. But in the present case, so far from any misconduct being proved against Mr. Turnbull, none is even charged against him; and the only ground upon which his recall is asked for is, that he has performed with zeal, and with some degree of success, the duties of the offices which he holds.

The Spanish Government has established no ground whatever for demanding his recall, and Her Majesty's Government do not admit the right of the Government of Cuba to expel capriciously and arbitrarily from the island any British subject, but more especially one holding a commission from the British Crown.

M. Flores says that the demand which he makes has not the least relation "*to the observance*" of the Treaty of 1835 for the abolition of the Slave Trade.

The Undersigned perfectly agrees with M. Flores in that opinion, but it is impossible not to see that this demand has a direct connection with "*the violation*" of that Treaty; and it is manifest that the authorities of Cuba desire the removal of Mr. Turnbull, because the zeal and activity with which he watches, detects, and denounces the scandalous violations of that Treaty, which are daily and openly committed by all the public authorities in Cuba, from the Governor himself down to the lowest custom-house officer, have become very inconvenient and disagreeable to the slave-traders of Cuba and to their official protectors.

M. Flores indeed says that the most positive and explicit orders have been sent out to Cuba to put an end to the manoeuvres and frauds which have been denounced by public notoriety as practised in Cuba, in regard to permitting the Slave Trade to be carried on by merchants in that island. But the experience of many years has shown that such orders are looked upon in Cuba as mere waste paper, and have never produced the slightest good effect. And the Undersigned may indeed remark, that if either of the two Governments is entitled to demand from the other the dismissal of officers, it is not the Spanish Government which is entitled to demand from the British the dismissal of Her Majesty's Consul in Cuba for having performed his duty, but it is the British Government that is entitled to demand from that of Spain the dismissal of every officer, from the Governor downwards, in Cuba, because all of them notoriously and avowedly protect the Slave Traders, in violation of the Treaty engagements of the Spanish Crown.

As a proof of this, the Undersigned begs leave to refer M. Flores to an extract from a public address of the present Captain-General on his arrival at the Havana in March last, in which address General Valdez plainly acknowledged that all his predecessors have systematically violated the Treaty of 1835, and he then declared that he himself meant to do the same for at least six months after his arrival, and those six months are not yet elapsed.

The Undersigned deems it his duty in conclusion to request M. Flores to draw the most serious attention of his Government to this matter, as one which affects in a highly important manner the good understanding between Great Britain and Spain.

It is impossible that the British Government can look on with indifference, while a Treaty concluded with Great Britain by a foreign power is violated in the way in which the Treaty of 1835 with Spain is daily and publicly broken by the officers of the Spanish Crown.

As long as civil war was raging in Spain, and while all the attention and means of the Spanish government were engrossed by a contest of life and death between tyranny and liberty, between despotism and constitutional government, Her Majesty's Government made great allowances for the neglect and disobedience with which the orders said to be sent from Madrid on these matters were executed in Cuba.

But peace and order are now happily restored to Spain ; and an executive Government has been installed, which is fully able to cause the laws of Spain to be obeyed, and the Treaties of the Spanish Crown to be fulfilled.

If henceforward the Treaty of 1835 is not faithfully and rigidly executed in Cuba, Her Majesty's Government will be compelled to ascribe its violation, not to want of power, but to want of good-will on the part of the Government of Madrid to enforce that Treaty.

In such a case the British Government will have to consider what steps it may be proper to take in order to obtain the fulfilment of Treaties, and it is notorious to the world that the British Parliament and nation take so deep an interest in this matter, that Her Majesty's Government would be fully supported in any course which might become necessary for this purpose.

The Undersigned, &c.

(Signed) PALMERSTON.

M. Flores,
&c. &c. &c.

Enclosure in No. 79.

Viscount Palmerston to Mr. Aston.

Foreign Office, March 6, 1841.

(No. 15.)

No. 80.

Viscount Palmerston to Mr. Aston.

Foreign Office, August 19, 1841.

SIR,

I HEREWITH transmit to you, for communication to the Spanish Government, a copy of a Despatch and of its Enclosure from Her Majesty's Consul at the Havana, announcing the departure from that port of the notorious slave vessel "*Venus*."

I am, &c.,

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

(Signed) PALMERSTON.

Enclosure in No. 80.

Mr. Turnbull to Viscount Palmerston.

The Havana, June 28, 1841.

(No. 162.)

No. 81.

Viscount Palmerston to Mr. Aston.

SIR,

Foreign Office, August 19, 1841.

I HEREWITH transmit to you a copy of a Despatch and of its enclosures from Her Majesty's Commissioners at the Havana, reporting the case of the slave vessel "*Aguila*" wrecked near the port of Cabañas, with 450 Bozal negroes on board.

I transmit to you likewise a copy of a Despatch which I have this day addressed to Her Majesty's Commissioners at the Havana, on the subject of the negroes from on board that vessel, directing Her Majesty's Commissioners to demand from the Captain-General, that these negroes may be delivered up to the Superintendent of liberated Africans, in order that they may be sent to a British colony ; and I have to desire that you will apply to the Spanish Government to issue an order to that effect to the Captain-General of Cuba.

I am, &c.

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

(Signed) PALMERSTON.

First Enclosure in No. 81.

Havana Commissioners to Viscount Palmerston.

June 26, 1841.

(See Class A., No. 171, page 212.)

Second Enclosure in No. 81.

Viscount Palmerston to Havana Commissioners.

August 19, 1841.

(See Class A., No. 175, page 227.)

No. 82.

Viscount Palmerston to Mr. Aston.

SIR,

Foreign Office, August 23, 1841.

WITH reference to my Despatches of the 4th March and 31st July last, respecting the negroes emancipated by the Mixed Court at the Havana under the Treaty of 1817, I herewith transmit to you an extract from a Despatch from Her Majesty's Commissioners at the Havana upon that subject.

I have to desire that you will press the Spanish Government to issue orders to the Captain-General of Cuba in conformity with the demand which, by my Despatch of the 4th March last, you were instructed to make from the Spanish Government.

I have further to desire you to request, that in accordance with the spirit of the agreement already entered into by the two Governments, and acted upon in the cases of negroes lately emancipated, the Governor of Cuba may be ordered to deliver up at once to the British Superintendent of liberated Africans all the emancipados who are still in the hands of the Government of Cuba, in order that they may be sent to a British colony, where they will be secure in the full enjoyment of their freedom.

I am, &c.

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

(Signed) PALMERSTON.

Enclosure in No. 82.

Havana Commissioners to Viscount Palmerston.

June 18, 1841.

(See Class A., No. 169, page 210.)

No. 83.

Viscount Palmerston to Mr. Aston.

SIR,

Foreign Office, August 23, 1841.

I HAVE received your Despatch of the 24th ultimo, enclosing a note from M. Gonzales, in which that minister replies to the representations which you had made to the Spanish Government relative to the ill treatment of coloured British seamen at the Havana, by denying the accuracy of some of Mr. Turnbull's statements, and concludes by observing that the Regent awaits with extreme impatience the removal of Mr. Turnbull from Cuba, in compliance with the demand to that effect, addressed to me by Her Catholic Majesty's Legation in London.

In reply, I transmit to you the accompanying copy of the note addressed to me

by M. Flores, making the demand alluded to by M. Gonzales, together with a copy of the answer which I have returned to M. Flores.

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

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

First Enclosure in No. 83.

M. Flores to Viscount Palmerston.

August 4, 1841.

(No. 71.)

Second Enclosure in No. 83.

Viscount Palmerston to M. Flores.

August 17, 1841.

(No. 79.)

No. 84.

Mr. Aston to Viscount Palmerston.

Madrid, August 16, 1841.

(Received August 25.)

MY LORD,

WITH reference to my Despatches of the 23rd of February and the 6th of March last, I have the honour to enclose copies and translations of a Note and its Enclosure, which I have received from M. Gonzales, containing the observations of the Captain-General of Cuba upon the statement made by Commander Tucker, respecting the expenses and net profits of a successful slave-trading voyage, from the island of Cuba to Africa and back.

I have, &c.

(Signed) ARTHUR ASTON.

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

First Enclosure in No. 84.

M. Gonzales to Mr. Aston.

SIR,

Madrid, August 4, 1841.

I HAVE been directed by his Highness the Regent of the kingdom to transmit to you the enclosed copies of a Despatch addressed to me by the Captain-General of the island of Cuba, under date of the 31st of May last, in reply to my communication of the 2nd of March last, in which I transmitted to him your Note of the 9th of February of this year, and the Letter of Commander Tucker, of the English sloop "Wolverine," in which he denounces the sums which he states to be received by Her Majesty's principal authorities of the Havana, for their supposed toleration in favour of Slave Trade.

The explanations of the Captain-General will prove to you the injustice of the suppositions made by the informants of Commander Tucker, and will convince the Government of Her Britannic Majesty that public opinion is easily misled, and erroneous judgments formed by listening to unfounded accusations against the said authorities, who deserve, not only as private individuals, but also on account of the dignity with which they are invested, that in speaking of them officially they be treated at least with the consideration due to their persons and character.

General Valdez very properly observes, that the data which were given to the commander of the sloop "Wolverine" seem to have been fabricated on purpose, in order to promote a complaint on the part of the British Government, for should this

not be the case, and could the statement have been corroborated by the calculation made by Mr. Tucker of the cargo of 400 negroes seized on board a Spanish vessel of 105 tons burthen, captured by the said commander, though he does not quote her name, there would certainly appear some documents in support of so grave and unjust an accusation.

Notwithstanding the Captain-General of the island of Cuba is persuaded of the honest proceedings of Her Majesty's authorities, you will observe in his Excellency's Despatch above cited that he has issued the necessary directions in order to carry into effect the investigation he was directed to institute on the 2nd of March by express command of the provisional Regency of the kingdom, and the result of which I shall have the honour to communicate to you in due course of time, in order that you may lay it before your Government.

I avail myself, &c.

(Signed) ANTONIO GONZALES.

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

(Translation.)

Second Enclosure in No. 84.

The Captain-General of Cuba to M. Gonzales.

MOST EXCELLENT SIR,

Havana, May 31, 1841.

I HAVE received the order of the Regency which you were pleased to communicate to me on the 2nd of March last, enclosing a translated copy of a Note addressed to your Excellency by Her Britannic Majesty's Minister at the Court of Madrid, with another copy of a communication from the commander of the English sloop of war "Wolverine" to the Lords Commissioners of the Admiralty, dated at sea, in lat. 6° 12' N., long. 3° 10' E., on the 29th of September last.

In entering into the examination of the grounds of that Note it is my duty to state to your Excellency, that the channel through which the commander of the "Wolverine" received the information which he communicates being unknown, because it is not mentioned, the truth of the same may be placed in doubt, notwithstanding that the denouncer asserts that it is worthy of credit; and besides it is not known whether such a channel may not be one of the many enemies of the Spanish nation, neither can it be expected that any faith can be put in an unknown or masked personage, whose qualities and intentions are hidden from view.

Perhaps this channel, in which reliance can be placed, according to the commander of the "Wolverine," may be Her Britannic Majesty's Consul in this place, in whose opinion all the authorities of the island are wanting in their duty, including the magistracy themselves, who have given so many proofs in our nation of their incorruptibility. From the Consul doubtless the story invented has sprung, for, firm in his purpose, he continues in his communications the system which he has adopted of repeating his denunciations and reclamations, whether the facts be correct or not, because his constant object is to alarm, and place in doubt the probity of the authorities, attributing connivances to them of which they are innocent. I make this observation, for which there are abundance of antecedents, as your Excellency will perceive from other communications which I have had the honour of addressing to Her Majesty's Government.

The Spanish Government, or rather its authorities, in this Island, faithful to the Treaty of 1835, do not favour the slave-vessels, nor do they authorize them, nor fit out, nor allow them to be fitted out for the African Slave Trade; and if this does not take place, with what justice can it be asserted, that the general opinion at Santiago de Cuba and at the Havana is that England will not be able to put an end to that traffic, until the Spanish Government puts a stop to the fitting out of slave-vessels?

This may be the opinion of the Commander of the "Wolverine" and of his informant, and assuredly it is judging very lightly of our Government, and with malignity of the authorities in this Island. The latter cannot do more towards the fulfilment of the Treaty; and as their conduct is spoken of with such levity because some foreign and Spanish vessels contrive to escape from their vigilance and from that of the English cruisers, any other facts which could prove that they had forgotten their duty would, if such existed, be quoted with arrogance.

What would the English Government say if it were denounced to them, in un-

defined language and without expressing persons or places, that it had been learnt with surprise that a number of negro slaves had been introduced into this Island, through the toleration of an English vessel which being able to capture them did not do so?

Most likely they would cry out, imposture! and perhaps they would demand that the fact should be proved, or a satisfaction be given for the calumny, and in such an event they would not act improperly.

In this situation the Commander of the "Wolverine" has placed himself, who quotes a channel which he does not describe, an amusing story the origin of which he does not explain, and a foreign or Spanish vessel which he does not characterize, although he ought to have done so, because he refers to one captured by him recently of 105 Spanish tons burthen, he says, or American, or Portuguese, or of any other nation I may add, for all that he states rests only on his word, at least up to this moment.

Vessels cannot, or ought not to be, prevented from leaving the ports or bays of Spain for the coast of Africa, in order to carry on a legal trade; those coasts are open to all nations, and there is no power, according to the Treaty and existing laws, to deny or refuse national or foreign vessels to be cleared out for those coasts, in order to carry on a *bonâ fide* trade, licit and permitted by all nations, and to bring in return the produce of those climes, being also licit. England and Spain when they concluded the Treaty of 1835 did not shut up the entrance into those seas, but they bound themselves not to allow, and to exterminate the traffic in slaves. Neither national nor foreign vessels are cleared out at our Custom Houses to carry on that trade, nor do the authorities permit or tolerate such a scandal; but there are vessels which carry on this traffic, and are they all Spanish?—No; the greater part are foreign, and sail under foreign flags, and are cleared out at foreign places. Nevertheless they do not receive the protection which is supposed: and for my part since I took on myself the Government of the Island I have given the strictest orders to prevent the importation of more slaves into its territory. The dealers and importers of slaves are not tolerated nor assisted, but in the same manner that, notwithstanding the zeal and activity of all the authorities of the Peninsula, our industry is obstructed by the contraband imported into it from Gibraltar, Portugal, and France, so not all the power of authority is sufficient to silence those who, from self-interest, are determined to attribute to the authorities in Spain that they protect the smuggling trade. And what answer is to be given to him who, to give strength to imposture and calumny, states that although they publicly deny it, yet they secretly receive large sums from the traders? And who knows this secret, and why are those who know it not quoted, in order to be enabled to investigate and punish the criminals? The absence of frankness in such communications ties up our hands with regard to the investigation, for as your Excellency will be pleased to bear in mind it is difficult to ascertain the secret in the terms in which it is stated, and it would be desirable that the informant had been more explicit, to enable us to proceed with greater hopes of a good result.

I address myself to your Excellency for the superior information of the Regency and of your Excellency, and I shall institute the necessary inquiry which has been directed, and which I hope will produce results towards the punishment of the defrauders.

I have given orders for immediately commencing a proper investigation, and shall inform your Excellency of the result so soon as it is concluded.

God preserve, &c.

M. Gonzales,
 &c. &c. &c.

(Signed)

GERONIMO VALDEZ.

No. 85.

Mr. Aston to Viscount Palmerston.

Madrid, August, 16, 1841.

(Received August 25.)

MY LORD,

IN conformity with the instructions contained in your Lordship's Despatch of the 31st ultimo, I have addressed to M. Gonzalez a note, of which I have the honour to enclose a copy, pressing, in the name of Her Majesty's Government, for

an answer to the demand made in my note of the 22nd March last, that those negroes emancipated by the Mixed Court of Commission at the Havana, under the Treaty of 1817, should, if they wished it, be placed at the disposal of the Superintendent of Liberated Africans.

I have, &c.

(Signed) ARTHUR ASTON.

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

Enclosure in No. 85.

Mr. Aston to Don Antonio Gonzales.

SIR,

Madrid, August 10, 1841.

WITH reference to my Note of the 22nd of March last addressed to M. Ferrer, respecting the state of the negroes emancipated by the Mixed Court of Commission at the Havana, under the Treaty of 1817, between Great Britain and Spain, upon Slave Trade, and demanding in the name of Her Majesty's Government that those negroes should all be brought before the Mixed Commission, according to the lists deposited in the archives of the Commission, and that they should then, if they wished it, be handed over to the Superintendent of Liberated Negroes, to be by him sent to a British colony, where they would by law, as well as by treaty, be free. I have the honour to inform your Excellency that I have been instructed to press the Government of Her Catholic Majesty for an answer of the demand in question.

I have, &c.

(Signed) ARTHUR ASTON.

His Excellency Don Antonio Gonzales,
&c. &c. &c.

No. 86.

Mr. Aston to Viscount Palmerston.

Madrid, August 16, 1841.

MY LORD,

(Received August 25.)

I HAVE the honour to enclose to your Lordship the copy of a Note which I have addressed to M. Gonzales, in obedience to the instructions contained in your Lordship's Despatch of the 14th ultimo, communicating to his Excellency the satisfaction of Her Majesty's Government at the conduct pursued by the Captain-General of Cuba, in taking possession of 400 negroes who had been illegally landed near the Havana for the purpose of being made slaves.

I have, &c.

(Signed) ARTHUR ASTON.

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

Enclosure in No. 86.

Mr. Aston to M. Gonzales.

SIR,

Madrid, August 10, 1841.

I HAVE been instructed to express to the Government of Her Catholic Majesty the satisfaction of Her Majesty's Government at the laudable conduct pursued by the Captain-General of Cuba on a late occasion, in his Excellency's taking possession of 400 negroes who had recently arrived off that Island from the coast of Africa, and had been illegally landed near the Havana for the purpose of their being made slaves.

This occurrence took place in the month of May.

I am further instructed to request that the Spanish Government will order, without delay, that these negroes may be placed in the charge of the British Inspector of Liberated Africans, in order to their being sent to a British Colony to be set free.

I am directed to observe to your Excellency that, if these negroes are to be sold out by the Spanish Government as apprentices according to the practice hitherto pursued, the seizure of them will be of no benefit to the negroes themselves, and will merely have the effect of transferring to the Government of Cuba the profit which the individuals who imported them expected to make by selling them, and that, though this would be a punishment to those guilty individuals, it would afford no redress to the innocent negroes.

I avail myself, &c.

Don Antonio Gonzales,
&c. &c. &c.

(Signed) ARTHUR ASTON.

No. 87.

Mr. Aston to Viscount Palmerston.

Madrid, August 16, 1841.

(Received August 25.)

MY LORD,

I HAVE the honour to enclose the copy of a Note which I have addressed to M. Gonzales, in execution of the instructions contained in your Lordship's Despatch of the 26th ultimo, communicating to his Excellency that Her Majesty's Government had learnt with satisfaction from the Report of Her Majesty's Commissioners at the Havana for the year 1840, that the Slave Trade carried on by the merchants of Cuba had decreased during the last year.

I have, &c.

(Signed) ARTHUR ASTON.

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

Enclosure in No. 87.

Mr. Aston to M. Gonzales.

SIR,

Madrid, August 10, 1841.

I AM instructed to acquaint your Excellency that Her Majesty's Government have had satisfaction in learning from the Report of Her Majesty's Commissioners at the Havana upon the Slave Trade of the Island of Cuba for the year 1840, that the Slave Trade carried on by the merchants of Cuba has decreased during the last year.

Her Majesty's Government however regret to find that the authorities of Her Catholic Majesty in Cuba still connive at the Slave Trade instead of assisting to put it down, and that the Spanish ships of war on the Cuba station, though in general quite as numerous as the British cruisers in that quarter, make no effort to detain the vessels concerned in this illegal traffic.

But as it appears that a spirit of hostility to the Slave Trade has arisen in Cuba, and prevails especially among the planters of that island, Her Majesty's Government hope that the Government of Her Catholic Majesty will find less difficulty than heretofore in enforcing the execution of the stipulations to which Spain is bound by Treaty with Great Britain upon Slave Trade.

I have, &c.

M. Gonzales,
&c. &c.

(Signed) ARTHUR ASTON.

No. 88.

Viscount Palmerston to Mr. Aston.

SIR,

Foreign Office, August 26, 1841.

WITH reference to my Despatch of the 3rd March last, and to subsequent correspondence respecting Henry Shirley, a British negro, kidnapped from Jamaica

and held in slavery in Cuba by Antonio Le Desma, I herewith transmit to you a copy of a Despatch and of its enclosures from Her Majesty's Consul at the Havana.

I have to desire that you will state to the Spanish Government by Note, that Her Majesty's Government request, that instructions may be given to the Government of Cuba to send Le Desma prisoner to Jamaica, to be there tried for his offence, or if that cannot be done according to Spanish law, Her Majesty's Government request that he may be brought to public trial at Havana.

You will further state that it appears that there are many British subjects now held in slavery in Cuba, and as it is impossible that Her Majesty's Government can permit any British subjects, be their colour what it may, to be held in slavery in a foreign country, Her Majesty's Government claim and demand as a right from the Government of Spain, that all such persons shall be immediately released, and shall be placed on board the "Romney," under the care of Mr. Turnbull, the superintendent of liberated Africans, in order to their being sent back to Jamaica, or such other British colony as they may choose to go to.

You will observe, that the fact that any such persons may happen to have been slaves in a British colony, at the time when they were taken from thence and carried to Cuba can make no difference in the matter, because in the first place their removal from a British colony as slaves was illegal, and because in the next place they would now have been by law free if they had remained in a British colony, and it cannot be admitted that their illegal removal to a Spanish island should deprive them of that liberty which the law of England has conferred upon them.

You will state that Her Majesty's Consul at the Havana has been instructed forthwith to take all the steps which may be necessary for finding out all the British subjects in Cuba who are thus illegally detained in bondage, and to apply to the Governor for the release of all persons whom he may discover to be so detained.

And Her Majesty's Government request that the Government of Spain will immediately send the most positive orders to the Governor of Cuba to afford to Her Majesty's Consul every possible facility in pursuing his investigations, and to deliver over to him all persons who may appear to be British subjects and to be so detained in bondage.

I am, &c.

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

(Signed) PALMERSTON.

Enclosure in No. 88.

Mr. Turnbull to Viscount Palmerston.

Havana, June 28, 1841.

(No. 161.)

No. 89.

Viscount Palmerston to Mr. Aston.

SIR,

Foreign Office, August 27, 1841.

I HAVE received your Despatch of the 16th instant, enclosing a copy and translation of a Note and its enclosure from M. Gonzales, containing the observations of the Captain-General of Cuba upon the statement made by Commander Tucker, respecting the expenses and net profits of a successful slave-trading voyage from the island of Cuba to Africa and back.

I have to instruct you to point out by Note to M. Gonzales, that this answer of General Valdez seems studiously to avoid giving a positive contradiction to the main charges, and especially avoids denying that the Captain-General and his inferior officers receive money from the slave-traders for permitting the importation of slaves.

I am, &c.

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

(Signed) PALMERSTON,

Viscount Palmerston to Mr. Aston.

(Extract.)

Foreign Office, September 2, 1841.

I have to desire that you will request the Spanish Government rigidly to enforce the order prohibiting the transfer of foreign built ships to the Spanish flag.

I transmit to you herewith for your information, a copy of an instruction which I have addressed to Her Majesty's Consuls in Spain on the subject in question.

Enclosure in No. 90.

*Instruction to Her Majesty's Consuls in Spain.**August 26, 1841.*

(See No. 197.)

No. 91.

*Mr. Aston to Viscount Palmerston.**Madrid, September 3, 1841.**(Received September 13.)*

MY LORD,

I HAVE the honour to enclose the copy and translation of a note which I have received from M. Gonzales, in answer to mine of the 10th ult., communicating to his Excellency the satisfaction with which Her Majesty's Government had learnt, from the report of Her Majesty's Commissioners at the Havana, that the Slave Trade carried on by the merchants of Cuba had decreased during the last year.

I have, &c.

(Signed)

ARTHUR ASTON.

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

Enclosure in No. 91.

M. Gonzales to Mr. Aston.

(Translation.)

SIR,

Madrid, August 28, 1841.

I HAVE the honour to acknowledge the receipt of your note of the 10th inst., and to inform you that his Highness the Regent of the kingdom has learnt with pleasure, that Her Britannic Majesty's Government has received reports from the Mixed Court at the Havana, that the traffic in slaves has diminished in the year 1840. These reports agree with those received by Her Majesty's Government, and it is to be hoped that notwithstanding the great difficulty in watching such extensive coasts as those of the island of Cuba, the slave trade will go on decreasing, until it becomes insignificant or is altogether extinguished. Her Britannic Majesty's Government cannot but be aware that Her Majesty's authorities in Cuba have also contributed with their zeal, in fulfilment of the orders transmitted to them from Spain, and in observance of the stipulations of the Treaty of 1835, to the diminution which is observed in the illegal traffic in negroes. This evidently proves that the said authorities perform their duties with honesty and efficacy, and that the belief which the British Government still entertains, that they protect the Slave Trade, proceeds from the erroneous opinions which certain individuals lead them to form with regard to this question. But notwithstanding that such is the conviction of the Spanish Government, it would be very desirable that Her Britannic Majesty's Government should state the proofs which they possess for asserting that these authorities are wanting in their duty, in order to proceed with justice to institute an investigation into the facts, and to punish the persons who may prove to be guilty: without this circumstance, Her Catholic Majesty's Government will repel every accusation against their authorities, whilst they are not supported by data which shall establish any bad opinion or proceedings against them.

I avail, &c.

(Signed)

ANTONIO GONZALES.

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

No. 92.

*Mr. Aston to Viscount Palmerston.**Madrid, September 3, 1841.**(Received September 13.)*

MY LORD,

WITH reference to my despatch of the 16th ulto., I have the honour to enclose a copy and translation of a note which I have received from M. Gonzales, in which his Excellency states the reasons which have induced the Spanish Government to decline complying with the proposal of Her Majesty's Government, that the negroes emancipated by the Mixed Commission at the Havana, under the Treaty of 1817, should, if they wished it, be handed over to the Superintendent of liberated Africans, in order to be by him sent to a British colony.

I have, &c.

(Signed)

ARTHUR ASTON.

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

&c.

&c.

&c.

Enclosure in No. 92.

(Translation.)

M. Gonzales to Mr. Aston.

SIR,

Madrid, August 28, 1841.

I HAVE the honour to acknowledge the receipt of the Note which you were pleased to address to me on the 10th instant, requiring, in the name of the Government of Her Britannic Majesty, that the negroes emancipated by sentence of the Mixed Court of Justice established at the Havana under the Treaty of 1817, be brought before the Mixed Commission now existing in that city, and have the alternative allowed them of remaining in Cuba or being sent to a British colony, at their option, and in case of their preferring the latter they should be delivered over to the Superintendent of liberated Africans, who would make the necessary arrangements for that purpose. Her Majesty's Government has not the least doubt that, as you state, in the British colonies these individuals would be free by law as well as by treaty, but in this respect their condition would not be improved, because in the Island of Cuba they are in the enjoyment of the same benefits and of the same rights as all freemen residing there. In order that the British Government may be convinced of this fact, I must inform you that the negroes emancipated under the Treaty of 1817 are handed over to persons well known for their respectability, and who have rendered some service, or contributed by voluntary donations to the support of public establishments and charities, and which acts of charity they must prove by the receipts of the individuals belonging to these establishments; this is all which is required by the Captain-General upon entrusting to them the education and bringing up of the emancipated negroes. After a certain time has elapsed, which has been fixed at five years, the negroes who are capable of maintaining themselves receive their letter of emancipation, but those who, on account of their vices, stupidity, or bad state of health, are not in a condition to provide for themselves, remain in the power of the same individuals to whom they were entrusted, or of some other of known probity, because the whole community is interested that these unfortunate beings should not perish or plunge headlong into a career of crime, which measure is equally beneficial to the emancipados. Their condition, you will allow me to observe, is very different from that which upon various occasions has been falsely and erroneously represented to the Government of Her Britannic Majesty, and this is proved even by the parties interested themselves, who very rarely indeed complain of their respective masters to the authorities, and even those few who do so are almost always urged on by persons who are secretly working to disturb the peace and tranquillity of Cuba.

The practice observed hitherto with the emancipated negroes is in conformity with the spirit of the Treaty of 1817, and that concluded in 1835 is not in opposition to it. The making so notable an alteration as that one proposed by you, presents difficulties of the highest importance, which Her Majesty's Government cannot pass over; many of the emancipated negroes are married and have children, and the enabling them in this manner at their option to leave the country would be productive of disturbance and ruptures among the families of those indi-

viduals whom it is erroneously intended to protect ; it would be affording to the vicious the means of abandoning their wives and children, and giving rise to a thousand just complaints on the part of those proprietors, whose negresses or negroes might happen to be married to those who were requesting permission to proceed to the British colonies : finally it would be a project which, besides being considered as immoral by the Spanish Government, would tend to diminish in Cuba the coloured population already civilized, it would deprive industry and agriculture of hands, and would notably injure the prosperity and wealth of the island, in order to augment that of those colonies where the Superintendent of liberated Africans would send them to.

Another inconvenience no less serious has occurred to Her Majesty's Government, in itself sufficient to counteract the project ; and it is, that to accede to it would be to invest the Mixed Commission with powers to establish a minute research of emancipated negroes, with the object of offering them the option of becoming British subjects in the event of their being discontented to be Spaniards, or weary of the country in which they live under the immediate protection of Her Catholic Majesty ; such a concession would be indecorous, and, as you will also easily conceive, it would also be to authorize in the Island of Cuba a foreign authority, which, investigating by itself the condition of liberated negroes, might take measures for their removal in the same way as a Spanish tribunal could do.

Laying aside, if it were possible, the abuses to which these official investigations might give rise, the said Commission would appear to possess in the Havana a power superior to that of the authorities established in that island by the Government of the mother country ; they would lose the prestige ; and two members of the Mixed Commission would exercise, even without wishing it, a pernicious influence over the coloured population, which would become extremely prejudicial and dangerous to the welfare of the inhabitants of Cuba. In consideration of the reasons which I have just had the honour of stating to you, the Government of Her Catholic Majesty regrets to be unable to agree to the project proposed by that of Her Britannic Majesty for the removal to the British colonies of the negroes emancipated in virtue of the Treaty concluded between both nations in 1817.

I avail, &c.

ANTONIO GONZALES.

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

No. 93.

Mr. Aston to Viscount Palmerston.

Madrid, September 3, 1841.

(Received September 13.)

MY LORD,

WITH reference to my Despatch of the 16th ultimo, enclosing the copy of a Note which I addressed to M. Gonzales on the 10th ultimo, respecting the seizure by the Captain-General of Cuba of 400 negroes, who had recently arrived off that island from the coast of Africa, I have now the honour to enclose to your Lordship a copy and translation of the reply which I have received from his Excellency.

I have, &c.

(Signed) ARTHUR ASTON.

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

(Translation.)

Enclosure in No. 93.

M. Gonzales to Mr. Aston.

SIR,

Madrid, August 31, 1841.

I HAVE submitted to his Highness the Regent of the kingdom the contents of the Note which you were pleased to address to me on the 10th instant, on the subject of the 413 Lucumean Bozal negroes seized by the carabinieri of the coast guard near the port of Cabañas, and declared free by the Captain-General of Cuba in May last.

As you are already acquainted with the circumstances which took place up to the moment of the said declaration, I consider it unnecessary to say more upon that point; but as in your Note above cited you request, by order of your Government, that without delay the negroes in question may be delivered up to the inspector of liberated Africans, in order to their being sent to a British colony to be set free, I am to inform you by command of his Highness that these negroes having been captured by Spanish employés and in a Spanish possession, do not come under any of the clauses stipulated in the Treaties of 1817 and 1835, and thus it has been understood, as it could not otherwise than be, by the Mixed Court of Justice established at the Havana; but even supposing that the capture had not been so unexceptionable, no ground could possibly have existed for requesting the giving up of the 413 negroes to the inspector of liberated Africans, since the 13th Article of the Treaty of 1835 states very positively that "the negroes who are found on board of a vessel detained by a cruiser, and condemned by the Mixed Court of Justice in conformity with the stipulations of this Treaty, shall be placed at the disposition of the Government whose cruiser has made the capture." That is to say, that not even in this case could your reclamation hold good, since the negroes captured by a Spanish cruiser would be placed at the disposal of the Government of Her Catholic Majesty, in conformity with the 4th Article of Annex C. to the said Treaty of 1835, which is in full force and vigour.

With respect to the second part of your Note above mentioned, I think it right again to call your attention, notwithstanding my having already done so on the 28th of this month, to the treatment and real condition of the liberated negroes in Cuba, in order that Her Britannic Majesty's Government may become convinced that the reports on this subject which are transmitted to it by its agents, or more properly speaking, those of the Abolitionist Society, are extremely exaggerated, unjust, and offensive to the character of the Spanish authorities in that island, against whom such grave accusations are brought, founded on no other sources than gratuitous assertions and vague conjectures, wanting therefore the necessary validity to be taken into consideration.

I can assure you that in General Tacon's time the emancipated negroes were distributed in the same manner as is now the case, amongst individuals who dedicated them to the arts and offices, and instructed them in the tenets of the Christian religion; but that General arranged that, in order to obtain a liberated negro, a contribution of 17 hard dollars towards the support of charitable institutions and public works should be deposited in his office.

But as this consignment gave rise to suspicions that some very subaltern employés might take other presents, this contribution was abolished, and he directed that in the distribution of emancipated negroes those persons should have the preference who, possessing the necessary qualifications, should prove by receipts from the depositaries of public institutions, that they had rendered some service or contributed voluntary donations applicable to the funds destined to these purposes.

General Tacon's successor, the Prince of Anglona, followed the same system, and represented to this office upon various occasions, particularly on the 31st of July, 1840, that the first thing looked to was the personal qualifications of the individual who took a negro under his charge, the donation not being considered sufficient when the qualifications were not so.

Thus it is that frequently a negro is only given to an individual without taking the donation into any account, there being sufficient proofs of the morality and responsibility which are required for taking charge of the liberated negroes. To the severity with which this system, adopted and continued to the present day by the Captain-Generals and approved of by Her Majesty's Government, has been observed, is unquestionably the cause why the negroes so very rarely complain to the first authority of the island, as they can do whenever they choose, of the individuals to whom they are entrusted, and those who have made complaints have found the relief and justice which they solicited.

Those negroes who have promptly arrived at a state capable of earning their subsistence without dependence upon anybody, have received their letters of emancipation, confirming to them that freedom which they had already acquired under the stipulations of the treaties. Others, unfortunately the greater number, are idle or so stupid that it would be a burthen on our conscience to leave them to themselves, because it would turn out to their own detriment, and to that of the community in general at Cuba. But notwithstanding this the Captain-General of Cuba has directed a formal list of the emancipated negroes to be made out, in order to begin

giving them the certificates of emancipation, according to the order in which they finish the term of their consignment or apprenticeship with the individuals to whom they were entrusted. By this means all will be provided with their certificates of emancipation, since so much has been said about this formality, which will only be omitted under those circumstances where it is indispensable that they should remain under the care of some individual or public establishment.

General Valdez, no less zealous than his predecessors, on the 31st of May last reported the capture of the 413 Bozal negroes above cited to Her Majesty's Government, and of his having set them at liberty, "exempt from all imprisonment and slavery, under the protection of Her Majesty's Government; and considering them as liberated, they were to be taught the tenets of the Christian religion and of morality, civilising and instructing them sufficiently in the mechanical arts, so that they may soon be put in a condition to earn their subsistence as artisans, mechanics, or servants, giving them their certificate of emancipation, and taking care of their education, in conformity with the regulations adopted for their treatment;" and in order that they may preserve their freedom, although they might lose the certificate, and may never again be slaves, a register is opened, in which will be scrupulously inscribed the names which these negroes "had in their own country, those again given them, with their corresponding classification, in which is stated the marks they may have on their bodies, the description of the shipwrecked vessel at Cabañas, and of the day on which it took place, and the names of the persons to whose care they have been committed, requiring that they should engage themselves by a guarantee to present them to the Captain-General whenever he thinks proper, and that in case of the decease of any of the negroes they should prove the identity of the body before an inferior judge, or the magistrate nearest at hand, and should produce to the authorities a certificate of death, in order to cover their own responsibility for the disappearance of a free negro;" directing at the same time that the place of residence of the crew of the wrecked brig which brought them from Africa be found out in order to discover those who fitted out the expedition, and inflict condign chastisement upon them.

This frank explanation of the facts, and of the zealous conduct of Her Majesty's authorities in the island of Cuba, will convince you that neither these liberated negroes nor any others are sold by the Government of the island to private individuals, in order to profit by what they produce, as you feared, but their services are made use of by the individuals to whom they are consigned. I therefore flatter myself that the Government of Her Britannic Majesty will rectify the erroneous opinions they have formed upon the different points comprised in the present communication.

I have, &c.

(Signed) ANTONIO GONZALES.

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

No. 94.

Mr. Aston to Viscount Palmerston.

Madrid, September 3, 1841.

MY LORD,

(Received September 13, 1841.)

IN conformity with the instructions contained in your Lordship's Despatch of the 12th ultimo, I have addressed a note to M. Gonzales, of which I have the honour to enclose a copy, stating to his Excellency the opinion of Her Majesty's Government, as to the notorious manner in which the Treaty engagements of the Spanish Crown are violated by its own authorities.

I have, &c.,

(Signed) ARTHUR ASTON.

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

Enclosure in No. 94.

Mr. Aston to M. Gonzales.

SIR,

Madrid, September 2, 1841.

WITH reference to your Excellency's note of the 4th of July last in reply to my representation on the subject of the importation of 1500 negroes from Africa into the Havana, I have the honour to state to you that I have been instructed to observe, that the report of the Captain-General of Cuba, enclosed in the above-mentioned note of your Excellency, appears only an additional proof of the disinclination of the authorities of that island to carry into execution the Treaty engagements of the Spanish Crown regarding the Slave Trade.

Her Majesty's Government consider it to be publicly known in Cuba, that whilst many thousand negroes are annually imported there from Africa, such importation is permitted by the Captain-General, and that a sum of money is paid to him by the slave-dealers for every negro so imported, and that thus the Captain-General is not merely cognizant of the general fact that the Slave Trade is carried on, but that he even knows how many thousand negroes are imported in the course of each year.

Her Majesty's Government have learnt not only that these things are publicly known in Cuba, but that they were publicly confessed by General Valdez on his first arrival in Cuba in March last; whilst, however, the denunciation of a slave-ship to the Captain-General, either by the British Commissioners or by Her Majesty's Consul, is uniformly met by the appointment of a mock inquiry, and by the drawing up a formal declaration that there was no foundation for the charge.

I am directed to add that these violations of a solemn Treaty must be brought to a conclusion, and that since the Government of Spain has of late been so peremptory in requiring (as it did some months ago in the case of Portugal) the performance of engagements entered into by other countries towards Spain, Her Catholic Majesty's Government will doubtless feel that a due regard for the honour of the Spanish Crown demands, that the Spanish authorities should be compelled to execute faithfully the Treaty engagements of Spain with other Powers.

I have, &c.,

(Signed) ARTHUR ASTON.

To His Excellency M. Gonzales,
 &c. &c. &c.

No. 95.

*Mr. Aston to Viscount Palmerston.**Madrid, September 3, 1841.*

MY LORD,

(Received September 13.)

I HAVE the honour to enclose a copy of a Note which I have addressed to M. Gonzales, in pursuance of the instructions conveyed to me in your Lordship's Despatch dated the 13th ultimo, informing his Excellency that orders have been given that the black soldiers doing duty on board the "Romney" hulk at the Havana shall not be allowed to go on shore, without observing the formalities required by the authorities of Cuba.

I have, &c.,

(Signed) ARTHUR ASTON.

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

Enclosure in No. 95.

Mr. Aston to Don Antonio Gonzales.

SIR,

Madrid, September 3, 1841.

WITH reference to your Excellency's note of the 17th ultimo, relative to the excesses alleged to have been committed by six of the black soldiers of the

"Romney" receiving ship, stationed at the Havana, and requesting that Her Majesty's Government would direct the officer commanding the "Romney" not to allow his soldiers to go on shore, without observing the formalities required by the authorities of Cuba, I have the honour to inform your Excellency, that, having transmitted to my Government a copy of your Excellency's note, I have been instructed to state to your Excellency, that order shall have been given that these black soldiers shall give the authorities of the Havana no just ground of complaint, and that there can be no doubt that these orders will be obeyed; but that Her Majesty's Government is persuaded that the Government of Her Catholic Majesty will see that, if the authorities of Cuba had taken as much pains and bestowed as much time in suppressing the Slave Trade, as they seem to have employed regarding the comparatively trivial misunderstanding in question, some advance would probably have already been made in carrying into effect in Cuba the Treaty of 1835.

I avail, &c.,

(Signed) ARTHUR ASTON.

His Excellency Don Antonio Gonzales,
 &c. &c. &c.

No. 96.

Mr. Aston to Viscount Palmerston.

Madrid, September 4, 1841.

(Received September 13.)

MY LORD,

In obedience to the instructions conveyed to me in your Lordship's Despatch of the 19th ultimo, I have addressed a note to M. Gonzales, a copy of which I have the honour to enclose, calling upon the Spanish Government to issue an order to the Captain-General of Cuba to deliver up to the Superintendent of Liberated Africans the 450 Bozal negroes, wrecked in the slave-ship "*Aguila*," near the port of Cabañas.

I have, &c.,

(Signed) ARTHUR ASTON.

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

Enclosure in No. 96.

Mr. Aston to Don Antonio Gonzales.

SIR,

Madrid, September 3, 1841.

I HAVE the honour to inform your Excellency that I have been instructed to make another application to the Government of Her Catholic Majesty for the delivery of the 450 Bozal negroes wrecked in the vessel "*Aguila*," near the coast of Cabañas, in Cuba, to the British Superintendent of Liberated Africans, for the purpose of their transmission to a British colony.

Her Majesty's Commissioners at the Havana have been directed to make a similar application to the Captain-General of Cuba, upon the ground that these negroes are, by the law of Spain, free men; that, consequently, there can exist no right to impose any restraint upon their personal liberty; and that the condition of "emancipados," in which the negroes appear to have been placed, differs in no essential respect from the condition of slaves, which is, therefore, an illegal duress imposed upon free persons, at variance with the true meaning of the Treaty between Great Britain and Spain.

I have, &c.,

(Signed) ARTHUR ASTON.

His Excellency Don Antonio Gonzales,
 &c. &c. &c.

No. 97.

*Mr. Aston to Viscount Palmerston.**Madrid, September 4, 1841.**(Received September 13.)*

MY LORD,

I HAVE the honour herewith to enclose the copy of a Note which I have addressed to M. Gonzales, in conformity with the instructions contained in your Lordship's Despatch of the 9th ultimo, requesting that his Excellency will cause the royal order of January 2, 1826, transmitted by the Duke de Infantado to the Captain-General of Cuba, containing regulations for the effectual suppression of the Slave Trade in Cuba, to be republished in the official journal of the Havana.

I have, &c.,

(Signed) ARTHUR ASTON.

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

&c.

&c.

&c.

Enclosure in No. 97.

Mr. Aston to M. Gonzales.

SIR,

Madrid, September 3, 1841.

I HAVE been instructed to call the attention of the Government of Her Catholic Majesty to the royal order of the 2nd January, 1826 (of which the enclosed is a copy), published during the ministry of the Duke de Infantado, and containing regulations for the effectual suppression of the Spanish Slave Trade in the Island of Cuba.

The great extent to which the Slave Trade is now carried on in Cuba, and the impunity with which Spanish slave-traders are suffered to continue their practices in that island, appear to Her Majesty's Government a proof that this order has become obsolete.

I have consequently been directed to request that the Government of Her Catholic Majesty will order the republication of that document in the Official Journal of the Havana, and at the same time enjoin the Captain-General to see to its faithful execution, according to its real meaning and intent.

I have, &c.

(Signed) ARTHUR ASTON.

His Excellency Don Antonio Gonzales.

No. 98.

*Mr. Aston to Viscount Palmerston.**Madrid, September 4, 1841.**(Received September 13.)*

MY LORD,

I HAVE the honour to enclose the copy of a Note which I have addressed to M. Gonzales, in obedience to the instructions contained in your Lordship's Despatch of the 31st July last, transmitting to his Excellency the copy of a Memorial upon the Slave Trade, addressed to the present Captain-General of Cuba by the Conde de Santo Venia.

I have, &c.

(Signed) ARTHUR ASTON.

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

&c.

&c.

&c.

Enclosure in No. 98.

Mr. Aston to M. Gonzales.

SIR,

Madrid, September 3, 1841.

IN compliance with the orders of my Government, I have the honour to transmit to your Excellency a copy of a Memorial which has been addressed to the Captain-General of Cuba by the Conde de Santo Venia upon the dangers of a continuance of the Slave Trade.

I have, &c.

M. Gonzales,
&c. &c. &c.

(Signed) ARTHUR ASTON.

No. 99.

*M. Florez to the Earl of Aberdeen.**11, Baker Street, September 22, 1841.**(Received September 24.)*

MY LORD,

LA separacion de Mr. David Turnbull del consulado de su Majestad Británica en la Habana interesa tanto á la conservacion del orden i la tranquilidad de la Isla de Cuba, que el Gobierno de su Majestad faltaria á uno de sus mas sagrados deberes si no la reclamase con empeño, como ya lo ha hecho fundado en mui poderosos motivos. Permitame V. E. llamar toda su atencion hacia este asunto, rogandole la fije principalmente en la nota que con fecha 4 de Agosto último tuve el honor de dirigir al Señor Vizconde de Palmerston, y en las copias citadas en la misma nota.

El referido Señor Vizconde se sirvió contestarme en 17 del mismo Agosto; pero esta contestacion, lejos de satisfacer la justa demanda del Gobierno de su Majestad, á quien la he transmitido, no podrá menos de fijar su seria atencion, mas todavia por los términos poco conciliantes en que está estendida, que por las razones en que se funda. Dejando los primeros para contestarlos si fuese necesario, con arreglo á las instrucciones que se sirva darme el Gobierno de su Majestad, paso á tener la honra de demostrar á V. E. que las principales de las segundas carecen de fuerza.

Dice el Señor Vizconde de Palmerston, que no conviene en que hayan sido contestadas ni satisfechas les quejas dadas por el Consul Turnbull al Capitan-General de la Isla de Cuba. Si V. E. se sirve enterarse de las copias citadas, que lo son de la correspondencia entre aquellos dos funcionarios, se convencera de que el Capitan-General no solo contestó a todas las reclamaciones del Consul, sino que habiendo dado este en diferentes ocasiones sobrados motivos, para que aquel, usando de su autoridad, no le permitiese continuar residiendo en la Isla, le ha dejado residir en ella con el ejercicio de las funciones de sus destinos, por consideracion y deferencia al Gobierno Británico; limitandose á informar de todo al de su Majestad, con el fin por una parte de poner á cubierto su responsabilidad, y por otra de lograr el mismo resultado, por medio de negociaciones amistosas entre dos Gobiernos unidos estrechamente por principios é intereses.

Concede el Señor Vizconde de Palmerston que Mr. Turnbull ha estendido algunas de sus comunicaciones al Capitan-General en terminos improprios ó descomedidos; pues estas faltas, imperdonables en un empleado de la categoría de Mr. Turnbull, se agravan infinito, si se considera el estado de aquella isla, y la necesidad de que su primera autoridad sea respetada y acatada, para que conserve el prestigio en que estriba gran parte de su fuerza; i estas mismas faltas son motivos mas que suficientes, no para imponer ningun castigo á Mr. Turnbull, lo cual no pide el Gobierno de su Majestad, sino uniacmente para, reemplazarlo, como espuse en mi citada nota, con otra persona que, sin escederse en sus funciones, cumpla con celo los deberes de su destino, i contribuya á estrechar las buenas relaciones que felizmente ecsisten entre España y la Gran Bretaña.

Pero manifiesta al mismo tiempo el Señor Vizconde de Palmerston que el Gobierno de su Majestad Británica no puede admitir, que corresponde al Gobernador de la Habana, ni al Gobierno de Madrid, determinar cuales son los deberes de un oficial de la Corona Inglesa; y tambien siento no poder convenir en esto con S. E. relativamente á M. Turnbull, considerado como consul, ó bien como superintendente de Africanos, por que ningun otro destino público puede ejercer en la Habana. Como superintendente de Africanos emancipados es sabido que sus funciones no

son otras que las de recibir los que, apresados por los cruceros Ingleses despues del Tratado de 1835, deban entregarse para su pronta reesportacion de la Isla ; y como consul marcados estan en los Tratados, en el derecho de gentes, y aun en su patente y exequatur, los deberes que tiene que llenar, con respecto á los subditos y propiedades Inglesas. Ni pudiera ser de otro modo, porque para que un empleado ó agente extranjero ejerza sus funciones en el pais á que vá destinado, necesita previo permiso ó autorizacion del Gobierno del mismo pais, y al concederselo este bien sabe cuales son las unicas funciones que le permite ejercer.

Con posterioridad á la fecha de mi nota citada he recibido nuevas instrucciones sobre este mismo asunto, i por ellas observo que el Gobierno de su Majestad cada dia está mas convencido de la imposibilidad de consentir por mas tiempo en la isla de Cuba la permanencia de un sujeto como Mr. Turnbull, cuyas exajeradas doctrinas pueden traer á aquel pais fatales consecuencias, no tanto por que sean esclusivamente en favor de la abolicion de la esclavitud, sino por su tendencia á difundirlas y generalizarlas entre los pacificos negros de aquella isla, para excitarles á cobrar una libertad que produciria su completa ruina, y cuyo primer fruto seria indudablemente una sublevacion horrible, semejante á la de la isla de Santo Domingo, de triste y espantoso recuerdo. Este fundado temor causa, como es consiguiente, la mayor alarma y desasono á los habitantes Cubanos, y el gobierno de la metropoli, que debe velar por su bien estar y prosperidad, cumplirá una obligacion tan sagrada, obligacion que, como V. E. connocerá, en nada se opone á las estipulaciones del Tratado de 1835, por que al firmarle solo se tuvo en cuenta la abolicion de un comercio reprobado, opuesto á todo principio filantrópico, repugnante por su misma naturaleza á todo pueblo civilizado, al paso que los deseos que animan al Gobierno de su Majestad se dirijen exclusivamente á hacer respetar la propiedad de los particulares, y las leyes que rijen en las colonias Españolas. Para probar á V. E. que son infundados los referidos temores, se servira permitirme llame su atencion hacia un comunicado fecho en la Habana en 21 de Mayo último, é inserto en el "British and Foreign Anti-Slavery Reporter," de cuyo impreso tengo el honor de remitir á V. E. un ejemplar. En dicho comunicado como V. E. puede ver en el parrafo sexto, manifiesta su autor que *los principios abolicionistas comienzan á hechar raices en la Habana y Matanzas* ; y aconseja como medida, que contribuiria poderosamente al triunfo de sus opiniones, el que todos los empleados Ingleses que se envien á aquella isla *sean abolicionistas de la esclavitud, por que en el momento actual hai grandisimas esperanzas de obtener resultados favorables á la humanidad y á la libertad.*

En la misma nota citada aseguré al Señor Vizconde de Palmerston que el Gobierno de su Majestad tiene dadas las ordenes mas terminantes y explicitas al Capitan-General de la isla de Cuba, acerca del mas exacto cumplimiento de las estipulaciones contenidas en el Tratado de 1835, sobre prohibicion del trafico de esclavos, y aora no solo me hallo en el caso de poder dar á V. E. igual seguridad, sino que en cumplimiento de lo que se sirve prevenirme el Gobierno de su Majestad, y como una muestra de su lealtad, debo participar á V. E. que ha reiterado posteriormente dichas ordenes, siendo de esperar que en breve se llene el filantropico objeto del mencionado tratado, sino completamente, por ser imposible conseguir la total estincion del tráfico mientras reporte tan crecidas utilidades á los especuladores, que con suma facilidad burlan la vigilancia de los cruceros Ingleses, y la de las autoridades Españolas, en una costa tan dilatada como la de la isla de Cuba, á lo menos en toda la parte posible.

Por todas estas consideraciones que tengo el honor de manifestar á V. E. y las que espresé en mi referida nota de 4 de Agosto ultimo, el Gobierno de su Majestad se ha servido prevenirme reclame nuevamente del de su Majestad Británica la separacion de Mr. David Turnbull del consulado en la Habana ; y al ejecutarlo no puedo poner en duda que tan fundada demanda sera satisfecha por el ilustrado Gobierno de su Majestad Británica, como una prueba mas de la amistad y alianza con que esta unido al de su Majestad.

Aprovecho con gusto esta oportunidad para reiterar á V. E. las seguridades de mi alta consideracion.

(Signed)

LOUIS DE FLOREZ.

Excellentissimo Señor Conde de Aberdeen,

&c.

&c.

&c.

(Translation.)

MY LORD,

MR. DAVID TURNBULL'S removal from Her Britannic Majesty's consulate at Havana is so inseparable from the preservation of order and tranquillity in the Island of Cuba, that Her Majesty's Government would be wanting to one of its most sacred duties if it forbore most urgently to demand that measure, as it has already done from the most powerful motives. Your Lordship will allow me to call your whole attention to this subject, and to request you to pay particular regard to the note which I, on the 4th of August ultimo, had the honour to address to Viscount Palmerston, including the documents referred to therein.

The noble Viscount was pleased to reply to me under date of the 17th of August; but that answer, far from satisfying the just demand of Her Majesty's Government, to which I have transmitted it, must needs engage its serious attention, still more on account of the not very conciliatory terms in which it is conceived than of the arguments on which it is founded. Without stopping now to reply to the former, if it should be deemed necessary in compliance with any instructions which Her Majesty's Government may be pleased to forward to me, I proceed doing myself the honour to demonstrate to your Lordship that the principal ones of the latter are devoid of force.

Viscount Palmerston says it was unbecoming, that the complaints brought by Consul Turnbull under the notice of the Captain-General of the Isle of Cuba should have remained without answer and redress. If your Lordship will please to take cognizance of the documents alluded to, namely, the correspondence between those two functionaries, you will convince yourself that the Captain-General not only replied to all the reclamations of the Consul, but notwithstanding the latter had, on different occasions, afforded abundant motives for the Captain-General using his authority, and not permitting him to continue to reside in the Island, has allowed that residence and the exercise of the functions annexed to his offices, from consideration and deference to the British Government, contenting himself with laying the whole before Her Majesty's Government, for the purpose, on the one hand, of saving his responsibility, and on the other, of attaining the same object by means of amicable negotiations between two Governments so closely united by principles and interests.

Viscount Palmerston grants that Mr. Turnbull has, in some of his communications to the Captain-General, made use of improper and uncourteous expressions: now these faults, which are unpardonable in an official of Mr. Turnbull's class, must become infinitely aggravated on considering the state of that island, and the necessity of its first authority being respected and looked up to, so as to preserve the "prestige" on which his power is in a great measure founded; and these very faults are more than sufficient motives, not for imposing any punishment on Mr. Turnbull, which is not desired by Her Majesty's Government, but solely for superseding him, as I intimated in my note before mentioned, by another person who, without exceeding his functions, may zealously fulfil the duties of his office, and contribute to draw closer the relations happily subsisting between Spain and Great Britain.

But Viscount Palmerston states at the same time that Her Britannic Majesty's Government cannot admit, that either the Governor of Havana or the Government at Madrid should be competent to lay down the duties of a functionary employed by the British Crown; and I also regret not being able to agree in this with his Lordship in reference to Mr. Turnbull, considered either as consul or as superintendent of the negroes, because he cannot hold any other public office at Havana. As Superintendent of the Emancipated Africans it is notorious that his functions are no other than those of receiving the individuals who, after being captured by the English cruisers under the Treaty of 1835, are to be delivered up to him for their prompt re-exportation out of the Island; and the Treaties, the law of nations, and even his commission and exequatur, specify the duties he is to fulfil as Consul with respect to English subjects and properties. Nor could it be otherwise, seeing that for a foreign employé or agent to be able to exercise his functions in the country to which he is deputed, he stands in need of the previous permission or authorization from the Government of that country, which in granting it to him is fully aware what functions it exclusively permits him to exercise.

After the date of my note above mentioned I received fresh instructions on this very subject, and by them I find that Her Majesty's Government convinces itself more and more of the impossibility of any longer allowing the stay in Cuba of an individual such as Mr. Turnbull, whose extreme doctrines may draw down fatal

consequences on that country, not only because they are exclusively in favour of the abolition of slavery, but from their tendency to spread and become general among the peaceable negroes of that Island, so as to incite them to obtain a liberty which would be productive of their complete ruin, and whose first fruit would doubtless be a horrible insurrection similar to that in the Island of St. Domingo, of sad and fearful memory. This well-grounded apprehension naturally causes the greatest alarm and uneasiness to the inhabitants of Cuba; and the Government of the mother country, which must watch over their well-being and prosperity, is determined to fulfil so sacred an obligation—an obligation which, as your Lordship is aware, does not in any way run counter to the stipulations of the Treaty of 1835, inasmuch as, in signing it, all that was had in view was the abolition of a traffic reprobated by and opposed to every philanthropic principle, and repugnant by its nature to every civilized nation, while the desires animating Her Majesty's Government are directed exclusively to make the property of private persons respected, and the laws existing in the Spanish Colonies obeyed.

To prove to your Lordship that these fears are not without foundation, I beg leave to call your attention to what they write from Havana, under date of the 21st May last, and which is inserted in the "British and Foreign Anti-Slavery Reporter," a copy of which publication I have the honour of enclosing to your Lordship. It is there said in the 6th paragraph "*that the abolitionist principles begin to take root in Havana and Matanzas;*" and the writer advises, as a measure which would powerfully contribute to the triumph of his opinions, that all English functionaries sent to that island should be "*abolitionists of slavery, as at the present moment there exist the greatest hopes of attaining results favourable to humanity and liberty.*"

In the same above-mentioned Note I assured Viscount Palmerston that Her Majesty's Government had issued the most peremptory and explicit orders to the Captain-General of the Isle of Cuba, respecting the most exact fulfilment of the stipulations contained in the Treaty of 1835, for the prohibition of the Slave Trade; and I now am able to give your Lordship the same assurance, and to add, that in compliance with what Her Majesty's Government is pleased to state to me, I can, as a proof of its uprightness, inform your Lordship that it has recently repeated these orders, there being a prospect that the philanthropic object of the Treaty just mentioned will speedily be realized, if not completely—inasmuch as it is impossible to bring about the total extinction of the traffic, while it yields such enormous profits to the speculators, who, with the greatest facility, elude the vigilance of the English cruisers and of the Spanish authorities, on such an extensive coast as that of the Island of Cuba—at least as far as possible.

From all these considerations which I have the honour to manifest to your Lordship, and from those set forth by me in my above-mentioned Note of the 4th of August ultimo, Her Majesty's Government has been pleased to direct me to claim anew from the Government of Her Britannic Majesty the removal of Mr. David Turnbull from the consulate in Havana; and in so doing, I can entertain no doubt that so well-grounded a demand will be satisfied by the enlightened Government of Her Britannic Majesty, as a further instance of the amity and alliance with which it is united to that of Her Majesty.

I avail myself, &c.

The Earl of Aberdeen,
&c. &c. &c.

(Signed) LUIZ DE FLOREZ.

Enclosure in No. 99.

*Extract from the British and Foreign Anti-Slavery Reporter, No. XLI.,
July 14, 1841.*

It affords me the greatest pleasure to be able to inform you that abolitionist principles begin to take root in this city and at Matanzas. The present moment is fraught with the greatest hope of results favourable to humanity and to freedom, and, if properly improved, must eventually lead on to success, in spite of the opposition we have to encounter from the deleterious influence of the Slave Trade. I submit, therefore, without fear of contradiction, that every servant of Her Majesty appointed to hold a commission in this island should be an abolitionist. This is also the opinion and the particular wish of all the abolitionists of this city, who,

although few in number, are influential in means. It is, perhaps, incredible the good that such men could do; their example would give vigour to the new birth of abolition principles throughout the country; their energy and activity, proceeding from principle, would seek and find daily and hourly means of arresting the frightful progress of the Slave Trade in this place; such men are wanted in the Court of Mixed Commission in this city.

No. 100.

Mr. Aston to the Earl of Aberdeen.

Madrid, September 15, 1841.

(Received September 25.)

MY LORD,

I HAVE the honour to enclose a copy of a Note which, in obedience to the instructions contained in Viscount Palmerston's Despatch of the 27th ultimo, I have addressed to M. Gonzalez, communicating to his Excellency the opinion of Her Majesty's Government upon the answer returned by General Valdez to Captain Tucker's statement of the profits and expenses of a successful slave-trading voyage.

I also enclose a copy and translation of his Excellency's reply.

I have, &c.

(Signed) ARTHUR ASTON.

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

First Enclosure in No. 100.

Mr. Aston to M. Gonzalez.

SIR,

Madrid, September 9, 1841.

I HAVE the honour to inform your Excellency that having furnished my Government with a copy of your Excellency's Note of the 4th of last month, and of its Enclosure, containing the observations of the Captain-General of Cuba upon the statement made by Commander Tucker, respecting the expenses and net profits of a successful slave-trading voyage, from the island of Cuba to Africa and back, I have been instructed to point out to your Excellency that this answer of General Valdez seems studiously to avoid giving a positive contradiction to the main charges, and especially avoids denying, that the Captain-General and his inferior officers receive money from the slave-traders for permitting the importation of slaves.

I have, &c.

(Signed) ARTHUR ASTON.

His Excellency Don Antonio Gonzalez,
 &c. &c. &c.

Second Enclosure in No. 100.

M. Gonzalez to Mr. Aston.

SIR,

Madrid, September 11, 1841.

I HAVE the honour to acknowledge the receipt of your Note of the 9th instant, in which you are pleased to make known to me the opinion of Her Britannic Majesty's Government upon my communication of the 4th of August last, and of its Enclosure, containing the answer returned by General Valdez to the unfounded and calumnious accusation of Commander Tucker.

The Government of Her Catholic Majesty is of opinion, and it considers that it has sufficient reason to be so, that the Government of Her Britannic Majesty has no just foundation on which to support the denunciation of the above-mentioned officer; consequently the Spanish Government is always in its right in giving on its part entire credence to the official communications of the Captain-General of

the island of Cuba, and in attaching no value to Mr. Tucker's accusation, so long as it is unaccompanied by other proofs beyond his mere assertion, without, however, having the idea of offending him, because the Spanish Government piques itself upon being as just and impartial towards the employés of the British Government as it is towards its own.

I avail myself, &c.

(Signed) ANTONIO GONZALEZ.

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

No. 101.

Mr. Aston to the Earl of Aberdeen.

MY LORD,

Madrid, September 15, 1841.

(Received September 25.)

IN obedience to the instructions conveyed to me in Viscount Palmerston's Despatch of the 26th ultimo, relative to the kidnapped negro Henry Shirley, and to the British subjects now held in slavery in Cuba, I have addressed to M. Gonzalez the Note of which I have the honour to enclose a copy to your Lordship.

I have, &c.

(Signed) ARTHUR ASTON.

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

Enclosure in No. 101.

Mr. Aston to M. Gonzalez.

SIR,

Madrid, September 9, 1841.

WITH reference to the correspondence which has passed between this legation and your Excellency's office upon the subject of Henry Shirley, a British negro who was kidnapped from Jamaica, and has been held in slavery in Cuba by Antonio Le Desma, I have the honour to inform your Excellency that I have been instructed to state to the Government of Her Catholic Majesty, that Her Majesty's Government request that instructions may be given to the authorities of Cuba to send Le Desma prisoner to Jamaica, to be there tried for his offence; or if that cannot be done according to Spanish law, Her Majesty's Government request that he may be brought to public trial in Havana.

I am directed further to state, that there are many British subjects now held in slavery in Cuba, and as it is impossible that Her Majesty's Government can permit any British subjects, be their colour what it may, to be held in slavery in a foreign country, Her Majesty's Government claim and demand as a right from the Government of Spain, that all such persons shall be immediately released, and shall be placed on board the "Romney," under the care of Mr. Turnbull, the superintendent of liberated Africans, in order to their being sent back to Jamaica, or such other British colony as they may choose to go to.

I have to observe, that the fact that any such persons may happen to have been slaves in a British colony at the time when they were taken from thence and carried to Cuba, can make no difference in the matter, because in the first place their removal from a British colony as slaves was illegal; and because in the next place they would now have been by law free if they had remained in a British colony; and it cannot be admitted that their illegal removal to a Spanish island should deprive them of that liberty which the law of England has conferred upon them.

I have in conclusion to state, that Her Majesty's Consul at the Havana has been instructed forthwith to take all the steps that may be necessary for finding out all the British subjects in Cuba who are thus illegally detained in bondage, and to apply to the Governor for the release of all persons who he may discover to be so detained. And Her Majesty's Government request that the Government of Spain will immediately send the most positive orders to the Governor of Cuba to afford to

Her Majesty's Consul every possible facility in pursuing his investigations, and to deliver over to him all persons who may appear to be British subjects and to be so detained in bondage.

I avail, &c,

(Signed) ARTHUR ASTON.

His Excellency Don Antonio Gonzalez,
 &c. &c. &c.

No. 102.

The Earl of Aberdeen to Mr. Aston.

SIR,

Foreign Office, September 30, 1841.

WITH reference to previous correspondence concerning a British negro named Wellington, supposed to be held in slavery in the island of Cuba, I herewith transmit to you a copy of a letter and of its enclosures from the Colonial Department, from which papers it appears that Wellington has not yet been sent back to Jamaica. I have to instruct you to present a note to the Spanish Government, urging them to cause a strict search to be made for Wellington, who is known to have been detained in slavery at St. Jago de Cuba, in the year 1835.

You will state that the assertion made by the Captain-General of Cuba, that Wellington was one of those negroes who were given up to the British Consul at St. Jago de Cuba, in the year 1839, is not borne out by the facts of the case.

The names of those three negroes were Mitchell, Frank, and Allen; and neither of them when given up was more than 14 years of age. But Wellington was born in the month of June, 1815, and at the time when the three negroes above mentioned were restored he was 24 years of age. It is clear, therefore, that Wellington was not one of the three negroes then given up. Moreover, two of the three negroes so given up, namely, Mitchell and Frank, can testify that no such person as Wellington embarked with them at St. Jago.

It appears that two other boys were stolen from Jamaica at the same time as Wellington, namely, Mitchell and Allen, who were two of the three negroes restored in 1839. The Christian name of both of them was "William." Therefore the assertion brought forward as conclusive, by the Spanish authorities, that the negro "Williams is the same who in Jamaica was called Wellington, because he is the one who was kidnapped in Montego Bay, carried to Cuba by James, sold by him to Garcies, deposited in the house of the Syndic Segarra, and at last delivered up to the English Consul," proves only that a negro called William, kidnapped at the same time and by the same person as Wellington, and sold to the same person who bought Wellington, has been given up. But it by no means shows that Wellington has been given up; and, indeed, that assertion can no longer be maintained in the face of the evidence from Jamaica, which clearly proves that Wellington has never been sent back to that island. You will state, in conclusion, that Her Majesty's Government trust that no exertion will be spared by the authorities of Cuba in seeking out this unfortunate person, in order that he may be restored to that liberty of which he has been so long and so unjustly deprived.

I am, &c.

(Signed) ABERDEEN.

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

First Enclosure in No. 102.

Mr. Stephen to Viscount Canning.

MY LORD,

Downing Street, September 10, 1841.

WITH reference to former correspondence respecting the kidnapped negro known by the name of "Wellington," and more especially to Lord Leveson's letter addressed to this department on the 11th of May last, I am directed by Lord Stanley to transmit to your Lordship, for the information of the Earl of Aberdeen, the

copy of a further Despatch and its Enclosures from the Governor of Jamaica, reporting that the young man Wellington had not yet obtained his freedom.

I have, &c.

(Signed) JAMES STEPHEN.

The Viscount Canning,
&c. &c. &c.

Second Enclosure in No. 102.

Sir Charles Metcalfe to Lord John Russell.

MY LORD,

King's House, Jamaica, July 19, 1841.

WITH reference to your Lordship's Despatch of the 13th of May, No. 224, I have the honour to enclose copies of documents, which show, not only that the young man Wellington, kidnapped in Jamaica, and sold into slavery in Cuba, has not been returned to Jamaica, but that his afflicted mother became insane, and died from disappointment at his not having been restored.

I propose to send copies of the same documents to Mr. Consul Turnbull.

There appears to be some discrepancy respecting the name of Wellington. The names by which he was baptised were George Wellington, as his Christian names, Crawford being his surname. The use of George seems to have been superseded by that of "Wellington;" and to one of the boys kidnapped along with him he is only known by the name of William, which was probably a misapprehension of "Wellington," as being a sound more familiar to the boy's ears and tongue. There is no reason to doubt that the person is the same. Of the three returned to Jamaica two bore the Christian name of William, and from this cause, joined to Wellington being miscalled William, the Spanish authorities in Cuba may have erroneously supposed that Wellington had been restored.

I have, &c.

(Signed) C. T. METCALFE.

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

Third Enclosure in No. 102.

Mr. Anderson to Mr. Lambert.

SIR,

Kingston, July 13, 1841.

IN compliance with your wish, and in answer to the memorandum left with me, I now proceed to give you all the information in my power in regard to Wellington, for the information of his Excellency the Governor.

I have known Wellington from a child; he was born in the year 1815, and was so named on receipt of news of the battle of Waterloo in this island, after the illustrious commander who gained it, and I believe was born on the very day it was fought (the 18th of June). His father's name is George Crawford, and the boy was subsequently christened, and named George Wellington Crawford.

He was missed by his mother and family immediately after the 1st of August, 1834, the day on which slavery was abolished, and they became apprentices. Every search was made for him in Jamaica, but without success; he was, therefore, about 19 years of age when he disappeared, a strong healthy young man, about 5 feet 8 or 9 inches in height.

I heard of him in April, 1835, in the following manner, viz.: on the 16th of April, 1835, a black man named John Alford, a mariner on board the Spanish schooner "*Esmeralda*," then trading between St. Jago de Cuba and Kingston, who knew Wellington, his mother, and family, came to my residence in Kingston, and informed me that while the said schooner was taking in cargo at a wharf at St. Jago de Cuba, "Wellington came to him crying, and entreated him to take him over to Jamaica to his family; stating that he had been stolen from Montego Bay with two other boys early in August, 1834, by one Captain James and a Dr. John; carried to Cuba and there sold."

Alford informed me further, that he took Wellington to the then Governor of

CLASS B.

St. Jago de Cuba, to obtain his permission to bring him over, who refused to do so until he brought proper authority from the Governor of Jamaica. I took down in writing, at the time, all the information I received from Alford, and on the following day, the 17th, I called on Mr. Guitsmen, the police officer, with it, who went for Alford, and drew out an affidavit of all the circumstances I knew of, both of which were deposed to before the Honourable Hector Mitchell, the mayor, the same day, and were, I believe, the same afternoon forwarded by express to the Marquis of Sligo, then Governor of Jamaica, who, I have been informed, corresponded with the authorities in Cuba on the subject, but at what period I am unable to say. I was aware also that two young boys named Mitchell and Allen were missed at the same time from Flowerhill estate, near Montego Bay, belonging to Mr. John Anderson, a first cousin of mine, but I was not at all aware of such a boy as Frank being missing. On seeking the recovery of Wellington was the means of these three boys, "Mitchell," "Allen," and "Frank," being restored; but "Wellington," "Mitchell," and "Allen" only were deported at one time (namely, early in August, 1834); "Frank" must have been deported at another time.

I have understood that "Frank" formerly belonged to Saunderland Estate, in St. James.

These three boys when deported must have been nearly about the same age—*about eight or nine*—when Wellington was 19, a difference of about 10 years. They were brought back (that is the three) in one of Her Majesty's packets about June or July, 1839. Allen died in Spanish Town, shortly after his arrival, of dropsy.

"Mitchell" and "Frank," who are now living and residing in St. James, can testify that no such person as Wellington embarked with them at St. Jago de Cuba, and consequently could not have died on board, and that they, with "Allen," were the only three that did embark.

The allegation that four persons were sent to Jamaica, one of whom was Wellington, not being established by my testimony, I submit can weigh very lightly in the scale of the very direct testimony of those living and easily obtained witnesses, "Mitchell" and "Frank," that three only did embark; one died, as stated, in Spanish Town, and the other two are privy to the whole circumstances which I have herein related.

So substantial is my ground of evidence, that "Mitchell" is willing, under proper protection, to repair to Cuba and point out where "Wellington" was located whilst he (Mitchell) was there.

I regret to say that the great disappointment the mother of "Wellington" experienced at her son not being brought back to Jamaica with the other boys, preyed so much on her mind that she became insane, and died in February last. John Alford is an intelligent man, speaks good English, and now resides in Montego Bay; I have known him for at least 25 years; he is a native of the island of Porto Rico.

I have, &c.

(Signed)

JOHN THOMAS ANDERSON,

Her Majesty's Customs, Kingston.

R. S. Lambert, Esq.

&c. &c. &c.

Fourth Enclosure in No. 102.

AFFIDAVITS.

Jamaica, SS.

St. James's.

PERSONALLY appeared before me, one of Her Majesty's Justices of the Peace for the parish of St. James, Francis Grant, a labourer, now residing at Latium, who, being solemnly sworn, maketh oath, and saith, that after martial law he lived in Montego Bay with Miss Sabina Drummard; that he remembers on a Saturday-night before free came, about eight o'clock, a boy named Buckie, or Buchanan, came to him in the street and asked him to go to the house with him, and he would give him half a dollar to carry a portmanteau on board a ship; that he went to Captain James's house with him; that he saw Mrs. James and a little girl; that Mrs. James told him to wait till a gentleman came, when he should take the portmanteau; that Dr. John after came, and witness went with him on

board the ship, and never came on shore again; that the vessel sailed the same night; that when they were at sea he saw other three boys on board, one named William Mitchell, another named William Allen, and the third named William; that he does not know any other name he had; that after being some days at sea they reached Cuba, and a white gentleman came on board; that Captain James told them to go on shore to look for victual and kill hog; that Dr. John and Pilot John went on shore along with him (deponent) and William Mitchell and William Allen and William; that they saw some people cutting timber, when Dr. John told the people to hold them; that they ran away, but when they got on the shore they could not see the ship; that the people then carried them to the white gentleman's house, where they stopped about a week; that afterwards the gentleman's schooner came and took him (deponent), William Mitchell, and William Allen to Cuba, where they went to a town; that the fourth boy, William, was left at the white gentleman's pen; that he (deponent) never saw the boy William again; that William Mitchell, William Allen, and he (deponent) were afterwards sent to a sugar estate, where they stopped five crops and a half; that a steamer then came to Cuba and took William Mitchell, William Allen, and him (deponent) to Port Royal, but the other boy William was not with them; that the boy Allen afterwards got sick and died in Spanish Town gaol; that he (deponent) was with him at the time; that he is quite sure that the boy Allen, William Allen, who died, was a different person from the boy William who was left at the white gentleman's pen; that the boy William who was left behind was taller and stouter than any of them; that he told him (deponent) that he belonged to Moorpark; that they were sailing a day and a half between the pen where William was left and the town of St. Jago de Cuba, to which they went; that all this is true as he shall answer to God.

(Signed) his
FRANCIS X GRANT.
mark.

Sworn before me at Montego Bay, St. James's, this 12th day of July, 1841.

(Signed) WALTER FINLAYSON,
S. J. St. James's.

*Jamaica, SS. }
St. James's. }*

Personally appeared before me, one of Her Majesty's Justices of the Peace for the parish of St. James's, in the island of Jamaica, William Mitchell, labourer, residing upon the estate of Flowerhill, in the said parish, who, being solemnly sworn, maketh oath, and saith, that he was residing on the said estate with his mother before free came. That on the Saturday, the 1st of August, when free came, he and his sister came to Montego Bay, but his sister left him, and returned to Flowerhill; that William Allen, who also belonged to Flowerhill, was in Montego Bay along with him; and Charlie Scott, who belonged to Leith, came up to them and shook hands; that Captain James's son, Buckie, or Buchanan, came to them, and asked them (this deponent, Allen, and Scott) to follow him to his mother's house at Maigre Bay; it was dark night, after the bell had rung; that they followed Buchanan, who went up stairs and lighted a lamp, when all three went into the hall. Captain James came into the hall and said he wanted a waiting-boy; the three stopped at Captain James's, but Charlie Scott went out to make water, and ran away. That on Sunday Captain James told this deponent (Mitchell) and Allen to take his portmanteau to the boat, which they did; that when this deponent and Allen left Captain James's house they saw a boy named Frank with Pilot John's portmanteau, and another boy named Wellington with Dr. John's portmanteau; that the sailors put this deponent (Mitchell), Allen, Frank, and Wellington, into the boat, and Captain James, Dr. John, and Pilot John followed them and went on board the ship; that this deponent never saw Wellington before that day, but he heard Dr. John call to him, Wellington, come here; that they sailed all night, and were sick, and were several days at sea; that when they got to Cuba a bald-headed buckra came to the ship with Captain James, and a sailor said to them that this was their master; that this deponent (Mitchell), Allen, and Frank, and Wellington went ashore with Pilot John and Dr. John, with two guns, to shoot wild hogs, and a Spaniard came, when Pilot John and Dr. John told him to hold them; that Pilot John and Dr. John went into the bush, when this deponent, Allen, Frank, and Wellington ran to the sea, but could not find the ship; that the black Spaniard

man took them all four to the bald-headed buckra's house, where they remained a week; that a ship then came from Cuba, and took this deponent (Mitchell), Allen, and Frank to a town, where they baked bread for a week; but they left Wellington at the pen to cut wood; that this deponent (Mitchell) never saw Wellington again after that time; that this deponent (Mitchell), Allen, and Frank were then carried to the Spanish Governor's house, when they were sent to a sugar-work, where they remained five years, till the Jamaica Governor sent for them; that this deponent (Mitchell), with Allen and Frank, were carried to Port Royal, but Wellington was not with them; that they were afterwards taken to Spanish Town, where Allen died; that Allen and this deponent (Mitchell) belonged to the same estate, Flowerhill, and this deponent knew Allen all his life; that this deponent (Mitchell) is quite certain that the boy Allan who died was not the same person with the boy Wellington, who was left behind them at the pen, as before mentioned; that this deponent never saw Wellington during the remaining five years he stopped in Cuba; that the boy Wellington was taller than Allen; that the pen belonged to the bald-headed buckra, whose name he does not know: all which is truth, as this deponent shall answer to God.

(Signed) his
WILLIAM ✕ MITCHELL.
mark.

Sworn before me this 6th day of July, 1841; the same having been carefully explained to the deponent, while the affidavit was writing, and before he affixed his mark.

(Signed) WALTER FINLAYSON,
S. J. St. James's.

No. 103.

Mr. Aston to the Earl of Aberdeen.

Madrid, October 2, 1841.

MY LORD,

(Received October 12.)

WITH reference to my Despatch of the 24th of July last, I have the honour to enclose the Copy and Translation of a Note which I have received from M. Gonzalez, in answer to mine respecting the assertion of the Spanish Consul at Boston, that there was not any law existing in the island of Cuba, which was considered to be in force against the importation of slaves.

I have, &c.

(Signed) ARTHUR ASTON.

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

(Translation.)

Enclosure in No. 103.

M. Gonzalez to Mr. Aston.

SIR,

Madrid, September 21, 1841.

I HAVE the honour to reply to the Note which you addressed to me on the 4th of July last, stating that Don Antonio de la Vega, the Spanish Consul at Boston, had asserted that there was not any law existing in the island of Cuba, which was considered to be in force against the importation of slaves, and drawing the attention of Her Majesty's Government to the assertion.

Without enumerating to you the numberless cases in which active investigations have been directed to be instituted, in consequence of the denunciation of African slaves having been imported into Cuba, the expressions which are attributed to Her Majesty's Consul at Boston upon this subject would be utterly void of foundation, by the simple observation that Spain and England have concluded two treaties prohibiting the traffic in slaves, to the fulfilment of which both nations are equally bound; that peremptory orders have been repeatedly issued to the authorities of Cuba, in order that the said treaties should be carried into due effect; and you can plainly see the consequence of such directions in the decrease of the Slave Trade during the last year.

The measures recently adopted by General Valdez respecting the negroes of the

"*Aguila*," and the emancipated ones who have formed the subject of other communications, will sufficiently prove to you that in the Havana there are laws existing in all their force and vigour against the illicit traffic in slaves, which Her Majesty's Government is determined to cause to be faithfully observed.

I avail myself, &c.

(Signed) ANTONIO GONZALEZ.

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

No. 104.

Mr. Aston to Lord Aberdeen.

Madrid, October 2, 1841.

(Received October 12.)

MY LORD,

WITH reference to my Despatch of the 8th of February last, regarding the capture of the Spanish schooner "*Sirena*," off the Gallinas, by Her Majesty's ship "*Saracen*," I have the honour to enclose a Copy and Translation of a Note which I have received from M. Gonzalez, exculpating the Spanish authorities from all blame in connexion with that affair.

I have, &c.

(Signed) ARTHUR ASTON.

The Earl of Aberdeen, K.T.,
&c. &c. &c.

(Translation.)

Enclosure in No. 104.

M. Gonzalez to Mr. Aston.

SIR,

Madrid, September 25, 1841.

IN conformity with that which my predecessor announced to you in his note of the 6th of February last, the necessary directions were given to the Captain-General of the island of Cuba to proceed to the investigation of the circumstances mentioned in your note of the 26th of January last, relative to the capture of the Spanish schooner "*Sirena*," off the Gallinas, by Her Britannic Majesty's brig of war "*Saracen*;" and that authority has in consequence replied to this office, by transmitting documentary evidence of all that took place in this affair, and from which it appears that the local authorities have in no sort of manner been guilty of conniving at a violation of the Treaty of 1835, by taking part in the illegal equipment of the schooner "*Sirena*."

I avail, &c.

(Signed) ANTONIO GONZALEZ.

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

No. 105.

Mr. Aston to Viscount Palmerston.

Madrid, October 2, 1841.

(Received October 12.)

MY LORD,

WITH reference to my Despatch of the 31st of July last, I have the honour to enclose a Copy and Translation of a Note which I have received from M. Gonzalez, in answer to mine respecting the encounter between Her Majesty's ship "*Termagant*" and the slave vessel "*Gabriel*."

I have, &c.

(Signed) ARTHUR ASTON.

The Earl of Aberdeen, K.T.,
&c. &c. &c.

(Translation.)

Enclosure in No. 105.

M. Gonzalez to Mr. Aston.

SIR,

Madrid, September 26, 1841.

I HAVE the honour to inform you, in answer to your note of the 27th of July last, in which you refer to the unfortunate encounter which took place at the commencement of the present year between Her Britannic Majesty's brigantine "Terzagant" and the slave vessels "Gabriel" and "Scorpion," the result of which were several men killed and wounded; that the Regent of the Kingdom has learnt with regret that so much blood should have been shed in the attempt to capture the "Gabriel," and is anxious that the temerity of those who were the causes of it should be punished according to law, in order to serve as a warning for the future.

With this object, instructions are this day sent to the Captain-General of the Island of Cuba, to take the necessary steps for ascertaining if the said vessel is really a Spanish one; and in the event of its being found guilty of the crime imputed to it, to cause the parties concerned to be punished according to law.

I avail myself, &c.

(Signed) ANTONIO GONZALEZ.

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

No. 106.

*Mr. Aston to the Earl of Aberdeen.**Madrid, October 2, 1841.*

MY LORD,

(Received October 12.)

WITH reference to my Despatch of the 10th of July last, I have the honour to enclose a copy and translation of a Note which I have received from M. Gonzalez, in answer to my representation on the subject of the capture of the slave vessel "Jesus Maria" by Her Majesty's ship "Ringdove."

I have, &c.

(Signed) ARTHUR ASTON.

The Earl of Aberdeen, K. T.,
&c. &c. &c.

(Translation.)

Enclosure in No. 106.

M. Gonzalez to Mr. Aston.

SIR,

Madrid, September 24, 1841.

HER Majesty's Government having taken into consideration the Note, with its several Enclosures, which you addressed to me under date of the 23rd of June last, respecting the capture of the slave vessel "Jesus Maria" by Her Majesty's brig of war "Ringdove," and the excesses committed on board by the master and crew, the necessary instructions have been sent to the Captain-General of the island of Cuba, to take such measures as he may consider necessary for inquiring into the circumstances, in order that condign punishment may be awarded to its authors.

I avail myself, &c.

(Signed) ANTONIO GONZALEZ.

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

No. 107.

*Mr. Aston to Lord Aberdeen.**Madrid, October 2, 1841.*

MY LORD,

(Received October 12.)

WITH reference to my Despatch of the 15th ultimo, upon the subject of

Henry Shirley, a negro kidnapped in Montego Bay by Antonio Le Desma, I have the honour to enclose the copy and translation of a Note which I have received from M. Gonzalez, stating that Shirley had been set at liberty, and that Le Desma was being prosecuted.

I have, &c.

(Signed) ARTHUR ASTON.

The Earl of Aberdeen, K.T.
&c. &c. &c.

(Translation.)

Enclosure in No. 107.

M. Gonzalez to Mr. Aston.

SIR,

Madrid, September 22, 1841.

WITH reference to the communications made to you on the 10th of April and on the 24th of June last, the necessary orders were given to the Captain-General of the Island of Cuba to ascertain if effectively the negro Henry Shirley had been kidnapped in Montego Bay by Don Antonio Le Desma, and in the event of its being so, and he or others found guilty, condign punishment should be inflicted upon them.

I have now the honour to acquaint you that, after the necessary steps had been taken, the said Captain-General directed the entire liberation of the negro Shirley, who, placed at the disposition of the British Consul at the Havana in July last, was already sailing for Jamaica on board the English frigate "Comus."

With regard to Don Antonio Le Desma, a criminal prosecution is in full force against him, in order to impose upon him that punishment which may be due as much for the charge resulting against him in this matter, as also for having violated various regulations of the local Government prohibiting the introduction into the island of foreign negroes and mulattoes; and whatever the final result may be, I shall lose no time in communicating it to you, as soon as Her Majesty's Government is made acquainted with it.

I avail myself, &c.

(Signed) ANTONIO GONZALEZ.

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

No. 108.

Mr. Aston to Viscount Canning.

Madrid, October 2, 1841.

(Received October 12.)

MY LORD,

REFERRING to my Despatch of the 31st of July last, transmitting a copy and translation of a Note which I had received from M. Gonzalez in answer to mine of the 29th of May last, respecting the importation of 1500 negroes from Africa into the Havana, I have now the honour to enclose the voluminous Summary furnished me on that subject by the Spanish Minister, together with a translation of it.

I have, &c.

(Signed) ARTHUR ASTON.

The Viscount Canning,
&c. &c. &c.

(Translation.)

Enclosure in No. 108.

SUMMARY.

Havana, March 2, 1841.

DECREE.—The Government Notary will draw up immediately a duplicate copy of the annexed Summary, formed by the third Lieutenant-Governor in consequence of Her Britannic Majesty's Commissioners having denounced a landing of

negroes lately imported from Africa in the brig "*Venus*," or "*Duquesa de Braganza*," in order to forward an account of it to the provisional Regency of the Kingdom by the next packet.

(Signed) ANGLONA.

Her Majesty's Commissioners to the Prince of Anglona.

MOST EXCELLENT SIR,

Havana, February 12, 1841.

WE have abstained for some time from calling your Excellency's attention to the numerous arrivals of slave traders which have come within our knowledge, in the hope that your Excellency's subaltern officers would have acted according to their duty, when they observed the system adopted by Her Britannic Majesty's Government with regard to the former violations of the laws and of the Slave Trade Treaty. We are sorry to find that all our remonstrances have been in vain, and that more severe measures must be adopted in order to enforce that obedience, which ought to issue spontaneously from the respect due to the wishes of the high contracting powers.

On the 10th of this month a ship arrived under Portuguese colours, which was signalised here as coming from the coast of Africa. This vessel, it appeared, was the "*Venus*," or "*Duquesa de Braganza*," a notorious slave-trader, which, as was well known, had landed, only two days before, a few miles to windward, about 700 negroes. We have known that at present they are for sale at the slave-market of San Antonio el Chiquito, the property of a Spaniard, a slave-trader of the name of Don Jose Mazorra. It is also said that they are all suffering under an attack of the small-pox. On the 30th of January last another schooner under Portuguese colours arrived, and landed, near this harbour, 413 negroes, which were consigned to the Catalonian firm, Roch, Mayner, and Co. On the 24th of the same month another vessel arrived with 311 negroes on board, consigned to a Frenchman named Forcade, a slave-trader. Therefore it is notorious that in the space of a fortnight 1500 negroes, or thereabouts, have been brought to this harbour or its neighbourhood; and it seems impossible that such an importation could take place without reaching the knowledge of your Excellency's Government. It is our duty to represent these facts to your Excellency, as also to our Government; and we would be glad if we could hope that our representations would be attended with success, putting an end to such transactions, insuring the punishment of the offenders.

We have, &c.

(Signed) J. KENNEDY.
CAMPBELL C. DALRYMPLE.

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

It is an exact translation.

(Signed) LUIS PAYNE.

It is a true copy.

(Signed, through the indisposition of the Secretary) GABRIEL GRANADOS.

The Prince of Anglona to Don Jose Maria Fernandez Villaverde.

Havana, February 14, 1841.

I SEND you a copy of the official Letter which Her Britannic Majesty's Commissioners have directed to me, for the purpose of denouncing the arrival of the three vessels which are mentioned in it as proceeding from the coast of Africa, as also the landing of negroes lately imported, and deposited in the slave-market which they say exists in San Antonio el Chiquito, in order that you should proceed immediately to that spot, accompanied by the Notary you may think proper to select, and seize all the negroes lately imported from Africa who may be found there, as also their owners or overseers; and draw up the procès verbal of your search, and of all that may relate to the said arrivals, which you will send me without delay, that I may be able to determine what I think most proper.

(Signed) ANGLONA.

Don Jose Maria Fernandez Villaverde,
&c. &c. &c.

IN the always faithful city of Havana, on this day, February the 15th, 1841, before me, the present Notary, Don Pedro Maria Fernandez Villaverde, third

Lieutenant-Governor, declared, That in order to fulfil the order of his Excellency the Captain-General and Political Governor, included in his Letter dated yesterday, and which he received to-day, at half-past two o'clock P.M., that he should order, as he did actually order, the procès verbal to be immediately begun, with the aid of the undersigned Notary, who was named for this purpose, according to his Excellency's instructions; as also that he would immediately proceed to the establishment which they say exists in San Antonio el Chiquito, and being on the spot he would act according to his Excellency's orders. That an official Letter be addressed to the Commander of this station, begging him to send all the documents relating to the arrivals of the three vessels mentioned in Her Britannic Majesty's Commissioners' official Letter of the 12th instant; as also to state all the facts therein mentioned, and to send certified copies thereof, showing that the said documents exist in some of the offices of his department; and likewise to send legalised copies of the documents which identify the said vessels; and, lastly, that he should issue orders to forbid the said vessels to leave the harbour before the decision of this process, or until they are officially cleared, and at liberty to depart according to the result of the proceedings: thus he decreed and ordered for the present, and signed with me the Notary, which I attest.

(Signed) PEDRO MARIA FERNANDEZ VILLAVERDE.

Before me,
(Signed) JOSE ELIAS DE ENTRALGO.

THE official Letter to his Excellency the General Commander of this station, a copy of which is annexed to this, Havana, dated as above, which I attest.

(Signed) ENTRALGO.

Don Pedro Maria Fernandez Villaverde to his Excellency the Commander-General of this Station.

MOST EXCELLENT SIR,

Havana, February 15, 1841.

BY order of his Excellency the Captain-General and Political Governor, in consequence of an official Letter addressed to him on the 12th instant by the Commissioners of Her Britannic Majesty resident in this city, I am drawing up a Summary relating to the facts which have been denounced concerning the recent introduction of negroes proceeding from Africa into this island by persons who, as it is said, dedicate themselves to the forbidden traffic of slaves. These Commissioners say in their Letter as follows:—

“ On the 10th of the present February there arrived at this port a vessel under Portuguese colours, which was registered in the Morro as proceeding from the coast of Africa. This vessel proved to be the ‘*Venus*,’ or the ‘*Duquesa de Braganza*,’ a notorious slave-trader, which, as is well known, had landed, only two days before, a few miles to windward, about 700 negroes. We are informed that at present they are actually for sale at the hut of San Antonio Chiquito, the property of a Spaniard, a negro-dealer called Don Jose Mazorra. On the 30th of January last another vessel arrived under Portuguese colours, a brig, which landed 413 negroes near this port, consigned to the Catalonian firm of Roch, Mayner, and Co. On the 24th of January another vessel came with 311 negroes, consigned to a Frenchman called Forcade, a slave-trader.”

If the actions referred, relating to the entrance of these vessels into this port, and the “*Venus*” having been registered in the Morro as proceeding from Africa, are true, they must appear in the offices of your department. I have therefore determined to transcribe to your Excellency a literal copy of this part of the denunciation, that, for the better compliance of the duty, you be pleased to manifest if such proofs appear in any of the offices of your department, and to send me legalised copies of the documents which may identify those vessels, with the information you may think proper for the discovery of the facts; and, lastly, that you will issue orders to interdict the sailing of the said vessels, until, by the result of this Summary, they be enabled to fit out, or whatever else may proceed; and in order that no impediment may be placed to hinder my proceeding to search the aforesaid vessels, according as the nature of the cause I pursue requires.

God preserve, &c.

(Signed) PEDRO MARIA FERNANDEZ VILLAVERDE.

His Excellency the Commander-General,

&c. &c. &c.

CLASS B.

It is a copy of the original to which I refer, Havana, dated as above, which I attest.

(Signed) ENTRALGO.

Proceeding in San Antonio el Chiquito.

IN the ever faithful city of Havana, on the 15th day of February, 1841, his Lordship the Lieutenant-Governor and third Assessor-General, aided by me, the present Notary, to proceed to the investigation of the facts which have given cause for the drawing up of the present Summary, went to the district of San Antonio Chiquito, and to the house of the Captain, Don Ramon Morales, Puisne Judge of that district, of whom his Lordship asked for the hut belonging to Don Jose Mazorra. The Captain answered that the said Mazorra was no parishioner of the district, nor had any property whatever in it. As his Lordship evinced to him the necessity of discovering if any establishments existed called huts, containing negroes lately introduced from the coast of Africa, the Puisne Judge answered that he had never heard that any negroes existed there, nor were there any houses in the district that could serve for such a purpose: therefore his Lordship directed that the said Judge should accompany him, to act as he might judge proper, and to show him those establishments and possessions which may be thought, on account of their capaciousness, to be destined for a deposit of negroes. So he ordered it to be asserted, and signed it with the aforesaid Morales, which I attest.

(Signed) VILLAVERDE.
RAMON MORALES.

Before me,

(Signed) JOSE ELIAS DE ENTRALGO.

Search and Registry.

IN the ever most faithful city of Havana, on the 15th day of February, 1841, the third Lieutenant-Governor, accompanied by the Captain Puisne Judge of San Antonio Chiquito, and by me, the present Notary, went to a possession in the said territory, which proved to be the place known by the name of La Novia, the property of Don Antonio Roldan, and the overseers of the place, Don Antonio Hernandez and Don Serapio Uqueda, we proceeded to the search and examination of the premises, and only saw apparatus for carts, and without, some oxen destined to take materials to the city, and some heads of Indian wheat, and also several sacks of the same in grain: therefore there were not found in the said possession, or its buildings, any concealed negroes, which concluded this proceeding, which he directed to be drawn up, and signed it, as did the Puisne Judge, which I attest.

(Signed) VILLAVERDE.
RAMON MORALES.

Before me,

(Signed) JOSE ELIAS DE ENTRALGO.

IN the ever faithful city of Havana, on the 15th day of February, 1841, the Lieutenant-Governor being in the district of San Antonio Chiquito, aided by the Puisne Judge, Don Ramon Morales, and by me, the present Notary, went to another possession belonging to Don Ramon Plá and Don Jaume Font; and the overseer, Don Felipe Sanchez, being present, the examination took place, searching the buildings, which proved to be a large structure of wood with stories, which is repairing, to establish a school for girls, under the direction of Don Narciso Peñeyro, according to the information of the above-named Sanchez: with which, and not having found any negroes concealed or loose about the buildings, his Lordship ordered the procedure to be drawn up, and signed it with the Judge, which I attest.

(Signed) VILLAVERDE.
RAMON MORALES.

Before me,

(Signed) JOSE ELIAS DE ENTRALGO.

IN the ever most faithful city of Havana, on the 15th day of February, 1841, the third Lieutenant-Governor being at the district of San Antonio Chiquito, accompanied by the Judge, Don Ramon Morales, and by me, the present Notary, went to a possession the property of Don Jose Lestoche. It is composed of three divisions united together: one inhabited by Don Rafael Echarri, his wife, a niece, and servants; another by the owner Lestoche, his wife, a daughter, and servants.

Consequently the search was proceeded to looking over the vicinity; and as it proved that no negroes were found, he ordered this procedure to be drawn for the due evidence, and signed it with the Judge, which I attest.

(Signed) VILLAVERDE.
RAMON MORALES.

Before me,
(Signed) JOSE ELIAS DE ENTRALGO.

ON the same day, at eight o'clock at night, I went to the palace of his Excellency the Commander-General of this station, in order to deliver to him the official Despatch; and a soldier having informed me that his Excellency was gone out, I left him the Despatch, with a charge to deliver it on his return, which I add to the proceedings at the same hour that I had concluded, and which I attest.

(Signed) ENTRALGO.

The Prince of Anglona to Don Pedro Maria Fernandez Villaverde.

Havana, February 15, 1841.

WITH date of this day Her Britannic Majesty's Commissioners in the Mixed Court of Justice address me as follows:—

“Most Excellent Sir,—We have had the honour to receive your Excellency's provisional answer of the 14th instant to our communication of the 12th, promising us that a search should take place immediately of the hut in San Antonio Chiquito to seek the negroes that we denounced ought to be found there, of the cargo of the slave-trader ‘*Venus*’; but we are sorry to hear from other authority, in which we may confide, that this requisite is not to be performed till to-night, and that in the mean time notice has been given to the parties in the said hut, so that they are removing, or have removed them to another hut called *La Misericordia*, situated near your Excellency's country house: therefore we have to pray you will issue fresh orders immediately, that the search may be extended to this last hut as well as the other.”

Which I transcribe to your Lordship, that under this information you do proceed to the search of both huts, with that zeal and activity you have so well proved in the service.

God preserve, &c.
(Signed) EL PRINCIPE DE ANGLONA,
Marquis de Javalquinto.

Don Pedro Maria Fernandez Villaverde,
 &c. &c. &c.

Decree.

Havana, February 15, 1841.

RECEIVED from the hand of the Secretary of the political Governor by me at half-past eight this night. Let this be added for the compliance thereof, and let the constable on duty set out immediately to seek the chosen actuary, and take the official Letter for his Excellency the Commander-General of the Marine.

(A rubrick.)

Order.

IN the ever faithful city of Havana, on the 15th day of February, 1841, being half-past eight at night, the third Lieutenant-Governor, before me the Notary, declared that, in compliance with the preceding order, we should proceed instantly, and acquire, from the guard of the Plaza de Tacon, the aid of four soldiers and a corporal, to examine the hut called *La Misericordia*, collect the negroes found there, and arrest the persons who have charge of them, as well as the owner or owners of the house, provided the said negroes are taken. This he ordered and signed, which I attest.

(Signed) VILLAVERDE.
Before me,
(Signed) JOSE ELIAS DE ENTRALGO.

Proceeding.

IN the ever faithful city of Havana, on the 15th day of February, 1841, the third Lieutenant-Governor, aided by me the present Notary, went to the guard at the Plaza de Tacon, as the nearest to his Lordship's house, and required of the

commanding officer an aid of four soldiers and a corporal, which he obtained. Consequently with this guard he went immediately over to the hut called De la Misericordia, and being there—where was also the owner of that place known by the name of La Misericordia, Doña Sista Gordilla, with her family, and also Don Juan Manuel Hernandez, Don Fermin Perdinás, y Don Jose Labarte, who said they were visitors of the house—the search was proceeded to, and the examination of the buildings, which are in a very ruinous state, the owner observing that in former times they had served as storehouses for Indian corn, tobacco, and other productions; and although the search was made extensive to the kitchen, stable, exterior and vicinity of the dwellings, no negroes were found, for which reason, and being late at night that this operation was performed, and seeing that the desired effect was not obtained, determined to retire, and have the process drawn up to bear evidence, which I attest.

(Signed) VILLAVERDE.

Before me,

(Signed) JOSE ELIAS DE ENTRALGO.

Decree.

In the ever most faithful city of Havana, on the 16th day of February, 1841, his Lordship said, before me, the Notary, that he ought to command, and doth command, that Don Serapio Uqueda and Don Antonio Hernandez, found in the dwelling of La Noria, do appear before him; and also Don Felipe Sanchez, found in the house which is preparing for a school; Don Rafael Echarri, Don Marco Jose del Solar, and Don Jose Lastoche, in that of the last; Juan Manuel Hernandez, Don Fermin Perdinás, y Don Jose Labarte, in that of La Misericordia—to declare relating to the questions which his Lordship will make them concerning the searches practised during the day and night of yesterday, for which purpose they are to be summoned by the Captain of the district of San Antonio Chiquito. Ordered and signed, which I attest.

(Signed) VILLAVERDE.

Before me,

(Signed) ANTONIO JOSE ELIAS DE ENTRALGO.

Affidavit.

In the ever faithful city of Havana, on the 16th day of February, 1841, before his Lordship appeared Don Serapio Uqueda, a native of Biscay, of the district of San Antonio Chiquito, who took the oath tendered to him, under which he promised to speak the truth. Asked, what he was doing on the evening of yesterday, when his Lordship presented himself, with the undersigned Notary, at the dwelling called La Novia, which was searched all over? He answered, that, as a dependent of Don Antonio Roldan, he was in the house when his Lordship arrived with the undersigned Notary and the Captain of the district; that he was surprised to see his Lordship, accompanied by those persons, examine the house, and all the offices belonging thereto, as they do not harbour, nor ever have harboured, criminals; that his employment was to keep the accounts, and to take care of the materials that come in and are sent out, of the lime and store which are warehoused, and what is sent to the city, of Indian corn which is stored, with other effects, and of the carts and yoke of oxen there are for the conveyance; that he was occupied in his business when his Lordship came.

In answer to the question, Why does he say he was surprised to see the present Judge proceed to the search of the house, and if he knows or presumes the motive which caused this proceeding? he said he was surprised, because, during the time he had been in that employment, he had never seen any authority present themselves at the dwelling to perform a similar proceeding; and, as no harbour is given to suspicious persons in it, he directly thought, seeing the scrupulous examination performed by his Lordship, that there was some information of having some delinquent hidden there, which he never would have consented to, both for his honour's sake and that of his master, Don Antonio Roldan, who does not know what could have been his Lordship's motive, as he has not indicated it, nor does he presume that he had any other than that of arresting some criminal. In answer to being asked—If in that dwelling, by order of his master or of any other person, there have been sheltered there any wild negroes proceeding from Africa, and in what number; if he knows whether they are abiding or hidden in any of the neighbouring houses in the district of San Antonio Chiquito?—replied, that, in the two months which he had been in the said employment, no negroes from

Africa had been harboured or secreted there; nor did he know, nor had he heard, that any had been hidden in that neighbourhood. Asked, Why that dwelling-house was called the Large Hut (Barracon), and if, under this name, the houses were distinguished that were destined to keep negroes in, or for the sale of such as are slaves, or of the wild ones proceeding from Africa, brought by persons who by the infraction of the law dedicate themselves to this traffic?—he said that, although he had sometimes heard his master's house called the Barracon, he does not know the origin of this name, therefore cannot account for it; and declared that what he had spoken was the truth, in discharge of the oath he had taken, which was read to him, and he found conformable, and ratified the contents, being twenty-four years of age, and signed with his Lordship. I attest.

(Signed) VILLAVERDE.
SERAFIN VAGNEDA.

Before me,

(Signed) JOZE ELIAS ENTRALGO.

IN the ever most faithful city of Havana, on the 16th day of February, 1841, appeared before his Lordship, Don Antonio Herser y Hernandez, native of the district of San Antonio Chiquito, and established there; who took oath in due form, under which he promised to speak the truth. Being asked in what he was occupied on the evening of yesterday, at the house called La Novia, in San Antonio Chiquito, when his Lordship, the undersigned Notary, and the Captain of the district went there and searched it and the buildings belonging to it?—he said, that he is a servant of Don Antonio Roldan, owner of that house, and, as such, an overseer and manager of the carts and of the negroes in his service, who, as his Lordship might have observed, were going in with the carts at the moment of their arrival; that he saw the house searched very cautiously, wondering to see such a proceeding, as he had never believed that that house was suspicious to the authorities. And being asked if he knew, presumed, or had heard what had caused his Lordship to make this search?—he said he did not know, nor presumed, nor had heard; but that he had formed an idea that probably his Lordship had received some denunciation of some contraband, or of some offender who had got loose, which would not be easy to find there, as no shelter is given to bad people in that house. When asked if in that house, by orders of his master, or of another person, there had been lately taken in, harboured, or concealed any negroes come from Africa, and in what number, and if he knows whether they are concealed in any of the neighbouring houses or buildings?—he answered, that in his master's house there were none either harboured or concealed, and there were no more negroes than the slaves destined for the service of the carts, care of the oxen, and of the materials which are stored up in the store-room of the same for to be conveyed to this city; that he does not know whether any have been taken in or concealed in the neighbouring houses. Asked: Who did the cart-gear and the oxen belong to that were in the dwelling, and the heads of Indian corn, and some sacks of it in grain, which were found in one of the houses beside? Answer: that everything there belongs to his master, Don Antonio Roldan, who has there the magazines for the maize and materials, which, with the help of the carts, oxen, and his negro slaves, he conveys to this city. Asked, whether he knows why the name of Barracon is given to this dwelling-house, and if by this name the huts are designated, destined for the negro slaves, or for the sale of the wild negroes brought from Africa, by persons who, in breach of the law, dedicate themselves to this traffic? Answered—that he don't know; that although he had heard his master's house vulgarly called Barracon, he was ignorant of the origin. Declared that the aforesaid is the truth under the oath taken, which was read to him, and he ratified the contents, and signed the contents with his Lordship, being 34 years of age, which I attest.

(Signed) VILLAVERDE.
ANTONIO HERNANDEZ.

Before me,

(Signed) JOZE ELIAS DE ENTRALGO.

IN the ever most faithful city of Havana, on the 16th day of February, 1841, before his Lordship, appeared Don José Sabarte, a native of Galicia, and inhabitant of the district of San Antonio Chiquito, who took the oath legally administered to him, under which he promised to speak the truth. Asked—What he was doing on the night of yesterday in the house (or Barracon) De la Misericordia

when his Lordship, accompanied by the undersigned Notary, appeared there with troops and searched it all over, as well as the buildings belonging to it? He answered—that, as being a neighbour in that district, he occasionally passes some evenings and some hours at the house La Misericordia, forming the party of Doña Sista Gordilla and family, who inhabit there; and yesterday when his Lordship arrived there with the undersigned Notary and troops, and having entered and saluted politely, ordered that no person should go, there were the declarer, his fellow-neighbours Don Juan Manuel Hernandez, y Fernim Pardinias, who the lady was conversing with, and certainly his Lordship's presence surprised them, and more so the scrupulous search he executed in the house and its buildings without showing for why; after which he said that they were at liberty to go home, having taken their names. Being asked—What use was the house or hut De la Misericordia destined to? said, that the house inhabited by Doña Sista is destined as a habitation for that lady and her family, and the other possessions, in the ruinous state in which they are, serve for to keep the fruits and implements of husbandry of the part which is let separately, and where the overseer lives with the few negro slaves granted for its cultivation. Asked—if he knows why this house is called Barracon de la Misericordia, and if this name signifies any particular thing diverse from what has been declared concerning the dwelling and other houses? said, that indeed he is ignorant why this house and those annexed are called Barracon, which the declarer hears commonly given to it for the extension of its possessions, the bad state of them, which had been made for a country house and dwelling for the owner in the summer season; that he does not know that they have had or have any other use than what he has declared. Asked, whether he knows or presumes what was the object of searching this house and the annexed last night? said, that he was ignorant thereof, he only had suspected that the present Judge was in search of some offender of gravity who had been denounced to him to be concealed there. Asked, if he knew that in that house there had been concealed for some time, and from what time, some negroes brought from Africa by persons who occupy themselves in that reprov'd illicit traffic; or whether he has seen lately or known that in the said house they were concealed, and in what number? said, that he had not known nor heard anything, and had it been true the declarer might have known it, for, as he has said already, he goes almost every night to the party of Doña Sista Gordilla; and at this moment he recollects that in the time of his Excellency Don Mariano Ricafort the said house served for to collect the emancipated negroes and keep them in it, as were those of the schooner "*Rosa*" and "*Manuelita*," and perhaps this may be the motive for calling it the Barracon. Asked, if he knows if the above-mentioned negroes, or has heard that they were concealed or had been concealed in any of the neighbouring houses or buildings that may have been mistaken for that of La Misericordia? said, that he did not know nor had he ever heard that any negroes had been brought or concealed in any of the houses or dwellings in the district of San Antonio Chiquito. Declared that he had spoken the truth under the oath he had taken, being 33 years of age; the contents being read to him, he ratified and signed them with his Lordship. I attest.

(Signed)

VILLVERDE.

JOSE DE ZABARTE.

Before me,

(Signed)

JOSE ELIAS DE ENTRALGO.

In the ever most faithful city of Havana, on the 16th day of February, 1841, appeared before his Lordship Don Juan Manuel Hernandez, licentiate in physic and surgery, a native of this city and an inhabitant of San Antonio Chiquito, who took the oath tendered to him according to right, under which he promised to speak the truth. Asked, what he was doing last night in the house or hut of La Misericordia when the present Judge, aided by me, the undersigned Notary, and troop appeared there, and examined it and all its buildings? Answered, that, being physician of the district of San Antonio Chiquito, he visited the dwelling-house of Doña Sista Gordillo, and sometimes at night he would go to their evening party to keep them company, and with this sole object happened to be there, where were also Don Francisco Pardinias and Don José Sabarte, last night when his Lordship arrived with the present Notary and the troop searching the house and other buildings belonging to it, ordering the declarer and the other persons not to depart during the proceeding; for which Doña Sista ordered two

mulattoes, her servants, to light them and open the apartments, as they did, the overseer of the places so strictly examined by his Lordship; the declarer and the other persons being surprised at this step, as they do not admit any criminal there, they could not guess what could be the object of his Excellency's appearance at so late an hour, and with the Notary and troop. Asked, what is the house called La Misericordia destined for, and why is it called Barracon? Answered, that the dwelling is occupied by Dona Sista Gordillo, and has no other use; the adjoining buildings are for the use of the husbandry, to gather the cattle, fruits, and other effects necessary in the country and indispensable in the dwelling of La Misericordia, which is rented apart, the buildings of which are in a very bad state, as his Lordship may have observed; that it is true it is called Barracon, and that he believes it keeps that name vulgarly from the time of his Excellency, M. Ricafort, in which time it served as a deposit for the emancipated negroes. Asked, did he know why the aforesaid house and buildings were surprised and searched by his Lordship? Answered, that he was ignorant thereof. Asked, did he know if there had been recently concealed in that house, or Barracon, any wild negroes landed from Africa, who had taken them, and what number? Answer, that he knows nothing about it; and that he is sure that none exist in all the district, because, being physician thereof, he would have received notice to attend those that were sick, as many of them often are from the journey, as it happened at the time the traffic was allowed, when the declarer attended several times to heal them. That he had spoken the truth according to the oath he had taken, which, being read to him, he ratified and signed with his Lordship. I attest.

(Signed)

VILLAYERDE.

JUAN MANUEL HERNANDEZ.

Before me,

(Signed)

JOSE ELIAS DE ENTRALGO,

IN the ever most faithful city of Havana, on the 16th day of February, 1841, appeared before his Lordship Don Felipe Santiago Sanchez, a native of the Canary Islands and an inhabitant of the district of San Antonio Chiquito, who took the oath administered to him according to right, under which he promised to speak the truth. Asked, what he was doing on the evening of yesterday at the house of Don Ramon Plà and Don Iayme Font, when the present Judge, aided by the undersigned Notary and the Captain of the district of San Antonio Chiquito, entered therein and examined all the rooms and apartments which the appearer opened? He said, that he had the care of the house; the carpenters and other workmen who are working in it for to make it into a school for boys, under the direction of Don Narciso Piñeyro, were just gone; and that no person lives there but himself as overseer, who has the charge of it with nine servants, men of colour, in the service of Messrs. Plà and Font, who are for to cultivate the adjoining lands. Asked, if he knew the motive why his Lordship had searched the house and buildings belonging to it? He answered, that he did not; that at first he was alarmed, imagining that when his Lordship had come to search it, without doubt some criminal or offender had got in without the declarer's knowledge to conceal himself from the vigilance and persecution of the Justice; but afterwards he had the satisfaction to see that the minute and precise search made in every room and apartment by his Lordship did prove to him that no suspicious person was sheltered there, nor contraband nor any other illicit goods. Asked, if in that house have been concealed or harboured lately any negroes proceeding from Africa; and does he know that the same house is called the Barracon, and for why? Answered, that as his Lordship might observe in almost all the possessions, and by the carpenters' and masons' work pending, that neither recently nor before now the declarer has never seen introduced into that house any negroes proceeding from Africa; that the case has been that it anciently served as a deposit for the emancipated negroes; and he knows that for some time past it has been contracted for with the aforementioned Piñeyro to make a school for boys, for which motive the works are carrying on. Although he cannot positively affirm it, he believes that the name Barracon, given vulgarly to that house, proceeds from having been anciently called so, from having served as a deposit for the emancipated negroes. Asked, if he knoweth that any of the aforesaid negroes are concealed in any of the adjacent or neighbouring houses of that district of San Antonio Chiquito, and which it is? He said, that he did not know, nor had he heard. That he had spoken the truth, in virtue of the oath taken; that he is 25 years of age.

The declaration was read to him ; he ratified the contents thereof, but did not sign it, as he said that he could not write. His Lordship did sign, which I attest.

(Signed)

VILLAYERDE.

Before me,

(Signed)

JOSE ELIAS DE ENTRALGO.

IN the ever most faithful city of Havana, on the 16th day of February 1841, appeared before his Lordship Don Fernando Pardinás, a native of Ferrol in Galicia, and an inhabitant of the district of San Antonio Chiquito ; and having taken the oath tendered to him according to right, and in which he promised to speak the truth, being asked what he was about last night in the house, or Barracon de la Misericordia, when the present Judge, the undersigned Notary, with some troop, arrived there and searched it in every part? said, that as an inhabitant dwelling in the house of San Nicolas, which he rents ; and that he goes sometimes to pass a while at Donna Sista Gordilla's party at La Misericordia, where she lives, and where he was last night, as well as the physician Don Juan Manuel Hernandez, and Don José Zabarte, when the present Judge arrived, accompanied by the undersigned notary and some troop, who, after having bowed to the abovenamed, who were conversing with the said lady, and having informed himself that that was the principal apartment in the house, evinced the necessity of searching it and all its dependencies, which he did very scrupulously, lighted by two men of colour, servants of the house, carrying lighted lanterns, having told the abovenamed that they were not to separate, as he told them afterwards that they might go home when they pleased, having previously taken their names. Asked, what is the destination of the house of La Misericordia, if he knoweth that it is called Barracon, and what doth that name indicate? Answered, that the dwelling-house has no other destination than for an habitation for Donna Sista Gordillo and her family, and that the annexed buildings are for the use of the tillage, to keep the cattle and other animals for the servants belonging to the dwelling, which is let separately, and for to keep the productions, chattels, carts, and other implements of agriculture ; that effectually it is vulgarly called Barracon ; that the declarer believes that this word brings its origin from the time of his Excellency the Captain-General Rocafort ; it served, as did some others, for to deposit the emancipated negroes, and that if this is not the reason of calling it Barracon, he cannot tell what it alludes to. Asked, whether he knoweth why the search took place yesterday in the house or Barracon de la Misericordia? Answered, that he did not, but he was surprised to see his Lordship, the notary, and the troop, and believed his Lordship was seeking some criminal or offender who had been denounced or concealed there. Asked, whether he knoweth, or has heard, that any negroes have been lately introduced, kept concealed in this house, or some time since, and how many? Answered, that he neither knew, nor had heard anything ; and being, as he is, a near neighbour and frequenting the house, especially at night, if into it or its buildings any had been introduced, the declarer must have known it, which is all he can say. Asked, does he know, or has he heard, that the said negroes, in a great or small number, have been concealed or hidden in any of the houses or dwellings near, which might cause a mistake with that of La Misericordia? He declareth that he does not know, nor has heard, nor has any intelligence of any having been concealed in any of the houses or buildings of the district of San Antonio Chiquito, and that all he has said is the truth, under oath taken ; it was read to him, and he ratified the contents, and signed them with his Lordship. I attest.

(Signed)

VILLAYERDE.

FERMIN PARDINAS.

Before me,

(Signed)

JOSE ELIAS DE ENTRALGO.

IN the ever most faithful city of Havana, on the 16th day of February, 1841, appeared before his Lordship Don Rafael Charri, native of Navarre and an inhabitant of the district of San Antonio Chiquito, who took the oath administered to him according to right, under which he promised to speak the truth. Being asked what he was doing yesterday evening when his Lordship, accompanied by me, the undersigned Notary, and the Captain of the district, presented himself in

the house or Barracon de la Reforma, and searched it all over his apartments and all the rest of its dependencies? Answered, that as he and his wife and family live in one of the possessions of the said house, he was there looking after his family and his business yesterday evening, when the present Judge, accompanied by the undersigned Notary and the Captain of the district, came in and searched it and every part belonging to it very leisurely; the declarer, Don José Lastache, and Don Marcos José del Solar, who live in other two tenements of the same house, and were astonished at this visit and search, which they attributed to some calumnious denunciation of there being some criminal or offender harboured there. Asked, what is the house or Barracon de la Reforma destined for, besides the habitations of the three above-mentioned individuals, and why is it called Barracon? Answer, that it had no other use than the habitation of the three aforesaid, their families and servants, carriages and cattle, which each of them has; that he don't know why it is called Barracon, for he has lived there seven months as a tenant, and since that time he has heard it called by that name; but Messrs. Lastache and Solar, who are the owners, can give a better account. Asked, does he know or suspect the motive of the search practised in this house yesterday evening? Answered, he did not; that both him and his two neighbours attributed it to some denunciation of some criminal being hidden there, which never had happened. Asked, whether there has been recently concealed in that house, or in any of those belonging to it, any negroes proceeding from Africa, how many, and under whose charge and account they were conveyed? Said, that in the seven months which he has inhabited one of the tenements belonging to the house of La Reforma, he has never seen nor heard that any negroes had been harboured in any of its dependencies, the traffic and introduction of which are forbid, nor had he heard that any person whatever had concealed them therein. Asked, if he knew whether any had been concealed in any other house in the district of San Antonio Chiquito? Said, that he neither knew, had heard, or believed that any person in that district followed such traffic; saith, that the aforesaid is the truth, in discharge of the oath he took, being 33 years of age; after the declaration was read to him, he ratified and signed the same with his Lordship. I attest.

(Signed)

VILLAVERDE.
RAFAEL ECHARRI.

Before me,

(Signed) JOSE ELIAS DE ENTRALGO.

IN the ever most faithful city of Havana, on the 16th day of February, 1841, appeared before his Lordship Don Manuel José del Solar, a native of the mountains of Santander, an inhabitant of the district of San Antonio Chiquito, who took the oath according to right, under which he promised to speak the truth. Being asked, what he was occupied in yesterday evening when his Lordship, the undersigned Notary, and the Captain of the district of San Antonio Chiquito, entered the house of La Reforma in which he inhabits, and searched every part of it? said, that he had lived in the house where he was when his Lordship entered with the undersigned Notary and the Captain of the district; he was with his wife and children when they entered; it was nearly dusk; the declarer was at that moment in conversation with his wife and family, as he had just come from the Havana; he passes most of his time in affairs of commerce as book-keeper in the house of Regulo Pardo and Co.; that in union and company of Don José Lastache, is owner of the said house La Reforma and its appendages. Asked, what was this house and buildings destined for, and why is the name of Barracon given to it? Said, that this house had no other destination than a dwelling for the declarer and Don José Lastache, his family and servants, except the tenement let to Don Rafael Echarri for the same use; that since the month of July of the year 1838 he is the owner of the part he has at present; and when he bought it it was vulgarly called Barracon, without doubt, because it had served as a deposit for emancipated negroes, or slaves of legal commerce; but since the declarer is part owner, it has had no other use than as a dwelling, as aforesaid, by the same, and by Lastache, and for the last seven months the part where Echarri lives. Asked, doth he know, or has he heard, that in any of the possessions or fabric of this house, there have been introduced negroes proceeding from Africa, keeping them concealed, how many, or what persons have committed the offence? Said, that he cannot give any account to that, but that he is sure that neither lately, nor before, or since he has been part owner in the house of La Misericordia, no negroes have

been introduced proceeding from Africa or any other part. Asked, whether he knoweth that any negroes have been concealed in any of the other houses or Barracons in the district of San Antonio Chiquito? Answered, he does not know, nor has heard anything, and that all he has spoken is the truth; he is 35 years of age, and having heard the declaration read, has ratified and signed it with his Lordship. I attest.

(Signed)

VILLAVERDE.

MARCOS DEL SOLAR.

Before me,

(Signed)

JOSE ELIAS DE ENTRALGO.

IN the ever most faithful city of Havana, on the 16th day of February, 1841, appeared before his Lordship Don José Lastache, a native of Galicia and inhabitant of San Antonio Chiquito, who, after taking the oath administered to him duly, under which he promised to speak the truth—asked, what he was occupied in on the evening of yesterday at the house or Barracon la Reforma, when the present Judge arrived there, accompanied by the undersigned Notary and the Captain of the district of San Antonio Chiquito, and searched it all over? Said, that he was just arrived from the Havana, and was busy looking after his family, when his Lordship arrived with the present Notary and the Captain, who, after having saluted him, proceeded to the examination and minute search of the possessions and fabrics of the said house, the declarer wondering at this proceeding, but thought that perhaps his Lordship, badly informed, was in the persecution of some criminal, and, through some malicious denunciation, said to have taken refuge in that house; and had it not been for this consideration, in opposing the search he might have hindered the just apprehension of some criminal, or be suspected of a concealment which did not exist in any manner, or he would not have consented that such a minute search as that made by his Lordship should have taken place in his house, which is in no way suspicious, nor by his consent could any criminal exist in it, which he desires may be attested. Asked, what is that house destined for, and why is it called Barracon? Said, that the house of La Reforma, a part of it, is his habitation with his family as owner; in another part is that of Don Marcos José del Solar, with his also as owner; and in another Don Rafael Echarri and family as a tenant, and who, since the death of his brother Don Pedro, by whose decease he has become part owner of this heritage, he has heard it called Barracon, probably because, in the time of the said Don Pedro, it served as a deposit for a party of emancipated negroes sent there by the Government. Asked, whether there have been shut up in this house, or in any of its buildings, any negroes from Africa; and in this case how many, and under whose charge and account they were introduced and concealed? Answered, that none were concealed at the house of La Reforma, nor lately, nor since the deponent is owner thereof, to his knowledge, nor to that of his neighbour. Asked, if he knew whether any had been concealed in any of the houses in the district of San Antonio Chiquito, and on whose account? He doth not know, nor can he give any account about it; for if it was true, it must have transpired, and the deponent have heard about it as a notorious thing, because this introduction and concealment, in a district like San Antonio Chiquito, cannot take place without being divulged and known by every one. Declared that the whole was true, in discharge of the oath taken; that he is of 43 years of age; having been read to him, he ratified the contents, and signed with his Lordship. I attest.

(Signed)

VILLAVERDE.

JOZE LASTACHE.

Before me,

(Signed)

JOSE ELIAS DE ENTRALGO.

Havana, February 17, 1841.

LET his Excellency the Commander-General of this station be officiated, reminding him of the answer expected to that of the 15th instant, praying his Excellency to despatch it as soon as possible, it being urgent, attending to the nature and quality of the cause; and that he will please to give me his orders presently, that as soon as his Lordship goes to the searching of the vessels, no impediment may be put by those it concerns.

(Signed)

VILLAVERDE.

Before me,

(Signed)

JOSE ELIAS DE ENTRALGO.

NOTE formed of the recording official Letter in the proper terms, a copy whereof is annexed. Havana, dated as above. I attest.

(Signed)

ENTRALGO.

M. de Villaverde to the Commander-General.

MOST EXCELLENT SIR,

Havana, February 17, 1841.

I REMIND your Excellency of the answer to the one I addressed to you, dated 15th instant, in consequence of the *procès verbal* which, by commission of his Excellency the Political Governor, I am drawing up concerning the denunciation given by the Commissioners of Her Britannic Majesty about the recent introduction of wild negroes proceeding from Africa, praying that your Excellency would be pleased to despatch it as soon as possible, considering the urgency requisite in this case on account of its nature and quality; and I hope that at the same time your Excellency will speedily give the order you may judge proper, in order that when I present myself to search the vessels, no impediment may be laid in my way by whoever it may concern.

God preserve, &c.

(Signed)

PEDRO MARIA FERNANDEZ VILLAVERDE.

His Excellency the Commander-General,

&c.

&c.

&c.

It is a true copy. Havana, dated as above.

(Signed)

ENTRALGO.

Havana, February 18, 1841.

ON the same day at seven in the evening I went to the palace of his Excellency the Commander-General of this station, and delivered into his Excellency's own hand the official Letter, of which the preceding is a copy. I note the act, which I attest.

(Signed)

ENTRALGO.

IN order to proceed reservedly in what is suitable, according to the nature of this proceeding, as soon as the answer be received, of what was reminded to his Excellency the Commander-General of this station, summon Don José Mazorra, the partner who bears the firm of the house of Roch, Mayner, and Co., and the merchant Forcade, that at four o'clock this afternoon they do appear for to be examined by the individuals esteemed proper: with a warning that, if not done, other measures will be dictated, and for the effect the notary will give account.

(Signed)

VILLAVERDE.

JOSE ELIAS DE ENTRALGO.

ON the same day I went to the house of Messrs. Roch, Mayner, and Co., and having inquired for the chief partner, was answered by a clerk, called Don Leon Lleo, that their principal is Don José Roch. I indicated that I had to see him. He went up stairs, and then told me that he was gone out; on which I charged the said clerk to inform him, at his return, that the Lieutenant-Governor had ordered him to be summoned to appear before him at four o'clock this afternoon, with the caution contained in the prevention. Of all whereof he remained informed, and I note it as an act. I attest.

(Signed)

ENTRALGO.

ON the same day I went to the dwelling of Don Pedro de Forcade, and having summoned him, and read to him the disposal of the preceding order, he manifested to me that he was ill, therefore he could not appear, and that if his Lordship pleased to send to visit him to be convinced of the truth.

(Signed)

ENTRALGO.

ON the same day I went to the dwelling of Don José Mazorra, whom I informed of the part which concerns himself. He answered me, saying that it was very well. I note it as an act, and attest.

(Signed)

ENTRALGO.

Havana, February 18, 1841.

I ENCLOSE to your Lordship the annexed certificate of the Captain of this port, the only one depending under my charge, to intervene in the particulars con-

tained in your Lordship's official letter of the 15th instant. I also include the annexed order, that you may proceed to any kind of examination of the Spanish vessels that are in the Bay, the only ones which are under my authority, for the foreign ones are under that of his Excellency the Captain-General, as Judge Conservator of Foreign Affairs; all which I impart to your Lordship, in answer to your above-mentioned Letter.

God preserve, &c.

(Signed)

MANUEL DE CANAS.

His Lordship the third Lieutenant-Governor,
&c. &c. &c.

Havana, February 18, 1841.

RECEIVED at three o'clock this afternoon. Let this be added to the cause.
A Signature (*Rubric*).

Havana, February 18, 1841.

I DON CALISTA PAREDES, captain of a frigate in the royal navy, of this port of the Havana, &c., do certify that the Portuguese brig "*Duquesa de Braganza*" entered this port, proceeding from Goa, on the 10th instant, Captain Don José Barbosa, in ballast, consigned to the said captain, as appears by the books of this office. There does not appear by them the entrance of any Portuguese vessel on the 30th day of January last, nor that on the 24th of the same month any vessel arrived proceeding from Africa.

(Signed)

CALISTO PAREDES.

Havana, February 18, 1841.

THE third Lieutenant-Governor, Don Pedro Maria Fernandez Villaverde, has my permission to proceed to the examination of the Spanish vessels which are in the port, as he may see and find necessary for the fulfilment of the commission he has to execute for the royal service.

(Signed)

DE CANAS.

IN the ever most faithful city of Havana, on the 18th day of February, 1841, appeared before his Lordship Don Pedro Forcade, a native of Low Navarre, and an inhabitant, and of the commerce of this city, manifesting that notwithstanding his illness he had left his house in obedience to the judicial precept; consequently the oath was tendered to him in due form, under which he promised to speak the truth, and the following questions were put to him:—Whether, on the 24th and 30th of January last, and on the 10th instant, there entered into this port and bay any vessel, his property, or consigned to him, and where did they proceed from? Answered, that on the said days no vessel of his property, nor consigned to him, had entered the port or bay.—Asked, if he had any vessels of his own in the bay, or consigned to him? What was the name and register? Said, that there was only one brig of his property laying in the bay, called "*La Emilina*," which arrived at this port about a month ago, proceeding from Hamburg, and appertains to the register of this port of Havana; and doth not know that there be any in the bay consigned to him.—Asked, if since the 15th instant any vessel of his had left this port, and with what destination, or cleared by his house? Said, that no vessel of his, nor cleared in his name, had sailed from this port; and that what he had said was true, in discharge of the oath he had taken; it was read to him, and being conformable, he signed it with his Lordship. I attest.

(Signed)

VILLAVERDE.
FORCADE.

Before me,

(Signed)

JOSE ELIAS DE ENTRALGO.

IN the ever most faithful city of Havana, on the 18th day of February, 1841, appeared before his Lordship Don José Mazorra, a native of the mountains of Santander, inhabitant, and of the commerce of this city, who having taken the oaths tendered to him in due form, under which he promised to speak the truth; and being asked, If on the 24th and 30th of January last, and on the 12th of the present February, any vessel of his, or consigned to him, had arrived at this port? said, that on the said days no vessel of his, nor consigned to him, had arrived at this port. Asked, If there is any vessel of his, or consigned to him, laying in the bay at present? Answer: Not any.—Asked: Has any vessel, his property, or consigned

to him, sailed out of this port or bay, or have been cleared by himself? Answer : Not any. And that all he had said was the truth, in discharge of the oath taken ; that he is of age : and having been read to him, and found conformable, signed with his Lordship. I attest.

VILLAVERDE.

(Signed)

JOSE MAZORRA.

Before me,

(Signed)

JOSE ELIAS DE ENTRALGO.

IN the ever most faithful city of Havana, on the 18th day of February, 1841, appeared before his Lordship Don José Roch, a native of Catalonia, first partner in the house of commerce of Roch and Mayner, who took the oath administered unto him, conformable to right, under which he promised to speak the truth ; and the following questions were put to him :—If, on the 24th and 30th of January last, and 10th instant, any vessel belonging to him, or to the company of Roch and Mayner, or consigned to them, has entered into this harbour or bay? said, that on the day specified no vessel belonging to the company, nor consigned to them, had come into port.—Asked : Does there lay in the bay or in the harbour any vessel belonging to that firm, or consigned to it? Answer : Not any.—Asked : If any vessel belonging to the firm of Roch and Magner, or cleared by the same, had left the port or bay, and where bound, since the 15th instant? Answer : Not any. And that all he has said is the truth, in discharge of the oath taken. Which being read, and conformable, he signed with his Lordship ; which I attest.

(Signed)

VILLAVERDE.

ROCH Y MAYNER.

Before me,

(Signed)

JOSE ELIAS DE ENTRALGO.

Havana, February 20, 1841.

As the official letter of the 12th instant, addressed to his Excellency by the English Commissioners in denunciation, only appears they mention by its name the vessel "*La Venus*" or "*Duquesa de Braganza*," and having observed that in the certificate of the captain of the port appears, though in a different sense, the entrance of that vessel into the port, proceed to the search thereof, accompanied by the captain of the merchant-vessel, Don Juan Sandelis, and Don José Maria Garay, who you will summon to be to-morrow, at ten in the morning, at the captaincy of the port, and present his Lordship and the undersigned notary, and proceed to the interior search of the vessel, extending it to exhibit whether they have in their equipage any of the effects specified in the 10th Article of the Treaty of the 28th of June, 1835, and let the result be drawn up.

(Signed)

VILLAVERDE.

JOSE ELIAS DE ENTRALGO.

ON the same day I cited Don José Maria Garay for the disposed search. On the said day I also cited Don Juan Sandelis for the same purpose. I attest.

(Signed)

ENTRALGO.

Search.

IN the ever most faithful city of Havana, on the 21st of February, 1841, his Lordship the third Lieutenant-Governor, accompanied by Don Juan Sandelis and Don Jose Maria Garay, and aid of the present Notary, having given previous notice to the captain of the port, who obtained a barge and passed to the quay of Don José Fraviero, where the vessel called "*La Venus*" or "*Duquesa de Braganza*" is lying alongside in the care of the boatswain, Don Fabricio Acosta, by charge of the captain and owner, Don José Barbosa ; and having taken the oath of the judges named, and informed them of the object of their commission, and read the 10th Article of the Treaty of the 28th of June, 1835, they proceeded to the search provided, and they said that the aforesaid vessel is in ballast, the floor-timbers swept, and a quantity of cast-iron in ingots, which serve to sustain the vessel, as it could not do without it : that there is not found any crockery, nor kettles nor planks, nor hatches, nor gratings between decks, nor false between decks, nor more chains than the fastenings of the vessel : and finally, not any of the effects which, according to the 10th Article already quoted, serve to indicate that the vessel is destined for the forbidden traffic of wild negroes, but there is nothing that denotes that it serves for that use, as, according to the account of the

boatswain, it is without crew, as the captain, to avoid expense, discharged them and left it in his care, as there was no freight: thus concluded this proceeding, which was signed by his Lordship and by all those who concurred to it, which I attest.

(Signed)

VILLAVERDE.

JOSE DE GARAY.

JUAN DE SANDELIS.

TIBURCIO DE ACOSTA.

JOSE ELIAS DE ENTRALGO.

Before me

Havana, February 21, 1841.

LET these proceedings be sent to his Excellency, the President, Governor, and Captain-General, with the proper official letter in answer to that of the 14th instant, in order that, according to the issue thereof, his Excellency may determine whatever he pleases.

(Signed)

VILLAVERDE.

JOSE ELIAS DE ENTRALGO.

MOST EXCELLENT SIR,

Havana, February 24, 1841.

I TRANSMIT to your Excellency's hands the summary, containing 33 leaves, drawn up in consequence of the denunciation of the Commissioners of Her Britannic Majesty concerning the introduction of negroes proceeding from Africa in the Portuguese brig "*La Duquesa de Braganza*" and other two vessels, the names of which they have not mentioned, and for the institution whereof you commissioned me on the 14th instant, and as you forewarned me, that as soon as it was done to transmit it for the determination. I comply, therefore, that your Excellency may resolve whatever you deem most prudent.

God preserve your Excellency many years.

(Signed)

PEDRO MARIA FERNANDEZ VILLAVERDE.

*His Excellency the Captain-General,**&c.**&c.**&c.**Havana, February 26, 1841.*

TRANSMIT this to the Third Assessor-General for to consult thereon.

(Signed)

ANGLONA.

MOST EXCELLENT SIR,

Havana, February 27, 1841.

THE result of this summary is, that the denunciation given to your Excellency on the 12th instant by the Commissioners of Her Britannic Majesty has not been proved. As soon as, at half-past two in the afternoon on the 15th instant, I received your Excellency's order for to apprehend all the negroes found in the Barracon belonging to Don José Mazorra, in San Antonio Chiquito, and their owners, extensive in the summary, to the vessels "*Duquesa de Braganza*" and the other two which the said gentleman indicated, but did not mention their names, I disposed what was requisite, and as soon as the notary named was ready to act, I went to the district of San Antonio Chiquito, to the house of the puisne judge, that he might designate me the Barracon belonging to Don José Mazorra, quoted by the Commissioners. He declared that there was no such place, and that Don José Mazorra had no property whatever in the district, nor was he owner of any house or hut there, and what was more, he had not heard that there existed in the district any wild negroes proceeding from Africa, nor houses destined for huts; notwithstanding, I requested he would show me those establishments which, for their capacity, might be judged to be destined for a depository for negroes. Consequently, I examined the dwelling-house De la Noria, belonging to Don Antonio Roldan, that of Messrs. Ramon, Plà, and Font, and that of Don José Latache, and of Don Marcos José del Solar, vulgarly called Barracones. But in spite of the strict examination I performed, assisted by the notary, and accompanied by the captain of the district, I did not find the denounced negroes. When I got home at eight o'clock at night I received an official letter of the same day's date, the 15th instant, put into my hands by the political secretary, in which the Commissioners assured that they were either removing the negroes from the place denounced, or they were already taken to the Barracon de la Misericordia. Without stopping, or even going up stairs to rest, I went personally to the guard in the Plaza de Tacon, and required aid of the military force, which was given me by the commander of that post, and with four soldiers and a corporal, and the notary,

I went immediately to the house or Barracon de la Misericordia, inhabited by Don Sista Gordillo, and having searched every part of it strictly and leisurely the same as the former, the denounced negroes were not found, neither proceeding from Africa nor from any other part. Besides this being proved, by the special proceedings of the examinations, by the evidence of the persons found in the houses and dwellings, it appears that such negroes had not been introduced, concealed, or deposited therein; and it seems that the vulgar name of Barracon is derived from some of those houses having served as a depository for the emancipated negroes, at the time of his Excellency the Captain-General Don Mariano Ricafort. His Excellency the Commander-General of the station, in answer to the official letter I addressed to him, inserting that part of the denouncement of the Commissioners relating to the entrance of the vessels which the Commissioners say are slave-vessels, he has annexed a certificate from the port captain, by which it appears that the brig "*Duquesa de Braganza*" did indeed enter the port on the 10th instant, proceeding from Goa in ballast, consigned to its captain, Don José Barbosa; but it does not appear that any Portuguese vessel entered on the 30th of January last, nor did any vessel arrive from Africa on the 24th of the same month. Notwithstanding the force of this certificate I resolved to search the brig "*Venus*" or "*Duquesa de Braganza*," and having gone with the notary and two captains of merchant-vessels on board of it, in the quay of Don José Frarieso, where she was lying alongside under the care of the boatswain of the quay, by charge of the captain and owner Don José Barbosa, it appeared by the declaration of the said captains, as judges, and of the faculty, that the vessel is in ballast, the floor-timbers swabbed, and a quantity of cast-iron in ingots which serve to support it; and that it does not contain planks, crockery, nor between decks, nor orlops, nor any of the goods or effects that serve to indicate at first sight *primâ facie* the vessel for a slave-vessel, according to the 10th Article of the Treaty of the 28th of June, 1835, of which I previously informed them, for to practise the examination. This is the result of the summary, of which the Commissioners of Her Britannic Majesty can be informed by an official letter, because if they with the most frank good faith and most exquisite zeal for the fulfilment of the Treaty, as appears by their letters, they gave the denouncement, it is proper that they should have an account of the proceedings practised, that they may see it was appreciated as it ought to be, and that everything has been done that was in the power of your Excellency's authority; ever interested in the observance, in the name of Her Majesty's Government. Moreover, it is my opinion, that desisting for want of motive, from further proceedings, an account be given to the Government through the medium of his Excellency the First Minister of State, with a literal testimony of the summary, that there may exist in the secretary's office of his department this document, in the unexpected case, that without waiting for the communication which I have indicated is to be made to Her Britannic Majesty's Commissioners, they should have given account to their Government, and reclamations be made by it, without the documents which justify the result of the denouncement, because this, without the justification of the events contained therein, cannot produce any legal or even conjectured effects. Your Excellency will be pleased to determine accordingly, as usual, what is most prudent.

CONFORMABLE to the anterior opinion, let it be done as it is expressed.

(Signed) ANGLONA.

Havana, March 4, 1841.

It is conformable to the originals which were delivered to me in the Political Secretary's office of this Government, which I returned to the Secretary to which I refer; and in compliance with what is ordered, I put the present

(Signed) YGNACIO DE CORRALIES,
Notary, per interim, of the Government.

No. 109.

The Earl of Aberdeen to M. Florez.

SIR,

Foreign Office, October 18, 1841.

IN compliance with the request contained in your Letter of the 22nd ultimo, I have attentively considered the charges preferred by the Captain-General of Cuba

against Mr. David Turnbull, Her Majesty's Consul at the Havana, as contained in your Note to my predecessor of the 4th of August last, and I have the honour to inform you that, although I regret to find that any agent of Her Majesty's Government should have failed to conciliate the good opinion and confidence of the local authorities, there does not appear to be any offence proved, or even alleged, against Mr. Turnbull of sufficient gravity to warrant Her Majesty's Government in complying with the demand made by the Spanish Government for his removal.

With respect to the paragraph in the "Anti-Slavery Reporter," alluded to in your Letter, as proving that the alarm and uneasiness felt by the inhabitants of Cuba at the spread of a feeling in favour of the abolition of slavery were well founded, I must observe that Her Majesty's Government could scarcely allow the wishes expressed by an irresponsible and anonymous correspondent of a publication, over which Her Majesty's Government has no control, to be of sufficient weight to justify the proceeding you recommend.

It is true that Mr. Turnbull, in common with many of the wealthy and respectable inhabitants of Cuba, is decidedly opposed to slavery and the Slave Trade, but Her Majesty's Government is not prepared to admit that the mere fact of his holding such opinions affords any ground for recalling him, as long as he does not attempt to carry out his views by acts inconsistent with the duties of his office, or actually injurious to the tranquillity of the Spanish West India possessions.

Mr. Turnbull will, however, be again strongly cautioned and admonished to refrain from conduct calculated to give rise to misconstruction and offence; and Her Majesty's Government confidently trust that the Captain-General will remove the main barrier to a good understanding between himself and Her Majesty's Consul, by faithfully executing the Treaties for the suppression of Slave Trade, and for the protection of emancipated negroes: and that the differences which have hitherto existed will be replaced by that mutual confidence and good will which Her Majesty's Government sincerely desires to see established between Her Majesty's officers and the authorities of the States in which they reside.

M. Florez,
&c. &c.

I am, &c.
(Signed) ABERDEEN.

No. 110.

The Earl of Aberdeen to Mr. Aston.

SIR,

Foreign Office, October 18, 1841.

I TRANSMIT for your information the copy of a Note which I have received from the Spanish Chargé d'Affaires at this Court, repeating the demand of the Spanish Government for the removal of Mr. Turnbull from the office of Her Majesty's Consul at the Havana. I also transmit to you a copy of the answer which I have returned to M. Florez's Note, and of a Despatch which I have addressed to Mr. Consul Turnbull upon the subject.

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

I am, &c.
(Signed) ABERDEEN.

Enclosures in No. 110.

First.—M. Florez to the Earl of Aberdeen.—September 22, 1841.

Second.—The Earl of Aberdeen to M. Florez.—October 18, 1841.

(See Nos. 99 and 109.)

No. 111.

Mr. Aston to the Earl of Aberdeen.

Madrid, October 20, 1841.

MY LORD,

(Received October 28.)

In obedience to the instructions conveyed to me in your Lordship's Despatch of the 30th ultimo, I have addressed a Note to M. Gonzalez, a copy of which I have

the honour to enclose, urging his Excellency to cause steps to be taken, for seeking out and restoring the negro Wellington to liberty.

I have, &c.

(Signed) ARTHUR ASTON.

The Earl of Aberdeen, K.T.,
&c. &c. &c.

Enclosure in No. 111.

Mr. Aston to M. Gonzalez.

SIR,

Madrid, October 20, 1841.

I HAVE been instructed to bring again under the notice of Her Catholic Majesty's Government the case of the negro boy Wellington, supposed to be held in slavery in the island of Cuba, and to urge them to cause a strict search to be made for this unfortunate youth, who is known to have been detained in slavery at Santiago de Cuba in the year 1835.

I am directed to state that the assertion made by the Captain-General of Cuba, that Wellington was one of the three negroes who were given up to the British Consul at Santiago de Cuba in 1839, is not borne out by the facts of the case.

The names of those three negroes were Mitchell, Frank, and Allen, and neither of them, when given up, was more than 14 years of age.

But Wellington was born in the month of June, 1815, and at the time when the three negroes above mentioned were restored he was 24 years of age.

It is clear, therefore, that Wellington was not one of the three negroes then given up. Moreover, two of the three negroes so given up, namely, Mitchell and Frank, can testify that no such person as Wellington embarked with them at St. Jago.

It appears that two other boys were stolen from Jamaica at the same time as Wellington, namely, Mitchell and Allen, who were two of the three negroes restored in 1839. The Christian name of both of them was William, therefore the assertion brought forward as conclusive by the Spanish authorities, that the "negro Williams is the same who, in Jamaica, was called Wellington, because he is the one who was kidnapped in Montego Bay, carried to Cuba by James, sold by him to Garcies, deposited in the house of the Syndic Segarra, and at last delivered up to the English Consul," proves only that a negro called William, kidnapped at the same time and by the same person as Wellington, and sold to the same person who bought Wellington, has been given up.

But it by no means shows that Wellington has been delivered up. And, indeed, that assertion can no longer be maintained in the face of the evidence from Jamaica, which clearly proves that Wellington has never been sent back to that island.

I am instructed to state, in conclusion, that Her Majesty's Government trust that no exertion will be spared by the authorities of Cuba in seeking out this unfortunate person, in order that he may be restored to that liberty of which he has been so long and so unjustly deprived.

I have, &c.

(Signed) ARTHUR ASTON.

His Excellency Don Antonio Gonzalez,
&c. &c. &c.

No. 112.

Mr. Aston to the Earl of Aberdeen.

Madrid, October 20, 1841.

(Received October 28.)

MY LORD,

I HAVE the honour to enclose to your Lordship the copy of a Note which I have addressed to M. Gonzalez, in compliance with the instructions contained in Viscount Palmerston's Despatch of the 2nd of September, requesting his Excellency to cause the order prohibiting the transfer of foreign built ships, to be rigidly enforced.

I have, &c.

(Signed) ARTHUR ASTON.

The Earl of Aberdeen, K.T.,
&c. &c. &c.

CLASS B.

Enclosure in No. 112.

Mr. Aston to M. Gonzalez.

(Extract.)

Madrid, October 20, 1841.

IT having come to the knowledge of Her Majesty's Government that an attempt has been made in the island of Cuba to transfer a vessel to the Spanish flag, and to Spanish ownership, in contravention of a royal order which, it appears, is in force, prohibiting the transfer of foreign vessels to the flag of Spain, I have been instructed to request the Government of Her Catholic Majesty rigidly to enforce the order in question.

I avail myself, &c.

(Signed) ARTHUR ASTON.

His Excellency Don Antonio Gonzalez,
&c. &c. &c.

No. 113.

The Earl of Aberdeen to Mr. Aston.

SIR,

Foreign Office, October 30, 1841.

I HEREWITH transmit, for your information, two copies 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.

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

No. 114.

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

THE Earl of Aberdeen has the honour to transmit herewith to M. de Florez, 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. 115.

*Mr. Aston to the Earl of Aberdeen.**Madrid, November 20, 1841.*

MY LORD,

(Received November 30.)

I HAVE the honour to enclose a copy of a Note which I addressed on the 3rd of September last to M. Gonzalez, respecting the seaman James Buchanan, detained in prison at the Havana, in execution of the instruction contained in Viscount Palmerston's Despatch of 6th August last, together with a copy and translation of the Note which I have received from his Excellency in reply.

As the Enclosures in the Note of M. Gonzalez are 25 in number, and very voluminous, I am not yet able to forward translations of them.

I have, &c.

(Signed) ARTHUR ASTON.

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

First Enclosure in No. 115.

Mr. Aston to M. Gonzalez.

SIR,

Madrid, September 3, 1841.

REFERRING to my Note of the 26th of June last, respecting the seaman

James Buchanan, detained in prison at the Havana, I have the honour to transmit to your Excellency herewith, by order of my Government, copies of a Despatch and of its Enclosures received from Mr. Consul Turnbull, containing further correspondence between that gentleman and the Captain-General of Cuba upon this subject.

I am further directed to observe, that Her Majesty's Government regret to see that this correspondence affords a proof of the disinclination of the Governor of Cuba to comply with the just demands of the British Consul.

I have also the honour to enclose a copy of a Despatch which has been addressed upon this subject by Viscount Palmerston to Mr. Turnbull.

I have, &c.

(Signed) ARTHUR ASTON.

His Excellency Don Antonio Gonzalez,
 &c. &c. &c.

(Translation.)

Second Enclosure in No. 115.

M. Gonzalez to Mr. Aston.

SIR,

Madrid, November 3, 1841.

I HAVE the honour to acknowledge the receipt of your Note of the 3rd ultimo, in which you enclosed 25 copies of correspondence addressed by the Consul at Havana, Mr. David Turnbull, relative to the seaman James Buchanan.

On the 12th of July last I stated to you very fully what had taken place on this subject, and called your attention to the inconceivable levity and want of accuracy of Mr. Turnbull, who disfigures the simplest and most insignificant circumstances in every matter which has the misfortune to be interfered with by him.

Although after that I stated in my above-mentioned communication, it would seem unnecessary to treat again of Buchanan, nevertheless your Note places me under the necessity of answering it, and of reminding you of what I have on different occasions written to you, with regard to the before-mentioned Consul, referring very particularly to the arguments contained in my Note of the 12th of July; for they and the documents annexed to the present Note are sufficient to prove, to conviction, that everything that Mr. Turnbull states with regard to the seaman Buchanan is incorrect. Be pleased to read with attention the communications which you enclosed to me in your said Note of the 3rd, and I do not doubt that they alone will convince you that my opinion is not ill founded.

Among many other contradictions into which this very inconciliatory person falls at every step, you will perceive that, in claiming Buchanan, he did so, at first as a seaman belonging to a merchant-vessel; he next repeats his demand under the pretext that he had enlisted in the Royal British Navy; and, finally, he succeeded in getting the Governor of Jamaica to claim him as a native of that island, evidently after having given him erroneous information with regard to the circumstances of the case, in order to compromise him to require the liberty of a seaman who was already sailing on board his own vessel under the orders of his own captain.

Mr. Turnbull, not being satisfied with the annoyances which he occasioned to the superior and subaltern authorities of the island, with his violent and imprudent demands respecting this matter, has gone to look for another victim among his own countrymen. I refer to the correspondence which took place between Mr. Turnbull and Lieutenant C. Hawkins, of the hulk "Romney," the copies of which you transmitted to me in your above-mentioned Note, Nos. 8 and 9. In the first is observable the same acrimony and want of moderation which appear in all his writings, and to such a degree that Lieutenant Hawkins found himself obliged to reproach Mr. Turnbull with his habit of want of veracity, and of meddling, one way or another, in matters which did not belong to him, and in duties not under his case.

This correspondence, which I now quote, is a fresh proof of how well founded were all the complaints addressed by Her Catholic Majesty's Government to that of Great Britain, although certainly none was necessary, for abundance of data had been previously transmitted, which placed beyond a doubt that the resentment of the Spanish Government was too just. I beg you will take into consideration for instance, the paragraphs within inverted commas of my Note of the 12th, and, you will find that no Government can nor ought to allow that their agents should be

wanting in the respect due to the Government of the country where they reside, and that, instead of fulfilling their pacific mission, they should busy themselves in promoting dissensions and ill-humour, which might end in a conflict, if not put a stop to in due season.

The English Commissioners, members of the Mixed Tribunal of Justice established at the Havana, have likewise demonstrated on their part, and from the enclosed copy No. 1, and from Nos. 2, 3, 4, and 5, you will be enabled to form an idea of, the singular mania which characterizes Mr. Turnbull, of wishing to intermeddle by force, and to mix himself up in the attributions of others, ignorant, or pretending to be ignorant, of the legitimate rights (in no part of the world enjoyed by others) of the local authorities, and of those legally constituted for a specific object.

You are already aware, as well as your Government, of the circumstances which occurred with regard to the detention of the 413 negroes of the brig "*Aquila*," landed near Cabañas, in the island of Cuba, the emancipation of which was decreed by General Valdez; but in order that Her Britannic Majesty's Government may be convinced of the honourable procedure of that Spanish authority, of that of the Mixed Court and English Commissioners, and of the violent conduct of Mr. Turnbull, who persists in demanding that the said negroes be delivered up to him, without offering any other ground than his own mere desire, I enclose to you the accompanying five copies, Nos. 6, 7, 8, 9, and 10, of the correspondence which took place between the above General and the British Commissioners, which comes in support of the communication which I addressed to you on the 31st of August last, and serves as an answer to the new note which you were pleased to write to me on the subject on the 3rd of September last.

Should, however, these observations and those contained in the above-mentioned documents still appear not sufficiently well founded, I must observe that the 5th clause of the Instructions which Mr. R. Madder, the predecessor of Mr. Turnbull, in the appointment of Superintendent of Liberated Africans, transmitted to the Captain-General of Cuba on the 12th of August, 1835, which are the only ones of which that military chief or the Spanish Government possess any information, expressly states, "My instructions confine my superintendence to the negroes liberated by the recent Treaty, and to them only."

Far from confining himself to these instructions, he has followed those of his own free will, whilst Her Britannic Majesty's Government listened with cold blood, since March of this present year, that is to say, from four months after his exequatur was issued, to the reiterated complaints of the Spanish Government. You may allege, as Viscount Palmerston alleged, in a Note addressed to Her Majesty's Chargé d'Affaires in London, on the 17th of August last, that the Captain-General of the island of Cuba has not presented convincing proofs that that Consul promoted disturbances with his exaggerated doctrines in favour of the race of his predilection, the sedition of the slaves, and free negroes of the island. It is very true that there are none; but you must be well aware that it is not easy to present such proofs, although a moral condition of great weight may be entertained, corroborated by the weight which is added by the conduct of an employé who recognises no authority, nor respects the rights which have been venerated without interruption by all the other foreign Consuls who reside in Cuba. And what has been the result of the great protection which, notwithstanding all, has been afforded to him by Her Britannic Majesty's Government? The natural, the only, the inevitable one—that of producing fresh irritation to complicate his forced position, and of placing the Spanish Government under the necessity of insisting on the immediate removal of that British employé, in order to put a stop at once to such a vexatious subject.

General Valdes, in a Despatch addressed to me on the 31st of July, enclosing 47 copies, all of which I do not transmit to you, in order not to give your Legation the trouble and labour which the interminable questions raised by the English Consul at the Havana occasion to this office, makes fresh complaints, and most urgently requests that he may be removed, as he is afraid of finding himself under the painful necessity of withdrawing his exequatur, which he is competently authorized to do, as you know from the Note which my predecessor had the honour of addressing to you on the 30th of November, 1840, in transmitting that regium exequatur.

I could wish to pass over in silence the contents of these communications; but it is impossible for me to do so, because some of the points which they embrace

involve most serious questions, which display the character that distinguishes Mr. Turnbull. I shall only refer to you five of the most remarkable cases.

1st. A seaman called John Norris, of the United States frigate "*Christobal Colon*," landed clandestinely at the Havana, and then engaged himself in the English brig "*Antonio*," anchored in that port. The American frigate sailed for the North, and on her return to Cuba the captain addressed himself to the American Consul, claiming the seaman. The Consul, as was to be expected, demanded of the captain of the port the imprisonment of Norris, and he had him arrested on the 9th of July last, and imposed a fine of a hundred dollars on the captain of the brig "*Antonio*," for having received a seaman into his vessel without ascertaining from whence he came, or whether he was free, or engaged in another vessel. The English Consul, as you will observe from the two enclosed copies, Nos. 11 and 12, did not hesitate in giving his protection to Norris on his presenting himself, by sending him to the "*Romney*" hulk, and alleging incorrect reasons, in order to justify his proceeding, injurious to the captain of the port, to the captain of the frigate "*Christobal Colon*," and to the American Consul. You will find the truth of the case stated in the enclosed copy, No. 13, which is that of a letter from the Consul of the United States addressed to the Captain-General of the island of Cuba, in answer to a communication from the latter relative to a complaint of Mr. Turnbull in favour of Norris. It results from this, that the seaman belonged legitimately to the crew of the "*Cristobal Colon*;" that the Consul of the United States, the captain of the port, and General Valdes, acted in the exercise of their respective rights and faculties, and that Mr. Turnbull, with his usual levity, was wanting in veracity, and compromised his reputation, carried away by the turbulent spirit which blinds him in all his acts.

2nd. The two enclosed copies, Nos. 14 and 15, also relate to the arrest of Norris, but more particularly to that of another English seaman, a deserter from the above-mentioned frigate, called Thomas Norton, likewise imprisoned by order of the Consul of the United States. The demand made by Mr. Turnbull in this case, of which No. 14 is a copy, is as unfounded and inopportune as the other, as you will be convinced from the perusal of the documents which I have the honour to transmit.

Her Britannic Majesty's Government cannot but view with displeasure that her Consul at the Havana should have given rise to a contest with the Consul of the United States of America, and engaged the Captain-General in it. This occurrence has been extremely painful to the Regent of the kingdom, who wishes that perfect harmony should subsist between the agents of the Powers allied with Spain, residing in the dominions of Her Catholic Majesty. General Valdes, to whom it has been no less painful, represents that such altercations, besides being of themselves unpleasant, might bring into hazard the first authority of that island and the respective Governments, whilst that of Her Catholic Majesty solely aspires to draw closer and closer their relations with that of Great Britain, of whose good and loyal correspondence the Spanish Cabinet never entertained a doubt.

3rd. The two enclosed copies, Nos. 16 and 17, will afford you another proof of the want of address in Mr. Turnbull. He had solicited in June last the liberty of the British subjects William Ewin and Henry Howel, imprisoned in the fortress of the Cabana, convicted of a robbery, and punished in consequence, according to the laws of the country. The delinquents not being English subjects, the British Consul could not properly interfere in a question which exclusively belonged to the Consul of the United States, from the two individuals being citizens of the Union.

4th. You will learn from the enclosed copy, No. 18, the complaints and resentment of the American Consul; and from No. 19, that Mr. Turnbull, laying aside all circumspection, has arrogated faculties and authority to himself which he does not possess, establishing as a basis, in the third paragraph of the copy No. 19, that in such cases "*he does not admit the jurisdiction of the Captain-General nor that of any other person or power.*" In the ninth paragraph of the same he adds, "*that from urbanity among nations, the vessels of a friendly nation in the waters of another friendly power, are universally held as so many sanctuaries for the oppressed subjects of the Sovereign to whom the vessels in question belong.*"

These are the grounds for Mr. Turnbull's erecting the "*Romney*" hulk into an asylum for his *protégés*, thus violating the rights of the Crown of Spain, and establishing an improper precedent which cannot in justice be allowed.

Spain acceded to the establishment of the said hulk on the 12th of March, 1837, as you are aware, for a specified object; which is that of receiving on board and serving as a temporary depôt for the emancipated negroes who are to be conveyed to the English colonies, for otherwise the Spanish Government would never have acceded to the establishment of a foreign bulwark in her own territory. To convert it into a sacred place for avoiding the action of the laws against the individuals who have the misfortune to infringe them, is a scandalous abuse which offends the dignity of an independent state and the legitimate rights of the aggrieved parties, which assuredly never entered into the mind, nor can receive the approbation of the enlightened Government of Great Britain.

The copies which form the correspondence between the American and English Consuls, and the opinion of the law-officer of the captain-generalship, of which No. 20 is a copy, demonstrate that Mr. Turnbull has exceeded his consular attributions, and gratuitously maltreated (in his above-cited communication, No. 19) the captain of the port of Havana, as he generally does all the Spanish authorities. Notwithstanding that this officer strictly fulfilled his duty, as he has demonstrated, Mr. Turnbull requests, in the last paragraph of his communication No. 19, to the Captain-General, that he would caution that port officer, "*that, in treating the matter as he has done, by favouring the strong against the weak, supporting the captain of the vessel, and oppressing the seamen, he has interfered in an affair very foreign to his jurisdiction, and has entered on a field which beings of a higher order would tremble to approach.*"

I beg to call your most particular attention, and that of your enlightened Government, to these communications, on account of the language employed by Mr. Turnbull, and to remind you of what, in consequence of former incidents not less remarkable, I had the honour to state to Viscount Palmerston, both through your medium and that of Her Majesty's Legation in London.

You will observe that in the vague and evasive excuses made by Mr. Turnbull, with respect to the sailors claimed by the American Consul, he states that they had presented themselves to the British Consular Office, complaining of the bad treatment they had received from their captain on board; and, considering this informal declaration as a sufficient proof of the truth, and the act of breaking their contracts as quite insignificant, he did not hesitate to sanction their desertion, and to shield it by giving positive orders for their admission into the "*Romney*" hulk, without even knowing, with certainty, whether they really were subjects of Her Britannic Majesty.

The question raised in consequence of the desertion of the seaman Guller from the ship "*Jane Ross*," to which the United States Consul refers in the communication, of which No. 18 is a copy, has given occasion to his demanding from the Captain-General the exercise of his full authority, in order to repress the abuses committed by the English Consul, as outrageous towards the Government of the Union as they are to that of Her Catholic Majesty.

General Valdes could not avoid acceding to the petition of the American Consul, and coming forward in defence of the laws of the country which had been trampled upon by Mr. Turnbull, for the effective and real protection which Spain is bound to afford in all her ports to the vessels of a friendly nation, depends on their exact fulfilment—a duty which Her Majesty's Government prides itself in performing on all necessary occasions.

Mr. Turnbull alleges that he is authorized by his Government to adopt all the measures which have given rise to so many disagreements, and that therefore he will continue to observe the same line of conduct with equal constancy. I shall put it to your good sense to say whether it be possible to tolerate such proceedings, to suffer this haughty and petulant language, and these insults so profusely lavished and most markedly offensive to the dignity of the country which he has been sent to represent in Cuba.

5th. Another occurrence, of greater importance, if possible, will finally occupy your attention: it is contained in the four enclosed copies, Nos. 21, 22, 23, and 24.

The copy marked 21 will inform you of the complaint made to General Valdes by Don Joaquim de Arieta, contractor of the maritime packets, in consequence of the bag containing the correspondence from Vera Cruz, brought by the English packet "*Ranger*," having been opened in the house of the British Consul on the 27th of June last, and which had come closed, sealed, and addressed to the post-office. The bag having been opened, and part of the correspondence taken out, it

was not surprising that the postmaster should be struck on observing the want of formality or consideration with which Mr. Turnbull and those in his employ m n had proceeded in a matter of such importance. The copy No. 22 is the answer of Her Britannic Majesty's Consul, extenuating in his own manner the occurrence, and making an accusation against the post-office with regard to a case which he considers similar. But the difference between the two is very distinct. The bag opened in Mr. Turnbull's house by his clerk Cocking, although it was done in the presence of the captain of the "Ranger," was opened by the express order of the Consul, as Cocking stated, at the post-office, before several of the employés of that establishment, although in his written declaration, of which No. 23 is a copy, he asserts the contrary. But, be this as it may, it seems impossible that the act could have been done without the said consent of the Consul; and this is proved to a certain extent by Mr. Turnbull's answer, No. 22, in which he does not, even from courtesy, excuse what had been executed by Mr. Cocking; but, on the contrary, endeavours to make it pass as a satisfaction or return for the opening of the bag at the post-office. With regard to the complaint made by the officers of the post-office, Mr. Turnbull says "*that it came with a bad grace, when they were so much inclined to commit greater irregularities.*" How is it possible that good intelligence can be maintained between the Spanish authorities and the British Consul, when in his communications he employs such unusual language? Can it be attributed to the fault of those authorities? Certainly not; and this can be testified by the Consuls of all the other nations, with whom there never has been the slightest altercation, for they are completely satisfied with the just proceedings of Her Majesty's authorities, of their attention and urbanity towards foreign agents and the subjects of all nations who touch at or reside in the island of Cuba.

This disagreeable occurrence with any other Consul would have been reduced to some polite and satisfactory communications between the parties, but with a person who delights in promoting enmities, all becomes complicated, all assumes a hostile character, and everything leads to a fatal issue.

The explanation given by the postmaster (of which No. 24 is a copy), with regard to the bag from Bahamas addressed to London, which he opened, is very simple: it was entirely owing to an inadvertency frankly confessed, whilst Mr. Cocking and the captain of the "Ranger" were fully aware of what they were doing, even supposing that Mr. Turnbull had no part in the proceeding.

The incident, therefore, which Mr. Turnbull malignantly seizes hold of, in order to counterbalance Mr. Cocking's culpability or his own, is reduced to the fact, that on the arrival of Captain Luce, of the packet "Penguin," he deposited at the post-office two bags of correspondence without making any observation; they were opened in the presence of the captain himself, and it being immediately observed that only one of them was for the Havana, the other was instantly closed, and the offer made to place the post-office seal on it, which Captain Luce did not consider necessary. Notwithstanding this, a certificate was given to him by the office to cover his responsibility on his return to his country.

The Captain-General informed the English Consul of this occurrence, and this agent answered him, as appears from the enclosed copy No. 25, in language which Her Catholic Majesty's Government is convinced will not only merit the strong disapprobation of that of Great Britain, but will be severely reprovèd.

I need not enumerate to you in this Note, which has already extended to too great a length, the demands of Mr. Turnbull, and the rudeness with which he treats the law-officer (assessor) of the Captain-Generalship; but there is one circumstance which I ought not to conceal on account of the painful results it may produce. Mr. Turnbull requests of the Captain-General, in his said letter No. 25, "that he would return the case to the assessor, in order to be reconsidered, directing him to withdraw his insulting and unnecessary menace; and at the same time that he would give a salutary warning to the post-office, whose duty is to deal with letter-bags constantly, ordering them to look in future with greater care to the addresses, and not only to abstain from opening or breaking the seal, but from retaining in their hand those which may come specially directed to him or to his department. When these concessions are granted," he says, "I shall be ready to offer your Excellency the assurance that no letter-bag addressed to the post-office of the Havana, or any Spanish authority whatever, shall ever be received or opened at this consulate, or by any individual under the orders of the Consul."

8th. What would Her Britannic Majesty's Government say if the Spanish authorities at Cuba, or a Spanish Consul at Gibraltar or any other port, were to make a

similar official declaration? Is it possible to conceive that the expressions within inverted commas can be those of an agent of a great Power with which Spain is intimately united? I feel persuaded that the Earl of Aberdeen will know how to give them their true value.

Her Britannic Majesty's Government have before stated that they did not find sufficient grounds for removing Mr. Turnbull from the consulate, and that if the accusations against him were proved, they would have no objection to recall him; Her Catholic Majesty's Government consider that this moment has arrived, and trust that the Earl of Aberdeen will lose no time in causing what has hitherto passed respecting that individual to be laid before him, and attaching to the complaints of the Spanish Government the importance which they deserve; that he will remove this obstacle which obstructs the friendly and pacific course which ought to exist in the relations between the two Governments and between their respective agents.

In requesting that you will be pleased to communicate this Despatch to your court, I have the honour to reiterate the assurances, &c,

I avail, &c.
(Signed) ANTONIO GONZALEZ.

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

ENCLOSURES IN M. GONZALEZ'S NOTE TO MR. ASTON OF NOVEMBER 3, 1841.

(No. 1.)

Her Majesty's Commissioners to the Captain-General.

Havana, May 22, 1841.

MOST EXCELLENT SIR,

WE have this day received information from Mr. Turnbull, Her Britannic Majesty's Consul at this place, that a vessel under the Portuguese flag, called the "*Paquete d'Oporto*," commanded by Captain Brejer, has recently landed a cargo of 250 Negroes at Guanimar. We have also learned from this gentleman that he has already written to your Excellency respecting this vessel, demanding the arrest and punishment of the captain and officers, and the delivery of the Africans to him.

We beg to inform your Excellency that Mr. Turnbull, in thus addressing your Excellency, has acted beyond his instructions, and that his proper course would have been to have made this communication to us only. We therefore feel it to be our duty to request your Excellency, notwithstanding that informality, will take the necessary measures to inquire into the circumstances alleged, for the purpose of punishing the offenders, and liberating the unhappy negroes said to have been introduced.

We take this opportunity of protesting against any leniency being shown, on any ground, to offenders against the Laws and Treaties respecting Slave Trade, and trust your Excellency will on no consideration allow such offences to pass with impunity.

We have, &c.
(Signed) J. KENNEDY.
C. J. DALRYMPLE.

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

(No. 2.)

Mr. Turnbull to the Captain-General.

Havana, June 10, 1841.

"*Aguila*," "*Gabriel*," and "*Trueno*."

(See Enclosure 5 in No. 160.)

(No. 3.)

*The Captain-General to Mr. Turnbull.**Havana, June 19, 1841.*

"Aguila."

(See Enclosure in No. 160.)

(No. 4.)

Mr. Turnbull to the Captain-General.

MOST EXCELLENT SIR,

Havana, May 21, 1841.

I AM credibly informed that the Portuguese slave-schooner "*Paquete de Oporto*," Captain Breger, now in the port of Guanamar, has recently landed there 250 negroes from the coast of Africa. I pray your Excellency to cause the vessel to be seized, the captain, officers, and crew to be brought to trial for the offence, and the imported Africans to be placed at my disposal.

I am also informed that the "*Trueno*," the "*Venus*," and the "*Gabriel*," and a small schooner lying at Casa Blanca, belonging to M. Forcade, are all now fitting out in the harbour of the Havana for the coast of Africa.

I pray your Excellency to take measures for preventing these flagrant infractions of existing Treaties.

I have, &c.,

(Signed) DAVID TURNBULL.

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

(No. 5.)

The Captain-General to Mr. Turnbull.

(Translation.)

Havana, May 23, 1841.

IN your Despatch of the 21st instant you tell me that the Portuguese slave-schooner "*Paquete de Oporto*," lying in the port of Guanamar, had recently landed there 250 negroes from Africa, and also that several vessels were now preparing in this port for the same destination.

You ask me in consequence to take the necessary measures for preventing the violation of existing Treaties, and it is my duty to say to you in answer to your denunciations as to the nature of the means I had adopted for the verification of the facts which these denunciations referred to, it was not because I recognised in you any power to watch over the fulfilment of the Treaties relative to the African Slave Trade, but for the purpose of announcing, for the first and last time, my firm resolution not in any manner to consent to the violation of these Treaties; but now observing that you continue your officiousness, and that you are preparing to persevere in making communications of the same nature, I have to apprise you that for the future I shall abstain from answering, and that this is the last answer you will receive on this subject.

God grant, &c.,

(Signed) GERONIMO VALDES.

David Turnbull, Esq.,
&c. &c. &c.

(No. 6.)

*Her Majesty's Commissioners to the Captain-General.**Havana, June 9, 1841.*

"Aguila."

(See Class A, p. 215, Third Enclosure in No. 171.)

SPAIN.

(No. 7.)

The Captain-General to the Mixed Commission.

Havana, June 14, 1841.

"Aguila."

(See Class A, p. 215, Fourth Enclosure in No. 171.)

(No. 8.)

The Mixed Commission to the Captain-General.

(Translation.)

Havana, June 18, 1841.

MOST EXCELLENT SIR,

IN reply to your Excellency's official letter of the 14th instant, we transmit to your Excellency the act of the decision agreed upon yesterday, in consequence of the receipt of the said communication.

"In the always most faithful city of Havana, on the 17th of June, 1841, the Court of Justice having assembled, composed of Don José Ma. Pinazo, first Lieutenant-Governor and Provisional Spanish Judge, and of Mr. D. J. Dalrymple Kennedy, Judge appointed by Great Britain, after having taken into consideration the preceding report, and consulted among themselves upon the subject, and the result being that the said British Judge, assured that the preceding official letter from the Captain-General, dated the 14th instant, was the reply to a letter addressed to his Excellency by the said Judge and the other British Commissioner, Mr. D. Campbell James Dalrymple, not as Court of Justice, but as Commissioners of Her Britannic Majesty's Government, and charged in that capacity with promoting and reporting to it whatever they may think proper for the exact fulfilment of the Treaty concluded in 1835, the tribunal decided that the communication from his Excellency the Captain-General should be transmitted to the above-said gentlemen, stating so to his Excellency in reply, for his information and proper effects; by which the act was closed, and they signed in my presence, which I, the secretary, do hereby certify."

Which we communicate to your Excellency for the proper effects.

God grant, &c.

(Signed) JOSE MA. PINAZO.
J. KENNEDY.

*His Excellency the President,
Governor and Captain-General.*

(No. 9.)

Her Majesty's Commissioners to the Captain-General.

Havana, June 22, 1841.

"Aguila."

(See Class A, p. 216, Fifth Enclosure in No. 171.)

(No. 10.)

The Captain-General to Her Majesty's Commissioners.

Havana, June 24, 1841.

"Aguila."

(See Class A, p. 216, Sixth Enclosure in No. 171.)

The remaining Enclosures in Mr. Gonzalez' note, Nos. 11 to 25, are not given, as they do not relate to the Slave Trade.

No. 116.

*Mr. Aston to the Earl of Aberdeen.**Madrid, November 28, 1841.**(Received December 6.)*

MY LORD,

I HAVE the honour to transmit to your Lordship a copy and translation of a note which I have received from M. Gonzalez, in reply to the one which I addressed to his Excellency on the 3rd of September last, respecting the continued importation of people of colour into the island of Cuba.

I have, &c.

(Signed) ARTHUR ASTON.

The Earl of Aberdeen, K.T.,
 &c. &c. &c.

(Translation.)

Enclosure in No. 116.

M. Gonzalez to Mr. Aston.

SIR,

Madrid, November 9, 1841.

I HAVE laid before the Regent of the kingdom your note of the 3rd of September last, enclosing a copy of a memorial addressed by the Conde el Santa Venia to the Captain-General of Cuba, in April last, with respect to the injury caused to that island by the continued admission of people of colour, and proposing the means of substituting that population in the agricultural and other labours of the island. His Highness has been pleased to direct me to acknowledge the receipt of the same, and to inform you that the observations therein contained will be taken into consideration in due time and season, for his Highness desires and interests himself in the welfare, the tranquillity, and future prosperity of that province of the Spanish nation.

I avail, &c.

(Signed) ANTONIO GONZALEZ.

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

No. 117.

*Mr. Aston to the Earl of Aberdeen.**Madrid, November 28, 1841.**(Received December 6.)*

MY LORD,

I HAVE the honour to enclose a copy and translation of a note from M. Gonzalez, in answer to one which, in obedience to your Lordship's instructions, I addressed to his Excellency, on the subject of the attempt made in the island of Cuba to transfer the Spanish flag to the English brig "Antonio."

I have, &c.

(Signed) ARTHUR ASTON.

The Earl of Aberdeen, K.T.,
 &c. &c. &c.

Enclosure in No. 117.

(Translation.)

M. Gonzalez to Mr. Aston.

SIR,

Madrid, November 19, 1841.

I HAVE the honour to acknowledge the receipt of the note which you addressed to this office on the 20th ultimo, with regard to the attempt made in the island of Cuba to transfer the English brig "Antonio" to the Spanish flag.

I have also the honour to acquaint you that, under this date, I have requested the Minister of Marine to issue the most positive orders for the strict fulfilment of the laws prohibiting the transfer of foreign vessels to the Spanish flag, not only in the island of Cuba, but also in all parts of the kingdom.

I avail, &c.

(Signed) ANTONIO GONZALEZ.

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

No. 118.

The Earl of Aberdeen to Mr. Aston.

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.

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

SPAIN (*Consular*)—THE HAVANA.

No. 119.

Mr. Tolmé to Viscount Palmerston.

British Consulate, Havana, November 2, 1840.

MY LORD,

(Received January 2, 1841.)

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

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

I have, &c.

(Signed) C. D. TOLMÉ.

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

&c.

&c.

&c.

No. 120.

(Extract.)

Mr. Turnbull to Viscount Palmerston.

Havana, December 1, 1840.

MY LORD,

(Received February 13, 1841.)

I HAVE had the honour to receive your Lordship's Despatch of the 24th of August, 1840, marked Slave Trade, transmitting to me a copy of a memorial from the General Anti-Slavery Convention, and acquainting me that Her Majesty's Government concurs in the sentiments expressed in that memorial, 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.

As I happened to be a member of the committee of the General Anti-Slavery Convention charged with the preparation of this memorial, I hope it is hardly necessary for me to assure your Lordship that, before receiving this Despatch, I held myself bound to abstain from the holding or hiring of slaves, and from being interested in slave property in any manner whatever. It is with no small satisfaction therefore that I have now the honour to declare my willing obedience to the wishes of Her Majesty's Government.

To make these wishes universally effectual it humbly appears to me that something more may be necessary than the mere intimation of them to the parties concerned. When a man has once consented to purchase or to hire the services of slaves, he very rarely abandons the practice from a mere sentiment or conviction of its abstract injustice. If of a more benevolent disposition than his neighbour, he flatters himself that his slaves are happier than if they were free, and that his kind example will have a favourable influence on the

habits of other slaveholders. Such I fear is the erroneous view taken of this subject by the English residents in this country, whether planters, merchants, or public functionaries. Until the practice is reformed altogether, the British Government and the British people can never maintain that dignified position in the eyes of the world they are so entitled to occupy.

With regard to the officers holding appointments under the Crown, I venture to suggest that some security might be taken for their constant obedience to the wishes of the Government. On every occasion of their receiving money from the Treasury they might be called upon to sign a declaration that during the period of service to which the payment applies they have not held, hired, sold, or purchased any slave, or been otherwise interested, directly or indirectly, in the possession of slave property. And the Lords of the Treasury might be requested to direct that such declaration be exacted on every occasion of the issue of money to the officers of the Crown in respect of services performed in slaveholding countries.

With regard, again, to Her Majesty's subjects resident in such countries, I am persuaded that the cause of freedom and the interests of humanity would be incalculably promoted if the purchase or sale, the holding or hiring, of slaves were to be declared by the legislature to be infamous, and the perpetrators subjected to fine and imprisonment. Nay, without the aid of the legislature, if Her Majesty's Government were systematically to withhold its protection from such persons, the inconveniences to which they would be exposed in dealing with parties to whom their unprotected condition would speedily become known, would compel them in the end to abandon the practice, in order to rehabilitate themselves in the sight of the Government.

It is matter of notoriety that Englishmen who go to reside in slaveholding countries, whether as merchants or as planters, never cease to cherish the idea of returning to the country of their birth and their affections. Under the operation of such a law as I have ventured to suggest, British emigrant slaveholders would see nothing before them but perpetual exile. A large proportion of those already engaged in the practice would be constrained to abandon it, and future emigrants would either seek their fortune in regions where slavery is not tolerated, or by their abstinence from the practice in countries still polluted by it, they would not only elevate the character of the nation to which they belong, but would let "*their light so shine before men,*" that others seeing their good works would be induced to follow their example.

I cannot close this Despatch without the respectful tender of my heartfelt congratulations on the vast amount of good already achieved by the simple expression of the wishes of the Government; in your Lordship's hands the sentiments expressed by the General Anti-Slavery Convention have not been barren or unfruitful. At the period of my arrival in this country, a few weeks ago, it is a matter of notoriety that there is not a single officer holding an appointment under the British Crown, and resident in the island, who was entirely free from the charge of countenancing the practice of slavery. A week had not elapsed after the arrival of your Lordship's Circular Despatch when a series of advertisements appeared in the public papers, in the name of one of the Commissioners, offering specific wages to servants of free condition; and at this moment I rejoice to say there is not a single British officer residing within my consular jurisdiction who either has not relinquished, or is at least preparing to relinquish, this odious practice.

Here I am bound to observe that the office of Superintendent of Liberated Africans in this place since its first institution in 1836 has never been contaminated by the taint of slave-holding. Dr. Madden, the first incumbent, never held or hired a slave in any part of the world. Mr. Clarke, to whom he transferred his duties during his leave of absence, belongs to a mercantile firm which, since its first establishment in this country, has nobly distinguished itself by its uniform abstinence from slave-holding practices.

I am bound also to state, in extenuation of habits now happily all but abandoned, that they have very generally been formed or continued under the influence of a state of things which the parties have been accustomed to consider as amounting to a necessity. There is undoubtedly a very great difficulty for persons of limited income to form a comfortable domestic establishment in this place, the servants in which shall be exclusively of free condition.

No. 121.

*Mr. Turnbull to Viscount Palmerston.**Her Majesty's Consulate, Havana, December 27, 1840.**(Received February 13, 1841.)*

MY LORD,

I HAVE the satisfaction to be able to inform your Lordship that a young man, now bearing the name of Juan Fontanales, who had been kidnapped about twelve years ago near Sierra Leone, and sold into slavery in this country, has recently been placed at my disposal, on the condition of my engaging for his removal from this island, and for the payment of the expense of his maintenance during his detention.

As this case was begun during the consulship of Mr. Tolmé, by whom it had been brought very nearly to maturity, I am not entitled to any part of the merit arising from its successful issue; and I venture very humbly to submit that as in this and in other similar instances which did not involve any difference with the authorities, Mr. Tolmé manifested a just and proper sense of his consular duties, an opportunity presents itself, in the midst of the accumulated distress which the loss of office has aggravated in his person to a very painful degree, for your Lordship's benevolent and merciful consideration.

With regard to Juan Fontanales, I have frequently visited him in his place of confinement; and, from his superior intelligence and amiable disposition, I take the liberty of recommending him very earnestly to your Lordship's favour and protection.

He informed me that he had left a sum of 112 dollars, the humble fruit of his earnings during the long period of twelve years, on Sundays and holidays, in the hands of a tobacco manufacturer at Guines, of the name of José Villamonte, to whom he had been hired. Having written to that person in his behalf, I received from him the answer I have now the honour to enclose, from which I am led to infer that, to the extent of 97 dollars, I shall be able to recover the money.

He informed me also that during the last eight years that he had been held in slavery by the family of Fontanales, whose name he now bears, he has been earning for them at the rate of a dollar a-day. On this information I have written to the Captain-General, requesting that the parties legally responsible might be ordered to refund the money; and to this application I have had the satisfaction to receive for answer that the matter had been referred to the competent tribunal.

That I might not be the means of raising hopes in the mind of Fontanales which may possibly never be realized, I have not thought it necessary to communicate the application to him. But it has humbly appeared to me that, independent altogether of his individual interests, the fact that Her Majesty's Government is known to be alive, not only to the freedom, but to the pecuniary rights of the humblest of Her Majesty's subjects, will be attended with excellent consequences, inasmuch as it will make it apparent that there is little profit to be gained, and some responsibility to be incurred, by the detention of a British subject in slavery.

I have, &c.

(Signed) DAVID TURNBULL.

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

&c.

&c.

&c.

(Translation.)

First Enclosure in No. 121.

*The Secretary of Government to Mr. Turnbull.**Havana, December 1, 1840.*

THE Political Secretary of the Government of this Captaincy-General has the honour to inform Mr. David Turnbull, that the Government tribunal, having taken into consideration the demand of freedom established by the negro, Juan Fontanales, which his master, Don José Antonio Patamone, has agreed to grant, the tribunal has for this reason, by its decree of the 26th of November last, declared the said Fontanales free from all captivity, and has directed him to be trans-

ferred to the depôt in the barracks of the Fuerga, at the disposal of the Government of Her Britannic Majesty, at whose expense he is to be maintained until the means are found of removing him from this island, in terms of the existing regulations.

David Turnbull, Esq.,
 &c. &c. &c.

Second Enclosure in No. 121.

Mr. Turnbull to the Captain-General.

Her Britannic Majesty's Consulate,
Havana, December 2, 1840.

MOST EXCELLENT SIR,

I HAD yesterday the honour of receiving the Letter of your Excellency's Secretary, by which I am informed that the competent authority had decided in favour of the freedom of Juan Fontanales, and had directed his removal to the barrack called the Fuerza, there to be placed at the disposal of my Government, and to be maintained at my charge, until an opportunity for his removal from this island should present itself.

I thank your Excellency for this communication, not doubting your Excellency's disposition to put Juan Fontanales in full and immediate possession of the liberty to which he is entitled; and, to prevent mistakes, I have the honour to state that, immediately on receiving your Secretary's Letter, I went in person to the Fuerza, and having waited on the officer in command, was informed by him that Juan Fontanales had not yet been placed under his care. This day I have sent a confidential person to the same place, and have again received a similar answer.

With the like view of preventing mistakes, I have the honour of assuring your Excellency that I shall have great pleasure in forwarding and recommending to the best care of my colleague, Mr. Consul Peters, by the American ship "*Arno*," cleared out this day for Philadelphia, the packet of Despatches left yesterday at this Consulate, with a request to that effect, and bearing the following address:—
 "Al Senor Encargado de Negocios de Sa Magestad Catholica en los Estados Unidos de America, Filadelpia. Del Capitan-General de la Isla de Cuba."

I take this opportunity to acknowledge the receipt of your Excellency's Despatch of the 30th of November; and to assure your Excellency that so long as the affairs and the interests of Her Majesty's subjects, entrusted to my care and protection, suffer no interruption or damage, I shall think it my duty to overlook that distinction without a difference, as I now perceive it to be, which your Excellency has been advised to draw between Her Majesty's Consul and the officer you are pleased to describe as a commercial agent.

I have, &c.

(Signed) D. TURNBULL, *Consul.*

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

Third Enclosure in No. 121.

Mr. Turnbull to the Captain-General.

Her Britannic Majesty's Consulate,
Havana, December 20, 1840.

MOST EXCELLENT SIR,

It humbly appears to me that Juan Fontanales, the free British subject kidnapped at Sierra Leone, sold into slavery at Cuba, and now detained in the prison of the Fuerza awaiting a suitable opportunity for his restoration to his native country, is entitled to a reasonable indemnity for the privation of his freedom, under which he has been suffering for so many years. I have been informed by him, that during the last eight of the twelve years throughout which he has unjustly been held in slavery in this country, he was either hired out to Don José Maria Villamonte, a manufacturer of tobacco at Guines, or was employed in the immediate service of the person who claimed dominion over him, the late Don José Fontanales, a proprietor near Guines, where his widow and family now reside; and that during the whole course of that period of eight years he has been earning

wages at the rate of a dollar a-day, which, after deducting Sundays and holidays, makes a clear yearly earning of 300 dollars, and this sum multiplied by the number of years he remained in the service of Don José Fontanales and his family, amounts to at least 2400 dollars.

Now this sum of wages, although justly and legally due to Juan Fontanales himself, has not been paid to him, but has either been retained by the late Don José Fontanales, his pretended master, and, since his death, by Donna Mercedes Fontanales, the widow of Don José, or has been received by them from Don José Villamonte, to whom the services of Juan Fontanales had been hired.

As a first instalment of the indemnity due to this much-injured individual, it becomes my duty to request your Excellency to order the heir-at-law, the widow, and other representatives of the late Don José Fontanales, to pay over to this free British subject the whole sums received for his services, in name of wages, or retained in the nature of wages, together with the ordinary interest accruing on these respective sums, since they were severally paid or payable—reserving to him his right to such further *solatium* for the privation of his liberty as he may hereafter be advised to demand.

I have, &c.

(Signed) D. TURNBULL, *Consul.*

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

(Translation.)

Fourth Enclosure in No. 121.

The Secretary of Government to Mr. Turnbull.

Havana, December 22, 1840.

YOUR communication of the 20th instant, by which you demand the payment to the so-called Juan Fontanales, of the sums, and for the reasons, therein expressed, has been transmitted to the proper tribunal by order of the Captain-General; and this I notify to you by command of his Excellency.

God grant you many years.

(Signed) GABRIEL GRANADO,
Interim Secretary of the Government.

David Turnbull, Esq.,
&c. &c. &c.

Fifth Enclosure in No. 121.

Mr. Turnbull to the Captain-General.

Her Britannic Majesty's Consulate,

Havana, December 27, 1840.

MOST EXCELLENT SIR,

I THANK your Excellency for the Letter of Don Gabriel Granado of the 22nd instant, by which he announces to me that the demand I had made for the payment of 2400 dollars to Juan Fontanales had been transmitted to the proper tribunal by your Excellency's order.

And I have the honour to state that I shall not fail to bring this act of justice under the notice of my Government.

I have, &c.

(Signed) D. TURNBULL, *Consul.*

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

Sixth Enclosure in No. 121.

Mr. Turnbull to M. Villamonte.

Her Britannic Majesty's Consulate,

Havana, December 9, 1840.

SIR,

I AM informed by Juan Fontanales, an English negro, placed by his Excellency the Captain-General under the protection of this Consulate, that you are

CLASS B.

indebted to him 112 dollars for wages earned by him on Sundays and holidays during the time he was hired out to you, on the supposition of his being a slave, by Donna Mercedita Garcia de Fontanales.

As Juan Fontanales is about to embark for his native country, you will oblige me by remitting the sum due by you to him without delay; and while doing so you will perhaps have the further kindness to state the length of time and the rate of wages you paid for him to Donna Mercedita, or to her late husband, Don José Fontanales.

I have, &c.

(Signed) D. TURNBULL, *Consul.*

Don José Villamonte,
&c. &c. &c.

NOTE.—A translation of this Letter was sent along with it, but no copy of the translation has been presented.

(Translation.)

Seventh Enclosure in No. 121.

Señor José Maria Villamonte to Mr. Turnbull.

HONOURED SIR,

Guines, December 15, 1840.

OWING to a pressure of business it is only to-day that I am able to return an answer to the favour of your Letter dated the 9th instant, and to inform you that the negro Juan Fontanales, when he quitted this place, certainly left in my hands a bill in his favour, drawn on Don Juan Pedron, for the sum of ninety-seven dollars four rials, of which, being now in my possession, I am able to dispose; and I am willing to deliver up this sum to any one duly authorised for the purpose by the above negro, though I have been obliged to part with the original of the bill he left me to the gentlemen who cashed it.

This much I have to state to you, Sir, in answer to your Letter of the 9th; and, in conclusion, I take this opportunity to offer my services to you, being,

Honoured Sir, &c.

(Signed)

JOSE MARIA VILLAMONTE.

The Consul of Her Britannic Majesty,
&c. &c. &c.

No. 122.

Mr. Turnbull to Viscount Palmerston.

Her Majesty's Consulate, Havana, December 30, 1840.

(Received February 13, 1841.)

MY LORD,

WHEN your Lordship did me the honour to appoint me to this Consulate it must have been foreseen that I was not exactly the person whose presence would be the most welcome to the local authorities.

As soon as the "Gazette" containing my appointment arrived at the Havana, I am informed by my friends here that several of these gentlemen in authority had openly declared that I should not be permitted to land; that a pretence for this refusal would be found in the probable want of an Exequatur from the Spanish Government, and that means would be taken at Madrid to delay and possibly to prevent the issue of the Exequatur altogether.

Apprehending some such difficulty, I addressed myself to the health-officer, the first person of course who boarded the packet in which I arrived; and, showing him your Lordship's passport, I mentioned to him that I had important business to transact with the Captain-General, and asked him to carry me ashore in his boat, to which he very readily consented. From the wharf I went directly to the palace of the Colonial Government, and left my card for his Excellency the Prince of Anglona. I then went to the office of the British Commissioners, where I was met with expressions of the strongest surprise at the fact of my having been suffered to come on shore without any impediment whatever.

This first difficulty overcome, I was left in tranquillity for some little time; and, in fact, up to the present moment, I am bound to say that in all my personal inter-

course with the three chief authorities (the Captain-General, the Intendant, and the Spanish Admiral on this station) I have met with nothing but the most distinguished courtesy and attention. Of the unkind spirit which displays itself in several of the letters (of which copies are transmitted by the present opportunity, bearing the signature of the Prince of Anglona) I have not been able to discover the slightest trace in the course of my personal intercourse with his Excellency.

And yet it is not to be doubted that it is the weakness of the Prince in suffering inferior persons to speak of me in his presence in the most unbecoming terms, as if I had been sent here by your Lordship to provoke insurrection and intestine broils for purposes the most ungenerous and absurd; accusing me, without the slightest foundation, of forming cabals and holding clandestine intercourse with persons of colour, disaffected towards the Government, and representing my presence here as incompatible with the public peace and tranquillity, which has led to the most serious misunderstanding. For it so happens, on the contrary, that I have pushed my circumspection in this respect to a most inconvenient extreme, receiving persons of that oppressed and degraded class when they called at my office on ordinary business with a degree of distance and reserve very foreign to my feelings.

In this country it is not unusual for slaves to go about, with or without the sanction of their masters, seeking a purchaser of themselves to their own liking. Such applications are frequently addressed to me, in general with the sincere and unaffected purpose of, on the part of the applicants, bettering their condition; but on one or two occasions involuntarily communicating the impression of their being sent by others either to discover my sentiments on subjects connected with the coloured classes, or to entrap me into the commission of some act of indiscretion.

Even with white men suspected of disaffection I have not been inconsiderate or unguarded. This class is a large one, embracing a very great proportion of the Creole population, and not excluding whole families of the highest rank and importance; so that to avoid their society altogether would be to confine my social intercourse to that narrow official circle now revelling in the enjoyment or jostling each other for the possession of those impure gains which are undoubtedly derived from the licensed or tolerated introduction of slaves, and from the periodical transfer of emancipados.

In one of the too numerous Despatches which accompany this Letter your Lordship will find enclosed a Correspondence with the Captain-General on the subject of the actual condition of an individual of that unfortunate class in whose person the Treaty for the suppression of the Slave Trade is systematically violated, and to whom, without the bitterest wrong, it is a grievous perversion of language to apply the term emancipation. In the course of that correspondence his Excellency assumes, without the slightest foundation, that this emancipado, whose name is Gavino, had been received by me and allowed to state his complaint in person. Had this assumption been true to the fullest extent, I cannot believe that your Lordship would have seen in it a colourable pretext for my expulsion from the post to which Her Majesty has been graciously pleased to appoint me on your Lordship's recommendation. Nevertheless it is manifest that without that assumption his Excellency makes out no case whatever on which to rest the menace of expulsion implied in the form of sending me my passport.

As the whole case has assumed a very serious aspect, your Lordship will pardon me for shortly stating the grounds on which I was induced to single out for special notice this or any individual emancipado from among the thousands by which I am surrounded.

First of all it humbly appeared to me that the general question of the right of the British Government to see that the existing Treaties are faithfully executed could be asserted in a more convenient and tangible form in the case of an individual like Gavino than in the case of a whole cargo like that of the slaver "*Negríto*;" and that in this way I should be able to strengthen your Lordship's hands in pressing for an inquiry into the actual condition of this numerous class of persons, and in compelling the Spanish Government either to do them justice or to afford them the option of emigrating to those British West India colonies where their condition would be immeasurably improved.

Secondly, with regard to the choice of the individual to be used as a wedge in effecting the launch I contemplated, the only considerations with me were his fitness for the purpose, combined with the minimum of exposure on his part to unpleasant

or dangerous consequences. The case of Gavino was the first that presented itself combining all the requisites of circumstance and character to qualify him as the instrument of which I felt the need. He had been sixteen years in the country; he had been four times transferred; he had earned high wages; his master was a man of mild disposition; his own character was docile, firm, and unshrinking, not likely either to commit himself or the person who was willing to communicate between him and me; and, finally, I was in possession of undeniable written legal evidence that Gavino really belonged to the class of English emancipados; while the fact of his paying over his wages to his present master, or to the mother of his present master, during this long period, exactly as a numerous class of slaves are compelled to do, could not be disputed. As regards the gentleman who acted as my informant in this case, and communicated between me and Gavino on the subject, I have the honour to refer your Lordship to a separate Despatch marked "*Private*," containing his name and quality, and the most satisfactory evidence of his perfect respectability. With these observations, I respectfully submit my correspondence on this subject with his Excellency the Captain-General to your Lordship's consideration.

I have, &c.

(Signed) DAVID TURNBULL.

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

First Enclosure in No. 122.

Mr. Turnbull to the Captain-General.

*Her Britannic Majesty's Consulate and Superintendency of
Liberated Africans, Havana, December 21, 1840.*

MOST EXCELLENT SIR,

I HAVE the honour to acquaint your Excellency that an application has been made to me on the part of an African of the Lucumí nation, named Gavino, one of the unfortunate persons rescued from slavery about sixteen years ago by the Commander of Her Majesty's ship "*Speedwell*," and placed under the protection of the Spanish Government in pursuance of the Treaties then subsisting between the Crowns of Great Britain and Spain for the suppression of the Slave Trade.

The object of Gavino's application is to obtain for him the possession of that freedom of which he has hitherto been deprived, in open violation of the Treaties under which he was nominally emancipated.

It was in the year 1824 that the Court of Mixed Commission at the Havana pronounced the judgment which entitled Gavino to his freedom. Under the pretence of teaching him the doctrines and ceremonies of the Christian faith he was transferred for five years to Doña Luisa Aper de la Paz, in consideration of a sum of money paid, as I am informed, by that lady to an officer in the service of the Spanish Government. Instead of religion Gavino was taught to carry water; and, in the capacity of a water-carrier, he earned and brought to his instructress a daily fee of one dollar.

At the end of the first five years, in consideration of a further sum of money, paid, as I am informed, to the same or some other officer of the Spanish Government, the compulsory services of Gavino were prolonged for a second term of five years. At the end of the second term a third was entered upon, and at the end of the third a fourth, which fourth term is now current.

On each successive prolongation it is stated to me that a considerable sum of money was paid to some officer of the Spanish Government either by Doña Luisa Aper de la Paz, or, since her death, by Don Feliz Pinero, the son of that lady, who now claims the services of Gavino in virtue of powers which he pretends to exercise under your Excellency's high sanction and authority.

The spirit of justice and philanthropy which so happily adorns your Excellency's character must necessarily have anticipated the demands which I have now the honour to submit to you.

In the name and on the behalf of Gavino I claim for him the immediate and unconditional enjoyment of that freedom which was guaranteed to him by the Treaties in force between the Crown of Spain and Great Britain at the period of his arrival in this country.

In the name of justice I claim for him repayment of the money he has earned during the long series of years he has been unlawfully subjected to compulsory labour; or at the very least I claim for him the money exacted from Doña Luisa Aper de la Paz, and from her son Don Feliz Pinero, as the price of the repeated transfers already detailed; which money, at the rate of 9 ounces for each transfer, amounts, as I am informed, to 36 ounces of gold.

In the event, which is scarcely supposable, of your Excellency's entertaining any doubt of the justice of those claims, I have the honour to announce it as my intention to bring this matter under the cognizance of the Court of Mixed Commission which originally adjudicated on the right of Gavino to his freedom.

I am, &c.

(Signed) DAVID TURNBULL.

The Captain-General of the Island of Cuba,
&c. &c. &c.

(Translation.)

Second Enclosure in No. 122.

The Captain-General to Mr. Turnbull.

Havana, December 22, 1840.

You state to me, in your communication of yesterday, that an African of the Lucumí nation, named Gavino, who says that he was rescued from slavery 16 years ago by the Commander of Her Majesty's ship "Speedwell," and placed under the protection of the Spanish Government, was consigned for 5 years to Doña Luisa Aper de la Paz in 1824, in consideration of a sum of money paid by that lady that Gavino, instead of receiving instruction in the doctrines of religion, was devoted to the business of a water-carrier, earning wages at the rate of a dollar a day; that at the end of 5 years the services of Gavino were prolonged for another equal period, and that these services are now claimed by a son of that lady. In the name and in favour of Gavino you claim the immediate and unconditional enjoyment of that liberty which was guaranteed to him by the Treaties entered into between Great Britain and Spain, and the repayment of the money earned by him during this long series of years; or at least what was exacted from Donna Luisa Aper de la Paz, and from her son Don Feliz Pinero, as the price of these transfers, and you intimate that, in the event of my entertaining any doubt as to the justice of such demands, you will bring the matter under the notice of the Court of Mixed Commission.

From the commencement of this communication I perceive, with surprise, that all this has been preceded by the presentation before you of the African Gavino, and this in an extraordinary degree has attracted my attention, because I do not recognise in you the power to listen to complaints of this nature, and still less that of taking the name of the negro in question, and of making representations in consequence, whether as British Consul or as Superintendent of liberated Africans.

In the former capacity it is beyond all doubt that you can neither directly nor indirectly interfere in such matters, even although you were in the solemn exercise and enjoyment of the Consular functions after the arrival of the royal exequatur.

Under the second investiture you are equally unqualified to meddle with such differences, because the Superintendency of liberated Africans is confined within very narrow limits, and applies to nothing more than the act of taking charge of the negroes captured by the English cruisers, who, after being emancipated, are to be carried away under your care. This duty proceeds from the 2nd Article of the Annex Letter C of the last Treaty; and the negro Gavino, on the supposition of his having arrived in this island in 1824, is under the exclusive care and protection of the Spanish Government, by whom the freedom of this class of emancipated persons is guaranteed. By this act you have interfered in a matter very foreign to your official character, and as to which the Court of Mixed Commission is just as incompetent to judge.

But this affair has a very serious bearing on the political administration of the affairs of this island, because it supposes that you are qualified to listen to complaints and to offer protection to the people of colour, and to support their pretensions. Such a state of things might loosen the ties of subordination and obedience, and I should be wanting in the performance of the most important duties of my Government if such occurrences, or others of a similar nature, were to be frequently repeated

Under such an hypothesis I should consider your presence in the island incompatible with its tranquillity and preservation (useful as it is to Spain and Great Britain, and to the whole commercial world), and it would be the first of my duties to cause your passport to be sent to you; while that measure would not affect or influence, in the slightest degree, the friendly relations which happily subsist between Great Britain and Spain.

It will appear strange to you that, having protested a few days ago that I would not again communicate with you officially until the arrival of the royal exequatur, and until you were solemnly recognised as Consul and as Superintendent of liberated Africans, I should so soon have departed from that intention. But it was necessary for me to make this intimation to you of my ulterior course of proceeding, as the person exclusively charged with the safety of the island; and for this once only I have not hesitated to suspend my former design, in the hope that in this way I might be able to avoid the unpleasant necessity of resorting to a decisive measure.

With regard to the manner in which the emancipated negroes are transferred and disposed of, my Government is fully informed of it; nor is that of Her Britannic Majesty in a state of ignorance with regard to it; and I do not know that either the one or the other of them has given you authority to interfere in questions very foreign to the Consulship, and to the Superintendency of liberated Africans, even if you were in the exercise of both functions.

Nevertheless I remain, &c.

(Signed)

EL PRINCIPE DE ANGLONA,
Marques de Javalquinto.

D. Turnbull, Esq.,
&c. &c.

Third Enclosure in No. 122.

Mr. Turnbull to the Captain-General.

*Her Britannic Majesty's Consulate and Superintendency of
liberated Africans, Havana, December 28, 1840.*

MOST EXCELLENT SIR,

I HAVE the honour to acknowledge the receipt of your Excellency's Despatch of the 22nd instant, in answer to my demand that the African Gabino, in whose person the subsisting Treaties between Spain and Great Britain are daily and openly violated, should immediately be placed in the unconditional enjoyment of his freedom, and that the money he has earned, of which he has been unjustly deprived, should be restored to him.

Your Excellency's Despatch is not more remarkable for what it states, and for what it threatens, than for what it altogether omits to allude to.

The violation of solemn Treaties in the person of a poor African, who has been most grievously wronged and oppressed under the eye of your Excellency's predecessors in this Government, during the long period of 16 years, your Excellency totally overlooks, contenting yourself with the assumption that, as the servant of the Queen of England, to whom the Government so ably represented by your Excellency is solemnly bound, it is my duty to close my eyes and my ears to the palpable evidence of those flagrant violations.

If I rightly understand your Excellency's statement it amounts to this, that the frequent recurrence of demands for justice in the case of persons, unfortunately too numerous, who are similarly situated with the unfortunate Gavino, would endanger the tranquillity of your Excellency's Government, by fomenting a spirit of discontent among the coloured population of this island incompatible with its peace and preservation.

It is for this reason I presume that your Excellency does me the honour to threaten that, under the hypothesis you mention, you would send me my passport; which measure your Excellency assures me would not affect, in the very smallest degree, the friendly relations which now so happily subsist between Spain and Great Britain.

Before pressing the case of Gavino any further on your Excellency's attention, I think it may be well for his sake individually, much more than with any reference to its general bearing on the grave and serious question of the violation of Treaties, that I should here correct an error into which your Excellency may possibly have been led through the inadvertency of your translator.

In my Letter to your Excellency of the 21st instant, I stated in the plainest and

simplest terms that an application had been made to me "*on the part of*" this African Gavino; a form of expression which your Excellency at once perceives is utterly inconsistent with the inference which, by some strange misconstruction, has been assumed that Gabino had appeared in person before me for the purpose of presenting his complaint. In point of fact, up to the present moment, I have never seen or spoken with this unfortunate African; and, if it will be any satisfaction to your Excellency, I do not hesitate to assure you that it is not my present intention to admit him into my presence, or hold any personal intercourse with him.

What I have seen is a certificate, on stamped paper and in legal form, under the hands of a high ecclesiastical authority in this city, the Licentiate Presbyter and principal Sacristan with the cure of souls, by royal appointment, in the parish church of the Holy Ghost of the Havana, by which it is solemnly attested that on Tuesday, the 1st of January, 1828, B. D. Ramon Castañeda, Parochial Curate of the Holy Cathedral Church, and residing in that of the Holy Ghost, did solemnly baptize an African adult of the Lucumí nation, of free condition; one of those brought to this island by Her Majesty's brigantine "*Speedwell*," and handed over, by order of the Government, to Donna Luisa Aper de la Paz, who was to teach the said adult the sacred forms and ceremonies, and was to give to him the name of Gabino, Don Juan San Jorge acting as his godfather, contracting the spiritual paternity and signing the baptismal certificate.

What I know is matter of public notoriety. Gavino is a common water-carrier in the streets of the Havana; he belongs to the degraded class of emancipados, whose condition, as your Excellency knows, is infinitely worse, if worse there be, than that of the most abject slave.

For what offence then is it, nay, for what indiscretion, that your Excellency condescends to threaten to send me my passport?

It is simply and exclusively because I have done myself the honour to address a Letter to your Excellency, conceived in the most respectful terms which my acquaintance with the English language could suggest, soliciting your Excellency's attention to the case of a very humble individual, in whose person a solemn Treaty, to which my Government is a party, is at this moment daily and openly violated.

Towards the close of your Excellency's Despatch you are pleased to state that the Spanish Government is fully informed, and that the British Government is not ignorant, of the manner in which the emancipated negroes in this island are transferred and disposed of.

In making the statement that the Spanish Government is fully informed on this subject, your Excellency could not be aware of the existence of a Despatch, addressed by Don Evaristo Perez de Castro, late Her Catholic Majesty's Minister for Foreign Affairs, to the Honourable George Stafford Jerningham, Her Britannic Majesty's Chargé d'Affaires at the Court of Madrid, some months after your Excellency had assumed the administration of this Government, in which his Excellency asserts "the constant vigilance of the Captain-General in order that the condition of these emancipated negroes may not at all degenerate into slavery, nor even approach it." At all events, if your Excellency ever saw this Despatch, you must have overlooked the concluding passage, in which it is stated that "the British Government might rely on the assurance that, in the treatment given to emancipated negroes in the Havana, the superior authority there has always acted in conformity with the unalterable will of the Spanish Government, which is to have the Treaties faithfully fulfilled, and to give satisfaction to the Cabinet of their august friend and ally the Queen of Great Britain."

But when your Excellency assumes that the British Cabinet is not ignorant of the manner in which these emancipated negroes are transferred and disposed of, you do no more than justice to the humane and enlightened Government I have the honour to serve.

On the 15th of April last, Her Majesty's Minister at Madrid, Mr. Aston, in an official Note addressed to Mr. Perez de Castro, called the serious attention of Her Catholic Majesty's Government to the conduct pursued by the authorities of Cuba towards this unhappy class of persons, and in that Note it is broadly affirmed that the Captain-General of Cuba had recently made fresh assignments of them for money, and had taken the price of the assignment as a perquisite for himself, that the persons to whom they are assigned let them out again for hire, and that thus these emancipated negroes undergo the evils of slavery without even enjoying the advantages, such as they are, which are granted to slaves in Cuba.

The British Minister proceeds to state to M. Perez de Castro, that he was directed to remonstrate against this violation, by the authorities at Cuba, of the Treaty for

the suppression of the Slave Trade; and that, as it appeared that the authorities of Cuba practically sell as slaves those negroes who have been emancipated by sentence of the Mixed Commission, and whose full and complete liberty the Spanish Government has bound itself by Treaty to secure, Her Majesty's Government expect that those negroes so emancipated by judicial sentence, but actually held in slavery, shall be delivered over to the Superintendent of liberated Africans, to be by him sent to a British colony, where their liberty would by law be secure.

In another Note to M. Perez de Castro of the same date, Mr. Aston proposes that, with a view to ascertain with certainty that nothing like compulsion is exercised over these negroes, they shall be brought before the Mixed Commission and the Superintendent of liberated Africans, and that each of them shall be asked separately if he is in a state of perfect freedom, and whether he prefers remaining in Cuba or removing to a British colony, and that, in the event of his preferring so to remove, the Superintendent of liberated Africans should make the necessary arrangements to enable him to do so. Mr. Aston added, that it appeared advisable that the negroes should be produced according to the list made out when they were emancipated, and that the questions put to each, and the answers given, should be taken down in writing. And he observed that a strong impression prevailed that the negroes in question have been practically reduced to slavery, and that an examination and inquiry, such as he then proposed, would afford the best means of vindicating the honour of the Spanish Government, and of satisfying the just uneasiness of the British Government on the subject.

Thus your Excellency sees that Her Majesty's Minister at Madrid, in two separate notes written on the same day, addressed language to Her Catholic Majesty's Government of a character infinitely stronger than anything I have hitherto thought it my duty to address to your Excellency; and yet I have not heard that Her Catholic Majesty's Government ever conveyed any threat to Her Majesty's Minister that his passport would be sent to him.

Before my arrival at the Havana in an official capacity, and also immediately after my arrival, I was given seriously to understand that measures had been taken to prevent my re-landing on this island. Since the period when your Excellency thought fit, under the influence of unwise and dangerous councils, to refuse to receive me in the rank and station to which I had been raised by the favour of my Sovereign, the tried friend and ally of Her Catholic Majesty, I have been daily assailed with the darkest threats of deportation and murder. Until the moment of my receiving your Excellency's Letter, conveying to me in more courtly language the intimation, under a certain hypothesis, of your Excellency's intention to send me my passport, I imputed all I had heard to mere gossip and invention. Your Excellency's threats have conferred on those rumours a portion of the rank, importance, and dignity inherent in your Excellency's character.

But your Excellency will permit me to suggest that, if I am visited with deportation, the voice of the exile will be heard in every corner of Europe; that, if I become the victim of assassination while residing under the immediate protection of your Excellency, the blood of the first martyr which this fair island shall have given to the cause of freedom will cry aloud for vengeance, and will serve to nourish and invigorate that glorious tree of liberty, which, first planted under the British banner in this very Archipelago, is destined to spread like the blessed Banyan, until its shadow encircles the earth, throughout the whole extent of the broad girdle of the Tropics.

I pray your Excellency's permission to repeat my demand for the immediate and unconditional freedom of the unfortunate Gavino, and for the repayment to him of the hardly earned wages of which he has too long been deprived.

I do myself the honour, &c.

(Signed) DAVID TURNBULL,
Consul and Superintendent of liberated Africans.

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

(Translation.)

Fourth Enclosure in No. 122.

Baptismal Certificate of Gavino.

(L. S.)

(L. S.)

THE Licentiate Don Francisco Rodriguez, Presbyter and Principal Sacristan, by Royal Appointment, with the Cure of Souls in the Parish Church of the Holy

Ghost of the Havana, hereby certifies that in the 40th book of the baptisms of black and coloured persons, folio 120, No. 962, the following appears :

“Tuesday, January 1, 1828. I, B. D. Ramon Castañeda, Parochial Curate of the Holy Cathedral Church, and residing in that of the Holy Ghost, did solemnly baptize an African adult of the Lucumí nation, of free condition, one of those brought here by Her Majesty's brigantine ‘Speedwell,’ and handed over, by order of this Government, to Doña Luisa Aper de la Paz, who is to teach the said adult the Sacred forms and ceremonies, and is to give to him the name of Gavino; Don Juan San Jorgé acting as his Godfather, contracting the spiritual paternity and signing the baptismal certificate.

“ (Signed) B. RAMON CASTAÑEDA.”

Conform to the original, (Havana, December 12, 1840,

(Signed) L. F. RODRIGUEZ.

No. 123.

Mr. Turnbull to Viscount Palmerston.

Her Majesty's Consulate, Havana, December 31, 1840.

(Received February 13, 1841.)

MY LORD,

YOUR Lordship was informed by my predecessor, Mr. Tolmé, that the six British subjects, named William Jones, Charles, Thomas, Jozé, Gregorio, Martin Bruno, had been placed by the Captain-General of Cuba at the disposal of this Consulate, on condition of their being removed from the island.

On the arrival of Her Majesty's schooner “Lark” in this harbour, I made arrangements with Commander Smith for their removal to Nassau, and I have now the satisfaction to announce their safe arrival there, on the authority of a Letter from Governor Cockburn.

I have, &c.

(Signed) DAVID TURNBULL.

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

&c.

&c.

&c.

First Enclosure in No. 123.

Mr. Turnbull to the Captain-General of Cuba.

Her Majesty's Consulate, Havana,

November 19, 1840.

MOST EXCELLENT SIR,

YOUR Excellency is aware that six persons, named William Jones, Charles, Thomas, Jozé, Gregorio, Martin Bruno, although the acknowledged subjects of Her Britannic Majesty, are detained as prisoners in the fortress called the Fuerza, until an opportunity presents itself for their removal to one or other of Her Britannic Majesty's possessions.

Against the imprisonment of these persons, on account of the colour of their skin, it is my duty to tender to your Excellency my respectful protest, because they are just as much entitled to their personal freedom as any of my other fellow-subjects of a fairer complexion. It is their misfortune, and not their fault, that they have been kidnapped in Jamaica, and consigned to slavery in Cuba, in equal violation of Spanish as of British law.

The immediate purpose of the present communication, however, is to acquaint your Excellency that in one or other of their former places of detention, the “*Deposito de Cimarrones*,” the *Jardin Botanico*, or elsewhere, their clothes and other effects were left behind at the time of their removal to the *Carcel* or *Fuerza*. I have been in person to the “*Deposito de Cimarrones*,” and also to the *Jardin Botanico*, to make inquiry after those effects, but found it impossible to identify them without the assistance of the owners; and I have been given to understand by the officer in command of the fortress, that he has no power to allow them to leave the place without express authority from your Excellency.

Under these circumstances, I have the honour to request that your Excellency will give orders for the immediate restoration of the property.

I have, &c.

(Signed) DAVID TURNBULL.

The Captain-General of the Island of Cuba,

&c.

&c.

&c.

(Translation.)

Second Enclosure in No. 123.

*The Captain-General to Mr. Turnbull.**Havana, November 21, 1840.*

I HAVE before me your Despatch of the 19th instant, in which you state to me the detention of the six negroes, whose names you give, in the barracks of the *Fuerza* until an opportunity presents itself for their removal to one of her Britannic Majesty's possessions, and you inform me that the object of your Letter is to claim the clothes and other effects which were left in the places from whence they came; and that, although you had gone in person to the Maroon Depôt and also to the Botanic Garden, you had found it impossible to identify them without the aid of the owners, but that, as you had been given to understand they would not be permitted to leave the barracks, you ask that orders be given for the restoration of their property.

On this subject I repeat to you what I say in a separate Despatch of this date with reference to Patrick Flanagan, that, as the same causes exist in both cases, Her Britannic Majesty's Commissioners in the Mixed Court of Justice may in this case prefer the complaint, inasmuch as your functions are for the present limited in this city to those I have defined, and for the reasons I have expressed in my communication to you of the 7th instant.

God grant, &c.

(Signed)

EL PRINCIPE DE ANGLONA,
Marques de Javalquinto.*D. Turnbull, Esq.,*
&c. &c. &c.

Third Enclosure in No. 123.

*Mr. Turnbull to the Captain-General.**Her Majesty's Consulate, Havana,*
November 23, 1840.

MOST EXCELLENT SIR,

I HAVE had the honour to receive your Excellency's Letter of the 21st instant with reference to the claims of Her Britannic Majesty's subjects, William Jones, Charles, Thomas, Jozé, Gregorio, and Martin Bruno, for the recovery of their clothes and effects, of which they have been deprived by their imprisonment in the *Fuerza*, and I find that your Excellency does me the honour to state that Her Britannic Majesty's Commissioners in the Mixed Court of Justice may in this case prefer the demand.

In a separate Despatch to your Excellency of this day's date, I have the honour to state the grounds on which I claim the right to exercise the whole of the functions competent to the Consul of Her Britannic Majesty at this place from the moment of my landing.

But that the assertion of my own rights, or those of the office I have the honour to hold, may interfere as little as possible with the substantial interests of my fellow-subjects entrusted to my care, I have not hesitated to communicate your Excellency's suggestion to Her Majesty's Commissioners.

The result is that these gentlemen entirely concur with me in opinion that this matter lies within the sphere of my duties as Consul, and not within theirs as Commissioners under the Treaties for the suppression of the Slave Trade.

Adopting, therefore, the mode of proceeding proposed by your Excellency in the case of Mr. Flanagan, I propose that William Jones, and the other English prisoners detained in the *Fuerza*, shall be allowed in the mean time to come in person with their complaints to the seat of Government, in order that justice may be administered to them.

I have, &c.

(Signed)

D. TURNBULL.

The Captain-General of the Island of Cuba,
&c. &c. &c.

Fourth Enclosure in No. 123.

*Mr. Turnbull to Mr. Smith.**Her Majesty's Consulate, Havana,**November 24, 1840.*

SIR,

HAVING learnt from you that Her Majesty's schooner "Lark," under your command, is about to proceed to Nassau, I have to request that you will receive on board and carry with you six kidnapped negroes, Her Majesty's subjects, whose names are William Jones, Charles, Thomas, Jozé, Gregorio, and Martin Bruno, placed at my disposal by his Excellency the Captain-General of this island, but detained in the prison of the *Fuerza* until the moment of their embarkation on account of their colour, under certain municipal regulations peculiar to this place, against which I have thought it my duty to protest.

I beg also to enclose a Letter on this subject addressed to Colonel Cockburn, the Governor of the Bahamas.

I am, &c.

(Signed) D. TURNBULL.

Thomas Smith, Esq.,
&c. &c. &c.

Fifth Enclosure in No. 123.

*Mr. Turnbull to the Captain-General.**Her Majesty's Consulate, Havana,**November 24, 1840.*

MOST EXCELLENT SIR,

I HAVE the honour to acquaint your Excellency that I have this day addressed a Letter to Mr. Thomas Smith, Commander of Her Britannic Majesty's schooner "Lark," now in the harbour, desiring him to receive on board and remove from this island six British subjects named William Jones, Charles, Thomas, Jozé, Gregorio, and Martin Bruno, detained in the *Fuerza* by your Excellency's orders. And I have the honour to request that your Excellency will suffer them to embark accordingly.

I have, &c.

(Signed) D. TURNBULL.

The Captain-General of the Island of Cuba,
&c. &c. &c.

Sixth Enclosure in No. 123.

*Mr. Turnbull to Colonel Cockburn.**Her Majesty's Consulate, Havana,**November 24, 1840.*

SIR,

THE Prince of Anglona having placed at my disposal six kidnapped negroes, Her Majesty's subjects, named William Jones, Charles, Thomas, Jozé, Gregorio, and Martin Bruno, I have the honour to request your Excellency to receive them under your protection, and render them such assistance as their unfortunate condition may seem to require.

I have, &c.

(Signed) D. TURNBULL.

Colonel Cockburn,
&c. &c. &c.

Seventh Enclosure in No. 123.

*Colonel Cockburn to Mr. Turnbull.**Government House, Bahamas,**December 8, 1840.*

SIR,

I HAVE the honour to inform you that the six kidnapped negroes referred

to in your letter of the 24th of November have arrived in Her Majesty's schooner "Lark," and in compliance with the request and opinion you have expressed shall be taken care of and provided for until the means of obtaining a living for themselves can be procured.

I have, &c.

(Signed) FRANCIS COCKBURN.

D. Turnbull, Esq.
&c. &c. &c.

No. 124.

Mr. Turnbull to Viscount Palmerston.

Her Majesty's Consulate, Havana, Jan. 2, 1841.

(Received February 13.)

MY LORD,

I HAVE the honour to enclose the copy of a correspondence I have had with his Excellency the Governor-General of Jamaica, on the subject of William Jones and four other British subjects rescued from slavery and sent to the care of the Governor of the Bahamas.

I have, &c.

(Signed) D. TURNBULL.

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

First Enclosure in No. 124.

Sir Charles Metcalfe to Mr. Turnbull.

(Extract.)

King's House, Jamaica,
December 23, 1840.

SIR,

I HAVE the honour to notice the receipt of a letter from Mr. Tolmé, announcing your having taken charge of the Consulate, and to express my thankful acknowledgments for the release therein reported of six negroes, formerly of this island, for whom a conveyance to Jamaica may be available in the vessel that carries this Despatch.

I have, &c.

(Signed) C. T. METCALFE.

D. Turnbull, Esq.,
&c. &c. &c.

Second Enclosure in No. 124.

Mr. Turnbull to Sir Charles Metcalfe.

Her Majesty's Consulate, Havana,
January 2, 1841.

SIR,

IN answer to that paragraph of your Excellency's Despatch of the 23rd of December last, which relates to the case of William Jones and four other British subjects lately rescued from slavery in this island, to whom your Excellency has been good enough to offer a passage to Jamaica on board Her Majesty's ship "Rover," I have the honour to state that having consulted their own wishes on the subject individually, and finding that not one of them believed in the existence of any friend or relation in Jamaica, and that they had therefore no preference as to their future place of destination, I took it upon me, in pursuance of my understanding of the general policy of Her Majesty's Government on the subject, to consign them to the care of the Governor of the Bahamas, where, by a Despatch since received from his Excellency, I have been apprised of their safe arrival.

I have, &c.

(Signed) D. TURNBULL.

Sir Charles Metcalfe, Bart.,
&c. &c. &c.

No. 125.

*Mr. Turnbull to Viscount Palmerston.**Her Majesty's Consulate, Havana, Jan. 2, 1841.**(Received February 13.)*

MY LORD,

THE enclosed is the copy of a correspondence I have had with his Excellency the Governor-General of Jamaica, with regard to Her Majesty's subject Henry Shirley, otherwise Francisco, who is known to have been kidnapped in Jamaica, and to have been for many years in slavery in this island, at a place called Santa Cruz, from whence, for the sake of eluding the search that had been made after him, he appears to have been spirited away to Puerto Principe or elsewhere, by his pretended owner Le Desma.

Unless some stronger measure be taken in this case than a mere remonstrance, however energetic, with the Captain-General of this island, I must despair of the restoration of this much wronged individual to his freedom.

I have, &c.

(Signed)

D. TURNBULL.

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

&c.

&c.

&c.

First Enclosure in No. 125.

Sir C. Metcalfe to Mr. Turnbull.

(Extract.)

*King's House, Jamaica,**December 23, 1840.*

As Mr. Tolmé informs me that the means of identifying Shirley are forthcoming in Cuba, I abstain from sending the individuals mentioned in my communication of the 13th instant, as it would be giving them a troublesome voyage apparently to no purpose. If, however, you require their attendance they shall be sent hereafter, in which case I beg you to mention where their presence would be desirable, whether at Havana or Santa Cruz, in order that they may be forwarded accordingly.

I have, &c.

(Signed)

C. T. METCALFE.

D. Turnbull, Esq.,

&c. &c. &c.

Second Enclosure in No. 125.

*Mr. Turnbull to Sir C. Metcalfe.**Her Majesty's Consulate, Havana,**January 2, 1841.*

SIR,

I HAVE had the honour to receive your Excellency's Despatches of the 13th and 23rd of December last, the former addressed to my predecessor, the latter to myself.

Immediately on receiving these communications I addressed a Despatch to his Excellency the Captain-General, requesting an order, authorising the Commander of the "Rover" or of any of Her Majesty's other ships of war, to remove from this island Her Majesty's subject Henry Shirley, otherwise Francisco, who appears from your Excellency's Despatch, and from Shirley's original letter contained in it, to have been still in slavery at Santa Cruz, in this island, at the end of September last.

On a careful examination, however, of the rest of the correspondence which your Excellency has been good enough to communicate, particularly the letter from Mr. Lawson, dated from Puerto Bello, on the 7th of December, I fear that Shirley may have been spirited away from Santa Cruz, and that we shall have great difficulty in tracing him to his present place of bondage. Your Excellency may rest assured, however, that I shall not allow this matter to rest, but shall strenuously

persevere in demanding the restoration of this unfortunate person to his liberty and his home.

For the present I cannot recommend your Excellency to give these willing witnesses to Shirley's identity the trouble to make the voyage either to Santa Cruz or the Havana, until we have the means of ascertaining whether it would serve any useful purpose.

I have, &c.

(Signed)

D. TURNBULL.

Sir Charles Metcalfe, Bart.,
&c. &c. &c.

No. 126.

Mr. Turnbull to Viscount Palmerston.

Her Majesty's Consulate, Havana, Jan. 3, 1841.

(*Received February 13.*)

MY LORD,

I HAVE the honour to enclose the copy of a correspondence I have had with his Excellency the Governor-General of Jamaica, on the subject of the release from slavery of Her Majesty's subject Wellington.

I have, &c.

(Signed)

D. TURNBULL.

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

First Enclosure in No. 126.

Sir C. Metcalfe to Mr. Turnbull.

(Extract.)

King's House, Jamaica,
December 23, 1840.

MR. TOLME appears for some time past to have been under a persuasion that Wellington has been released from slavery, but I have no other reason to suppose it. I beg leave therefore to solicit your attention to his case, as well as to that of Shirley, and that of the schooner "Charles," noticed in Mr. Tolmé's last letter.

I have, &c.

(Signed)

C. T. METCALFE.

D. Turnbull, Esq.,
&c. &c. &c.

Second Enclosure in No. 126.

Mr. Turnbull to Sir C. Metcalfe.

Her Majesty's Consulate,
January 3, 1841.

SIR,

WITH reference to my separate Despatch of this day's date, I beg to acquaint your Excellency that I have addressed a special demand to the Captain-General of this island for the delivery of Her Majesty's subject Wellington, supposed by your Excellency to be still in slavery at Santiago de Cuba, to the commander of any of Her Majesty's ships to whom your Excellency shall be pleased to commit this interesting duty.

I understand from Commodore Symonds, of Her Majesty's ship "Rover," that he could not undertake it without further orders from Port Royal. So much was I confirmed in the belief entertained by my predecessor of Wellington's having already been restored to his freedom, that a few weeks ago I had conveyed my thanks to the Captain-General for the promise he had made me that this unfortunate person should be indemnified for the hardships he had endured in this island.

I rely on your Excellency's communicating to me the result of the demand that will of course be made for him at Santiago de Cuba.

I have, &c.

(Signed)

DAVID TURNBULL.

Sir Charles Metcalfe, Bart.
&c. &c. &c.

No. 127.

Mr. Turnbull to Viscount Palmerston.

Her Majesty's Consulate, Havana,
January 4, 1841.

(Received February 13.)

MY LORD,

As the packet has arrived, and is about to sail for England without any notice from the Captain-General of the Letter I had the honour to address to him on the 28th ultimo, a copy of which is enclosed in my Despatch of the 30th of December, 1840, with reference to the case of the Emancipado Gabino, I have this day transmitted a communication on that subject, of which a copy is now enclosed, to Her Majesty's Commissioners in this place for the suppression of the Slave Trade, requesting them, at the earliest period consistent with their convenience, to convoke the Court of Mixed Commission in the usual form, and, when convoked, to move that Gabino be called before it, for the purpose of being asked whether he is in a state of perfect freedom, and whether he prefers remaining in Cuba or removing to a British colony. And in the event of his preferring so to remove, I have intimated my readiness to make the necessary arrangements to enable him to do so.

It humbly appeared to me that by this course I should be able to demonstrate in a clear and palpable form the actual condition of a class of persons, apparently destined without some such interference to linger out the rest of their miserable lives under a system of the most cruel and overwhelming oppression; and that I should be the humble means of placing an instrument in the hands of Her Majesty's Government of powerful efficacy in accomplishing an object which no previous measure has promoted, so far as I am aware, in the very slightest degree.

In making this communication to Her Majesty's Commissioners, I am persuaded also that I am hastening the moment when my return to England would become compatible with the interests of Her Majesty's service.

I have, &c.

(Signed)

DAVID TURNBULL.

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

Enclosure in No. 127.

Mr. Turnbull to Her Majesty's Commissioners.

Her Majesty's Consulate, Havana,
January 4, 1841.

GENTLEMEN,

I HAVE the honour to acquaint you that, in furtherance of the views of Her Majesty's Government on the subject of the protection of that numerous class of persons known in this country by the name of Emancipados, it is my wish and intention to bring an individual case under the judicial notice of the Court of Mixed Commission, in order to demonstrate in a clear and palpable form the actual condition of the class.

The case I have selected is that of Gabino, one of those in whose favour a decree of the Mixed Commission was pronounced so long ago as the year 1824. As this unfortunate person has fallen no less than four times into the hands of the Local Government, and on each occasion has become the subject of a transfer for money, amounting altogether, as I am credibly informed, to 36 ounces of gold; as he has been earning high wages during this whole period of 16 years in the capacity of a water-carrier, and has been constantly compelled to pay these wages over to the person to whom he has been transferred, exactly as a numerous class of slaves in

this country are compelled to do to their owners; as I am in possession of the most undeniable written legal evidence that this individual really belongs to the unfortunate class of *Emancipados*; and, finally, as his present master, Don Feliz Pintero, is a person of a mild disposition, and he himself of a docile, firm, and unshrinking character, I have resolved, after full inquiry and mature deliberation, to select him for the purpose in view.

I have now, therefore, the honour to request that the Court of Mixed Commission be convoked in the usual form, at the earliest period consistent with your convenience; and, when convoked, that it be moved to call this individual before it, for the purpose of being asked whether he is in a state of perfect freedom, and whether he prefers remaining in Cuba or removing to a British Colony; and in the event of his preferring so to remove, I beg to state that I am ready to make the necessary arrangements to enable him to do so.

You are already aware that I have had some correspondence on this subject with his Excellency the Captain-General: and I believe you have been informed that his Excellency has been pleased, in the event of my perseverance in the course I had indicated, to intimate his intention to send me my passport.

Under these circumstances, I trust you will perceive the importance of convoking the Mixed Commission Court at the earliest possible moment.

I have, &c.

(Signed) D. TURNBULL.

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

No. 128.

Mr. Turnbull to Viscount Palmerston.

Her Majesty's Consulate, Havana,
January 4, 1841.

(Received February 13.)

MY LORD,

ENCLOSED I have the honour to transmit to your Lordship the copy of a Letter I have this day addressed to Lord John Russell, acquainting him that Juan Fontanales, a native of Sierra Leone, lately rescued from slavery in Cuba, has been sent to Falmouth in Her Majesty's packet "Star," consigned to the care of the Superintendent of Her Majesty's packets until an opportunity can be found for sending him home.

I have, &c.

(Signed) D. TURNBULL.

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

Enclosure in No. 128.

Mr. Turnbull to Lord John Russell.

Superintendency of Liberated Africans, Havana,
January 4, 1840.

MY LORD,

I HAVE the honour to acquaint your Lordship that the British subject named Juan Fontanales is a person who has been lately rescued from slavery in this country. He is a native of Sierra Leone, where he was kidnapped twelve years ago, and from thence brought to Cuba as a slave. Independent of his great misfortunes, his superior intelligence and his amiable disposition, which I have had an opportunity of observing during his stay under my care at the Havana, need only be known to secure for him that favour and protection which I venture to beg on his behalf at your Lordship's hands. He is very desirous of returning to his native country; and I know of no better way to accomplish this object than by sending him to Falmouth, to the care of the Superintendent of Her Majesty's packets, there to await your Lordship's orders as to his ulterior destination. This I have accordingly done; and I have requested the Superintendent at Falmouth to lose no time in communicating with your Lordship on the subject.

I have the honour to add, that I have thought it my duty to institute proceedings

against the late mistress of Juan Fontanales, Doña Mercedes de Fontanales, and against the representatives of his deceased master, Don José de Fontanales, for the wages earned by him, at the rate of a dollar a-day, during the eight years that he was held by these persons in slavery.

I have also taken measures to recover a much smaller sum, 97 dollars, confessedly due to Juan Fontanales by Don José Villamonte, a cigar manufacturer at Guines, the person to whom the young man had been hired out by his pretended owners. This smaller sum is a part of the 112 dollars claimed from Don José Villamonte by Juan Fontanales, and consists of his accumulated earnings on Sundays and holidays.

I have, &c.

(Signed) DAVID TURNBULL.

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

No. 129.

Mr. Turnbull to Viscount Palmerston.

Her Majesty's Consulate, Havana,
January 4, 1841.

MY LORD,

(*Received February 13.*)

REFERRING to my Despatch of the 3rd instant, I have the honour to submit some further correspondence regarding Her Majesty's subject Wellington, who is said to have been delivered up to Her Majesty's Consul at Santiago de Cuba.

I have, &c.

(Signed) DAVID TURNBULL.

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

First Enclosure in No. 129.

M. Granada to Mr. Turnbull.

(Translation.)

Havana, January 3, 1841.

HIS Excellency the Prince of Anglona, Captain-General of this island, having received your communication of yesterday, requesting an authorization for the delivery to the Commander of Her Britannic Majesty's ship "Rover," of the subject of your nation, Wellington, I say to you in answer, by his Excellency's order, that this individual was delivered several months ago to Her Britannic Majesty's Consul in Santiago de Cuba, as is proved by the receipt which exists in the proceedings on this subject.

God grant, &c.

D. Turnbull, Esq.,
&c. &c.

(Signed) GABRIEL GRANADA.

Second Enclosure in No. 129.

Mr. Turnbull to Sir Charles Metcalfe.

SIR,

Her Majesty's Consulate, Havana, January 4, 1841.

WITH reference to my Despatches of yesterday's date, I have the honour to annex a translation of the official answer to my demand for the delivery of Wellington, in which your Excellency will observe it stated that Wellington was delivered some months ago to Her Majesty's Consul at Santiago de Cuba; and it is said that the fact is proved by the receipt which exists in the judicial proceedings on the subject.

I have, &c.

(Signed) DAVID TURNBULL.

Sir Charles Metcalfe, Bart.,
&c. &c.

No. 130.

*Mr. Turnbull to Viscount Palmerston.**Her Majesty's Consulate, Havana, January 4, 1841.**(Received February 13.)*

MY LORD,

WITH reference to my Despatch of the 2nd instant, I have the honour to enclose some further correspondence with the Captain-General of this island and the Governor-General of Jamaica, on the subject of the unfortunate Shirley, whose case I beg most earnestly to commend to your Lordship's further attention.

I have, &c.

(Signed)

DAVID TURNBULL.

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

&c.

&c.

&c.

First Enclosure in No. 130.

*M. Granada to Mr. Turnbull.**Havana, January 2, 1841.*

HIS Excellency the Captain-General of this island desires me to inform you, in answer to your Despatch of yesterday, relating to the delivery of the subject of your nation, Henry Shirley, to the Commander of Her Britannic Majesty's ship "Rover," in order to his removal from this island, that from the inquiries that have been made it appears that no such person existed in the province of Santiago de Cuba; and as Consul Tolmé had intimated that he might be found in the jurisdiction of Puerto Principe, a Despatch to this effect was addressed to the Governor of that city, who did all that was necessary in consequence: from all which it is inferred, on the authority of another negro living in that city, that Shirley is believed to be dead; but that judicial inquiries are still in progress in order to throw light on this matter.

God grant, &c.

(Signed)

GABRIEL GRANADA.

D. Turnbull, Esq.,

&c. &c.

Second Enclosure in No. 130.

Mr. Turnbull to Sir Charles Metcalfe.

SIR,

Her Majesty's Consulate, Havana, January 4, 1841.

WITH reference to my Despatch of the 2nd instant I have now the honour to enclose the translation of an official letter just received from the Political Secretary of the Governor, in which I am sure your Excellency will agree with me that a very unsatisfactory account is given of the disappearance of Henry Shirley; and I beg to repeat to your Excellency what I have already said in writing to Her Majesty's Government, that, without some much stronger measure than the most energetic remonstrance a British Consul can address to the Captain-General of this island, we must despair of the restoration of this much-injured individual to his freedom.

I have, &c.

(Signed)

DAVID TURNBULL.

Sir Charles Metcalfe, Bart.

&c.

&c.

No. 131.

*Mr. Turnbull to Viscount Palmerston.**Her Majesty's Consulate, Havana, November 14, 1840.**(Received February 15, 1841.)*

MY LORD,

I HAVE the honour to enclose a Letter in original and translation from the

Captain-General, announcing that his Excellency had directed the Governor of Santiago de Cuba to bring to sale certain property pledged for the payment of the sums adjudged to be due by Don Juan Lapiere to Her Majesty's subject Wellington; together with a copy of a letter of thanks I returned to his Excellency on the occasion.

I have, &c.

(Signed) DAVID TURNBULL.

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

First Enclosure in No. 131.

The Captain-General to Mr. Turnbull.

(Translation.)

Havana, November 12, 1840.

ON the 7th instant I directed his Excellency the Governor of Santiago de Cuba to proceed to the sale of a wooden coffer, the property of Dolores Riveros, pledged for the payment of sums adjudged and decreed against Don Juan Lapiere, in order that the proceeds may serve for the indemnification of what was referred to in your Despatch of the 4th of July last relative to the negro Wellington, which I communicate to you, in answer, for your information and satisfaction.

God grant, &c.

(Signed) EL PRINCIPE DE ANGLONA,
Marques de Javalquinto.

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

Second Enclosure in No. 131.

Mr. Turnbull to the Captain-General.

Her Majesty's Consulate, Havana, November 14, 1840.

MOST EXCELLENT SIR,

I HAVE the honour to acknowledge the receipt of your Excellency's Letter of the 12th instant, by which I have the satisfaction to learn that your Excellency has directed the Governor of Cuba to bring to sale certain property of Dolores Riveros for the payment of the sums adjudged to be due by Don Juan Lapiere to the negro Wellington.

I thank your Excellency most sincerely for this communication, and I shall not fail to bring the act of justice it announces under the notice of my Government.

I have, &c.

(Signed) DAVID TURNBULL.

The Captain-General of the Island of Cuba,
&c. &c. &c.

No. 132.

Viscount Palmerston to Mr. Turnbull.

SIR,

Foreign Office, March 4, 1841.

I HAVE received your Despatch of the 30th December last, enclosing copies of communications which you have had with the Governor of Cuba respecting the emancipated negro Gavino.

I herewith transmit for your information a copy of an instruction which I have this day addressed to Her Majesty's Envoy at Madrid, desiring him to demand from the Spanish Government that all the surviving negroes of those who have been emancipated in Cuba by sentence of the Mixed Commission under the Treaty of 1817, shall be brought before the Mixed Commission, and shall then be handed over to you, to be sent by you to a British colony, where they will by law as well as by treaty be free.

I have to desire that upon the receipt of this Despatch you will wait upon Her

Majesty's Commissioners, and concert with them the best mode of carrying into effect the wishes of Her Majesty's Government on this subject, so that they may place themselves in communication with the authorities of Cuba, and make the preliminary arrangements by which the negroes liberated under the Treaty of 1817 may be brought before the Mixed Commission, in order to be ultimately disposed of by you according to the intentions of Her Majesty's Government.

I am, &c.

D. Turnbull, Esq.
&c. &c.

(Signed) PALMERSTON.

Enclosure in No. 132.

Viscount Palmerston to Mr. Aston.

March 4, 1841.

(See No. 13.)

No. 133.

Viscount Palmerston to Mr. Turnbull.

SIR,

Foreign Office, March 4, 1841.

I HAVE received your Despatch dated the 4th of January last, and I approve of the communication which you addressed to the Commissioners under that date respecting the emancipated negro Gabino; and I have to desire that you will continue to supply those officers with every information you can collect tending to assist them in the execution of their duties under the Treaties between Great Britain and Spain for the suppression of Slave Trade.

I am, &c.

D. Turnbull, Esq.
&c. &c.

(Signed) PALMERSTON.

No. 134.

Mr. Turnbull to Viscount Palmerston.

Havana, January 11, 1841.

(Received March 17.)

MY LORD,

I HAVE the honour to enclose the copy of a letter I have this day addressed to Her Majesty's Consul at Santiago de Cuba on the subject of the liberation of the kidnapped negro Wellington, who was understood to have been restored long ago to his liberty and his home in Jamaica, but who, from Sir C. Metcalfe's letter to me, a copy of which was transmitted to your Lordship in my Despatch of the 4th instant, appears not to have reached Jamaica so recently as the 23rd of December last.

I have, &c.

(Signed)

D. TURNBULL.

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

Enclosure in No. 134.

Mr. Turnbull to Mr. Hardy.

Her Majesty's Consulate, Havana,

January 11, 1841.

SIR,

THE Captain-General of Jamaica sent Her Majesty's ship "Rover" to the Havana a few days ago to insist on the restoration of several British subjects to their freedom, and among others Her Majesty's subject Wellington, as to whom, I understand, you have formerly had some correspondence.

Enclosure in No. 135.

The Captain-General to Mr. Turnbull.

IN consequence of your Despatch of the 20th of December last, in relation to the succession of Don José Fontanales, which you declare to be responsible for the payment to the negro Juan with the same surname for the sums received in the nature of wages, together with the ordinary interest corresponding to these sums, I have this day consulted with the Auditor de Guerra, who, in conformity with the representation of the Substitute Fiscal, del Juzgado, has recommended me, as I now do, to intimate to you that it is impossible to accede to what you propose in your Despatch, because it is indispensable to institute a judicial process, wherein the parties being heard, a suitable judgment might be pronounced, no representation being admissible in courts of justice by means of persons not authorised nor in due form. Such is the answer I have to make to your Despatch.

God grant, &c.

(Signed) EL PRINCIPE ANGLONA, MARQUES
DE JAVALQUINTO.Señor David Turnbull,
&c. &c.

No. 136.

*Mr. Turnbull to Viscount Palmerston.**Havana, January 24, 1841.**(Received March 17.)*

MY LORD,

WITH reference to my Despatches of the 2nd and 4th instant relating to Henry Shirley, a British negro kidnapped in Jamaica six years ago, and sold into slavery in this island, I have now the honour to enclose some further correspondence with the Governor-General of Jamaica and the Captain-General of Cuba on the subject.

From the last Letter of the Captain-General, dated the 20th instant, your Lordship will perceive that his Excellency refuses to listen to my proposal that Le Desma, the man who stole Shirley, should be brought to the Havana to be confronted with the witnesses to Shirley's identity; and if convicted of the theft to his Excellency's satisfaction, that he be sent to Jamaica for punishment as a means of compelling him to procure the restoration of his victim. This mode of proceeding, the Captain-General, on the authority of his legal advisers, declares to be contrary to the laws of Spain, but he has not offered or suggested any other mode of redress.

The case, your Lordship sees, is altogether a most grievous one; and I cannot help expressing my earnest prayer that the thief and the authorities who are screening him from justice may not be permitted to triumph in their wickedness, even if the "*ultima ratio regum*" be required to produce poor Shirley's liberation.

I have, &c.

(Signed) DAVID TURNBULL.

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

First Enclosure in No. 136.

*Mr. Turnbull to the Captain-General.**Her Majesty's Consulate, Havana,*
January 8, 1841.

MOST EXCELLENT SIR,

I HAVE the honour to acknowledge your Excellency's Despatch of the 3rd instant with regard to Her Britannic Majesty's subject Henry Shirley, who, as represented by my predecessor, Mr. Consul Tolmé, in his Despatch of the 20th November, 1839, addressed to your Excellency's predecessor the late Captain-General Espeleta, was stolen from Jamaica by Antonio Le Desma, a shopkeeper of Santa Cruz, and formerly the captain of a schooner called the "*Lucia*," trading between Santa Cruz in this island and Montego Bay in Jamaica.

Your Excellency is pleased to state that in consequence of a suggestion of Mr. Tolmé, a Despatch had been addressed to the Governor of the City of Puerto Principe, who did all that your Excellency thought necessary; and from his report it appears to have been too readily inferred on the more than doubtful authority of another negro, whose name your Excellency has not done me the honour to communicate, that my unfortunate countryman, Henry Shirley, was dead. But your Excellency concludes your Despatch with the intimation that judicial inquiries are still on foot for the purpose of throwing light on the affair; such inquiries, most excellent Sir, and something more than mere inquiries, are loudly and imperatively called for by the circumstance of this atrocious case of man-stealing. For it is to be feared that inquiries, however diligent, will avail but little without measures of a much more energetic character on the part of your Excellency's Government.

In spite of all that has hitherto been done, this unfortunate person had already been deprived of his liberty for upwards of six years; and with the unlimited wealth and all but absolute power at your Excellency's disposal, I venture to say that when Shirley shall at length be found and restored to his freedom, your Excellency will not have the means of affording him adequate redress for the misery he has been enduring, and to this hour endures, within your Excellency's jurisdiction.

Antonio Le Desma, a subject of Her Catholic Majesty, stands solemnly charged with stealing and reducing to slavery Henry Shirley, a free subject of Her Britannic Majesty.

The man-stealer, Antonio Le Desma, has long been denounced to your Excellency as residing and carrying on the trade of a shopkeeper at a place called Santa Cruz, within your Excellency's jurisdiction.

I have now the unspeakable satisfaction of submitting to your Excellency's inspection the most undeniable written evidence of the utter falsehood of the story that Henry Shirley is no longer alive, evidently invented by Le Desma for the purpose of suppressing inquiry after the victim of his crime. With this Despatch I have the honour of transmitting to your Excellency a letter written so recently as the 27th of September last by Henry Shirley himself, in which, addressing his aunt, Mrs. Elizabeth Wilkins, in Kingston, Jamaica, he describes in the most touching terms the sufferings he has so long endured in his house of bondage. It is in this letter that the unfortunate Shirley communicates the threat of his pretended master, Le Desma, to send him for sale to Puerto Principe. "He threatens every day," says Shirley, "to send me to Principe to sell me, to prevent me from seeing my dear family any more. Do, my dear aunt, do try and take up my business for me, as I have no person in Santa Cruz to do anything for me, so I could return once more to my native land, so I might have comfort once more in this world. For Cuba slavery is the worst of slavery in the universal world."

Under these circumstances, my proposal to your Excellency is that Antonio Le Desma be brought without delay from Santa Cruz to the Havana as a prisoner charged with the most atrocious of crimes. When here, I undertake to confront him in your Excellency's presence with at least two unexceptionable witnesses whom I shall bring from Jamaica for the purpose of proving the "*corpus delicti*."

That evidence being adduced to your Excellency's satisfaction, it will then become my duty to propose to your Excellency that the criminal, Antonio Le Desma, be sent from the Havana to Jamaica in a ship which I shall have the honour of providing for that purpose, to be placed at the disposal of his Excellency the Governor-General of Jamaica, there to expiate his crime on the very spot where it was originally committed.

It is by such means alone that the honour of your Excellency's Government can be adequately vindicated, and that the man-stealers of Cuba are to be deterred from treating thus lightly the glorious birthright of every class and complexion of Her Majesty's subjects.

I avail myself, &c.

(Signed)

DAVID TURNBULL.

His Excellency the Captain-General,

&c.

&c.

&c.

Second Enclosure in No. 136.

Henry Shirley to his Aunt.

September 27, 1840.

DEAR AUNT,

I HOPE these few lines will find you well, and in a good state of health. You says you have only received only one letter. I wrote two letters to you. You says that I must get some other person besides Mr. Ashbourn to do something for me. I knows no other person that would do anything for me excepting Mr. Ashbourn. I wish you would be so good as to speak to him for me, and try to get me from this distant country called Cuba St. Cruz. M. Antonio De Desma, which is now detaining me as a slave of his, is threatening every day to send me to Principy to sell me, to avoid me from seeing my dear family any more. Do, my dear aunt, do try and take up my business for me, as I have no person in Santa Cruz to do anything for me, as quick as you possibly could, so I could return once more to my native land, so I may have comfort once more in this world again, for Cuba slavery is the worst of slavery in the universal world. I hope at the receipt of this letter that all the family may be quite well. I have no more to say at present, but still remain,

Yours affectionate,

(Signed) HENRY F. SHIRLEY.

Third Enclosure in No. 136.

*M. Granada to Mr. Turnbull.**Havana, January 10, 1841.*

HIS Excellency the Prince of Anglona, Captain-General of this island, having taken into consideration your communication of the 8th instant with respect to Her Britannic Majesty's subject Henry Shirley, has commanded me to say to you that it has been transmitted to the Court of Justice to which it belongs.

God grant, &c.

(Signed) GABRIEL GRANADA,

*The Interim Political Secretary of the Governor.**D. Turnbull, Esq.*
&c. &c. &c.

Fourth Enclosure in No. 136.

*Mr. Turnbull to Sir C. Metcalfe.**Her Majesty's Consulate, Havana,*
January 11, 1841.

SIR,

AFTER the Despatch of the "Rover" on the 5th instant, by which I had the honour of addressing a series of communications to your Excellency, I took an early opportunity of presenting the case of Henry Shirley in a more formal and solemn manner to the consideration of his Excellency the Captain-General.

In answer to my Despatch on that subject, which I hope may meet your Excellency's approbation, I have just received the official Letter of yesterday's date, of which a copy is enclosed. And I need hardly add that I am only the more fully confirmed by it in the opinion already communicated to your Excellency, that without some measure far stronger than a mere remonstrance from me, all hope of the recovery of the freedom of this unfortunate person may be finally abandoned.

It is not my province to offer suggestions to your Excellency, but I cannot help expressing the most intimate conviction that, calling in, if necessary, the personal aid of the Admiral or Commodore on the station, and of the squadron under his orders, your Excellency will insist not only on the recovery of Shirley, but on the delivery to your Excellency of his kidnapper Le Desma, to be dealt with according to law. If this act of justice be refused or delayed, the Admiral

or the Commodore will know how to take security for the future freedom of our countrymen in the form of reprisals, and without distinction of colour.

Your Excellency will perceive that in writing to the Captain-General, I have offered to confront the criminal Le Desma with the witnesses to Shirley's identity, whom your Excellency was good enough to offer to send to the Havana for the purpose.

Should your Excellency resolve on sending the means of enforcing our demand, I am entirely of the opinion suggested by your Excellency, that the witnesses in question should at the same time be sent to the Havana.

I have, &c.

(Signed) DAVID TURNBULL.

Sir C. Metcalfe, Bart.
&c. &c. &c.

Fifth Enclosure in No. 136.

M. Granada to Mr. Turnbull.

(Translation.)

(*No date given.*)

By command of his Excellency the Prince of Anglona, Captain-General of this island, I send you enclosed the Evidence of the Despatch of the provisional order by the Court of Justice of this Captaincy-General, in the proceedings which have been instituted for the discovery of the residence of the British negro, Henry Shirley.

(Signed) GABRIEL GRANADA,
Interim Political Secretary of the Governor.

David Turnbull, Esq.
&c. &c. &c.

Sixth Enclosure in No. 136.

(L.S.)

DECREE.

(L.S.)

Havana, January 20, 1841.

IN conformity with the representation of the Substitute-Fiscal, let it be said in answer to the official Despatch of Mr. David Turnbull of the 8th instant, that, consistently with the laws of Spain, it is not possible to accede to his proposal, nor to admit of proceedings in the official manner he has thought it convenient to adopt.

Let the Despatch proposed by the Fiscal be sent to the Lieutenant-Governor of Puerto Principe; and let a note be taken in the office of the Secretary of this provisional order, that the answer proposed may be sent.

(Signed) ANGLONA.
ARMERO.
LORENZO DE LARRAZABAL.

NOTIFICATION.

On the same day I notified the preceding Decree to the acting Procurator-Fiscal, which I certify.

(Signed) REFERANO LARRAZABAL.

Havana, January 21, 1841.

Conform to the original, which is to be found in the judicial process instituted in this superior tribunal, in consequence of the Decrees transmitted by the Governor of Santiago de Cuba for the discovery of the residence of the English negro, Henry Shirley, to which I refer; and in obedience to my orders I lodge the present notification.

(Signed) LORENZO DE LARRAZABAL.

Seventh Enclosure in No. 136.

*Mr. Turnbull to Sir C. Metcalfe.**Her Majesty's Consulate, Havana,
January 23, 1841.*

SIR,

I HAVE the honour to communicate to your Excellency another incident in the affair of Henry Shirley.

Resolved to carry on the solemn farce of first killing and afterwards pretending to search for this unfortunate person, the Captain-General has been at the pains to procure the official opinion of his legal advisers, that my demand to have the man thief, Le Desma, confronted with the witnesses to Shirley's identity, is contrary to the laws of Spain—remitting this interlocutory judgment, as he calls it, to the piles of papers which no doubt exist on the subject, under the name of a process for the discovery of the lost negro; and yet his Excellency has not taken the trouble to offer any other means than that I suggested of handing over Le Desma to your Excellency's safe keeping, by which a reasonable prospect could be obtained of restoring poor Shirley to his freedom and friends.

Your Excellency has probably heard of the arrival at Santiago of the new Captain-General, Don Geronimo Valdez. During a portion of the period of my residence in Spain, this officer commanded the army of the North, where he maintained the highest reputation for probity and fair dealing; and being now the nominee of the Duke of Vittoria, he will probably be more disposed than the Prince of Anglona to do justice to Her Majesty's subjects. By this consideration and belief I am induced, for a little while, to suspend my design of pressing this case on the attention of the present Captain-General, in the hope that some communication from your Excellency on the subject may immediately follow, if it does not precede, the arrival of Don Geronimo Valdez.

The Prince complains most bitterly of Espartero's Government in sending the notification of his recall not directly to himself, but through the medium of the Conde de Villaneuva, the Intendant.

I have, &c.

(Signed) DAVID TURNBULL.

Sir C. Metcalfe, Bart.
&c. &c. &c.

No. 137.

*Mr. Turnbull to Viscount Palmerston.**Havana, January 26, 1841.**(Received March 17.)*

MY LORD,

IN my Despatches of the 30th of December, 1840, and the 4th instant, I had the honour to bring the case of the emancipado Gavino under your Lordship's notice, and with my previous correspondence on this subject with the Captain-General, in the course of which his Excellency threatened to send my passport, I transmitted to your Lordship a copy of the communication I then thought it my duty to make to Her Majesty's Commissioners.

I have now the honour to enclose a copy of the Commissioners' answer, dated the 5th, and received by me on the 8th, in which they require, as a preliminary to the convocation of the Court of Mixed Commission, that the particulars of the case already in their possession, the written evidence in support of it, and my previous correspondence with the Captain-General, should be laid before them.

To this letter I made the reply (a copy of which is also enclosed), in which I especially referred them to the volume, folio, and number of the Baptismal Register containing the evidence of the free condition of Gabino, and of his belonging to the class of English emancipadoes; and for the reasons therein assigned I excused myself from communicating to the Commissioners my previous correspondence with the Captain-General.

On the 11th instant I received the Commissioners' letter of the 9th, declining to convoke the Mixed Court, for reasons which I submit without comment to your Lordship's consideration.

After this letter was written, and before it was received, a Spanish slaver was

sent into this harbour for adjudication by the commander of Her Majesty's ship "Ringdove," which having produced the convocation of the Mixed Court, I thought it my duty, at the instance of Don Miguel Tavares, the patron of this unfortunate emancipado, to prepare and subscribe a petition in his name, addressed to the Mixed Court.

The petition I enclosed under a fly seal to Her Majesty's Commissioners, of which a copy is enclosed; and on the following day a most interesting fact having come to my knowledge in relation to Gavino, I communicated it to the Commissioners in a letter, of which a copy is in like manner enclosed.

Having heard on the evening of that day that the sittings of the Mixed Court had been adjourned, I wrote to the Commissioners inquiring how Gavino's petition had been disposed of; and after that letter was written and despatched, I received the communication of the two Commissary Judges, in which it is stated that the Mixed Court has no power to inquire into the enslaved condition of the emancipadoes—a decision which, however contrary to my wishes and expectations, will still I trust be useful in your Lordship's hands in defeating that system of procrastination so adroitly and successfully pursued by the Spanish Government and the subordinate authorities, for the too evident purpose of realizing the heartless and sinister suggestion of Don Evaristo Perez de Castro in his letter of last year to Her Majesty's Minister at Madrid, to the effect that, as the emancipadoes are no longer left to the tender mercies of the Spanish Government, a single generation will suffice to solve the question by sweeping away the whole of the unhappy survivors.

Nevertheless it remains to be seen what fate the Spanish Government has reserved for the descendants of the female emancipadoes, who, if they follow the condition of their mothers, will be involved in a system of slavery the most hopeless and cruel of which the history of the world affords an example.

I have, &c.

(Signed) DAVID TURNBULL.

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

&c. &c. &c.

First Enclosure in No. 137.

Her Majesty's Commissioners to Mr. Turnbull.

Havana, January 5, 1841.

(Received January 8.)

SIR,

WE have received your Letter of yesterday's date informing us of your wish and intention to bring before the judicial notice of the Court of Mixed Commission the case of an emancipado named Gavino, and requesting that the Court be convoked in the usual form, and this individual called before it, for the purpose of being asked whether he is in a state of perfect freedom, and whether he prefers remaining in Cuba or removing to a British colony, in the event of which you are ready to make the necessary arrangements to enable him to do so.

The condition of the emancipadoes being a subject on which we are desirous of obtaining the fullest information, we have to request, as a preliminary consideration, that you will favour us with all the particulars you possess respecting the case you mention, together with copies of the written evidence referred to, and of the correspondence with the Captain-General.

We have, &c.

(Signed) J. KENNEDY.
C. J. DALRYMPLE.

D. Turnbull, Esq.
&c. &c. &c.

Second Enclosure in No. 137.

Mr. Turnbull to Her Majesty's Commissioners.

Her Majesty's Consulate, Havana,
January 8, 1841.

GENTLEMEN,

I HASTEN to acknowledge the receipt of your Letter of the 5th instant, which I beg to apprise you did not reach me till this morning.

In this Letter—"the condition of the emancipados being a subject on which you are desirous of obtaining the fullest information"—you request me, as a preliminary consideration, to furnish you with all the particulars I may possess respecting the case of Gavino, together with copies of the written evidence referred to, and of the correspondence with the Captain-General.

As this matter is about to come before you in your judicial capacity, it humbly appears to me that it would be better that the preparation of the case for trial should be left entirely in my hands, and that you should not be troubled with the consideration of the evidence by which it is to be supported, until the Court of Mixed Commission is actually assembled. By pursuing an opposite course you will naturally be exposed to the charge, on the part of the Spanish members of your Court, that by considering evidence and arguments beforehand, you had prejudged the question on which the Mixed Court had met to adjudicate.

The case of Gavino has nothing in it in the least degree special or particular; and it is just for that reason that I have selected it from among thousands of others, the better to demonstrate the actual condition of this unfortunate class of persons. I need not say that I can have no difficulty in referring you to the evidence which is to serve to identify this person as an English emancipado. That evidence is just as open to you as it is to me. It so happens that Gavino was regularly baptized, as a man of free condition, on the 1st of January, 1828, and that the fact is recorded at No. 962 in the 120th folio of the 40th book of the baptisms of black and coloured persons in this city. The evidence referred to in my Letter of the 4th instant consists of a certified extract from the Register, under the hands of the Sacristan Mayor.

With regard to my correspondence with the Captain-General, I beg to say that it relates to a question which it would not be fit or becoming in me to bring under your notice officially. Beyond the facts already communicated to you, that correspondence contains nothing but a discussion on the subject of my right, as Consul or Superintendent of liberated Africans, to direct the attention of the Captain-General to the subject of the violation of the existing Treaties between Spain and Great Britain for the suppression of the Slave Trade.

I rely, therefore, on your perfect readiness to convoke the Mixed Court at the earliest possible moment, for the purposes expressed in my Letter of the 4th instant.

I have, &c.

(Signed) DAVID TURNBULL.

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

Third Enclosure in No. 137.

Her Majesty's Commissioners to Mr. Turnbull.

Havana, January 9, 1841.

SIR,

(Received January 11, at 2 o'clock P.M.)

WE have received your letter of yesterday's date in reply to ours of the 5th instant, and regret to find you declining to give us the particulars of the case of the emancipado mentioned in your former Letter of the 4th.

Without being fully informed of the matter, so as to be convinced of the propriety of the proceeding, we certainly could not convoke a meeting of the Mixed Court for the purpose you propose.

If you will take the trouble to look into the Papers relating to the Slave Trade laid before Parliament during the last Session, you will find that the condition of the emancipados has been already, to the best of our ability, brought before the notice of Her Majesty's Government. You will find also that, in consequence of our representations, Her Majesty's Minister at Madrid has long since been directed formally to demand that the surviving persons of that class be brought before the Mixed Court for the purpose of such an examination as you propose with regard to the individual you mention.

When the requisite instructions empowering the Court to enter into such an examination (shall) be received, we feel assured that the Court will not be found wanting in the due fulfilment of its duties.

Meanwhile we know not under what authority it can be called on to sit in judgment upon the acts of the local Government, to whom the charge of the liberated Africans, by the Treaty of 1817, was specifically given. We conceive that, if there be any cause of complaint against the local Government, it is a question for the two high contracting powers to consider, and not the tribunal to which we belong.

Such being our general views of the question with regard to the principle involved, it is unnecessary to enter into any consideration of the details you refer to, though, to guard against misconstruction, we must add that we do not therefore admit their correctness. The conclusion to which we come, without any hesitation, is, that we have not the power to enter into the investigation you propose.

We hope soon to receive instructions on the subject from the two Governments on which we shall be able to act; and as we shall take the first opportunity to forward our views of this matter to Her Majesty's Principal Secretary of State for Foreign Affairs, we suggest to you the advisability of doing the same.

We have, &c.

(Signed)

J. KENNEDY.

C. J. DALRYMPLE.

D. Turnbull, Esq.
&c. &c. &c.

Fourth Enclosure in No. 137.

Mr. Turnbull to Her Majesty's Commissioners.

Her Majesty's Consulate, Havana,

January 13, 1841.

GENTLEMEN,

UNDER a fly seal to your care, and if you please for your previous inspection, I have the honour to forward to you the petition of the emancipado Gavino by himself, and by me as his proctor, attorney, and nearest friend, addressed to the Court of Mixed Commission now assembled, of which you are members.

You will observe that Gavino states that he is now practically in a state of slavery, and he prays the Court to inquire into the execution of the decree by which his freedom was recognised, and to take measures for securing its enjoyment, or at least to receive evidence of the fact of his present enslaved condition, in order to enlighten the Courts of London and Madrid on the subject.

I am not without the hope that the Spanish members of the Mixed Court may take a view of this subject more favourable to the practical freedom of the emancipados than that conveyed to me in your Letter of the 9th instant. At all events I am quite sure that the more this subject is agitated the sooner will the advent of freedom be accomplished.

You cannot possibly intercept the petition of Gavino to the Court to which it is addressed. Neither, I am humbly confident, will you refuse your aid to the disclosure of the truth when this subject is so earnestly pressed upon you. If the Spanish members of the Commission refuse to entertain the question or receive the evidence, on them, their nation, and their government be the whole responsibility! If they divide the Court upon it, and the lot should fall on the Spanish Arbitrator, I am ready with another case, and after that with a third, and a thousand, until we, the Representatives of the Government and the mighty mind of England shall at length have conquered the concession of the principle that the Treaties for the suppression of the Slave Trade are not to be perpetually violated under the eyes of the Court, established here for 20 years, for the express purpose of carrying them into execution, without some rays of light being suffered to impinge on the Cimmerian darkness in which its judicial proceedings, and the consequences of its acts and decrees, have hitherto been involved.

I invite you, Gentlemen, to share with me the glory of carrying this great principle; and I announce to you beforehand, that I throw on you the whole responsibility of refusing me your concurrence.

I have, &c.

(Signed)

D. TURNBULL.

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

Fifth Enclosure in No. 137.

(Petition of Gavino to the Mixed Court.)

To the Honourable the Judges of the Court of Mixed Commission of the Havana.
January 13, 1841.

THE humble petition of Gavino, an African of free condition, by himself and by David Turnbull, Her Britannic Majesty's Consul and Superintendent of liberated Africans, as the proctor, attorney, and nearest friend of the said Gavino,

SHOWETH,

That the petitioner was captured in Africa, in the year 1824, and when sailing under the Spanish flag as a slave, with a number of his countrymen, he was liberated by the Commander of Her Britannic Majesty's ship "Speedwell," by whom the slaver was brought into the Havana, and condemned as a lawful prize to the two crowns of England and Spain.

That by the decree of the condemnation of the slaver your petitioner's free condition was duly and legally recognised by your honourable Court.

That for the purpose of acquiring a knowledge of the doctrines of the Christian religion, your petitioner was transferred to Doña Luisa Aper de la Paz, to whom, and since her death, to her son Don Felix Pinero, the petitioner has, ever since, been compelled to pay over the whole, or very nearly the whole of his daily earnings, exactly in the way that a numerous class of slaves in this country are compelled to do.

Your petitioner, therefore, although nominally free, is practically, to all intents and purposes, in a state of slavery, without the right to purchase his freedom, without the security for subsistence in old age, and without the other advantages and indulgences, which are usually granted to slaves in this country.

That your petitioner was solemnly baptized as a person of free condition on the 1st of January, 1828, as is proved by his baptismal certificate, a copy of which is herewith produced.

That long before the date of his baptism your petitioner had acquired a competent knowledge of the craft or calling of water-carrier, which enabled him not only to earn his own livelihood, but to pay over his surplus earnings at the rate of a dollar a day, first to Doña Luisa Aper de la Paz, and since her death, to her son, Don Pinero.

That your petitioner is nevertheless entitled to the full possession of his freedom, and to retain his earnings for his own benefit.

That your petitioner is informed, and believes, that in compelling him to pay over his earnings to Doña Luisa Aper de la Paz and Don Felix Pinero, the laws of this country, the treaties between Spain and Great Britain for the suppression of the Slave Trade, and the judgment of your Honourable Court, which decreed your petitioner's emancipation, have all been equally violated.

That your petitioner is informed, and believes, that your Honourable Court, like other courts of justice, is entitled to watch over the execution of your own decrees.

Your petitioner, therefore, humbly prays your Honourable Court to inquire into the execution of the decree which recognised your petitioner's free condition, and entitled him to all the rights and immunities of freemen; and, thereupon, to take measures for securing to your petitioner the practical enjoyment of those rights and immunities, or, at the very least, receive evidence of the fact of your petitioner's enslaved condition, which your petitioner is informed is not sufficiently understood at the Courts of London and Madrid, who became bound to each other many years ago for your petitioner's emancipation.

And your petitioner, as in duty bound, will ever pray.

(Signed)

D. TURNBULL.

In the name and on the behalf of Gavino.

Sixth Enclosure in No. 137.

*Mr. Turnbull to Her Majesty's Commissioners.**Havana, January 13, 1841.*

GENTLEMEN,

SINCE I had the honour of transmitting to you the petition of the African

Gavino, addressed to the Court of Mixed Commission, a matter has come to my knowledge, which, in justice to this unfortunate petitioner, I think myself bound to communicate to you, and, through you, bring under the cognizance of the Court of which you are members.

Degraded below the standard of ordinary slaves, and bearing the reproachful epithet of an English emancipado, this much-wronged person, by the native energy of his character, has raised himself above his station, and, contrary to the habits of his class, has created for himself the endearing ties of family and friends.

The alliance he has formed is far above his own condition, for it is with a slave who, by the laws of this country, enjoys certain known rights and legal immunities.

By that slave, although not permitted to marry by any legal or ecclesiastical ceremony, he has a son, for whom his first care was to purchase instant and absolute freedom.

By the law of this country the son follows the condition of the mother; and the son of Gavino was, therefore, essentially in a better position than himself, because, being born a slave, the purchase of his freedom was a right of which he could not be deprived.

This simple fact, Gentlemen, throws a flood of light on the debased condition of emancipados. The reproach is ours and not theirs, that they are English. It is at us and not at them that their Spanish masters laugh in their sleeves, and I cannot therefore permit myself to doubt that when their case is thus brought solemnly before you, you may yet be stimulated to bestir yourselves in their behalf.

The fact I have now presented to you illustrates in a very favourable manner the personal character of this humble petitioner, and proves to demonstration how well he deserves that freedom which for 16 years he has pursued so earnestly but so vainly.

It cannot for a moment be doubted that with his extraordinary energy, had he been born a slave in this country, or, escaping the emancipation of the "Speedwell," had he been brought here a captive Bozal from his native Africa, he would long ago have achieved his own freedom, and with it that of his family and his descendants.

I beseech you, Gentlemen, to think of his sufferings, and to relieve him from that heart-sickness which is the bitter fruit of hope so long deferred.

I have, &c.,

(Signed)

D. TURNBULL.

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

Seventh Enclosure in No. 137.

Mr. Turnbull to Her Majesty's Commissioners.

Havana, January 15, 1841.

GENTLEMEN,

UNDERSTANDING that the sittings of the Court of Mixed Commission have been adjourned, I take the liberty of inquiring how the petition of the African Gavino has been disposed of.

I have, &c.,

(Signed)

D. TURNBULL.

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

Eighth Enclosure in No. 137.

The British and Spanish Commissioners to Mr. Turnbull.

Havana, January 14, 1841.

(Received January 15.)

SIR,

WE have received a petition signed by you in the name and on the behalf of an emancipated negro named Gavino, praying us to inquire into the execution of the decree which recognised his free condition, and entitled him to the rights and immunities of freemen; and thereupon to take measures for securing to him the practical enjoyment of those rights and immunities, or to receive evidence of his enslaved condition, which, he is informed, is not sufficiently understood at the Courts of London and Madrid.

In reply we have to inform you, that immediately upon sentence being signed, and the negroes delivered over according to the provisions of the Treaty, the functions of the tribunal over which we preside cease, in every case that is brought before it, so far as the negroes are concerned, consequently we have no power to enter into such an inquiry as is sought in the petition before us.

We have, &c.

(Signed)

EL CONDE DE FERNANDINA.
J. KENNEDY.

D. Turnbull, Esq.,
&c. &c.

No. 138.

Mr. Turnbull to Viscount Palmerston.

Havana, February 20, 1841.

(Received March 19.)

MY LORD,

I HAVE the honour to enclose a copy of the correspondence I have had on the subject of the Spanish slave vessel "*Segunda Rosario*," condemned on the 18th instant by the Court of Mixed Commission.

I beg also to enclose a copy of my Despatch on the subject to Lord John Russell, together with the correspondence I have had on the subject of convoy with Commodore M'Laughlin of the United States navy.

I sincerely hope your Lordship will not decide that I have exceeded the bounds of my duty, in asking or accepting foreign aid on this occasion.

I have, &c.

(Signed)

D. TURNBULL

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

First Enclosure in No. 138.

Mr. Turnbull to Her Majesty's Commissioners.

GENTLEMEN,

Havana, February 15, 1841.

I BEG to apprise you that I have thought it my duty to go on board the slaver brought into the Havana this morning a prize to Her Majesty's ship "*Cleopatra*;" and having found that the Africans on board have been on short allowance of food for several days, and are now at the last meal, I have directed the ship chandler Cabarg being a person habitually employed by the Commissary Judge, to see that these unfortunate persons are promptly and adequately supplied, leaving the question of responsibility for these immediate and indispensable furnishings to be afterwards adjusted.

With reference to my letter of yesterday, and to the great and unreasonable delay which took place in the case of the "*Jesus Maria*," in taking the descriptions of the negroes, required for the preparation of the certificates of emancipation, I have the honour to suggest that the officers of the Mixed Court might very well commence this tedious operation, *pendente lite*, before the date of the sentence of adjudication. This would enable me to have the Africans removed as soon as the sentence was pronounced, leaving the Secretary in possession of the descriptions to prepare the certificates at his leisure.

In order to accommodate the officers of the Court and facilitate this preliminary operation, I have no objection to receive the Africans this very day on board Her Majesty's ship "*Romney*."

I have, &c.

(Signed)

DAVID TURNBULL.

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

Second Enclosure in No. 138.

Mr. Turnbull to Lieutenant Hawkins.

SIR,

Havana, February 15, 1841.

I BEG to acquaint you that I have intimated to Her Majesty's Commissioners my readiness to receive immediately on board the "Romney" the Africans of the Spanish slaver "*Rosario*," sent in here for condemnation by Her Majesty's ship "*Cleopatra*," in order to facilitate the progress of registration.

The number of this cargo I understand is 275. In order to protect them against the consequences of the great fall of temperature they will find on board the "Romney," I shall immediately send to your care 266 blankets, which, with the nine remaining from the supply of the "*Jesus Maria*," will make one for each. These I beg you to have distributed as soon as the Africans come on board; and I will thank you to apprise me of that event whenever it takes place. Be so good as to return to the person who brings the blankets the spare articles of clothing remaining from the supply of the "*Jesus Maria*," and take the receipt.

I have, &c.

(Signed) DAVID TURNBULL.

Lieutenant Hawkins, R.N.,
&c. &c. &c.

Third Enclosure in No. 138.

Her Majesty's Commissioners to Mr. Turnbull.

SIR

Havana, February 1, 1841.

WE have received your letter of yesterday's date, informing us of your having visited the slave-schooner brought in here as prize to Her Majesty's ship "*Cleopatra*," and of you having ordered provisions for the negroes on board; also suggesting "that the officers of the Mixed Court should commence the tedious operation, *pendente lite*, of taking the description of the negroes, required for the preparation of the certificates of emancipation," for facilitating which operation you state you "have no objection to receive the Africans this very day on board Her Majesty's ship '*Romney*.'"

In answer to the first communication, we have to state that the officer in charge, agreeably to instructions from Her Majesty's Commissary Judge, had already ordered what provisions were required. With regard to the suggestion contained in the latter part of your letter, we have to remark that the officers of the Court cannot undertake the operation you justly describe as tedious, *pendente lite*, inasmuch as they cannot attend to that and to their duties in the Court at the same time. Neither do we think it would be right for them to take any steps in anticipation of the sentence, which might be considered a prejudging of the case.

We have, &c.

(Signed) J. KENNEDY.
C. J. DALRYMPLE.

D. Turnbull, Esq.,
&c. &c. &c.

Fourth Enclosure in No. 138.

Her Majesty's Commissioners to Mr. Turnbull.

SIR,

Havana, February 17, 1841.

THE Conde de Fernandino having appointed this day for the adjudication of the Spanish slave-schooner "*Segunda Rosario*," brought in here on Sunday last as prize to Her Majesty's ship "*Cleopatra*," we have to inform you that, in case of condemnation, the sentence will probably be signed tomorrow afternoon, when the negroes, about 288 in number, will be immedi-

CLASS B.

ately delivered over to you, as Her Majesty's Superintendent of liberated Africans, in accordance with Art. 2 of Annex C to the Treaty of 1835.

We have, &c.

(Signed)

J. KENNEDY.

C. J. DALRYMPLE.

D. Turnbull, Esq.,
&c. &c. &c.

Fifth Enclosure in No. 138.

Mr. Turnbull to Her Majesty's Commissioners.

GENTLEMEN,

Havana, February 17, 1841.

I HAVE to acknowledge your two letters of the 16th and 17th, both received to-day, relating to the adjudication of the "*Segunda Rosario*," and I have not the least objection to receive and take charge of the victims as soon as the sentence of condemnation is pronounced; but under the protest which I have now the honour to repeat, that the whole expense of their maintenance must be ultimately defrayed in the manner prescribed by the 2nd Article of Annex B to the Treaty of 1835, until the date when the certificates of emancipation are actually furnished.

Wherever the responsibility may rest, I have to beg of you to move the Court that the process of registration may be begun and followed forth without intermission immediately, at the latest, after the issue of the sentence; and I have the honour respectfully to suggest that if either of you gentlemen were to take the trouble to superintend the operation in person, a vast deal of time, expense, and suffering might be saved. One day, I am well assured, from personal observation, is amply sufficient for the registration, and another for filling up the printed forms, the signatures of the Judges I perceive being actually printed; so that if the adjudication shall take place as you anticipate to-morrow (Thursday the 18th), the registration might easily be finished on Friday the 19th; and, as I do not press so hard for the immediate delivery of the certificates, the transport might be victualled, cleared, and ready for sea on Saturday morning the 20th, her deck being already laid and her water-casks on board. From this degree of promptitude in the registration I have the recorded authority of Mr. Schenly, now in the Havana, a gentleman practically acquainted with the duties both of Commissary Judge and Arbitrator. And I do not hesitate to add, with perfect confidence, that if the officers of your Court were under my orders the business would certainly be done within the time I have named.

Inasmuch, however, as the plaintains and other vegetable food designed for the earlier part of the voyage must be procured from some distance in the country, and cannot be kept, you will see the necessity of my having timely notice of the day on which the registration is to be terminated; and, the transport being already engaged, you are to understand that every day's delay may involve a heavy charge for demurrage.

I have to add that, if the transport sails on Saturday, she may have the advantage and protection of convoy, of which she will afterwards be deprived.

I have, &c.

(Signed)

DAVID TURNBULL.

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

Sixth Enclosure in No. 138.

The Commissary Judge to Mr. Turnbull.

SIR,

Havana, February 18, 1841.

THE Mixed Court of Justice has this day passed sentence of condemnation on the Spanish schooner "*Segunda Rosario*," sent in here on the 14th instant, a prize to Her Majesty's ship "*Cleopatra*," on the charge of being concerned in Slave Trade. I have given due notice of this fact to Mr. Gordon, the officer in

charge, with directions to deliver over to you the negroes on board, in accordance with Article II. of Annex C to the Treaty of 1835. Mr. Gordon will be entitled to a receipt from you for the negroes, who should be placed forthwith on board the "Romney," as the officers of the Court are desirous of losing no time in taking the necessary steps for preparing the certificates of emancipation, as well as in making an inventory of the stores and equipments of the condemned vessel.

D. Turnbull, Esq.,
&c. &c. &c.

I am, &c.
(Signed) J. KENNEDY.

Seventh Enclosure in No. 138.

Mr. Turnbull to Lieutenant Hawkins.

Her Majesty's Ship "Romney,"
Havana, February 18, 1841.

SIR,

I HAVE the honour to request that you will forthwith receive on board Her Majesty's ship, under your command, the whole of the Africans on board the Spanish slave-vessel "*Segunda Rosario*," which has this day been condemned by the Mixed Court of Justice.

You will be so good as to ascertain the numbers of either sex, and make me a return of the result of your muster.

Lieutenant Hawkins, R.N.,
&c. &c. &c.

I have, &c.
(Signed) D. TURNBULL.

Eighth Enclosure in No. 138.

Mr. Turnbull to Her Majesty's Commissioners.

Havana, February 18, 1841.

(Extract.)

THE Letter of the Commissary Judge of this day's date was promptly brought to me by Mr. Gordon of the "*Cleopatra*," announcing to me that the Mixed Court had passed sentence of condemnation on the Spanish schooner "*Segunda Rosario*," and that Mr. Kennedy had directed Mr. Gordon to deliver over the negroes on board to me.

Directly on receiving this Letter I proceeded with Mr. Gordon on board Her Majesty's ship "*Romney*," when with him I witnessed the reception of the whole of the Africans then on board the "*Segunda Rosario*," according to the muster taken and certified by the commander of the "*Romney*;" and I beg to announce to you that I have not hesitated to accept the charge under a renewal of my protest that the expense of the maintenance of the Africans is not to be ultimately borne by Her Majesty's Government until the *terminus a quo* which the delivery of the certificates of emancipation shall determine.

The Commissary Judge, in his Letter, is pleased to state that Mr. Gordon will be entitled to a receipt for the negroes who shall be placed on board the "*Romney*," as the officers of the court are desirous of losing no time in taking the necessary steps for preparing the certificates of emancipation, as well as in making an inventory of the stores and equipments of the condemned vessel.

In the mean time I have sent to the country for the plaintains and the other vegetable food with which to victual the transport; and I have therefore very earnestly to appeal to you to see the registration completed in the course of to-morrow.

Ninth Enclosure in No. 138.

Mr. Turnbull to Lieutenant Hawkins.

Havana, February 19, 1841.

SIR,

I HAVE the honour to request that you will suffer the puncheons now on board the "*Meg Lee*" to remain on board for another trip, and that you will cause the boilers and cooking-vessels fit for the use of the Africans, and now on board the "*Romney*," to be transferred to the transport.

The same quantity of arms and ammunition as on the last occasion you will also be good enough to supply, with the addition of twelve cutlasses with

which to arm an equal number of picked men from among the Africans themselves.

Be so good as to allow your carpenter to see that a proper bulkhead, not impervious to a free circulation of air, is fitted up in the "Meg Lee" to separate the sexes, which on the last occasion was not necessary.

I have, &c.

(Signed) D. TURNBULL.

Lieutenant Hawkins, R.N.
&c. &c. &c.

Tenth Enclosure in No. 138.

Mr. Turnbull to D. M'Laughlin, Esq.

Havana, February 17, 1841.

SIR,

IN the course of a visit which I have had the honour to receive this evening from two of your most distinguished fellow-citizens, I have been given to understand, in the most unequivocal terms, that in the absence of any British ship of war at the moment when I am called upon to remove to one of our colonies on these seas a considerable number of Africans just rescued from slavery, you would not be unwilling to give the transport conveying them the benefit of your convoy and protection beyond the immediate dangers of the coast. In the event of your confirming this very welcome and agreeable intimation, I shall not only feel myself under a great personal obligation to you, but I shall not fail to take the earliest opportunity of making Her Majesty's Government acquainted with an instance of international courtesy peculiarly graceful in itself, and to which the attention of the friends of freedom will be gratefully and irresistibly drawn by the substantial service you will have rendered to the cause they espouse; while the dormant philanthropy of the million will be awakened by the mere novelty of the occurrence.

I venture to add that I greatly misunderstand the spirit of the Government I have the honour to serve if every member of it would not most sincerely rejoice to see an opportunity present itself for the repayment of this obligation in kind.

It is usual on such occasions, as an additional precaution against piratical attack, for the transport employed in the conveyance of liberated Africans to leave the harbour under sealed orders as to her place of destination. On this and other points, however, I shall be too happy to make such arrangements with you as may serve to reconcile your public duty and your personal convenience with the protection you are willing to extend to my interesting charge.

I have, &c.

(Signed) D. TURNBULL.

D. M'Laughlin, Esq.
&c. &c. &c.

Eleventh Enclosure in No. 138.

Mr. Turnbull to Lord John Russell.

Havana, February 19, 1841.

MY LORD,

I HAVE the honour to acquaint your Lordship that during the night between the 14th and 15th instant the Spanish slave-schooner "*Segunda Rosario*," was sent into this harbour, with 284 slaves on board, a prize to Her Majesty's ship "*Cleopatra*," as to which I enclose some correspondence with Her Majesty's Commissioners.

This vessel was condemned by the Mixed Court yesterday, and your Lordship will perceive that, availing myself of the fortunate coincidence of the return from Nassau of the transport "*Meg Lee*," which I had sent there on the 21st ultimo, with the emancipated Africans of the "*Jesus Maria*," and of his being now in readiness for another voyage, I have been using all possible diligence in making arrangements for the prompt despatch of the new cargo of the "*Segunda Rosario*," the general health of which, I rejoice to find, is much better than the former.

In spite of the very great disparity between the sexes on board the "*Rosario*," the greatest, in fact, that I have ever had an opportunity of observing, I do not believe I can do better in this case also than to send them to

Nassau, where I am firmly persuaded that my worthy predecessor must have laboured under some delusion as to their reception and treatment.

The transport will be fully victualled this evening, and will then wait her despatch for the moment when the officers of the Mixed Court shall announce the process of registration.

On this occasion I have the satisfaction to be able to inform your Lordship that I have just received a visit from Mr. King, of Albany, and Mr. A. H. Everett, of Boston, two distinguished citizens of the United States, the object of which is to assure me that Mr. M'Laughlin, the commander of the American armed vessel "*Wave*," now in this harbour, would be ready and anxious to convoy and protect the transport in which the Africans of the "*Rosario*" are about to be removed from the island, on the simple condition of my asking the favour in writing. Prior to the sailing of the same transport on the 21st of January last, I fully relied on the substantial protection of the American sloop "*Warren*," Captain Jameson, who left the harbour as agreed on the 20th, but was never afterwards seen by the "*Meg Lee*." And being still uninformed whether Captain Jameson really made any effort to redeem the pledge on which, in common with his philanthropic countrymen, I was induced to rely, I am not yet in a situation to convey to your Lordship any satisfactory account of what took place on the occasion.

So general, however, was the belief that the transport was really to have the benefit of the convoy of the "*Warren*," that no positive attempt was made to attack her, although watched by suspicious-looking vessels for the several days which the adverse winds detained her on the coast.

Under these circumstances, believing most sincerely in the actual existence of serious danger from piratical attack, I have come to the conclusion that it would not be inconsistent with the duty I owe to your Lordship, and to Her Majesty's Government, if I yielded to the suggestion of these American gentlemen, and actually asked in writing for the convoy and protection of the "*Wave*." I am moved to this course by the strong persuasion that no bad consequence can possibly result from it. At the very worst the act can but be disavowed as having been done, which it certainly will have been, without any instructions. If acceded to, the unfortunate Africans will be protected in the enjoyment of their new-born freedom, and even if refused after the discussion which has taken place on the subject, among so many distinguished citizens of the Union, the moral effect of so striking an incident on the public mind in America will sensibly strengthen the hands of the friends of freedom and humanity in that impressionable quarter of the world. At all events, if I have fallen into error, I rely with confidence on its receiving your Lordship's indulgent consideration.

I have, &c.

(Signed)

DAVID TURNBULL.

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

Twelfth Enclosure in No. 138.

Mr. M'Laughlin to Mr. Turnbull.

SIR,

Florida Expedition, Havana, February 20, 1841.

I HAVE had the honour to receive your Letter of yesterday.

Although the command with which I have the honour to be intrusted is designed for a special purpose, still, so well am I apprised of the wishes and intentions of my Government upon the subject of the Slave Trade, that I feel sure I shall represent them fully in giving the convoy you desire for the re-captured Africans.

I am at leisure to make the necessary arrangements for the convoy at any hour after 4 P.M. that may suit your convenience.

With the assurance of my profound respect,

I have, &c.

(Signed)

JOHN M'LAUGHLIN,

Lieutenant Commanding Expedition.

D. Turnbull, Esq.,
&c. &c.

Thirteenth Enclosure in No. 133.

Mr. Turnbull to Mr. M'Laughlin.

SIR,

Havana, February 20, 1841.

I THANK YOU most cordially and sincerely for the promptitude of your answer to my Letter of last night.

The officers of the Court of Mixed Commission are at this moment occupied with the registration of the liberated Africans. The instant I can learn when this operation is likely to be completed I shall hasten to let you know; at all events I shall not fail to do myself the honour of waiting on you either this evening or to-morrow morning.

I have, &c.

(Signed) DAVID TURNBULL.

John M'Laughlin, Esq.,
&c. &c. &c.

No. 139.

Viscount Palmerston to Mr. Turnbull.

(Extract.)

Foreign Office, March 23, 1841.

YOUR Despatches, dated in March last, were received by Her Majesty's packet "Pandora" on the 26th ultimo, and have been laid before Her Majesty's Government.

The number and length of your Reports and their Enclosures, which were forwarded by that opportunity, render it necessary for me to remind you that, although it is your duty to report every fact, and give every information appertaining to your duties as Her Majesty's Consul at the Havana, nevertheless you should take the trouble of condensing the information you transmit to Her Majesty's Government, and you should write in a more concise and less wordy and diffuse style.

I have further to desire that you will keep your correspondence as Her Majesty's Consul and as Superintendent of Liberated Africans perfectly distinct; that you will not address this Department on subjects connected with your duty as Superintendent, nor send to this office copies of your reports to Lord John Russell; and that you will not address the Colonial Department on subjects connected with your duty as Consul, or send to that office copies of your reports to this Department. The Colonial Secretary will no doubt send to this office copies of such of your despatches to him as require to be communicated to the Foreign Office; and I will forward to the Colonial Office copies of such of your letters to this Department as it may be requisite to communicate to the Colonial Secretary of State.

No. 140.

*Viscount Palmerston to Mr. Turnbull.**Foreign Office, April 15, 1841.**Circular sending Copy of Convention with Argentine Confederation.*

(See No. 32.)

No. 141.

*Viscount Palmerston to Mr. Turnbull.**Foreign Office, April 22, 1841.**Circular sending Copy of Convention with the Republic of Hayti.*

(See No. 36.)

No. 142.

*Mr. Turnbull to Viscount Palmerston.**Her Majesty's Consulate, Havana, March 20, 1841.**(Received April 26.)*

MY LORD,

I HAVE the honour to enclose the copy of a letter addressed to me on the 1st instant by two distinguished citizens of the United States, Mr. King of Albany, and General Tallmadge of New York, to which I have this day returned the answer, of which a copy is also enclosed.

These gentlemen having been eminently instrumental in procuring for the African victims of the "*Segunda Rosario*" the benefit of convoy on their passage to Nassau, I feel I could not withhold from your Lordship the correspondence which has arisen with them on the subject of the Slave Trade.

I have, &c.,

(Signed) D. TURNBULL

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

First Enclosure in No. 142.

Messrs. King and Tallmadge to Mr. Turnbull.

SIR,

Havana, March 1, 1841.

As citizens of the State of New York we feel great pleasure in availing ourselves of an opportunity, before leaving this island, in expressing to you our feelings in a matter which ought to excite the sympathies of the civilized world. We refer to the crime so notoriously indulged in this island, of importing natives from Africa and selling them as slaves.

We have been aware of the deep interest taken by your Government in this matter, as evinced in an article of their Treaty with Spain; and the subsequent Spanish edict making the crime of capturing Africans and transporting them to this island punishable with death; but we never felt the moral influence of the action in this matter so impressively as we have when seeing the Africans on board the British ship in this harbour, rescued by British vessels of war from the pirates sailing under British colours.

To witness so many moral beings snatched from the fangs of the ruthless slave-dealer, and taken where they can enjoy the privileges of free men, and Christian instruction, is truly an imposing spectacle, well calculated to elevate the British Government high in the moral feelings of all who have lived under, and enjoyed the blessings of a free Government. And we cannot omit on this occasion to express to you our sense of the laudable zeal you have personally manifested on these occasions in discharging your official duty, in rescuing those unfortunate beings, and providing a safe convoy to their destined home. During the last two months about 532 native Africans have been brought into this port by the Commanders of British vessels of war, and during the same time 1215 captive Africans have been landed at a point three or four miles west from this city, and there sold, and consigned to the bonds of slavery for life.

At the same time we express our admiration of the acts of your Government in this great act of philanthropy, we cannot avoid the inquiry, what is the reason that the provisions of the Treaty between your Government and the Government of Spain, on the subject of importing slaves from Africa, in this island are so utterly defeated? The facts that such importations are constantly made with the knowledge of the local Government of this place, and that a compensation is made for every native African landed on this island to some one of the officers of Government, is beyond all doubt. And we appeal to your knowledge for the truth of the assertion, that such importations are constantly made, as the inmates of the slave barracks, three miles west from the city, will sufficiently confirm; and that a consideration for every African thus imported is paid to the officers of the local Government for their permission, we have the united testimony of every intelligent inhabitant of this island who will allow himself to speak on the subject. It is treated as a part of the common law of this land, that for every negro brought from Africa to this island, a half ounce of gold is paid to the Governor, as the liquidated consideration for the privilege of thus openly violating the provisions of the aforesaid Treaty.

There is another remarkable feature in the execution of the law or edict of the Spanish Government, relating to the prohibitory clause in the aforesaid Treaty against the importation of African slaves. The Spanish law or edict makes the importation of natives from Africa punishable with death. In both cases above referred to, where captures have been made, and the crews thus captured brought into this port, and delivered, according to the provisions of the Treaty, to the Spanish authorities in this city, the criminals have been invariably released in the course of 8 or 10 days, without the infliction of the least punishment upon them. And we are credibly informed that there has been no case known of the punishment of the crew of a piratical vessel which has thus been captured with the Africans on board, and therefore there is no object of terror presented to the mind of those engaged in this illicit and barbarous traffic.

And now the doctrine of chances presents the business of importing Africans to this island as a profitable pursuit, for if the importer succeeds in bringing two vessels out of three with slaves safely into the island, it becomes a fruitful source of profit, and there is nothing to deter him from the prosecution of the business.

But if the penal consequences intended to be inflicted by the Spanish law should necessarily follow the capture of the crews of slave ships, it would immediately terminate this shocking and barbarous traffic. But where four-fifth parts of the tillable territory of this island remains uncultivated, and the demand for sugar in the civilized world is rapidly increasing, and there is no penalty awaiting the slave-dealer but the loss of about one-fourth of the vessels engaged in that business, it will progress with increased vigour. The civilized world now looks with intense solicitude for the decisive action of your Government. To require the Spanish Government to execute the penal laws, made in pursuance of the provisions of their Treaty with England, would close this horrible source of human affliction. By the provisions of the Treaty, the captured vessel and crew are to be sent to the criminal tribunals of the nation under whose colours and authority the vessel has sailed, to be tried and punished. But we are sorry to say that experience has taught us that it will be a nugatory expectation, that the local authorities of this island will meet the just hopes of those who may feel a vital interest in this matter, unless efficient means are adopted by your Government to coerce the fulfilment of the aforesaid provisions of the Treaty.

With the existing condition of slavery it is not our intention to interfere. But the act of piratically importing natives from Africa, and subjecting them to slavery, is necessarily attended with such atrocities, as to have incurred the united execrations of the whole civilized world, and entitle it to be heard on the great subject of its moral bearings.

Permit us to add, that we rejoice to find in you so faithful a representation of your Government, and trust that through your diligence, and the decisive action of your Government, the inhuman traffic in slaves from Africa to this island will be effectually terminated.

We have, &c.

(Signed)

JAMES KING.

JAMES TALLMADGE.

D. Turnbull, Esq.,
&c. &c. &c.

Second Enclosure in No. 142.

Mr. Turnbull to Messrs. King and Tallmadge.

GENTLEMEN,

Havana, March 20, 1841.

NOTHING less than the extreme pressure of my public duties could have so long deferred the pleasure I enjoy in acknowledging the receipt of your agreeable and welcome letter of the 1st instant, containing the expression of sentiments of practical philanthropy highly honourable to yourselves, accompanied by observations in regard to the exercise of my official functions which are only too flattering to me.

I am sure it will gratify you to learn that General Valdez, who has arrived here as Captain-General since the date of your Letter, has offered me the assurance of a great radical change in the system of the Government of the island, in reference to the Slave Trade; and that he has declared to me in an official form, and in the most emphatic terms, that he yields to no man in sentiment of practical philanthropy.

In compliance of these declarations and assurances, I am informed that, since his arrival at the Havana, he has refused to receive the customary bribe referred to in your Letter on the introduction of Bozal negroes from the coast of Africa; and it is said to be his firm determination not only to obstruct the landing of slaves in the island, but to prevent the outfit of slaves in its parts for the coast of Africa.

I observe that in your Letter you refer to an edict of the Spanish Government, imposing the penalty of death on Slave Trade practices. In this allusion I have the reason to believe that you have fallen into an error, which, although it does not affect the conclusion of your argument, it may perhaps be as well that you allow me to correct.

Since the abrogation of the penal code which was erected under the constitutional system in Spain, and expired with that system, my belief and understanding is, that the Decree of the 19th December, 1817, has legally revived, and that if it were not practically in a state of desuetude, or at least of abeyance, it would now be the *regula regulans* in Slave Trade offences. That Decree, it is true, declares the emancipation of all imported Africans, confiscates the vessel in which they are brought, and subjects the captain and his officers to 10 years' transportation to the Philippine Islands; a degree of severity quite sufficient, if rigidly enforced, to put an end to the practice of Slave Trading by Spanish subjects to Spanish possessions, or under the Spanish flag.

If the energy and decision of General Valdez shall only equal the sentiments of philanthropy and the acts of disinterestedness with which he has commenced his career, it may fairly be anticipated that his administration will put an end to the Slave Trade in the Island of Cuba. I beseech you to watch our proceedings, and if not the direct action of your own popular Government, to bring at least the force of public opinion to bear upon them.

I have, &c.

Messrs. King and Tallmadge,
&c. &c. &c.

(Signed)

D. TURNBULL.

No. 143.

Mr. Turnbull to Viscount Palmerston.

MY LORD,

Her Majesty's Consulate, Havana, 21st March, 1841.
(Received April 26.)

I have the honour to enclose the original and translation of a Despatch received this day from General Valdes, in answer to the demand I had made for the liberation of two British seamen of African descent who have been for some time in confinement, in consequence of their inability to procure the security required by the regulations of this Port, in order to their being allowed to be at large, or even to their being permitted to remain on board the ships in which they had arrived.

Availing myself of the sanction transmitted to me by the Lords Commissioners of the Admiralty to receive distressed British seamen on board the "Romney" hulk, instead of maintaining them at a much greater expense in the boarding houses on shore, it appeared to me that these unfortunate persons might fairly be regarded as falling within their Lordships' instructions; and I, therefore, declared my readiness to take them from the prison, and receive them forthwith on board Her Majesty's ship.

From the answer of General Valdes, your Lordship will perceive that his Excellency refuses to accede to this proposal.

I have now the honour to state that James Buchanan, one of the two individuals in question, having volunteered to enter Her Majesty's service, it is my intention tomorrow to intimate this fact to the Captain General, and on this ground to demand his liberation.

I pray your Lordship's instructions for my guidance in the two classes of cases suggested by the present position of the accepted volunteer Buchanan, and of the other coloured man Lewis, who either has not volunteered or who possibly might not be accepted.

I have, &c.

(Signed)

D. TURNBULL.

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

CLASS B.

First Enclosure in No. 143.

*Mr. Turnbull to the Captain-General of Cuba.**Her Britannic Majesty's Consulate,
Havana, March 16, 1841.*

MOST EXCELLENT SIR,

I HAVE the honour to acquaint your Excellency that there are two British seamen now confined in the prison of "La Fuerza" whose names are noted in the margin.* The one has been there for nearly three months, the other for seventeen days. No charge whatever is brought against either of them, and I understand the only pretext for their imprisonment is that some of their ancestors, on the mother's side, were the victims of that infamous traffic which your Excellency is resolved to suppress.

I pray your Excellency to order that these two innocent persons may immediately be set at liberty.

They both belong to the merchant service, and as they are unable to find the security required by the regulations of the port, the existence of which, still more than the exorbitant amount, I submit to your Excellency is most unreasonable, I have the honour to announce that I am ready to receive them, until these regulations can be revised, on board Her Majesty's ship "Romney."

I have, &c.,

(Signed) D. TURNBULL.

To His Excellency Don Geronimo Valdes,
&c. &c. &c.

* Buchanan, Lewis.

Second Enclosure in No. 143.

The Captain-General to Mr. Turnbull.

SIR,

Havana, March 21, 1841.

IN your official communication to me of the 16th instant, you represent the necessity of relieving from confinement in the prison of the "Fuerza" two English sailors of colour, detained there in pursuance of the regulations of the police, and you communicate your desire to transfer them to Her Majesty's ship "Romney." I regret to state to you that it is not possible for me to accede to such a proposal, as it would interfere with arrangements of universal application, whatever the nation may be to which the individuals affected by them may belong, unless the prescribed security be given.

God grant you many years,

(Signed) GERONIMO VALDES.

D. Turnbull, Esq.,
&c. &c.

No. 144.

Viscount Palmerston to Mr. Turnbull.

SIR,

Foreign Office, May 3, 1841.

WITH reference to your Despatches on the subject of a British negro named Wellington, said to be detained in slavery in Cuba, I herewith transmit to you, for your information, a copy of a Despatch from Her Majesty's Envoy at Madrid, containing copies of correspondence with the Spanish Minister respecting the negro in question.

I am, &c.

D. Turnbull, Esq.,
&c. &c. &c.

(Signed) PALMERSTON.

Enclosure in No. 144.

*Mr. Aston to Viscount Palmerston.**Madrid, April 17, 1841.*

(See No. 37.)

No. 145.

Viscount Palmerston to Mr. Turnbull.

SIR,

Foreign Office, May 4, 1841.

I TRANSMITTED to Her Majesty's Envoy at Madrid copies of your Despatches dated the 2nd, 4th, and 24th of January last, on the subject of a British negro named Shirley, who is said to be held in slavery in Cuba; and I now transmit to you for your information a copy of a Despatch from Mr. Aston, containing the reply of the Spanish Minister to the representation which, by my direction, Mr. Aston made to the Spanish Government respecting the individual in question.

I am, &c.

D. Turnbull, Esq.,
 &c. &c. &c.

(Signed) PALMERSTON.

Enclosure in No. 145.

*Mr. Aston to Viscount Palmerston.**April 17, 1841.*

(See No. 39.)

No. 146.

*Mr. Turnbull to Viscount Palmerston.**Her Majesty's Consulate, Havana, April 7, 1841.**(Received May 13.)*

MY LORD,

I HAVE the honour to recommend to your Lordship's attention a case of extreme hardship which has arisen in the imprisonment of two coloured seamen named Louis and Buchanan, one of whom has been two months and the other nearly five in close confinement on account of their colour.

They have both volunteered to enter Her Majesty's service. One of them, James Buchanan, was accepted some weeks ago and destined for Her Majesty's ship "Rover," but has since fallen seriously ill, quite as much I believe from moral as from physical causes, although I can testify from frequent personal observation that his treatment in prison has been severe in the extreme.

As long as Her Majesty's ship "Romney" remains in this harbour, there is evidently no reasonable pretext for subjecting British coloured seamen to the disgrace and misery of imprisonment; and since all my efforts with the provincial Government have hitherto failed of success in preventing it, I venture to hope that your Lordship will take effectual measures with the Government of Her Catholic Majesty at Madrid to see justice done for the future to this unfortunate class of persons.

I have, &c.

(Signed) D. TURNBULL.

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

First Enclosure in No. 146.

Mr. Turnbull to Don Geronimo Valdes.

MOST EXCELLENT SIR,

British Consulate, Havana, March 25, 1841.

I HAVE the honour to acquaint Your Excellency that James Buchanan, one of the two seamen confined in the prison of the Fuerza, on whose behalf I have already had the honour of addressing Your Excellency, has volunteered to enter Her Majesty's naval service, that his offer has been accepted, and that he is destined for Her Majesty's ship "Rover," now in these seas.

In the name of the Queen my Sovereign I have the honour therefore most respectfully to demand the possession of the person of James Buchanan, who is thus legally discharged from the "Ninian Lindsey," the ship in which he arrived, and cannot possibly be allowed to infringe the obligation he has incurred by engaging to enter the Royal Navy.

I have, &c.

Don Geronimo Valdes,
&c. &c. &c.

(Signed) D. TURNBULL.

Second Enclosure in No. 146.

*General Valdez to Mr. Turnbull.**Havana, March 27, 1841.*

IN your Despatch of the 23rd instant, you state to me that James Buchanan has entered the naval service of Her Britannic Majesty as a volunteer, and that, having been accepted and being destined for Her Majesty's ship "Rover," now in these seas, he ought to leave the barracks of the Fuerza where he remains in depôt. I have to state to you in answer that as soon as these circumstances are proved to me, and when this seaman, landed from the "Ninian Lindsey," shall be claimed by a competent person, as now engaged in the Royal Navy, I shall determine whatever I think most suitable.

God grant, &c.

(Signed) GERONIMO VALDES.

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

Third Enclosure in No. 146.

Mr. Turnbull to General Valdes.

MOST EXCELLENT SIR,

Havana, April 3, 1841.

CAPTAIN Maclellan, of the British ship "Feronia," has this day intimated to me, that since his arrival in this port he has sent daily to the Fuerza an ample supply of provisions for John Lewis, one of his crew, confined there on account of his colour, but that the prisoner informs him he is constantly robbed of his provisions by the soldiers stationed there.

Immediately on receiving this information I went in person with Captain Maclellan to the prison, and having made the necessary inquiries, I was assured not only by John Lewis, but also by James Buchanan of the "Ninian Lindsey," that they had both been frequently robbed, and that on several occasions, in struggling for their food, they have been grievously maltreated, and even wounded with deadly weapons, of which facts I beg to assure your Excellency I have seen the strongest confirmation in the marks and scars they bear at this moment on their persons.

I feel that I should be wanting in my duty if I failed to submit to your Excellency this distressing statement, and to urge it, as I now respectfully do, in support of the claim I have already advanced for the relief of these two men, Lewis and Buchanan, from their cruel imprisonment. They are both now willing to enter Her Majesty's service, or to embark in any English vessel about to leave the harbour, in order to escape from the calamities under which they are suffering.

I pray your Excellency to listen to their just demand, or at least to inform me

who it is, if not Her Majesty's consul, in whom your Excellency recognises the right to claim them as accepted volunteers in Her Majesty's service.

I have, &c.

Don Geronimo Valdes,
&c. &c. &c.

(Signed) D. TURNBULL.

Fourth Enclosure in No. 146.

General Valdes to Her Britannic Majesty's Consul.

Havana, April 4, 1841.

THAT which you state to me with regard to John Lewis of the crew of the "Feronia," and James Buchanan of the "Ninian Lindsey," has made it necessary for me to institute an inquiry, from which it follows that the fact is totally incorrect, and that the soldiers of the said fortress have not committed and could not have committed the offence of stealing victuals imputed to them, because, besides being themselves sufficiently supplied with every necessary, they are subject to the most rigid military discipline that could be observed in any country.

If the sergeant of the guard has restrained one of the individuals in question with the flat of his sword, it was because, being drunk and quarrelsome, he advanced towards the sergeant when the latter was about to search him, in consequence of the information received from another man of colour in the depôt, that his companions were about to assassinate him with a knife. Thus you see that this proceeding was not merely necessary in itself, but that it prevented the commission of a crime, and possibly the sacrifice of life by a madman. In this I see only a notable act of humanity, worthy of any philanthropist, and which will also deserve your approbation, when, with more deliberation, you have reflected that by means so simple and so little painful, an act of homicide has been prevented.

This I state to you in answer to your despatch of the 3rd instant.

God grant, &c.

(Signed) GERONIMO VALDES.

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

Fifth Enclosure in No. 146.

Dr. Brenan to Mr. Turnbull.

SIR,

Her Majesty's Ship "Romney," April 7, 1841.

I DO myself the honour to acquaint you that in compliance with your request I have visited James Buchanan, a British seaman belonging to the crew of the "Ninian Lindsey," confined for the last four months in the fortress of the Fuerza, and find him labouring under symptoms of a disease which require his immediate removal and the watchful care of a medical attendant.

I have, &c.

(Signed) THOMAS BRENAN, *Surgeon R.N.*

D. Turnbull Esq.,
&c. &c.

Sixth Enclosure in No. 146.

Mr. Turnbull to General Valdes.

Her Majesty's Consulate,
Havana, April 7, 1841.

MOST EXCELLENT SIR,

IT becomes my painful duty to acquaint your Excellency that the long confinement of James Buchanan, one of the persons still detained in the Fuerza by your Excellency's orders, is making such inroads on his health as to excite my most serious apprehensions.

Having caused Dr. Brenan, the surgeon of Her Majesty's ship "Romney," to inquire into his condition, I have now the honour to enclose a copy of his professional certificate, from which your Excellency sees that the prisoner is labouring under

symptoms of disease which require his immediate removal and the watchful care of a medical attendant.

Under these circumstances I renew my prayer to your Excellency to restore this unfortunate man to his freedom, for the preservation of his life after four months' confinement, since your Excellency declines to deliver him to Her Majesty in order to enter into Her Majesty's naval service, for which he has volunteered.

I have, &c.

General Valdes,
&c. &c.

(Signed) D. TURNBULL.

No. 147.

Mr. Turnbull to Viscount Palmerston.

Havana, April 11, 1841.

(Received May 13.)

MY LORD,

ON the 1st instant, at half-past five in the afternoon, an officer, who afterwards proved to be an Aide-de-Camp of the Captain-General, came to me at my private residence outside the walls, about a mile and a half from the palace, the consulate, the public offices, and the barracks or prison of the Fuerza, which are all close together, accompanied by the captain, officers, and crew of the "London Packet," an English vessel, bound from Halifax to New Orleans, which had suffered shipwreck on the southern shores of this island on the 23rd ultimo. This officer contented himself with stating that he had come to me, by his Excellency's order, to leave under my order, my charge, these shipwrecked mariners, who had arrived the same afternoon by the railroad from San Felipe, and he left me under the impression that the eight persons he had brought with him composed the whole of the crew of the shipwrecked vessel. Under these circumstances, after the departure of the Spanish officer, my first inquiries were naturally directed to the immediate necessities of the seamen, and having learned from them that they had left the southern coast, near Batabano, at an early hour in the morning, without having tasted food all day, I lost no time in supplying their wants, and immediately afterwards sent a confidential person with them to the railroad office to remove the remnant of their effects to the consulate, and accompany them on board Her Majesty's ship "Romney," whose shelter and hospitality I am authorized to offer to British seamen in distress.

At this season of the year, the city gates of the Havana, which separate the one-half of the population from the other, are regularly shut for the night at ten o'clock precisely, after which it is impossible to pass or repass. At half-past nine in the evening in question, a lancer of the Captain-General's guard brought me the Despatch from his Excellency, of which Nos. 1 and 2 are a copy and a translation, by which I learned, for the first time, that the "London Packet" had two other persons belonging to her crew whom I had not seen, because immediately on their arrival at the Havana with their less unfortunate companions, these two had been committed to the prison or barracks of the Fuerza, when his Excellency informed me that I might send them succour as long as they remained there.

At an early hour the following morning I made it my first-business to visit the prison, where I found these two persons lying on the bare stone floor of a stone dungeon, in a state of great weakness from inanition, as they had made the whole journey from Batabano without food or the means of procuring it, and in point of fact had not tasted any sort of nourishment from the 31st March at mid-day, till the 2nd of April in the morning, when it first became possible for me to see them.

As soon as the duties called for by this state of things had been fulfilled, I lost no time in communicating the facts which had thus come to my knowledge to his Excellency the Captain-General, by the Despatch of which No. 3 is a copy, entreating his Excellency to allow me to receive these two unfortunate persons on board the "Romney."

In the mean time your Lordship will find by a separate correspondence, that I had been making the most strenuous exertions to obtain the liberation of two other coloured seamen from the same prison. Two days after my application to his Excellency for the transfer of Collins and Tatam to the "Romney," I received an unfavourable answer as to the case of Lewis and Buchanan, but as yet no answer at all with regard to Collins and Tatam.

The whole portion of the crew of the "London Packet" being all this time at large, found means to engage a passage for Halifax in an English vessel, called the "Bluenose," for the price of which, by a letter to Lord Falkland, I have made myself responsible. The captain of the "London Packet" was naturally anxious to carry back with him his two imprisoned companions, particularly Tatam, who, in proof of the progress which the coloured classes are making in our colonies, had been bound to him as a master mariner's apprentice. In the hope of facilitating this desirable object, I caused the captain of the "London Packet" to wait upon the captain of the port, and endeavoured, through him, to hasten the decision of the Captain-General.

But this and every other attempt proved totally unsuccessful; and the "Bluenose" sailed on the 4th instant with the white portion of the crew, leaving the coloured portion in prison, behind.

On the same day, under the influence of feelings for which your Lordship will not blame me, I addressed to General Valdes the Despatch of which No. 4 is a copy. That Despatch, I need not assure your Lordship, like every other communication of mine to the authorities of this island, contains not one word which is not religiously true. And yet his Excellency, abusing the privilege of his high station, has dared, in his reply, without explaining how, to tell Her Majesty's Consul that he has failed "*a la exactitud de los hechos en sus comunicaciones.*"

My Lord, if there were the shadow of a shade of ground for this grievous imputation, I should be totally unworthy to hold Her Majesty's Commission. If the imputation be groundless, I am entitled to redress; and I presume with all humility, but at the same time with entire confidence, to throw myself on your Lordship and on Her Majesty's Government for protection.

With regard to the suspension which his Excellency is pleased to threaten, I consider it an idle menace, not even possessing that semblance of relevancy to support it which the Prince of Anglona presented in the month of December last, when he proposed to send me my passport.

I have the honour to enclose the Letter of General Valdes, in original and translation, together with a copy of my Letter, which, under the circumstances of the case, I trust your Lordship will regard as eminently moderate.

I have, &c.

(Signed) DAVID TURNBULL.

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

First Enclosure in No. 147.

Don Geronimo Valdes to Her Britannic Majesty's Consul.

Havana, April 1, 1841.

By a Despatch dated the 31st ultimo, I have received the following information from the military commandant at Batabano:—

"MOST EXCELLENT SIR,

"I PLACE at your Excellency's disposition the captain and nine sailors of an English vessel called the 'London Packet,' lost, so far as we have been able to comprehend or infer from their confused intimations, on some of those keys of the southern coast known by the name of Los Jardines, and there abandoned, from whence they arrived at this port, and were yesterday placed at my disposal by the Ayudante de Matriculas y Capitan del Marino, not having been able to obtain any further intelligence of the subject from the want of an interpreter.

"I send your Excellency also the papers delivered to me by the English captain, for your Excellency's information."

This I communicate to you for your information, and enclose the Papers referred to, on the supposition that the shipwrecked seamen here spoken of are those I sent to you this day, with the exception of two, who remain in the depôt of the barrack of the Fuerza, in virtue of the regulations previously adopted by this Government, and to whom you may direct that supplies be furnished so long as they remain there.

God grant, &c.

(Signed) GERONIMO VALDES.

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

Second Enclosure in No. 147.

*Mr. Turnbull to Don Geronimo Valdes.**British Consulate, Havana, April 2, 1841*

MOST EXCELLENT SIR,

AT a late hour yesterday evening I had the honour to receive your Excellency's Despatch of yesterday's date, enclosing the register and ship's articles of the shipwrecked English brigantine "London Packet."

I had previously seen the captain and seven of the crew at my private residence outside the walls, and had provided them food, of which they had not tasted since the time of their leaving Batabano, on the other side of the island, in the custody of your Excellency's officers.

The remaining portion of the crew whom your Excellency has sent to prison on account of their colour, and whose names are noted on the margin, I visited this morning at the earliest possible moment, in their place of confinement, having been prevented from doing so yesterday evening by the closing of the city gates, and to my infinite surprise I found that they had not tasted food since the day before yesterday.

I think it my duty to bring this circumstance under your Excellency's notice; and at the same time to beseech your Excellency, in the exercise of that practical philanthropy by which you are so distinguished, to allow me to offer to these shipwrecked negro mariners the hospitality of Her Majesty ship "Romney," to which I assure your Excellency they are just as welcome as their companions in misfortune who happen to be of a fairer complexion.

I have, &c.

(Signed) DAVID TURNBULL.

His Excellency Don Geronimo Valdes,
&c. &c. &c.

Third Enclosure in No. 147.

Mr. Turnbull to Lord Falkland.

MY LORD,

British Consulate, Havana, April 3, 1841.

I HAVE the honour to consign to your Lordship's care and protection the seven shipwrecked seamen named in the margin, the master, mate, and part of the crew of the English brig "London Packet," belonging to Halifax, and bound from thence to New Orleans, when lost a few days ago on the southern shores of this island.

My best exertions with his Excellency the Captain-General have not yet been successful in obtaining the release of the two coloured seamen named in the margin, who in pursuance of the very cruel regulations of this port, have been thrown into prison, and are now detained there.

One white man, William Hall, prefers remaining on board Her Majesty's ship "Romney," where his companions in misfortune, of his own complexion, have been during their stay in this place.

Captain Hill of the "Bluenose," bound for Halifax, has kindly undertaken to receive the seven men first named, as passengers, at the public charge; and I have reason to believe that his demand of 44*l.* sterling for the whole is fair and reasonable.

Should your Excellency be of opinion that this charge ought not to be paid at Halifax, I can only say that I shall be ready to honour your Excellency's draft on me for the amount.

I have, &c.

(Signed) DAVID TURNBULL.

His Excellency Lord Falkland,
&c. &c. &c.

Fourth Enclosure in No. 147.

*General Valdes to Her Majesty's Consul.**Havana, April 5, 1841.*

IN your Letter of yesterday, which I received this morning between nine and ten o'clock, you state that the captain and a part of the crew of the shipwrecked English vessel, the "London Packet," had embarked for Halifax in the brigantine "Bluenose," and had been obliged, to their great regret, to leave behind them the two negro mariners, George Collins and William Tatam, whom I retain in the horrors of a prison. You add, that for this reason you had given them a certificate of their perfect innocence, addressed to the Governor of Halifax, ascribing the fact to the extreme rigour with which I administered a cruel and barbarous system.

You will not, I believe, have forgotten that similar questions had arisen with my predecessors, and particularly with the last, who made you aware that persons of colour were deposited in the barracks of the Fuerza till the moment of their re-embarkation, unless in the mean time security were found for their re-exportation, in which case they were allowed to remain on board the vessel. This arrangement, similar to that observed in South Carolina, which belongs to the Republic of North America, I have neither the power to alter, nor would its modification be consistent with the public convenience. If you were as well acquainted with the affair as was the Consul your predecessor, who never addressed unfounded complaints to the authorities of the island, it was in your power to apply to me that the negroes in question should embark with their companions in the "Bluenose" for Halifax, in which case I could neither deny nor oppose the political arrangement of which I am speaking. It follows, that to this extent you are responsible for what you call the imprisonment of those individuals (which is no more than their detention in a barrack with the privilege of walking in it), and that they and their companions, and the inhabitants of Halifax, will have no great reason to praise your conduct, if they knew that your protection, in consequence of its not being properly directed, has necessarily been converted into hostility.

I believe, on the contrary, that you never seriously thought of re-embarking them; for, far from that, you asked for their reception on board the "Romney," and I found no difficulty in acceding to that demand on the express condition of your engaging to re-export them at the earliest possible period, for which reason I reminded you also of the re-exportation of other negroes belonging to the schooner "Plover," of whom you will say nothing, and I cannot consent to their remaining on the island.

With regard to the words "administrator of a barbarous and cruel system" which you have allowed yourself to address to me, I ought to apprise you that the British Government, jealous, as is just, of the decorum of their functionaries, will never see you with indifference forgetting the dignity of your office, opposing yourself to the very individuals whom you ostensibly propose to defend, mistaking the means, and failing in respect to the constituted authorities, and to the accuracy of facts in your communications. As little will that same Government, the faithful ally of Her Catholic Majesty, take it amiss, nor regard as broken the relations which happily unite them, if, in the exercise of the faculties which Her Majesty has conferred on me, with the knowledge of the English Government, I should adopt a measure of suspension, in the event of your continuance as a functionary proving incompatible with the tranquillity and security of the island.

This I say to you in answer; at the same time offering you the assurance of my personal consideration.

God grant, &c.

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

(Signed) GERONIMO VALDES.

Fifth Enclosure in No. 147.

Mr. Turnbull to Don Geronimo Valdes.

MOST EXCELLENT SIR,

Havana, April 6, 1841.

I HAVE the honour to acknowledge the receipt of two Despatches from your Excellency of yesterday's date. The one reached my hands late last night, the other at an early hour this morning.

From the terms in which this last communication is conceived, I see reason to apprehend that my Despatch of the 4th instant, having been written in an idiom foreign to your Excellency, has been seriously misunderstood, as nothing could be further from my intention than to give your Excellency any personal offence.

It would doubtless be much more agreeable to me to view every thing that passes around me through a rose-coloured medium; but I should only be deceiving your Excellency if, in reference to the system which your Excellency has come here to administer, and I trust also to modify and reform, I were to represent it as other than cruel in the highest degree; and if, in witnessing the first acts of your Excellency's administration of that system with reference to my unfortunate countrymen of African descent, and comparing them with the parallel cases which occurred during the administration of your Excellency's predecessor, I were to speak of them as less than extremely rigorous, I should be addressing your Excellency in the language of the basest flattery, at once disrespectful to your Excellency's enlightened understanding, and unworthy of that honest sincerity of purpose which I have adopted as the guide of all my actions.

In the case of the "Plover," parallel in every essential feature to that of the "London Packet," the coloured portion of the shipwrecked crew were also committed to that same dungeon in the Fuerza, damp, dark, and dismal, which your Excellency will not suffer me to call a prison. But while the cases in themselves were similar, the degree of rigour applied was far from being the same. The crew of the "Plover" generally were not exposed to the hardship of a long journey, in custody, and without the means of procuring food. The coloured mariners of the "Plover" were not separated for more than a few hours from their white companions in misfortune; and these two classes of persons were suffered to leave the island together. When they did leave the island, I have the honour to state that they were sent in one of Her Majesty's ships to Jamaica, from whence they have no doubt been forwarded to the first port of departure in Tobago. But the leading point of distinction is, that in the case of the "Plover," your Excellency's predecessor allowed the coloured seamen to be transferred from the Fuerza to the "Romney" without a moment's hesitation, as soon as the case could be brought under his Excellency's notice.

In the case of the "London Packet," such an interval of deliberation was suffered to elapse from the 1st to the 5th instant, that the white portion of the crew found means, in the state of freedom in which they were placed, to engage a passage at Her Majesty's expense and embark for their native Halifax, leaving their coloured companions in confinement behind.

When I asked your Excellency permission to offer the hospitality of the "Romney" to these shipwrecked mariners, I need hardly say that it was not with any view of their remaining permanently on board Her Majesty's ship. Over the "Bluenose" I had no control to engage to detain her. For the application I did make I had the precedent of the "Plover;" for such an application as your Excellency is pleased to suggest, I had no precedent whatever. In speaking of the "Romney," and not of the "Bluenose," therefore I submit with great deference that I was perfectly in order.

Besides, the captain of the port was fully aware of the anxiety of Captain Harvey to carry back the whole of his crew in the "Bluenose" to Halifax, and more particularly the coloured portion of it, for whom he was responsible, one of the two, William Tatam, being a bound apprentice; but without your Excellency's permission that officer had no power to accede to our wishes.

With regard to the destitution and starvation of the negro prisoners, the responsibility of which your Excellency is disposed to throw upon me, because their white companions were conducted to my house by one of your Excellency's officers, I can only say that I did not hear a word from that gentleman, either of the imprisonment of the two negroes or even of their existence. It was at half-past five and

not at four o'clock that your Excellency's adjutant with the starving white seamen arrived at my house. The white men for the moment were too much occupied with their own sufferings to think of those of their companions who had been so cruelly separated from them; and I assure your Excellency that on the following day, when the whole of the facts transpired, I did not fail to address a serious reproach to Captain Harvey for his previous forgetfulness. It was not till half-past nine o'clock when I received your Excellency's Despatch, after the greater part of my family had retired to rest, that for the first time I was made aware of the imprisonment of Collins and Tatam; and even then I did not allow myself to believe that in the midst of this luxurious city, under the eye of a Captain-General "who yields to no man in sentiments of practical philanthropy," these two unfortunate persons, from whom I was separated by the fortifications of the city, in addition to all their other miseries, could have been compelled to pass a second night without tasting food.

It is true that on reaching the wharf of Batabano the shipwrecked crew of the "London Packet" by the sale of some of their clothing succeeded in purchasing a single meal; but after the captain had negotiated the sale of his long boat in order to avoid that period of starvation which he and his companions appear to have dreaded, the purchaser refused to complete his bargain by advancing the 85 dollars he had already agreed to pay; so that the feast of bread and wine, beef and poultry, which your Excellency condescends to describe, only proved in the sequel to be a subject of the most serious and bitter regret. Of the coffee obtained at San Felipe in a course of the journey by a farther sacrifice of clothing, the two imprisoned negroes had no share; but one of the whole party had even a morsel of bread on that day until such of them as remained at large reached my house at half-past five o'clock in the evening; and if the two negroes, when they exchanged their last blanket at St. Felipe for the unwonted luxury of a glass of rum, could have foreseen the fate which afterwards befel them, they would doubtless have husbanded their poor resources more carefully.

Far be it from me, however, to reproach your Excellency with sufferings which were not occasioned by any act of yours. The long and dreary fast of Collins and Tatam ought in all fairness to be ascribed, not to your Excellency personally, but to that system which I have ventured to denounce as "cruel and barbarous." If that system has been administered more rigorously than heretofore since your Excellency's arrival, it is doubtless because your Excellency has not yet had time to observe its operation, and to see all the misery it produces.

The sufferings of Collins and Tatam were only the fruit of one branch of that system. The case of Lewis and Buchanan is merely allied to it. Your Excellency has heard only one side of this case, from parties who were interested in persuading your Excellency that there had been no relaxation of military discipline. The other side has been communicated to me, under the immediate dread of further maltreatment.

Allow these men, most Excellent Sir, to retire on board the "Romney," under the protection of Her Majesty's flag; and I here undertake to prove that they have been grievously beaten and maltreated, without the slightest cause or provocation on their part; but that on the recent occasion to which I had the honour to solicit your Excellency's attention, one of the soldiers was detected by Lewis in the act of carrying off his dinner, and that during the struggles of Lewis to recover it, the soldier drew his sword, and with the back, and not the flat of it, he inflicted those wounds which are still apparent on his person.

On a former occasion about a month ago, when the question of drawing a knife arose in this dungeon, the unfortunate English prisoners were not in the slightest degree involved in the quarrel, which was confined exclusively to the coloured crew of the American ship "Powhattan," against whom, if she belonged to the port of Charleston, South Carolina, there would be some show of justice, or at least of retaliation, in following their cruel example, the utter needlessness of which is amply proved by its narrow local peculiarity. In the end it turned out that the threat of the knife was a mere *brutum fulmen*, as after a most rigorous search no such weapon could be found. At all events the sergeant of the guard, if he had chosen to discriminate, would have spared the wounds he inflicted on the English prisoners, who, besides having had no share whatever in the immediate subject of dispute, are not accustomed to settle their differences by means so desperate or deadly.

In using the language which I find to my great regret has given your Excellency

offence, I intended to apply it also to other branches of the system which has so long prevailed in this island, and which I fondly flattered myself your Excellency had resolved to remedy.

I would here respectfully allude to the countenance and encouragement systematically given by all your Excellency's predecessors to the practice of the Slave Trade, to which the strong epithets I have used can surely not be said to be misapplied. It is known to all the world that the great, and all but sovereign power which Her Catholic Majesty delegates to the Captain-General of Cuba is amply sufficient to enable him to suppress this odious traffic at once and for ever. Every slaver that arrives, every slave that departs from this island, every barracoon that is opened for the sale of Bozal negroes, and every estate that is peopled with them in whole or in part, are so many proofs of the existence of that system, the extreme cruelty of which it is my bounden duty to denounce. I would not willingly add to the offence I have already had the misfortune to give your Excellency, but I feel that I should be wanting in my duty if I omitted to declare that up to the very day on which I write, no serious or at least no effectual attempt has been made to prevent either the arrival or departure of vessels notoriously engaged in the practice of the Slave Trade. No longer ago than yesterday evening, one of the numerous vessels at this moment fitting out for the coast of Africa in the harbour of the Havana, deceived by the departure of Her Majesty's ship "Skipjack," put out to sea, but having been seen and chased by another of Her Majesty's cruisers, she has returned this morning to port, to seek and find shelter under the guns of the town.

A ready means of avoiding the scandal which such a fact is calculated to create, when it becomes known to Europe, is for your Excellency to concur with me in causing a joint survey by Spanish and English officers, to be periodically executed, of all vessels liable to the reasonable suspicion of being fitted out for the Slave Trade in the harbours of this island; and if found to contain those marks of equipment recognised by the Treaty of 1835, to let them be subject to condemnation by the Court of Mixed Commission, just as if the capture had been made by the cruisers of either nation in the open sea.

There is yet another branch of the system which has long taken root in this island, peculiarly obnoxious to the charge of cruelty, for denouncing which a few months ago to your Excellency's predecessor I was answered by the threat of sending me my passport. Such threats do not produce any serious alarm; because I feel that I should ill discharge the duty confided to me by Her Majesty's Government if I allowed my judgment to be warped, or my course of action to be altered or affected, by any personal consideration whatever. My present allusion is to the condition of those unhappy "emancipados" who during the 15 years preceding the Treaty of 1835 were transferred by the commanders of Her Majesty's cruisers to the care and protection of your Excellency's predecessors, and of whom the survivors and their descendants are now earnestly looking to your Excellency for the enjoyment of that freedom of which they have too long been deprived.

Of the stealing of negroes in the neighbouring possessions of Her Majesty and selling them in this island as slaves, I will not speak as a branch of the system which the Captain-General or the other authorities are expected to administer, because your Excellency has assured me of your intention to put it down. But these acts of cruelty and crime are at least the natural and necessary fruit of the prevailing system; and I lament to add that, although the cases of Shirley and Wellington have been pressed in the most earnest terms on the attention of three successive Captains-General, no attempt has been made to enforce the laws of Spain, which your Excellency justly describes as sufficiently rigorous, against this cruel and barbarous class of criminals.

When his Excellency the Prince of Anglona was pleased a few days ago to threaten to send me my passport, it was upon the groundless, but I submit to your Excellency the indispensable assumption that I had been doing something incompatible with the general tranquillity, and that I had been tampering with the negro and coloured population with a view to an insurrection. Now so far from there being any ground for such a hypothesis, I venture to assert without the fear of contradiction, that there is not a single white man within your Excellency's extensive jurisdiction who communicates more sparingly with the black or coloured classes of the population than I do. In my domestic establishment I have none but Europeans; not that I have any personal prejudice on the subject of colour, but simply that I may avoid giving your Excellency and others offence: and my servants are

under the strictest injunctions to admit no coloured person within my walls until the nature of his business has been communicated and considered.

Your Excellency, with a higher tone of authority than that assumed by the Prince of Anglona, but I venture respectfully to submit, with an inferior degree of consistency, has not thought it necessary to indicate any other offence on my part than that which may be inferred from the ill-translated expressions which I have thought it my duty to address to your Excellency.

I should nevertheless feel that I had amply deserved the censure which your Excellency is pleased to anticipate, if I had allowed myself for a moment to forget that perfect becoming language and that profound respect which is not less due to your Excellency's high office than to your exalted personal character. If under the influence of a very strong feeling of the injuries and wrongs to which so many of my unfortunate countrymen are exposed in this island, I have suffered any expression to escape me unfit for me to utter or for your Excellency to hear, I can only repeat that I never shall cease to regret it. But if I had spoken thus causelessly and unguardedly, it would have inferred the most grievous imputation on the soundness of my understanding, since on the one hand it would have justly deprived me of that personal protection from your Excellency which I so greatly need, while on the other it would inevitably have exposed me to the disgrace, which I do not dread, of seeing my whole conduct disavowed by that humane and enlightened Government which, however unworthy, I have still the honour to represent.

If on the occasion which has given rise to the present correspondence I could have felt myself at liberty to approach your Excellency's person, and thus to avoid the danger of misunderstanding and misconstruction, a great deal of your Excellency's valuable time might have been conveniently spared. Should your Excellency be willing to lend a benignant ear to the explanation I have now done myself the honour to offer, I venture to hope that by such a direct and simple course as I have just suggested, the danger of future misapprehension might in a great degree be avoided.

I have, &c.

(Signed) D. TURNBULL.

Don Geronimo Valdes,
&c. &c. &c.

Sixth Enclosure in No. 147.

The Government Secretary to Mr. Turnbull.

Havana, December 16, 1840.

IN your communication of yesterday you demanded that the captain, the mate, and the crew of the English schooner "Plover" should be allowed, the two first to land, and the others to go on board the "Romney" receiving ship now in this harbour, because the captain of the port spoke of sending them to prison. In another Despatch of this day's date, you say that the individuals in question are actually prisoners, and that you are ready to receive the whole of them on board the "Romney."

Under such circumstances, and by order of his Excellency the Prince of Anglona, Governor and Captain-General of this island, I have to state to you that in virtue of a general regulation originating with his predecessors in the Government, the negroes, mulattoes, and other persons of colour who arrive in this harbour in foreign vessels, must not remain on board of them unless some merchant of the place will become answerable for their re-exportation in the same vessel, failing which they must be deposited in one of the barracks of the place until the moment of their re-embarking at the time of the sailing of the vessel in which they came.

This general regulation does not reduce these individuals to imprisonment, since they have the whole extent of the barracks for their depôt, and enjoy more conveniences than on ship-board; nevertheless if you prefer sending them on board the "Romney," his Excellency has no objection to it in consideration of their having been shipwrecked, and that they have not come here voluntarily, and that you shall always be answerable for their being re-exported by the first opportunity, presenting them to the authorities according to established usage at the time of setting

sail; declaring that this concession shall not be quoted as a precedent for the purpose of altering the general regulation adopted some time ago, of which you ought to take notice.

This I state to you in answer to his Excellency's order that you may arrange with me for the removal and other ends contemplated in this resolution.

God grant, &c.,

(Signed) GABRIEL GRANADO.

David Turnbull, Esq.,

&c. &c. &c.

No. 148.

Mr. Turnbull to Viscount Palmerston.

Havana, April 12, 1841.

(Received May 13.)

MY LORD,

It is with unspeakable satisfaction that I do myself the honour of making your Lordship acquainted with the fact that a very decided movement in favour of the total and immediate suppression of the African Slave Trade has at length manifested itself in such a manner as to obviate the possibility of mistake, reaction, or recall among the highest and wealthiest, the most influential and most intelligent portion of the native inhabitants of this island.

The Committee of Internal Improvements, known by the name of the Junta da Fomento, and the Ayuntamiento or municipality of this city, have done themselves the signal honour of taking the lead of this, each in its turn having agreed to petition the Queen of Spain on the subject.

But as these two bodies partake more or less of the nature of close corporations, they have been prevented, partly in the outset by prudential considerations, and partly also by what is due to the dignity of the personage addressed, from allowing the terms of their several petitions to transpire.

No such motives interfere, however, with the communication to your Lordship of a memorial to the same effect, but based on a much wider foundation, and addressed to his Excellency the Captain-General, which is now in course of signature by all that is distinguished among the Creole population. Of that memorial I am now enabled to enclose a copy, and I can now only express the consciousness I feel that I have not been able to do justice to all the eloquence and power of the original, in the feeble translation by which it is accompanied.

The predisposing causes of this movement are deeply seated in the growing conviction of the best and wisest of the native inhabitants that their own patrimonial interests are involved in the great object for which now, for the first time, they are openly declaring themselves.

My own persuasions on the subject are of long standing, as I had an opportunity of showing in a work published more than a year ago on the actual condition of this island. But all direct share in stimulating the present movement, however cordially my best sympathies are engaged in the cause, I beg leave most pointedly to disclaim, as I have always been of opinion since my arrival at the Havana in an official capacity, that it would not become me to take any ostensible public interest in affairs of an internal or domestic nature, even when they pointed to the great object of crushing this abominable trade.

According to my confident belief, the immediate and existing cause of this important movement is to be traced very clearly to a mistaken stroke of policy on the part of the new Captain-General. When his Excellency arrived here a few weeks ago, he affected the greatest favour, amounting to more than mere impartiality, for the Creole section of the inhabitants, supporting their interests, opinions, and prejudices in a manner which very soon led the more intelligent among them to entertain the most serious doubts of his Excellency's sincerity; reversing in their favour the decisions of the censors of the press; refusing, or professing to refuse, the establishment fee on the importation of negroes, but still placing it in a fund which will hereafter remain at his disposal; prohibiting, or affecting to prohibit, the fitting out of slavers in the port, but still, in point of fact, allowing them to depart; and in various other ways announcing himself as the greatest "practical philanthropist," of which your Lordship has seen a specimen

in the Despatch from his Excellency to myself, which I had the honour to transmit to you by the last packet.

It soon became apparent that his Excellency had entirely mistaken the amount of the force which public opinion had attained among the Creole inhabitants on this vitally important subject. When he began to discover his mistake it was already too late. The die had been cast. The pride of the Creole hacendados had been committed, insomuch that any retrocession on their part is now universally believed to be altogether out of the question.

It now only remains for your Lordship, as I have the honour most respectfully to suggest, to improve the advantage which these two petitions to the Queen, and the memorial of the Hacendados to the Captain-General, will give to such a negotiation as I was led to believe had already been opened at Madrid for securing the *ex post facto* liberation of imported Africans, by throwing on their possessors the burthen of proving their place of birth and their legally servile condition.

I have, &c.,

(Signed) DAVID TURNBULL.

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

Enclosure in No. 148.

*Memorial of the Inhabitants of Cuba to the President-Governor and
Captain-General of Cuba.*

THE subscribers, inhabitants of this city, proprietors of urban and rural estates, approach your Excellency with the most profound respect in virtue of the invitation addressed to this vicinity in the proclamation which was published on the occasion of your assuming the government of the island, respectfully declaring that one of the principal exigencies, if not the greatest and most urgent, required from its chief by its actual situation, is an energetic and irrevocable provision for the perpetual suppression of the contraband traffic in slaves from Africa.

The memorialists, who are intimately acquainted with the material interests of Cuba in all their details, and with the best mode of preserving and securing them in the distressing crisis in which the island is involved, are intimately convinced that the only means of arresting the storm with which they are threatened are to be found in what they have recommended to your Excellency's superior discretion. The two corporations the most respectable in the Havana, viz., the most Excellent and most Illustrious Ayuntamiento, and the Royal Junta de Fomento, are of the same opinion, and have thus addressed themselves to the Provisional Regency of the kingdom with reasons and arguments worthy of all consideration.

The Slave Trade is the sole and exclusive cause of the displeasure with which the increasing agricultural and commercial prosperity of this island is regarded by all-powerful England, and that trade is the real or apparent motive for its having become the target for her diplomatic hostility.

It is the Slave Trade which has excited the philanthropic susceptibility of the powerful and numberless abolitionists of England, who lose no opportunity by word and writing, in books, periodicals, and newspapers, in private society and in legislative assemblies, to address themselves to the British cabinet, in order that ours may be required at any price to consent to the performance of our treaties.

It is for the sake of the suppression of the Slave Trade that the British Government has solemnly recognised the independence of the neighbouring republic of Hayti, from whence we are exposed to a degree of injury committed with perfect impunity, which it horrifies the imagination to conceive.

It is on account of the Slave Trade that two active and enterprising envoys of the British and Foreign Society established in London for the destruction of slavery wherever it is to be found, have presented themselves in Spain without any disguise, to the imminent peril of our tranquillity, for the general emancipation of our slaves; and we are already aware that in Madrid they have met with a very favourable reception, as they tell us themselves, and as is to be inferred from the articles which have appeared without any impediment in the metropolitan press, on a question, the mere agitation of which in public has opened the door to the most serious calamities.

It is by the Slave Trade that the number of our natural enemies within the island is daily increased, since, according to the statistical information contained in the *Stranger's Grove* for the Havana of the present year, they amount to 660,000 persons of colour, or about 60 per cent. of the whole population, leaving only about 40 per cent. of whites. In the year 1775 the coloured inhabitants formed no more than 36 per cent. of the general population, so that since that period the whites have proportionally and progressively decreased to the extreme point in which they now appear, while the negroes have gained the relative ascendancy. It appears, therefore, as the result of that providential law, deducible from these statistical facts, that the increase of the servile is destined to prejudice the increase of the dominant race; since such has been the result observed by able statisticians in the other West India Islands, and in the Empire of Brazil, from whence the celebrated Humboldt and de Tocqueville have drawn the most disconsolate horoscope of the future fate of the white inhabitants of other countries similarly situated.

And it is the Slave Trade which is the efficient cause of this melancholy phenomenon. It is on account of the Slave Trade that the immigration of Europeans has not been increased, as for our future welfare it ought to have been under the written provisions of the Royal Cedula of the 21st September, 1817, under the contribution of four per cent. imposed for its increase on the expense of the judicial proceedings, and under the committee established for promoting it. During the quinquennial period from 1835 to 1839 there entered 35,203 white passengers at the port of the Havana where they generally arrive, one half of whom as mere travellers would probably not remain. During the same period there were landed on the coast of this western department only the moderate proportion of 63,055 negroes from Africa. Hence it follows that if future events should proceed in the same career, we shall be compelled in a very few years to lament, without the means of redress, over the disastrous and inevitable consequences, which, thanks to our own apathy and our incomprehensible want of foresight, are destined to overwhelm us.

And this, most Excellent Sir, is not all. Let us glance only over the countries which surround us. The firmest mind may well tremble to contemplate the dense mass of negroes which so horribly obscure our horizon. 900,000 are to be found to the eastward in the military Republic of Hayti, holding at their disposal the whole means of transport which Great Britain has to give. To the south there are 400,000 in Jamaica who wait only the signal of their proud liberators to fly to the rescue in our eastern mountains. 12,000, at least, are scattered over the Bahama Archipelago and the islands in our immediate neighbourhood, where as many more have been placed by British policy from the captures which have been made at the expense of the trade to this island. And, setting aside the condition of the slaves of the French West Indies which are now on the eve of emancipation, let us turn our eyes towards the north, in the direction of the capes of Florida and the ports of Louisiana, Georgia, and the Carolinas, which place us almost in contact with the continent, where nearly 3,000,000 of negroes are presented to us, a number so immense as to excite alarm not in Cuba only, but throughout the whole American Confederation, whose very heart is sooner or later to be in consequence convulsively agitated and devoured. Sad to us will be the day this event occurs if we do not prepare ourselves deliberately, in due time, nay, this very day, for the explosion.

This is so urgent, most Excellent Sir, that although it were certain, as many erroneously suppose, that the advance of our agriculture would be paralyzed without the aid of negro labour, we ought immediately to prefer to live in poverty, but security, rather than with blind cupidity aspiring to seize a rich harvest for a single year, expose ourselves the next to lose not only this, but all that has preceded it, together with the soil, the machinery, and the whole territory of the island, in one general insurrection of the negroes, so easily stirred up and inflamed by cunning emissaries, and fed in our very fields by elements of combustion, which will be thrown upon the fire from the great centres of rebellion which surround us on every side.

But, fortunately for the Island of Cuba, for its present inhabitants, and for the interests of the mother country, it has not been condemned by heaven nor by the stern law of nature to the necessity of cultivating its fertile soil by the sweat of African brows. This was the notion entertained in a former age, when the most fatal errors were regarded as axioms, but, for men of the present day, it is a duty to

correct the economical and social mistakes of our ancestors; and, guided by the light of experience, and by the prodigious progress which human reason has made in these latter times in all the branches of knowledge, we shall doubtless succeed in accomplishing their correction. Already in the central portion of the island the glorious career of agricultural reform has been opened by a son of our industrious Catalonia. He, however, and all who follow his excellent example, must expect to have to struggle for some time to come with the innumerable obstacles which habit, prejudice, bad faith, and above all the deleterious influence of the Slave Trade will oppose to them; for it is in that traffic alone that we are to seek for the origin of all the evils by which we are assailed.

It is for this reason that the memorialists beseech your Excellency to take what they have stated into consideration. Not to offend your Excellency's high intelligence, nor anticipate what your prudence will dictate in the important affairs to which this memorial refers, they look with confidence in the result to the illustrious chief by whom they are now governed, to whom is reserved the unfading honour of snatching this precious relic of the Spanish Indies from the precipice whose brink it overlooks.

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

No. 149.

Mr. Turnbull to Viscount Palmerston.

Her Majesty's Consulate, Havana, April 14, 1841.

(Received May 13.)

MY LORD,

I HAVE the honour to enclose the copy of a further correspondence I have had with their Excellencies the Governor-General of Cuba as to the liberation of Henry Shirley, the kidnapped negro of Montego Bay, from whom your Lordship may remember an autograph letter was received by his aunt in Kingston, written at Santa Cruz in this island, some time after his death had been formally announced to me by the Prince of Anglona.

From the letter of General Valdes of the 2nd instant, it appears that the farce of an investigation by the auditor, de Guerra, is once more to be performed. But inasmuch as the kidnapper, Le Desma, is in this case a person perfectly well known, and as there is not the least probability either of his being brought to punishment for his crime, or of Shirley being restored or indemnified, I venture to press the affair once more on your Lordship's beneficent attention.

I have, &c.,

(Signed) D. TURNBULL.

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

First Enclosure in No. 149.

Sir Charles Metcalfe to Mr. Turnbull.

SIR,

Jamaica, King's House, January 26, 1841.

I HAVE the honour to acknowledge the receipt of your Despatch of the 11th instant.

I beg you to accept my thanks for the strenuous endeavours that you have made to obtain the release of Shirley.

I do not possess any authority that would justify me in having recourse to measures of coercion, or menace, or reprisal. Our relations with the Government of Cuba are chiefly in your hands, and it is only on your exertions, guided by the instructions you may have received from Her Majesty's Secretary of State for Foreign Affairs, that I can rely for the release of the inhabitants of Jamaica who have been ensnared into bondage.

CLASS B.

I am still without any intelligence beyond what you and your predecessor have communicated of the release of Wellington.

I have, &c.,
(Signed) C. F. METCALFE.

D. Turnbull, Esq.,
&c. &c. &c.

Second Enclosure in No. 149.

Mr. Turnbull to the Captain-General.

Her Majesty's Consulate, Havana,
March 28, 1841.

MOST EXCELLENT SIR,

A DESPATCH from his Excellency Sir C. Metcalfe, Bart., the Governor-General of Jamaica, which I have just received by Captain Wyvill of Her Majesty's ship "Cleopatra," bringing again under my notice the numerous instances of British subjects who have been stolen from their homes in the transmarine possessions of Her Majesty, and sold into slavery in this island, where many of them now remain, makes it my imperative duty to recommend this subject in the most earnest manner to your Excellency's immediate attention.

The case of Henry Shirley, to which a more especial reference is made by Sir Charles Metcalfe, affords a most painful, striking illustration of the contrivances resorted to, before the arrival of your Excellency, for the purpose of evading the just demands which, in the name of the Queen my sovereign, I have persevered in pressing on the attention of your Excellency's predecessors.

This unfortunate person, Henry Shirley, was stolen several years ago from Montego Bay in Jamaica, by Antonio le Desma, now a shopkeeper at Santa Cruz in this island, and then the master of a schooner trading between Montego Bay and Santa Cruz. As soon as it became apparent that Her Majesty's Government was serious in demanding the restoration of the individual, Le Desma, with, I greatly fear, the guilty knowledge of the local authorities, had Shirley moved from place to place in order to elude the search we had begun to make for him; and at length, for the evident purpose of stifling inquiry, a letter was addressed to me on the part of your Excellency's predecessor, in which it is gravely stated, on the authority of an anonymous negro, that Henry Shirley had been sent to Puerto Principe and had died there.

Fortunately for Shirley, and let us hope also for the universal cause of freedom, justice, and truth, he had been taught the art of writing in Jamaica, and found means after the fictitious report of his death to forward a letter to a relative in the city of Kingston in that island, who lost no time in laying it before his Excellency the Governor. That letter is now in my possession, and, with those sentiments of practical philanthropy which so happily adorn your Excellency's character, I am persuaded it would touch your Excellency's heart if your Excellency would condescend to allow me to submit the original in all its native simplicity to your Excellency's inspection.

I am sure it is not necessary for me to attempt, by argument, to impress on the enlightened mind of your Excellency the political inexpediency as well as the moral wrong of protecting such a criminal as Le Desma from the punishment due to his crimes.

I have now the honour to renew the offer I have repeatedly made to your Excellency's predecessor to bring the most unexceptionable witnesses from Jamaica to prove—

1st. Their knowledge of Shirley as a British subject residing at Montego Bay.

2nd. His sudden disappearance from his home; and,

3rd. The fact of his being recognised at Santa Cruz in the condition of a slave in the very house of Le Desma by whom he was stolen.

Such a mass of evidence needed no confirmation, but I humbly submit to your Excellency that the letter in my possession in the handwriting of the unfortunate

Shirley, ought to be sufficient of itself to awaken the dormant energy of the law, either by the infliction of condign punishment on Le Desma, or at least by placing him at the disposal of his Excellency the Governor-General of Jamaica until the oppressor finds it convenient to restore his victim to his home.

I pray your Excellency to adopt this latter course after confronting Le Desma in your Excellency's presence with the witnesses I have offered to bring from Jamaica for the purpose. At all events I have the honour to request that Le Desma be sent for to the Havana and brought to a solemn trial for the crime of stealing from his home, and reducing to slavery, one of the free subjects of the Queen of England, the faithful ally of Her Catholic Majesty.

As soon as a convenient day of trial shall have been appointed by your Excellency, I have the honour to renew my undertaking to bring witnesses from Jamaica capable of proving the crime of Le Desma to your Excellency's satisfaction.

When that crime is proved your Excellency will not refuse to protect Her Majesty's subjects from the perpetration of similar offences, by the adequate punishment of the criminal.

It is not at a moment like this when your Excellency sees Her Majesty announcing by the lips of her ministers in Parliament her resolution to claim from a neighbouring republic the restoration of one of Her Majesty's Canadian subjects to his home, that your Excellency will believe in the possibility of such facts, as those I have had the honour to submit to your Excellency, being long overlooked.

In the United States, or rather in New York, a pretence, however groundless, is set up for the detention of M'Leod. In Cuba there is no pretence, but the false one of his death, for the detention of Shirley. The freedom and the rights of the black man Shirley are as dear to the heart of Her Majesty as those of the white man M'Leod; and if the outraged rights and violated freedom of Her Majesty's subjects are to be asserted in the one case in a manner becoming to the dignity of Her Majesty's Crown, I venture with great submission to suggest to your Excellency that in the other they will not long be neglected.

By bringing Le Desma to trial and compelling him to disgorge his prey at the commencement of your Excellency's administrative career in this island, your Excellency will secure to yourself the grateful acknowledgment of a spontaneous act of justice. By any other course the achievement of Shirley's freedom may possibly, for a short time, be deferred. But the perseverance of a new Captain-General in the same system of procrastination which has unhappily distinguished the government of his predecessors, would necessarily inspire Her Majesty's Government with the most serious distrust; and if crimes like those of Le Desma were to be systematically protected, the questing will infallibly present itself for consideration, whether that glorious measure of emancipation, which has cost the British people so many sacrifices, can retain its value while the system which covers such abuses and screens the offenders from justice is suffered to exist in our immediate neighbourhood.

I have, &c.,

(Signed) DAVID TURNBULL.

His Excellency the Captain-General,

&c. &c. &c.

Third Enclosure in No. 149.

Mr. Turnbull to Sir Charles Metcalfe, Bart.

SIR,

Her Majesty's Consulate, Havana, March 29, 1841.

I HAVE the honour to acknowledge the receipt, by Captain Wyvill of the "Cleopatra," of your Excellency's Despatches of the 20th, 23rd, and 26th of January, and 28th of February, Nos. 91, 12, 123, and 258, respectively, with their several Enclosures, and I rejoice to find that I have been able to do anything in the case of Henry Shirley to have merited your Excellency's thanks, on which I place a very high value.

In behalf of that unfortunate person I have not, I assure your Excellency, relaxed my humble efforts. The new Captain-General, Don Geronimo Valdez, having announced his arrival to me on the 7th instant, the very day of his landing,

I thought it my duty within 24 hours afterwards to bring this and other cases of peculiar hardship under his Excellency's notice, and the opportune receipt of your Excellency's Despatch of the 26th of January, No. 123, affords me the means of making the case of Shirley the subject of a special communication, a copy of which I have now the honour to enclose.

In answer to my more general list of grievances, consisting chiefly of the countenance given to Slave Trade practices, of the hardships imposed on coloured persons of all nations, of the quarantine regulations enforced with peculiar rigour against vessels coming from Her Majesty's emancipated colonies, and of numerous cases of kidnapping, not from Jamaica alone, but from the more distant possessions of the Crown, our settlements on the Coast of Africa included, I received a very general answer it is true, but one on which his Excellency declares that he yields to no man in sentiments of "practical philanthropy." There is at this moment in the prison of the Fuerza in this city, a native of Falmouth, Jamaica, by the name of James Buchanan, who arrived here about four months ago from Honduras in the ship "Ninian Lindsay." Being a person of colour he has ever since been in close confinement, and has every prospect of remaining so for several months to come. As soon as I heard of the case I made a formal offer to the Captain-General to receive him and others in his situation, as distressed British seamen, on board Her Majesty's ship "Romney," on the ground, as I understand the matter, of its giving offence to other nations who have no ship of war, as we have, permanently stationed in this harbour, but the proposal has been rejected by this new *soi-disant* philanthropic Captain-General. Hereupon James Buchanan having volunteered for Her Majesty's service, and having been entered for the "Rover" by the commander of the "Romney," his Excellency refuses to part with him until he is formally demanded by the Commander of the "Rover." This is really a case of extreme hardship, and as James Buchanan appears to have some claim on your Excellency's protection, I venture to solicit your more powerful interposition on his behalf.

I have, &c.

Sir Charles Metcalfe, Bart.,
&c. &c. &c.

(Signed) D. TURNBULL.

Fourth Enclosure in No. 149.

(Translation.) *The Captain-General to Mr. Turnbull.*

Havana, April 2, 1841.

YOUR Despatch of the 28th ultimo, relating to the case of Henry Shirley, has been transmitted with a recommendation of preference to the "Auditor de Guerra" of this Captaincy-General, to whose department this matter belongs, in order that in view of precedents, and according to rule, he may give me his advice on the subject, and with the reservation of my answer when this functionary shall have completed his investigation, I have to say to you in the mean time, that if what you state as to the sale of a free man is ascertained to be true, complete justice will be administered on the guilty, and the victim will be sufficiently indemnified—for on this point the laws of Spain are as severe as those of any civilized nation whatever.

God grant, &c.

(Signed) GERONIMO VALDES.

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

No. 150.

Mr. Turnbull to Viscount Palmerston.

Havana, April 20, 1841.

MY LORD,

(Received July 2.)

I HAVE the honour to enclose the copy and translation of a Despatch Nos. 1 and 2, addressed to me this day by his Excellency the Captain-General, in

answer to my letter to his Excellency, which I had the honour to communicate to your Lordship by the last packet.

I have, &c.

(Signed)

D. TURNBULL.

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

Enclosure in No. 150.

(Translation.) *The Captain-General to Mr. Turnbull.*

Havana, April 20, 1841.

SIR,

I HAVE been most particularly informed of all the circumstances referred to in your communication of the 6th instant, and I cannot help expressing my surprise that you should ascribe to misapprehension what I said of the offensive expressions employed by you in your Letter of the 4th, since they do not admit of any other translation, as indeed you corroborate in the Letter to which I now reply. You complain of the precautionary measures adopted against foreigners of colour, and the acrimony with which you make your complaint is a proof you have not inquired very minutely into what had previously taken place. The principle is unquestionable that every government is entitled to provide for the preservation of the public peace, and *à fortiori* in an island like Cuba, so heterogeneously peopled, and to this is to be referred the arrangement for placing them in depôt, a measure adopted also in other countries, and limited to those individuals whose captains and consignees will not venture to grant the security required for their remaining on board.

It is not correct to say that they are imprisoned, or thrown into a dungeon, since you know very well that during the day they are allowed to walk over the whole of the barrack yard, the best and most healthy in the place; and that they are not prevented from going out with a sentinel when they wish to see their consul or consignees; and I may ask that this particular locality has been preferred to better situations in other fortresses, on account of its vicinity to the wharf, and of the great advantages of its situation, in carrying in food and other necessaries; and you cannot reasonably complain of injustice with regard to British subjects, since, being subject to the same regulations with those of all other nations, I have repeatedly yielded to your request for the removal of particular individuals to the "Romney" on your special application. As little can you be ignorant that these individuals remain only in the depôt during the time that the vessel is in the harbour, in the event of security not being found; in which case they are placed at the disposal of their captains, consignees, or consuls, who remove them at the time of the sailing of the ship, so that, repeating what I said in a former communication as to the two seamen of the "London Packet," that if they did not go with their companions in the "Blue Nose," it was the fault of those who did not ask for it, their residence in the barracks, or on board the "Romney," would in this respect be indifferent, as is demonstrated by constant and daily practice.

With regard to the hunger and destitution to which these individuals and their shipwrecked companions were exposed on the day of their removal from Batabano to this place, your own good sense, when you come to reflect upon it dispassionately, will force you to acknowledge that you have given it a degree of importance partaking of the ridiculous, because certain individuals, who had eaten to satiety the day before, and had coffee and other refreshments during the march, appear to have had their dinner delayed for a few hours longer than ordinary. This surely does not deserve that a circumstance which occurs so frequently to travellers should be painted in colours so lively, and so alarming, as you have used on the occasion. If they parted with their clothes to buy food in Batabano and San Felipe, it was an act of their own free will, very common with this class of persons, and a proof that they had resources of their own with which to provide for their necessities. You would have had a right to complain if, being destitute of such resources, they had applied to the authorities and met with a refusal; but so far from this being the case, their prompt removal on horseback to San Felipe, and from thence to the Havana by the railroad, are proofs of the care with which they were attended to; and you may be assured that if more had been needed more would have been obtained; so that the expressions you make use of on this point are neither consistent with my sentiments of true philanthropy, which do not require to be proved,

nor with the eminently hospitable character of all the inhabitants of this island, who take a pride in being generous to strangers in distress, without distinction of class or colour.

The case of Lewis and Buchanan, and the sergeant of the guard of the Fuerza, you could only have learned from interested parties, who, to conceal their own fault, disguised or misrepresented the fact; and you will allow me to express my surprise that you should attach more value to the passionate representations of two or three seamen, than to the official report of the officer of the guard, regarding a fact which occurred in his presence, and in the presence of his whole regiment, the discipline of which is proved and acknowledged.

This induces me to hope that, with better information, you will perform an act of justice by rectifying your opinion of this honourable regiment, whose acts of humanity towards your countrymen in depôt have been numerous and most praiseworthy.

With reference to the most delicate point of your communication, it is my duty to say to you, that Her Majesty's Government has not authorised me to call my predecessors to account for their conduct. In just deference to them, I am bound to declare that I have before me authentic proofs of the honour and delicacy with which they have justified the confidence of their Government, sufficient to protect them from the strong and unjustifiable epithets with which you have attacked their reputation and their high character. A doubt might be thrown on my convictions if I allowed myself for a moment to enter on explanations with regard to them; and I abstain with the more reason that I do not recognize in you the mission, nor the power to make the inquiry, and still less the unlimited right of denunciation you assume. Your consular attributes are clearly defined, and they give no right whatever to interfere with the existing Treaties for the abolition of the Slave Trade; and for this reason I should not only be wanting in my duty, but should make myself responsible for abuse of power, and for the infraction of that very Treaty, if I allowed its literal text to be departed from by lending myself to the periodical search of vessels proposed by you. This and other demands foreign to your functions reduce me to the painful necessity of stating to you, that if in this respect you do not reform your mode of proceeding, I shall be obliged to refrain from answering you on all such subjects as are beyond the sphere of your consular duties. If you desire to explain yourself in any other manner you may do so to your Government, as I shall do to mine with all the corroborative evidence, which, when presented to the British Cabinet, will establish the efficacy and good faith with which I, on my side, have co-operated towards the objects of the Treaty.

I have promised you, and I shall fulfil my promise, that complete justice shall be administered to the negroes Shirley and Wellington, whose affairs are prosecuted with activity according to law, but from all that yet appears, instead of being stolen, these individuals have been purchased legally, and in good faith, from subjects of Her Britannic Majesty.

You state, without the fear of contradiction, that you abstain from communicating with persons of colour, to the point of charging your servants not to admit any such within your household until the nature of their business has first been communicated and considered. I do not doubt the truth of your statement, but I cannot help observing, that between you and your servants there are other intermeddlers who do not observe the same delicacy in their proceedings, and, perhaps, in this manner have originated mistaken ideas and statements, which more than once have given rise to incorrect replies not compatible with your functions. You will perceive that I allude to the affairs of Juan Fontanales and Gavino, which could not have been brought forward without long and frequent conferences, and with regard to the latter, not without the aid of an interpreter, and the assumption of a protectorate which, without rendering any service, exposes the public peace to danger, and detracts from my authority, so that I cannot consent to its repetition.

My office is open at all hours for the despatch of public business without distinction of class or colour; and of this you may assure yourself, with all necessary freedom, even more than others, that whenever an occasion presents itself you may rely on meeting with all the deference and personal consideration which is due to the consuls of the nations of our allies.

God grant, &c.

(Signed)

GERONIMO VALDES.

Her Britannic Majesty's Consul,

&c.

&c.

&c.

No. 151.

*Mr. Turnbull to Viscount Palmerston.**Havana, May 1, 1841.**(Received July 2.)*

MY LORD,

WHEN coloured seamen arrive at the Havana, I always endeavour to prevail on the shipmaster to engage his consignees to grant the security required by the regulations of the port for their removal from the island in the vessel in which they came, as I believe there is not an instance on record of such a bond being forfeited. The thing, in fact, is not likely in any case: for the Havana is not a place where a free person of colour, and a stranger, would choose to remain. Such, however, is the dislike of the authorities to this class of persons, and such their anxiety to discourage their arrival, even when they are to remain all the time on board their ships, that every possible obstacle is constantly interposed; at least in the case of persons of colour from our emancipated colonies, to the completion of the formalities required by the regulations. In several instances of late, when the captain and the consignee were equally ready to grant the required security, some eight or ten days have been consumed in passing the documents through the public offices, during all which time the coloured seaman remains in prison.

As the case of St. John Grandbran, a native of Grenada, belonging to the crew of the "Julia," of Guernsey, appeared to me to be about to become a case of this nature, I addressed to the Captain-General the Letter, Enclosure, which produced the same day the answer of which Enclosure 2 is a copy. In this immediate case the desired effect of hastening the coloured seaman's liberation was produced; and I hope that something also was done to prevent the recurrence of similar delays I trust, therefore, your Lordship will not disapprove of what I did on this occasion.

I have, &c.

(Signed) D. TURNBULL.

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

First Enclosure in No. 151.

Mr. Turnbull to the Captain-General.

Her Majesty's Consulate,
Havana, April 15, 1841.

MOST EXCELLENT SIR,

I HAVE the honour to acquaint your Excellency that the British schooner "Julia," of Guernsey, Captain Heppenstull, arrived in this harbour on Saturday last the 10th instant, on a voyage from Grenada to this place, having on board in the quality of steward a young man named St. John Grandbran, who, immediately on the arrival of the "Julia," was committed to the prison of the Fuerza.

On Monday last, the 12th instant, the captain and consignees of the "Julia" made the tender of security required by the regulations of the port, in order to obtain this young man's liberation, the captain being seriously afraid that his morals should be contaminated by association with the persons among whom he is confined.

In consequence of Monday being a holiday, application was renewed on Tuesday to hasten the forms required preparatory to his liberation, and on Wednesday, that is yesterday, two successive applications were made to the same effect without success. A fresh application has again been made this morning, and as the extent of future delay appears to be quite indefinite, I have the honour to beg that until your Excellency shall find leisure to reconsider and revise these regulations, your Excellency will at least be pleased to issue orders for greater promptitude in the observance of the forms which the existing regulations prescribe.

I have, &c.,

His Excellency Don Geronimo Valdes,
&c. &c. &c.

(Signed) D. TURNBULL.

Second Enclosure in No. 151.

The Captain-General to Mr. Turnbull.

(Translation.)

Havana, April 15, 1841.

HAVING received your communication of this date regarding the young man of colour, St. John Grandbran, of the English schooner "Julia," of Guernsey, and deposited in the barracks of the Fuerza, I have examined the documents, and find from them that it was not on the 10th, but the 13th, that the consignees presented the application that the established security should be received; that my resolution on the subject was taken yesterday, the 14th, but this day, the 15th, the necessary orders were issued, and it is very probable that at the moment of receiving the Despatch to which I am answering, the seaman in question is already on board his vessel; if the Captain has shown any desire for promptitude in removing him from the depôt. Of this you may be assured, that the Captain of the port has evinced no ill-will in fulfilling the forms prescribed in this matter by the regulations.

God grant you many years.

D. Turnbull, Esq.,
&c. &c. &c.

(Signed) GERONIMO VALDES.

No. 152.

*Mr. Turnbull to Viscount Palmerston.**Havana, May 10, 1841.*

MY LORD,

(Received July 2.)

I HAVE the honour to enclose the copy and translation of a Royal Order for the suppression of the Slave Trade, which I have had the good fortune to find on the file of the Diario of this city, and I beg to suggest that an order may be obtained for its periodical publication in this country in such a manner as to secure its reaching the knowledge of the parties concerned.

I have, &c.

(Signed) D. TURNBULL.

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

Enclosure in No. 152.

From the Diario de la Havana of the 12th April, 1826.

Real Orden comunicada de oficio al Exmo. Señor Presidente, Gobernador y Capitan-General por la Secretaria del Despacho de Estado, y se inserta en este Diario para su observancia y cumplimiento.

EXMO. SENOR,

Madrid, 2 de Enero de 1826.

HABIENDO reclamado este Señor Ministro de S. M. B. contra la fraudulenta introduccion de negros en esa isla en infraccion manifiesta del Tratado de 1817, en cuyo exacto cumplimiento han tomado siempre tanto interes el Gobierno Ingles y aquella nacion, no ha podido menos el Rey nuestro Señor de tomar en consideracion este asunto, para cuya mas acertada determinacion ha consultado no solo el Consejo de Indias, y a la junta de sus ministros del Despacho, sino tambien se ha hecho informar de personas de cuyos conocimientos en la materia tiene confianza; y despues de examinadas maduramente las varias razones y medidas que se han propuesto, ha tenido á bien adoptar las que su alta consideracion ha estimado mas aptas para reforzar mas la estincion de semejante contrabando, à pesar de que cree no ser insuficientes las medidas tomadas ya y prescriptas en las diferentes ordenes dadas á las autoridades de esa isla en todo el tiempo trascurrido desde el citado Tratado de 1817 hasta la fecha.

Consiguientemente el Rey nuestro Señor ha resuelto que todo buque procedente de la costa de Africa entregue en el acto de su arribo á los puertos de esa isla el Diario

de su navegacion al comandante de marina, para que lo exsamine y si hubiere algun motivo de sospecha de que el buque haya conducido y desembarcado clandestinamente negros, dé inmediatamente cuenta a V. E. para que proceda á la averiguacion y castigo con arreglo á las leyes vigentes en la materia; en la inteligencia de que solo a V. E. toca, con dictamen de su asesor, el conocimiento de tales causas.

Declarando igualmente S. M. que cualquiera (sea de la clase que fuere) puede denunciar los negros que se reciban de contrabando, y que si el denunciador fuere esclavo quede en el mismo hecho libre, y el comprador multado en doscientos pesos por cada uno de los que hubiere adquirido.

Tambien ha resuelto S. M. que el M. R. Arzobispo de Cuba, y R. Obispo de la Habana hagan entender á los curas parrocos y á sus respectivos diocesanos que desde que S. M. tuvo á bien prohibir el trafico de negros, no les es licito en conciencia su continuacion, de modo alguno, cometiendo un verdadero hurto con cualquiera que fraudulentamente adquiriesen. Con cuyo motivo oficio con esta fecha al Señor Secretario del Despacho de Gracia y Justicia, á fin de que escriba lo conveniente á su cumplimiento á dichos R. R. Prelados. Ademas ha determinado S. M. que obtengan su libertad los negros que denuncian los buques en que ellos mismos hubiesen venidos con posterioridad á la orden que V. E. publique al efecto, pero no los ya introducidos en la isla antes de su publicacion. De Real Orden lo traslado todo á V. E. para su noticia, y para la de la comision mista, y a fin de que V. E. lo traslade á quien o quienes corresponda, para que esta soberara resolucion tenga el mas cumplido efecto, asi por V. E. como por las demas autoridades de esa isla; no permitiendo V. E. se realicen estas medidas hasta despues de publicadas.

Dios gñe a V. E. m^a a^a.

EL DUQUE DE INFANTADO.

Señor Capitan-General de la Isla de Cuba,
&c. &c. &c.

(Es copia.)

ANTONIO MARIA DE LA TORRE Y CARDENAS.

(Translation.)

Royal Order officially communicated to His Excellency the President, Governor, and Captain-General, by the Secretary of State, and inserted in this Gazette in order to its observance and fulfilment.

MOST EXCELLENT SIR,

Madrid, January 2, 1826.

His Britannic Majesty's Minister at this Court having complained of the fraudulent introductions of negroes into your island, in manifest contravention of the Treaty of 1817, in the exact fulfilment of which the British Government and the British nation have always taken so great an interest, the King our Sovereign can do no less than take this affair into consideration, and in order to arrive at a more correct determination he has not only advised with the Council of the Indies, and with the members of his Cabinet, but has informed himself by means of persons in whose special knowledge of the subject he has confidence, and having maturely considered the reasons assigned, and the means of action proposed, he has adopted those which in his wisdom he has thought the best suited to promote the extinction of such a contraband traffic; he believes that the measures already taken and prescribed in the various orders issued by the authorities of the Island during the whole time that has elapsed since the Treaty of 1817, to the present date, have not been sufficient.

The King our Sovereign has in consequence resolved that every vessel coming from the Coast of Africa shall, at the moment of her arrival in any of the ports of the island, deliver her log-book to the Naval Commander for examination, and should there be any ground for suspecting that negroes have been brought and landed clandestinely, he shall immediately report the same to your Excellency in order that investigation and punishment may follow, in terms of the laws now existing on the subject; it being understood that the cognizance of such affairs belongs to your Excellency, along with the guidance of your legal advisers.

His Majesty at the same time declaring that any one of any class whatever may denounce the fact of the illicit introduction of negroes, and if the informer be a

CLASS B.

slave, he is at once to be made free, and the purchaser is to be fined 200 dollars for each individual purchased.

His Majesty has also resolved that the most Reverend the Archbishop of Cuba, and the Reverend the Bishop of the Havana, shall cause it to be understood by the parochial curates in their respective dioceses, that from this time, when His Majesty has thought fit to prohibit the traffic in negroes, its continuance in any manner whatever is not in conscience allowed, and that the fraudulent acquirers are guilty of a real robbery. To this effect I have this day addressed a Despatch to the Minister of Grace and Justice, in order that he may write what is necessary on the occasion to the Right Reverend Prelates. Moreover His Majesty has determined that freedom shall be granted to the negroes who denounce the vessels in which they themselves have been imported, provided it be subsequent to the order which your Excellency may publish to this effect, but not to those introduced into the island before such publication. All this I communicate to your Excellency by Royal Order, for your own guidance and that of the Mixed Court, in order that your Excellency may direct it to whomsoever it belongs, and that this Sovereign resolution may receive complete effect not only by your Excellency, but by the other authorities of the island, your Excellency not permitting these measures to be adopted until after publication.

God grant, &c.

(Signed) EL DUQUE DEL' INFANTADO.

Captain-General of the Isle of Cuba.

&c. &c. &c.

(A true copy.)

(Signed) ANTONIO MARIA DE LA TORRE Y CARDENAS.

No. 153.

Mr. Turnbull to Viscount Palmerston.

Havana, May 17, 1841.

MY LORD,

(Received July 2.)

I HAVE the honour to enclose the copy of a Letter, No. 1, which I received on the 11th instant, from Sir Charles Metcalfe, Bart., the Governor-General of Jamaica, in which his Excellency encourages me to persevere in my exertion for the restoration of Shirley and Wellington to their freedom. Immediately on receiving this Despatch I addressed a letter to the Captain-General (No. 2) renewing the demand on this subject, which I had so often addressed to his Excellency with such indifferent success.

To this letter I received for answer the Despatch of which Nos. 3 and 4 are a copy in original and translation. In this Despatch your Lordship sees it is stated that Shirley has been sent for to the Havana, and that his Excellency promises to give him a passport for Jamaica, provided it shall appear that he is not a slave.

With regard to Wellington, the Captain-General, in faithful adherence to that tortuous policy which so uniformly characterises the proceedings of Spanish authorities, makes the application of Her Majesty's Minister to the supreme Government at Madrid a pretext for withholding any further reply until the arrival of intelligence from the Peninsula.

Under these circumstances I have remained silent for the present in reference to Wellington, but, as to Shirley, I have addressed the Captain-General (No. 5), claiming the right of being present at his examination. I have also declared to his Excellency that, in this case, the ends of justice would not be satisfied unless Antonio Le Desma, of Santa Cruz, be brought to punishment for the abduction of Shirley from Jamaica, and for reducing him to slavery.

I have therefore insisted on my former demands on this subject, and I have required that Shirley be indemnified for this long and criminal privation of his freedom.

In making these reasonable demands I am confident your Lordship will extend to me the support of Her Majesty's Government.

I have, &c.

(Signed)

DAVID TURNBULL.

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

First Enclosure in No. 153.

Sir Charles Metcalfe to Mr. Turnbull.

SIR,

Jamaica, King's House, April 17, 1841.

I HAVE the honour to acknowledge the receipt of your Despatch of the 29th ultimo, relating to the cases of Shirley and James Buchanan.

I thank you for your further endeavours to obtain the release of Shirley; and I wish that I could anticipate that they will be crowned with success. I have lately informed you that the supposition of Wellington's release, entertained by the Government of Havana, was erroneous.

I shall be much obliged to you if, in the event of the continued confinement of James Buchanan, you will apply for his release, in order that he may be sent here as a native of this island.

I have, &c.

(Signed)

C. T. METCALFE.

D. Turnbull, Esq.,
&c. &c.

Second Enclosure in No. 153.

Mr. Turnbull to the Captain-General.

MOST EXCELLENT SIR,

Havana, May 11, 1841.

I HAVE the honour to acquaint your Excellency that I have received Despatches from Sir Charles Metcalfe, the Governor-General of Jamaica, by which I am requested to recall your Excellency's attention to the cases of Wellington and Henry Shirley, two natives of Jamaica, held in slavery within your Excellency's jurisdiction.

It becomes my duty therefore to renew my demand for the immediate restoration of these two individuals to their freedom; and solemnly to warn your Excellency that any further procrastination on the subject, or any trifling with the freedom of Her Majesty's subjects, is not to be tolerated.

I have, &c.

(Signed)

DAVID TURNBULL.

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

Third Enclosure in No. 153.

(Translation.) *The Captain-General to Mr. Turnbull.*

Havana, May 15, 1841.

IN conformity with the judgment of the third Assessor-General of the Government, dated the 1st instant, I have sent by the last courier to the Governor of Puerto Principe, directing him to send down Henry Shirley by the steam-boat in order to his making a declaration before the assessor, and if it appears from that declaration, and from the brief inquiries now on foot, that he is not a slave, the necessary passport will be issued for his return to Jamaica.

With regard to Wellington I observe that the same demand which you have made has been presented to Her Britannic Majesty's Plenipotentiary to the Government of Her Catholic Majesty, and that in regard to this particular a very satis-

factory answer was returned by my predecessor in the month of February last, a circumstance which relieves me from any further reply until the arrival of the royal resolution.

For the rest I may be allowed to pass over any arguments of a menacing description, since they amount to nothing when made by those who ought not to address them to an authority which interferes with no man's liberty, and which administers justice, disregarding frivolities.

This I state in answer to your Despatch of the 11th instant, which appears, as you state, to have originated with the Governor-General of Jamaica.

God grant, &c.

(Signed) GERONIMO VALDES.

David Turnbull, Esq.,
&c. &c. &c.

Fourth Enclosure in No. 153.

Mr. Turnbull to the Captain-General.

MOST EXCELLENT SIR,

Havana, May 17, 1841.

I HAVE to acknowledge the receipt of your Excellency's Despatch of the 15th instant, from which I rejoice to learn that your Excellency has directed the Governor of Puerto Principe to send my unfortunate countryman Henry Shirley to the Havana, for the purpose of being examined by one of your Excellency's assessors.

As soon as he arrives I have to request that Shirley be placed in communication with me, and that his examination by the assessor take place in my presence.

I have further the honour to declare to your Excellency that the ends of justice will not be satisfied unless Antonio Le Desma, the person who has been solemnly charged with the crime of abducting Henry Shirley and reducing him to slavery, shall at the same time be sent for from Santa Cruz, for the purpose of being confronted with his victim, and with the witnesses I have engaged to bring from Jamaica for that purpose.

When goods, and not men, are stolen, the restoration of the stolen property is a very inadequate satisfaction either to the former owner, or to the *Vindicta Publica*. The case of Shirley is far from being a solitary instance of this species of abduction, and it therefore becomes my duty to insist on the punishment of Le Desma, in order to deter others from the perpetration of similar offences.

It was years before your Excellency's predecessor would admit that Shirley had ever been brought to this island at all, although during those years of slavery he was daily seen by his friends from Jamaica in the shop of Le Desma at Santa Cruz. At length it was gravely reported to me, on the authority of an anonymous negro, that Shirley was dead; and when that falsehood was contradicted by his own letters, he was sent to a distant part of the country, where your Excellency first tells me he had been sold into slavery, not by Le Desma, but by his own countrymen; and now I am informed, with equal inattention to the facts of the case, on the part of your Excellency's informers, that he has never been reduced to slavery at all.

On this your Excellency may rely that Her Majesty's Government will not now be content with the simple restoration of Shirley to his freedom, but will absolutely insist that Le Desma be subjected to an exemplary and condign punishment, in the general interest of the freedom of the coloured population of the British West India Colonies, and that the unfortunate Shirley shall be amply indemnified by the Government of Her Catholic Majesty for this daring and continuous infraction of the liberties and the dearest rights of one of Her Majesty's subjects.

I have, &c.

(Signed) DAVID TURNBULL.

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

No. 154.

*Mr. Turnbull to Viscount Palmerston.**Havana, May 17, 1841.*

(Extract.)

(Received July 2.)

By my Despatch of the 7th of April last, I had the honour to bring before your Lordship some of the hardships endured by British seamen of colour who are brought to this island in merchant vessels.

I have now the honour to enclose some further correspondence on this subject, relating chiefly to the case of James Buchanan, a seaman of the "Ninian Lindsay," who had been treated by his captain with great severity, left in prison for nearly five months, and shamefully neglected there in his supply of food and other necessaries.

Your Lordship will perceive by the Enclosure, No. 1, that Buchanan's illness, already reported, had gone on increasing, and that, yielding to my renewed importunity, the Captain-General, by No. 3, consented to his removal on board the "Romney."

Immediately on receiving this communication I addressed the letter No. 4 to the commander of the "Romney," and on the following day received from him the answer No. 5, after the "Ninian Lindsay" had sailed with Buchanan on board.

I lost no time in addressing the letter No. 6 to the Captain-General, complaining of Buchanan's removal; and as the "Ninian Lindsay" was bound for Nuevitas, another port in this island, where Buchanan would again be thrown into prison, I requested that he might be sent for by the steam-boat and placed at my disposal, as had been previously agreed to.

No. 7 is the answer of the Captain-General to my letter, No. 6, refusing the application it contained.

No. 8 is a copy and translation of the Captain of the Port's order to the officer on guard, in virtue of which the removal took place.

The Captain-General having stated, most erroneously, that Buchanan had been removed by his own desire, and that he did not recognise the right of a Consul to demand possession of a seaman who had entered like Buchanan into Her Majesty's service, I addressed to his Excellency the letter No. 9, correcting his error, and inquiring in whom he recognised the right he refused to me.

In this letter I received the answer No. 10, in which his Excellency persists in both the points of which I complained.

In the mean time having previously communicated the misfortunes of Buchanan to the Governor of Jamaica; of Falmouth in which island Buchanan is a native. I received from his Excellency the letter of which No. 11 is an extract.

In consequence of that despatch I addressed the letter No. 12 to the Captain-General, renewing my demand for Buchanan's restoration, and I have this day received his Excellency's answer, No. 13, in which his Excellency persists in his refusal.

From all which your Lordship will perceive how exceedingly reluctant the Spanish authorities still are to lend the smallest assistance in protecting the rights of our free coloured seamen.

When such coloured seamen have entered Her Majesty's service, as Buchanan had done, in order to escape the misery of a long imprisonment, I pray your Lordship's instructions as to the course to be pursued for the purpose of obtaining their enlargement.

First Enclosure in No. 154.

*Mr. Turnbull to the Captain-General.**Her Majesty's Consulate, Havana,
April 19, 1841.*

MOST EXCELLENT SIR,

I HAVE the honour to acquaint your Excellency that in consequence of the increasing illness of James Buchanan, so long confined in the *Fuerza*, I have this day procured a consultation on his case, between Dr. Brennan of the "Romney," and the surgeon of the regiment stationed in the *Fuerza*.

I have the honour to enclose the report of Dr. Brenan, in which I believe the regimental surgeon concurs, although without a special order from your Excellency he cannot sign the report.

The disease of this unfortunate young man, arising from his long imprisonment, is perhaps even more of a moral than a physical nature, and will doubtless be grievously aggravated by the removal of his countryman Lewis, the last of his companions in misfortune.

Once more I beseech your Excellency to compassionate his hard case, engaging, as I do, to have him removed from the island, by the earliest opportunity, after Dr. Brenan shall have reported that his health will admit of it.

I have &c.

(Signed) D. TURNBULL.

His Excellency Don Geronimo Valdes,
&c. &c. &c.

Second Enclosure in No. 154.

Dr. Brenan to Mr. Turnbull.

Her Majesty's Ship "Romney,"
Havana, April 19, 1841.

SIR,

I HAVE the honour to acquaint you that I have again visited James Buchanan, in the fortress of the Fuerza, a seaman belonging to the English merchant ship "Ninian Lindsay," and find him labouring under a catarrhal affection, accompanied with fever, and other symptoms, which in my opinion require his immediate removal, and that the care of a medical man is more requisite than at my first visit.

I have &c.

(Signed) THOMAS BRENNAN, *Surgeon, R.N.*

D. Turnbull, Esq.,
&c. &c.

Third Enclosure in No. 154.

(Translation.)

The Captain-General to Mr. Turnbull.

Havana, April 20, 1841.

HAVING considered what you are pleased to state in your communication of yesterday of the increased illness of James Buchanan, I have no objection to his removal to the "Romney," under the guarantee of the promise you have given me to withdraw him from the island by the first opportunity; to which effect I now give the necessary order to the commanding officer in the barrack or prison of the Fuerza, in order that he may be placed at your disposal.

God grant, &c.

(Signed) GERONIMO VALDES.

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

Fourth Enclosure in No. 154.

Mr. Turnbull to Lieutenant Hawkins, R.N.

SIR,

Her Majesty's Consulate, Havana, April 21, 1841.

You will be so good as to send an officer to the prison of the Fuerza, to receive into his charge a distressed English coloured seaman, named James Buchanan, and from thence to carry him on board the "Romney," for medical advice.

I have &c.

(Signed) D. TURNBULL.

Lieutenant Hawkins, R.N.,
Her Majesty's Ship "Romney."

Fifth Enclosure in No. 154.

*Lieutenant Hawkins to Mr. Turnbull.**Her Majesty's Ship "Romney."
Havana, April 22, 1841.*

SIR,

I BEG leave to return you your letter of yesterday's date, and to inform you of the Captain-General having given no order for the liberation of the man therein named.

I have, &c.

(Signed) C. HAWKINS, *Lieutenant and Commander.*

D. Turnbull, Esq.,
&c. &c.

Sixth Enclosure in No. 154.

*Mr. Turnbull to the Captain-General.**Her Majesty's Consulate, Havana, April 22, 1841.*

MOST EXCELLENT SIR,

AS soon as I had the honour to receive your Excellency's letter of the 20th inst., acquainting me that James Buchanan, who lately belonged to the "Ninian Lindsay," but who, as your Excellency is aware, had entered Her Majesty's service, was placed at my disposal, I addressed an order to the commander of Her Majesty's ship "Romney," directing him to send an officer to the Fuerza, to receive Buchanan and carry him on board the "Romney," until an opportunity for his removal from the island shall present itself. Mr. M'Donald, an officer of the "Romney," was accordingly sent on shore yesterday afternoon for this purpose. He went to the office of the Captain of the Port, by whose order Buchanan had been originally imprisoned, and communicated my letter to M. Luis Jorganes, the officer on duty, to whom it was translated first by M. Napoleon Van Peters, the interpreter, and afterwards by M. Juan Cavedo, the clerk of the Captain of the Port. But he received for answer, that no order for the liberation of Buchanan had been received at that office.

Nevertheless from that very office there was issued this morning, at the moment of the sailing of the "Ninian Lindsay," an order signed by the Captain of the Port, directing the officer on duty at the Fuerza to deliver James Buchanan to the captain of that ship. This last order was carried into effect at an early hour this morning, in contravention of your Excellency's previous order of the 20th inst., the original of which I have just seen in the hands of the officer of the guard.

I am sorry to be obliged to add that I have received information that Buchanan was removed from the Fuerza this morning, after the "Ninian Lindsay" had left the harbour, and that he was carried out to sea in the Captain of the Port's boat; from all which I infer a premeditated design to defeat the humane object of my application to your Excellency. The "Ninian Lindsay" has sailed for Nuevitas in this island, there to embark a cargo of produce for Europe.

Under these circumstances I pray your Excellency to issue an immediate order to the authorities of Nuevitas, to send back James Buchanan without delay to the Havana, to remain on board the "Romney," at my disposal, as already decided by your Excellency, until a fit opportunity for his removal shall present itself.

I have, &c.

(Signed) D. TURNBULL.

His Excellency Don Geronimo Valdes,
&c. &c. &c.

Seventh Enclosure in No. 154.

(Translation.) *The Captain-General to Mr. Turnbull.**Havana, April 27, 1841.*

In answering your communication of the 22nd instant, I ought to state to you that on the 20th I conceded to you the power of removing from the

Fuerza to the "Romney" the coloured seaman James Buchanan, belonging to the English merchant ship "Ninian Lindsay," but as no application was made for him at the depôt before the sailing of this vessel, which took place on the 22nd, at half-past seven in the morning, and as your messenger, on the 21st, did not communicate to the Captain of the Port the order given to this effect, that officer having no precedent to guide him, only fulfilled his duty in sending the seaman to his vessel in obedience to the regulations established since the creation of the depôt, and to you it must be known practically, and, by the very form of the documents, that orders of this nature are addressed to the chief of the corps under whose orders the depôt is placed, and not the Captain of the Port. When you have considered these circumstances, you will judge impartially to whom it is owing that Buchanan was not transferred to the "Romney." With regard to the blame which you allow yourself to express on this occasion, ascribing the removal of Buchanan to a premeditated design to defeat the humane object of your application, although this simple statement establishes your error, I will add that the Captain of the Port having remonstrated with the Captain of the "Lindsay" on his leaving Buchanan behind, received for answer, that it was not with his consent, but that you had compelled him to do so on the ground that I had recognized his sickness. This fact, and the report of the surgeon of the Fuerza, prove at least that the illness of Buchanan, if it existed at all, was so slight as not to call for all the anxiety you manifested on the occasion, and that he was perfectly able to continue in his vessel, which wish he had himself expressed; and since, in your communication of the 19th of March last, in asking his removal to the "Romney," you undertook to remove him from the island by the first opportunity, I am of opinion that, by his departure, both objects have been reconciled.

With regard to the last paragraph of the communication to which I reply, I stated to you on the 27th March last that when it was proved to me that this individual had been admitted into Her Britannic Majesty's navy, and was claimed by some one having a right to make the demand, I should decide on that which I considered fit to be done; and this not having been proved, I find myself called upon to repeat the same to you, and with so much the more reason, as this seaman belongs to the crew of an English merchant vessel, and therefore at the disposal of the British Government, who will know well how to enforce the regulations in force of the subject, to whatever part of the world he may go.

With this view I renew, &c.

D. Turnbull, Esq.
&c. &c. &c.

(Signed)

GERONIMO VALDES.

(Translation.)

Eighth Enclosure in No. 154.

Order of the Captain of the Port to the Officer on Guard at the Fuerza.

Captaincy of the Port, Havana, April 22, 1841.

THE officer on duty of the barrack of the Fuerza will deliver to the Captain of the Port the negro James Buchanan, of the crew of the English ship "Ninian Lindsay," in terms of his Excellency's instructions.

(Signed)

CALISTO PARADES.

Ninth Enclosure in No. 154.

Mr. Turnbull to the Captain-General.

*Her Majesty's Consulate,
Havana, April 28, 1841.*

MOST EXCELLENT SIR,

IN your Excellency's Letter of yesterday, relating to this unfortunate Buchanan, I find it stated that he himself was desirous of rejoining the "Ninian Lindsay" at the time of her sailing. I have the honour to assure your Excellency that this is a very great error, Buchanan having often declared to me, with tears in his eyes, that he would rather die than return there; and I have therefore most earnestly to repeat my entreaty that he be immediately sent for from Nuevitas.

In former Despatches I have asked your Excellency in whom, if not in Her Majesty's Consul, you recognize the right of demanding from your Excellency the delivery of a British seaman who has entered Her Majesty's service, and whom your Excellency had sent to prison on account of his colour. I have now the honour most respectfully to repeat the inquiry.

I have, &c.

(Signed) D. TURNBULL.

His Excellency Don Geronimo Valdes,
&c. &c. &c.

Tenth Enclosure in No. 154.

(Translation) *The Captain-General to Mr. Turnbull.**Havana, May 6, 1841.*

By your official Letter of the 28th April last, relative to Buchanan, I clearly see that this individual, by means of false suppositions, has taken your mind by surprise, because, if it had been true that he was unwilling to return to the "Ninian Lindsay," he would have made it known to the Captain of the Port, more especially after the 20th, when I conceded the point of his removal to the "Romney," which proves that he was positively desirous of returning to his vessel.

With regard to the question you put to me as to the person in whom I recognize the right of demanding an individual who has entered Her Britannic Majesty's Service, allow me to say that I do not recognize such a right in you, and that he who really and truly possesses the right may exercise it, and this I affirm.

As to sending for Buchanan, I repeat to you what I said in my communication of the 27th of April last.

God grant, &c.

(Signed) GERONIMO VALDES.

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

Eleventh Enclosure in No. 154.

(Extract.) *Sir Charles Metcalfe to Mr. Turnbull.*

SIR,

Jamaica, King's House, April 17, 1841.

I SHALL be much obliged to you, if, in the event of the continued confinement of James Buchanan, you will apply for his release, in order that he may be sent here as a native of this island.

I have, &c.

(Signed) C. T. METCALFE.

D. Turnbull, Esq.,
&c. &c. &c.

Twelfth Enclosure in No. 154.

Mr. Turnbull to the Captain-General.

MOST EXCELLENT SIR,

Havana, May 11, 1841.

I HAVE the honour to acquaint your Excellency, that having communicated to Sir Charles Metcalfe, the Governor-General of Jamaica, your Excellency's refusal to allow James Buchanan, a native of Falmouth, Jamaica, to be transferred from the prison of the Fuerza to Her Majesty's ship "Romney," for the purpose of entering Her Majesty's service, his Excellency has authorized me, in his name, to demand the delivery of Buchanan, that he may be sent by me to Jamaica as a native of that island.

It is therefore my duty to renew my demand that Buchanan be sent for from Nuevitas, and placed at my disposal, in obedience to Sir Charles Metcalfe's instructions.

I have &c.

(Signed) D. TURNBULL.

His Excellency Don Geronimo Valdes,
&c. &c. &c.

CLASS B.

Thirteenth Enclosure in No. 154.

(Translation.) *The Captain-General to Mr. Turnbull.**Havana, May 17, 1841.*

In a communication of the 27th April last, which I now reiterate, I stated to you what I thought convenient with regard to James Buchanan, and now I repeat that it is not possible for me to withdraw by force from an English vessel supposed to be now at Nuevitas, and to have brought to this capital, an individual of her crew.

If the Governor-General of Jamaica has really given you the instructions you tell me, it is a proof that he has not been well informed of the discussion which has arisen regarding this individual; and I do the justice to his knowledge of public affairs with so much the more reason, since he has the means at his disposal of recovering this seaman without the need of such an application, if, in fact, he has really contracted a binding engagement with the Royal Navy of Great Britain.

This I state to you in answer to your Despatch of the 11th instant.

God grant, &c.

(Signed)

GERONIMO VALDES.

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

No. 155.

*Mr. Turnbull to Viscount Palmerston.**Havana, May 19, 1841.**(Received July 2.)*

MY LORD,

I HAVE the honour to enclose the copy of a Letter I have this day addressed to Lord John Russell, in answer to a previous Despatch of his Lordship to me on the subject of the stationing of a steam-vessel in this harbour for the more effectual suppression of the Slave Trade, and also on the right of a British cruiser to capture a foreign vessel, in a Spanish port, under the existing treaties with Spain.

I have, &c.

(Signed)

D. TURNBULL.

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

First Enclosure in No. 155.

Mr. Turnbull to Lord John Russell.

(Extract.)

Havana, May 19, 1841.

I HAVE the honour to acknowledge the receipt of your Lordship's Letter of the 12th February, enclosing the copy of a Despatch addressed to the Board of Admiralty, by Vice-Admiral Sir Thomas Harvey, Commander-in-Chief on the West India station, communicating his objection to the measure proposed by Lieutenant Fitzgerald, regarding the establishment of a steam-vessel at the Havana for the capture of slavers fitting out in the ports of this island.

I have perused the Vice-Admiral's letter with very great attention, and although your Lordship has not directed me to express my sentiments on the subject, yet, however profound my respect for the Vice-Admiral's opinions, and however diffident of my own, I am persuaded that if Sir Thomas Harvey were to make himself acquainted with the magnitude of the evil which Lieutenant Fitzgerald's proposal was intended to remedy by an occasional visit to this harbour, he would come round to the opinion that the voluminous correspondence he refers to, the jealousy of the Spanish Government, and even the danger of collisions and broils, are so small as not to weigh a feather against it in the balance.

It is doubtless under the influence of this same apprehension of broils and collisions, of Spanish jealousy, and voluminous correspondence, that Her Majesty's cruisers on this station, under the Vice-Admiral's orders, have been hitherto so chary of giving offence, as to allow a slaver under a foreign flag to escape, because, after stealing out of a Spanish port in order to proceed to sea on her voyage to

the coast of Africa, she finds herself in danger of being outsailed and captured by the cruiser, and to avoid it, retreats into port to seek and find shelter under the guns of the Spanish fortress. This case has actually occurred within these few weeks to Her Majesty's ship "Rover," which chased a Portuguese slaver back into the Havana, but did not dare to follow her beyond the Moro Castle. As soon as this case occurred I took the opinion on this point of an eminent Spanish lawyer, not more distinguished for his professional attainments than for his ardent love of liberty. A copy of this opinion in original and translation I have now the honour to enclose.

According to this opinion your Lordship will perceive that the commander of the "Rover" would have been legally justified in following his Portuguese prize into the harbour of the Havana, and effecting her capture in presence of the Spanish authorities under the guns of the Moro. If this opinion be sound, and your Lordship will at least be disposed to give it your deliberate consideration, it surely will not be the fear of a voluminous correspondence which will deter Her Majesty's Government from carrying the existing treaties with Spain into full and active execution. Such a seizure, under such circumstances, I venture to say, would do more to intimidate the slave-dealers, to deter them from the prosecution of their odious traffic, and even to reconcile the Spanish Government to its effectual suppression, than all the captures which have ever been made on the coast of Africa.

The fact of the loss of the "Rover's" prize, in the manner I have stated, has doubtless been reported to the Admiralty. At this moment there are four Portuguese slavers fitting out in the harbour, every one of which would be liable to seizure on the broad principle recognised by this legal opinion. And if such a vessel as that recommended by Lieutenant Fitzgerald were constantly stationed in this harbour, under the command of an active officer, it would be scarcely possible for any one of them to escape. I venture, therefore, with the greatest deference to the opinions of Sir Thomas Harvey on this subject, to beseech your Lordship to move the Board of Admiralty to reconsider this interesting and important subject.

Second Enclosure in No. 155.

(Translation.)

OPINION.

BETWEEN the English nation and Spain the abolition of the Slave Trade is a national right, the two nations being bound to each other to sustain the principle of abolition, so that the capture, by an English ship of war, in a Spanish port, of a foreign vessel which has infringed the Treaty between the two nations, would not be a violation of the Spanish territory, because there is a Court of Mixed Commission established for the purposes of the abolition, which in this respect has converted the Spanish territory into a mixed territory.

No. 156.

Mr. Turnbull to Viscount Palmerston.

Havana, May 25, 1841.

(Extract.)

(Received July 2.)

IN my Slave Trade Despatch of the 12th April last I had the honour to draw your Lordship's attention to the remarkable movement which began to manifest itself in this island soon after the arrival of the present Captain-General, in favour of the suppression of the Slave Trade, and which, I rejoice to say, is still going on with a firm and steady pace. In evidence of that statement I took the liberty of sending your Lordship, in original and translation, a copy of the Memorial which the principal Creole inhabitants had addressed to his Excellency on the subject.

In that Memorial two others were referred to with approbation, the one originating with the *Junta de Fomento* of the island, the other with the Municipal Council or *Ayuntamiento* of this city.

Hence I was led into the error of supposing that these two memorials from the two leading corporations of the island, which I had not then seen,

but of which I am now enabled to enclose copies and translations, were conceived in the same noble spirit which distinguished the truly eloquent paper I had the honour to transmit by the "Peterel" packet.

It is true that even these are such as would not have been written or thought of a few months ago.

The representation of the *Ayuntamiento* is rather a protest against the indiscreet agitation of the general question of Negro Emancipation in the newspapers of the mother country, which can neither be censured as formerly, nor excluded from circulation in Cuba, by the authorities of the island, than an open and frank declaration in favour of the suppression of the Slave Trade. The whole burthen of permitting and protecting that trade your Lordship will find, however, is thrown by this important corporation on the Government of the mother country, and thus far confirms and supports the views on this subject which I have constantly entertained since the period of my first visit to this island in 1838. And I cannot help expressing my conviction that this document, the poorest and least important of the series I have now the honour to enclose, will become in your Lordship's hands an argument of sufficient power to throw the whole responsibility of maintaining the traffic on the Government of Madrid, for the all but acknowledged purpose of securing this island, for some time longer, in her Catholic Majesty's dependence.

The *Junta de Fomento*, although equally alive to the danger which free discussion will bring to the institution of slavery, and although expressing the strongest repugnance to the exercise of the powers already granted to Great Britain for the suppression of the Slave Trade, is much more frank than the *Ayuntamiento* in declaring its abhorrence of the African traffic, and in suggesting the adoption of measures for its absolute cessation. An explanation of this difference of opinion and expression is to be found in the fact that the municipal body is composed of merchants, of whom many have a direct interest in the maintenance of the trade; whereas the *Junta de Fomento*, consisting chiefly of planters, proprietors, and hacendados, begin to discover that their true interests would be best supported by its immediate suppression.

I have also had the good fortune to procure, and have now the honour to enclose, the Memorial, on the same subject, of the Tribunal of Commerce of the Havana, addressed like the two others to the Provisional Regency of the Kingdom. It appears that this Tribunal, like the *Junta de Fomento*, would gladly accept a measure of effectual suppression of the Slave Trade, if accomplished without foreign interference, in exchange for a long respite in the parliamentary or public agitation of the more general question of Negro Emancipation. In this paper the Tribunal of Commerce does me the honour of loading me with abuse, the gravamen of which is that I accuse the Government of Spain, its agents in this island, and the inhabitants in general, of the infringement of the Treaties with England, and that I have dared to propose the extension of the powers of the Mixed Commission to the point of raising it to the rank of an ordinary tribunal of the country. The extreme irascibility of the Tribunal of Commerce on this point may possibly recommend my suggestion on the subject of dealing with the Africans, after they are landed, to your Lordship's further and more favourable consideration.

I am enabled also to send your Lordship by this opportunity a memorial professing the most liberal and enlightened sentiments, and going so far as to demand the concession of the principle of Negro Emancipation, and the substitution in this island of free labour for that of slaves. The presentation of such a memorial to the Captain-General of Cuba forms of itself an era in the history of the island. It is true that this important document is only graced with a single signature, but it is that of a man of great weight in the country, the Conde de Santovenia, whose revenues are equal to at least 40,000*l.* sterling a-year, and who is actually the owner of 800 slaves.

I trust that these documents will be found of sufficient interest and importance to occupy a place in the series of papers on the subject of the suppression of the Slave Trade which your Lordship is accustomed to lay before Parliament. I have offered to communicate them to Her Majesty's Commissioners, if, after perusal at the Consulate, they think it desirable to have them copied for their use by their own secretaries.

(Translation.)

First Enclosure in No. 156.

Memorial addressed by the Junta de Fomento to the Provisional Regency of Spain on the Abolition of Slavery and the Slave Trade.

Havana, February 27, 1841.

THE Committee for the encouragement of the agriculture and commerce of the Island of Cuba does not hesitate to engage the attention of the Provisional Regency of the Kingdom on the subject of the prevention of the evils which the interests of this country have sustained by the imprudent agitation, through the agency of foreign liberality, or in a spirit of hostility to the national prosperity, of the question of negro freedom.

Their object is to point out the danger to which the preservation of that prosperity will be exposed by the continuance of the agitation, unless under the influence of the circumspection and reflection required, to ensure the safety of the lives and fortunes of the inhabitants of every class and opinion, dependent as they are on the manner in which so serious a question is treated, the subject shall be forbidden to the press, as a topic of discussion, which is practically the case even in countries like the United States, where the freedom of publication is subjected to no other restriction than that which is imposed by the sentiments of humanity entertained by those who write towards men of their own complexion.

In such a complicated affair, in which the opposing interests of two great masses of an entire people are involved, that man will not acquire the title of a friend of his race, who declares himself in favour of the weaker party, at the evident risk of exterminating the stronger.

It is the business of the just and philosophic mind to enlighten and advise the Government on the subject of the errors which fall under his notice, demonstrating their existence, and presenting plans for their correction profoundly meditated. True glory consists in the correction of error without producing inconvenience.

Far from following these wise principles, the author of a communication which appeared in the "*Corresponsal de Madrid*" of the 21st December last, without the smallest proof of the present state of slavery in this island by which to establish the need of emancipation, supposing it to have been tacitly agreed to in the Treaty of 1817, makes a formal threat of the accomplishment of that measure, in defiance of the remonstrances of the proprietors.

The mere idea that the discussion of so dangerous a question is tolerated in Madrid in newspapers, which are afterwards circulated here with profusion, which are already within the reach of our freed men, and which, before long, will become known to our slaves in town and country, has been sufficient to excite the distrust and alarm of capitalists and proprietors as to the future fate of the island, inducing them to think, and not without reason, that the time is come to save what they can of their fortune, and transfer it to countries possessing more stability, and offering more protection.

No branch of industry can prosper without confidence; and least of all those agricultural undertakings of which our wealth is composed, requiring the constant application of the capital engaged in them. The large sum required for the establishment of a sugar plantation, the great length of the period which its realization demands, and the difficulty of dividing or disposing of the property, make it necessary for the owner to leave it in the same form to his most distant posterity. He, therefore, who contemplates the creation of such an estate, or the prosecution of one already in operation, when he sees it announced in the journals of Madrid that slavery is about to be abolished, and finds the existence of slavery opposed by the agents of a powerful nation, which has committed the folly of ruining her own colonies in our immediate neighbourhood, will prefer to keep his capital in an unproductive state, or place it in safety at a low rate of interest, rather than sink it for ever in lands which are to be subject to such lamentable scenes as those of Jamaica.

If the mission undertaken by an "Impartial Spaniard" was the inspiration of this alarm and dismay among the planters of Cuba, whose interests flourished on the decay of their foreign rivals, and whose assistance to the mother country was given opportunely, after satisfying the more immediate necessities of these provinces themselves, he may congratulate himself on having fulfilled it completely.

The arrival of these papers from Madrid has coincided with the fresh exigencies of the English Commissioners in augmenting the alarm of the inhabitants by denunciations on the subject of the continuance of the Slave Trade.

The English Government is not contented with the establishment of a dismantled ship of war in a conspicuous position in our harbour, manned with a crew of emancipated negroes wearing the uniform of the Royal Navy of Great Britain, to whom our negro slaves of both sexes have free access.

The contagion propagated among our slaves by the constant communication which takes place between them, and the great number of emancipados who, notwithstanding the fervour of English humanity, have not yet been transferred to their own islands, where they would be placed in the enjoyment of perfect freedom, seems not to be regarded as dangerous at a time when our Government is besieged with demands for the execution of domiciliary visits in the country houses adjoining the city, where negroes recently introduced from Africa are supposed to be deposited; conveying by the publicity and ostentation with which these acts are performed, and which immediately becomes transparent and intelligible to the slaves, new ideas of the illegality of the condition.

They are thus made to believe that they are assisted by a power acting under English influence and provoking them to rebellion against their masters. This is a violation of national rights, committed in an age when the intervention of one power in the internal affairs of another has been solemnly proclaimed by modern congresses to be inconsistent with the laws of nations.

It is all very well for England to emancipate the slaves in her own colonies, and for France, when convinced of its propriety, spontaneously to follow the example, but if Spain does not wish to do so, because she considers that it would be ruinous to the richest portions of her population, have the British islands the right, reduced as they are in comparison with the rest of the world, which remains the passive spectator of the struggle, to make themselves the arbiter of the destinies of others?

The old continents are peopled by millions of human beings, as much slaves as the negroes, and a thousand times more wretched, and the most civilized nations engage in sanguinary wars, in which victims without number are sacrificed; yet neither philanthropy nor intervention interposes to enlighten and regenerate the one nor to restrain the devastations of the other. From whence then has arisen this predilection for the African race, which is about to preponderate in these West India Islands? And how comes it that in order to favour this movement an intervention *de facto* is permitted so offensive to the dignity of the Spanish flag.

This Committee will not take time to inquire into the cause of this exceptional state of things, nor to accumulate proofs of the violent proceedings of the English Commissioners with reference to the first authority of the island, because it is certain that these communications are already under the consideration of the Regency, with a view to restrain the progress of the pretensions of England, and the necessity of removing these agents to some less important position, where their functions may be less dangerous to the preservation of the island, and the protection of the interests of the monarchy, and the subject will not therefore escape the penetration of the Regency.

On a similar occasion this Committee has stated to the Supreme Government, and now repeats, that with regard to the negroes, at least to those of the island of Cuba, the word slavery is most odious, painted as it is, in the declamations of the abolitionists, with the most horrifying colours; without reflecting on the condition in which the negro was found before being reduced to a state of servitude, the advantages he enjoys in that state, and the consequences which would arise from his restitution to his primitive condition.

Mature reflection on these three situations will determine whether the African is more injured or benefited by making him a slave, or by leaving him free. The slightest knowledge of the mode of living in the interior of Africa is sufficient to account for the repugnance of those who have obtained their freedom to return to their native country, and even of those slaves to whom such a return has been proposed.

What is called slavery in Cuba, in order to be more clearly understood by those who have taken occasion to observe it, ought to be divided into two classes, first, the slavery of the towns, and second, the slavery of the country. It will ever be honourable to its inhabitants that with the aid of African slaves, and of men from

that continent, of free condition, they have been able to present to the view of those who approach the shores of the Havana, the lowest class in society, that which in all countries is called the rabble, behaving with an air of decency and cheerfulness, and possessing such laborious habits as under the best institutions are not to be found in Paris or in London.

The incessant and active trade of the interior of our establishments, the loading and discharging of vessels at the wharfs, the sale of articles of all kinds for immediate consumption, the driving of those innumerable carriages both private and public which throng our streets, and the active duties in our numerous workshops of all kinds, is performed by negro slaves, whose robust health announces the possession of greater comforts than those which are enjoyed by the labourers of Europe.

A single beggar of any complexion, a drunkard, or a wretch who endeavours to excite the public compassion, is not to be met with in the streets of this city of slaves, where it might be expected that, abandoned by their owners in sickness or old age, such mendicants might be found in abundance.

What a contrast is there not apparent between the scene of animation exhibited in the Havana and the picture presented by the island of Teneriffe, the inhabitants of which are free men! A resident of the Havana, on his return in the Havre and Guadaloupe, in the month of December last, from his travels in Europe, having landed with his companions at Teneriffe, for the pleasure of seeing the place, had scarcely set his foot on shore when he was surrounded by such a crowd of beggars crying aloud for charity, that he was compelled, in the centre of the city, to seek refuge in a private house from the aspect of such appalling misery; and from thence he could only retire under the protection of the police.

However wretched our negroes may be supposed to be, not one of them has ever died here from the want of the necessaries of life; whereas, entire classes of persons in the freest nations of Europe are condemned to perish of hunger and cold, and of the diseases brought on by the dissolute manners of the inhabitants.

The domestic slaves of the Havana compose a distinct fraction of the class to which they belong. They are much more happy than their fellows; and it is from this fraction that we obtain our nurses, for whom we retain a sort of filial affection; their children are brought up as the companions of our own children; and the servants who are placed more immediately about the persons of their masters acquire a sort of education consisting of intelligence and tact, the necessary result of their constant communication with the most select classes of society. Their bearing and their manners are superior to those of white men in the country, or of white workmen in the towns; and they would not on any account change their mode of life for that of any man who earns his livelihood by his own personal labour.

This habit of paying attention to their domestic slaves from their infancy engenders among the inhabitants of Cuba a sort of sympathy for the whole race, insomuch that no person of any delicacy has ever been known to commit an excess in the correction of his servants. On the contrary, the only thought is to improve their lot, although not by means of regular education, and this desire has had a notable influence in ameliorating the condition of slavery in the country.

This last section of the slaves who are destined to a species of labour more compulsory and more severe, performing it at certain seasons of the year when their owners are not present, is doubtless in the most unfavourable position, and is for that reason, in the opinion of this Committee, the fittest to be compared with that of the free labourers of other countries.

Every field negro possesses a lodging of his own, which, according to the condition of the master, is either a separate cabin fit for a married couple, or a room in a commodious building, which is most commonly the case in coffee plantations, and on the estates of persons who have passed from the earlier position of forming a plantation, to that of abundance.

In the most economical establishments the daily ration consists of eight ounces of salt beef, cooked with nutritive roots, and divided into two meals, one of which is served at eleven o'clock in the forenoon, and the other after sunset, on the conclusion of the day's labour.

For each slave a small garden is set apart, in which he is allowed, on Sundays, to cultivate grain and vegetables with which to vary his daily food; and he is also allowed to raise poultry and a pig in the neighbourhood of his habitation.

The field slaves are provided annually with two dresses of raw Hamburgh linen, and in winter with a shawl and a woollen cap. Every estate has a regular infirmary,

placed under the care of the best physician that can be found, where, when the slaves are sick, no attention is spared to them, if for no other reason than for the advantage of the master. And when by old age or infirmity they fall into the class of invalids, they are sure of an asylum, in which they are attended with equal care as when their services were valuable in the plenitude of their health and vigour.

And where is the labourer in Europe who can count on this assurance of repose without appealing to public compassion? And how are his children, however numerous they may be, to be assured of a constant subsistence? It is also true that, among this class of slaves, those who conduct themselves the best are appointed to posts where they enjoy more leisure, and are enabled to accumulate a capital sufficient to purchase their freedom.

And would it not be more humane to the European labourer who is perishing of hunger and nakedness, if his Government were to employ the millions of pounds sterling expended in attempts to improve the lot of Cuba, in remedying the wretchedness of his condition? The labourer moreover is the slave of his necessities. In order to satisfy them he is compelled to double his fatigues, and if these are not sufficient to produce as much security and enjoyment for his old age as those which the slave possesses, the positive result is that the slave is the happier man, and that the European labourer enjoys a better name.

This Committee is not inclined to oppose itself to the fulfilment of the treaty for the cessation of the Slave Trade, nor to defend the infractions of it which may be clandestinely committed; because it has already been sealed with the approbation of the Government who found it convenient to open international negotiations on this subject with that power which has sought to assume to itself the defence of humanity.

The suppression of the Slave Trade might even be regarded as beneficial and opportune, if it were accompanied by a plan for the immigration of white colonists, the expence of whose introduction, as an urgent state necessity, might be defrayed from the public revenues of the island. The number of white labourers would thus become so great as to reduce their wages to the point of inducing them to prefer the pursuits of agriculture, and make their labour more economical than that of the negroes. This should already have been the case, and it is now the only system by which the Slave Trade can be entirely dispensed with, unless we are willing to see the production of the island annihilated.

Such further ameliorations should also be gradually prepared, as the Government in its wisdom may decide, in order one day to liberate us from the fatal and unavoidable necessity in which we are now placed of keeping up our population by means of the introduction of slaves.

But this Committee will not cease to repeat to the Regency that the measure of emancipation as the communication in the "Corresponsal" referred to erroneously announces, would immediately lose the island to the mother country, as well as to the white inhabitants.

The immediate payment of the full value of the slaves as an indemnity would not be sufficient to remedy the disaster, because without them the estates would be completely ruined. Neither would the complete but impossible payment of the value of the estates themselves afford a sufficient compensation, because, on the supposition that every proprietor had the money in his chest, there would not be strength sufficient to restrain the excesses of 500,000 slaves of an indolent disposition and prone to dissipation; more especially as they would make common cause with the 200,000 free people of colour represented in the census of the island.

It would not be possible to induce the newly emancipated negroes to contract the habit of voluntary labour, nor to communicate to them the customs acquired only by a regular education. They will naturally desire to live with the smallest possible amount of labour, giving themselves up to robbery and other vices, and there not being a sufficient number of whites to keep them in subjection, a degree of rivalry and hatred would be provoked, such as can only issue in a great war of colours.

It is not to be presumed that any white man will be disposed to submit to so hard a fate. They will all prefer to emigrate to foreign countries to earn their livelihood, and save the lives of their children, if they do not previously adopt the course which a state of desperation would prescribe.

The Committee would therefore beseech the provisional Regency,

1st. To repress the licentiousness with which the periodical press of Madrid attacks the undeniable loyalty of the inhabitants of Cuba, by the propagation of doctrines opposed to the welfare and the wealth of all the proprietors, to the preservation of the country, and to the interest of Her Majesty's revenues.

2nd. To refuse for the future to enter on negotiations regarding the African Slave Trade, on the basis of which they were unfortunately opened, of conceding to the British nation the right of personal intervention, by means of their agents within the Spanish territory; and to insist that the principle of non-intervention be enforced which was sanctioned by the general Congresses, so as that the English Commissioners who reside here may be removed to exercise their functions in a place where their presence will be less prejudicial to the public tranquillity and welfare.

3rd. That such measures be adopted as the Government may consider convenient and compatible with the national honour, for the absolute cessation of the Slave Trade, and that at the same time a plan of white colonization be decreed which shall be confided to this corporation, the most laborious and the most deeply interested in the public improvements, and which shall be so ample as to comprehend not only natives, but foreigners of all countries, and that the expenses occasioned by it be defrayed as a preferable charge from the public revenues of the island.

4th. That the Regency in its profound penetration condescend to consider that in the question of negro freedom, there has been but one feeling or opinion since the arrival of the publications in question from Madrid, which is, that the island would be irrecoverably lost by it to the mother country and to its inhabitants, who would prefer any extreme to the calamity of sacrificing their fortunes, endangering their lives, and remaining in a state of subordination to the negroes.

(Signed) EL CONDE DE VILLANUEVA,
President.

(Translation.)

Second Enclosure in No. 156.

Memorial of the Ayuntamiento or Municipal Council of the Havana to the Provisional Regency of Spain on the Abolition of Slavery and the Slave Trade.

THE municipal corporation of the ever most faithful city of the Havana addresses to the Provisional Regency of the Kingdom the complaints of the island of Cuba on a question in which its very existence is involved. However unworthy, still the only semblance of representation which these faithful inhabitants enjoy, the municipality proposes with all the warmth which justice inspires, and with all the confidence which the wisdom of a just Government authorises, to demonstrate the impossibility of resolving on the emancipation of the slaves of this island without compassing its destruction, in return for its untainted loyalty, and its great and constant sacrifices in favour of the mother country. But they would also appeal to the justice and policy which an ill-understood philanthropy, not so well supported by positive *data* as by an unworthy jealousy, advances in support of emancipation.

It is painful to observe that the circumstances which have served as a pretext for denying to the provinces of America the right of representation and other social guarantees, are not taken into account when the emancipation of the slaves is in question; but it is much more painful to find that the sufferings of one class of the population are exaggerated, in order to promote the disastrous and sanguinary ruin of the other. Those who have discussed the question of domestic slavery in America have left out of their consideration the fact that the difference of castes is involved in it, a difference which inspires the most serious alarm with regard to an important portion of the population, which, without being of slave condition, desires the extermination of the white race.

If the increasing number of slaves were placed in more immediate contact with the free people of colour, and if the difficulties which are raised by subordination and the isolation of the slaves were thrown down so as to prepare the way for

commotions, the experience of Cuba, like that of St. Domingo, would speedily confirm the prediction that in these islands the negro race is to exterminate the whites, and that the whites are to prevail over the blacks on the continent. It is to be wanting in all knowledge of the human heart to suppose that no desire exists for the destruction of the white population, and to believe that this desire, when stimulated by complaints, not of the slaves, but of their gratuitous defenders, will not produce disasters and revolutions. But those who exaggerate the sufferings of slavery ought to consider that its evils are not so great as those which lead to the extermination of the white class; and that this island will be lost to civilization and to trade, if a degraded and ignorant class is to preside over its destinies.

It is not the desire to perpetuate slavery, it is not the wretched love of wealth, which must perish with the slaves which compose it, on which the opposition to emancipation is founded. The preservation of the existence of the white class is that which can and ought to prevent it; and the inhabitants of the island of Cuba, who are not to blame because their Government permits and protects the abominable traffic in slaves, have a better right to demand the preservation of their lives than the slave race have to ask for their liberty. This liberty may be just in the abstract; but the preservation of the white race is not less so; nor ought the local circumstances to be forgotten which make emancipation impossible. The freedom of the minor and the madman is just in the abstract, but other reasons interfere with its enjoyment, and those who affecting philanthropic sentiments would declaim against the authority of the father and curator, would not be more unreasonable than those who claim an emancipation for which the slaves are not prepared. It is in vain that preparations for the transition are proposed. The interests of the owners of slaves will not permit the alarm of preliminary concessions, nor could they be granted without producing commotions. The only remedy which reason or philanthropy can suggest is to soften the sufferings of the slave, in order to prepare him by slow degrees for the enjoyment of his freedom; and it is honourable to the legislation of the country and the manners of the people that the regulations regarding slavery, and especially the Royal Cedula of the 31st of May, 1789, and the humane treatment of the masters, make the declamations of those who are interested in promoting emancipation appear chimerical and even ridiculous.

The labouring classes of Europe are undoubtedly in a more unfortunate condition than that of the slaves of this island. The slave who is maintained and supported by his master in sickness and old age has a more cheerful prospect before him than the labourer who lives by his daily toil, who even without the supposition of sickness or old age would die of hunger if improvements in machinery or an increase of parsimony should exclude him from the workshop. The sufferings of the slave in the island of Cuba are less than those of the soldier or the sailor; and if for this it cannot be said that the manufacturers and capitalists should be doomed to destruction, as little can it be said to be just or convenient that the white race of the island of Cuba should be exterminated. Our slaves are not in a situation so miserable as those of foreign colonies where the master holds the power of life and death, where the slave has not the right to complain of his master, and where for him there is no human justice.

There are few testamentary settlements in this island which do not contain a provision for the manumission of certain slaves as a reward for their services; there are few well-conducted slaves who do not so increase their savings as to enable them to purchase their freedom under the protection of the Syndics and the Procuradores Generales; there are few excesses committed by the masters which are not repressed to the advantage of the slaves themselves; they are admitted to the right of *coartacion*, which limits the price of their redemption, and their savings are carefully protected. But if further alleviations are sought for in the condition of the slave, if additional guarantees against abuse are demanded, their attainment presents no great difficulty, since they would be perfectly in harmony with the protecting spirit of our laws, and with the humane habits and the natural dispositions of the owners, but not a general emancipation, which could only lead to disaster and ruin. The slaves would thus be gradually promoted to the condition of freemen, and if we reflect that a just proportion between the sexes is not to be found, and that among those of mixed blood the whites have the ascendancy, who shall say that within a few years the difference of castes may not excite alarm, and that domestic slavery may cease to exist? This supposes the entire suppression of

the execrable traffic with Africa. The inhabitants of the island of Cuba are the most deeply interested in seeing that the number of the people of colour is not imprudently augmented. The laws of the country and a solemn treaty with England have already prohibited the Slave Trade, and although it may be believed that the sole object of the pretended philanthropy of a civilised nation is the aggrandisement of the possessions of that nation in India; nay, although it may be believed that the destruction of the colonies of France and Spain, of Portugal and Holland, is intended to promote the prosperity of English colonies in Asia; it is not the inhabitants of the island of Cuba who defend a traffic, in every sense to be reprobated. If the faith of treaties has been disregarded, if the trade in men has been permitted, it is but just that such abominable excesses be repressed, as every other illegality should be repressed; but those who have committed these excesses are not in the island of Cuba, and it is not just that the native inhabitants should pay with their lives, and the loss or conflagration of their property, for the delinquencies of others, on the erroneous pretext that our dependency on the mother country is to be maintained by the increase of the negro population. That dependency will be perpetual if the elements of order are preserved, which happily now exist in the inviolability of our property; it will be perpetual when the enlightened Government of Spain shall extend to this country her protecting arm, and if its inhabitants have known how to resist the example and even the suggestions offered them from other parts of America, and if they have been willing to shed their blood and lavish their money not only in Europe but in the neighbouring provinces of America, for the repressing of those who were formerly their brothers, they need not be afraid of the doubts which are thrown on their inviolable loyalty, unless in the impossible, because unjust, event of their being compelled to yield to the imperious law of their own preservation. Abolish then the African trade; but let not its odious and clandestine continuance be allowed to produce the total ruin of the island of Cuba.

But to what good is emancipation to lead? What use will the slaves make of their freedom? Plunged in a state of ignorance from which the acquisition of liberty will not release them, destitute of capital and knowledge, and without any stimulant to induce them to acquire and accumulate, their indolence and sloth will make them miserable in proportion to their numbers, and they will not be able to preserve their existence without the perpetration of crimes, without impiously and barbarously avenging the previous loss of their liberty, and without making their own existence incompatible with that of their present masters.

Political economy may be able to demonstrate that those countries are more productive in which labour is free than in those where domestic slavery prevails; but when we bring into comparison, not the power of the production of people distinct from each other in their laws and customs, but the labour of a slave as compared with that of a free man both living on the same spot; when we consider that the labour of the journeyman is not much less forced than that of a slave; when we observe that the consumption and the cost of living of the slave is less than that of the freeman, it will not be possible to establish the superior utility of the labour which is forced by means of misery and pauperism, to that which is exacted by means of a gentle form of slavery. If the introduction of slaves into a place where they did not previously exist were in question, the doctrine of the superior productiveness of free labour might be held to be applicable. But this is not the state of the question. The existence of slavery is a fact, and if this fact exercises a great influence in the depreciation of labour, in the deterioration of manners, and in arresting the progress of the knowledge and skill of the artisan, the greater expense of the operative and the mechanist, who, accustomed to higher enjoyments, will exact a higher compensation, becomes evident and unquestionable. The emancipation of the slaves infers the removal of a great number of hands from the cultivation of the soil; and without taking into consideration the loss of their value which ought always to be indemnified; without considering the damage occasioned by every change in the application of capital, the loss which must arise from the want of the means of cultivation must be incalculable. That loss could not be supplied until after the lapse of many years, by emigration from Europe, because the emigration of whites cannot take place with the same facility with that of negroes; and the greater cost of the products of white labour would exclude the fruits of this island from a fair competition in the markets of the world. The melancholy condition of Jamaica is more convincing than all our economical theories, and

demonstrates how sad the prospects of the island of Cuba would be, even if its white inhabitants were not exterminated. And what would then be the advantages which the Spanish nation would derive by retaining this island in her dependence? By what means could we contribute to send four millions of dollars to the mother country after supplying our own necessities? Where would be the benefit of introducing into this island the productions of the peninsula when they could be no longer exchanged for other productions? How could the interests of industry or trade be promoted? All the nations of the earth, with one exception, are interested in the preservation of this island, and in the prosperity of its commerce and its industry, and the Spanish Government can never decree the imprudent emancipation of our slaves without committing suicide; and without the loss of its own dignity and independence. Spain has no need to receive lessons in philanthropy from other nations. The colonies of Great Britain have always been in a worse condition than the provinces of Spain, to which the very name of colony was offensive; and the acknowledgment of foreign influence in questions of positive right would be as injurious as it is disgraceful.

The circumspection required in the consideration of a question of such vital importance to this island, the necessity of local knowledge in order to arrive at a right conclusion, and the right of those to be heard who are so deeply interested in the issue, by means of legitimate representatives, may possibly prevent the enactment of a sudden measure of emancipation; but the Municipal Council of the Havana would be wanting in its duties if it did not represent that the mere discussion of the question is as injurious as its inconsiderate decision would be, if they did not make it known with frankness and fidelity that the slightest notice of the subject will endanger the political existence of the island, and finally, if they did not declare that the inevitable result of its discussion will be a bloody revolution. The Government will acknowledge the accuracy of these observations; and if the island is to perish, if the ruin and extermination of its inhabitants is to be the reward of their sacrifices and their fidelity, at least it shall not be said that the evil might have been avoided, nor that it has been hastened by the cowardly silence of this municipality.

(Translation.)

Third Enclosure in No. 156.

Memorial of the Tribunal of Commerce of the Havana to the Provisional Regency of Spain, on the Abolition of Slavery and the Slave Trade.

Havana, March 30, 1841.

THE Tribunal of Commerce of the ever faithful city of the Havana, at a moment when the voice of terror is spreading rapidly throughout this capital, and over the whole country, the alarm that in the approaching session of the Cortes legislative measures will be proposed, the tendency of which will be to produce the emancipation of the slaves of this island, they cannot do less than raise their voice also to the Provisional Regency of the Kingdom, in testimony of their fidelity and adherence, and of the love they bear to the well-being and prosperity of the monarchy; disclosing the dangers and misfortunes to which objects so dear will be exposed, should questions of this delicate nature be agitated in the bosom of the National Representation; or should the dignity, intelligence, and wisdom of the Supreme Government omit to oppose an insurmountable barrier to the suggestions of an ill-understood philanthropy, the object of which can only be to promote the aggrandisement of a powerful nation at the expense of our own ruin.

This tribunal is perfectly aware that the present memorial extends to objects beyond the natural sphere of its duties, and that the occasion which has given rise to the alarm and the sinister rumours which are now in circulation, might be regarded as futile and unworthy of notice, since they may be referred exclusively to an article addressed (by Don Ramon de la Sagra) to the journal called "El Corresponsal," on the 21st of December last. But the subject of which it treats is so grave and so delicate, and of such vital interest to every inhabitant of this country, that a whisper of it cannot be heard without alarming the minds of men least liable to terror, and producing ideas which lead to extravagance and absurdity.

Thus it is seen that an article in an insignificant journal, which, on any other

subject, from the smallness of the importance to be attached to an individual opinion, would have been of no importance, has been sufficient, when it touches on this particular, to put men's minds in a state of effervescence and excitement which it is difficult to conceive, among a population so little conversant with questions of a political nature, as to have paid a very slight and momentary attention to the serious and important changes which have taken place of late years in the general system of the government of the nation. But seeing themselves threatened not only in their property but their very existence, they are no longer in a situation to discuss their opinions, but must prepare to defend themselves, at any cost, from the dangers with which they are assailed.

An imprudent speech delivered in the extraordinary Constituent Cortes of 1811, which did not refer to the abolition of slavery, but to the suppression of the Slave Trade, so alarmed the authorities and corporations of the island, as appears from the official communications of the period, that the fears which were then manifested had the appearance of being exaggerated; and yet a few months had scarcely elapsed when a horrible conspiracy was discovered, which, if it had once been installed, would have produced a general conflagration of the property, and the universal massacre of the white population. This conspiracy was fortunately discovered at the very moment when its objects were about to be carried into execution; and a portion of the convicts who had projected the ruin of the island met their fate on the scaffold. Their chiefs were not slaves who had been beaten, oppressed, and maltreated by their masters, but *free negroes*, who had enjoyed the advantages of education, and had conceived some notions of honour and religion.

At that period the sect of Abolitionists in England, nor even the Quakers, the Methodists, and other religious denominations, who consider it a duty to belong to that sect, had not yet established those societies which now, by means of their agents and their money, are endeavouring to undermine all those countries where slavery exists, and, without regard to means, are incessantly employed in promoting the object of their hypocritical and fanatic zeal. But now, when in every Englishman who lands on these shores we may see a spy, and an apostle of this doctrine in disguise; now that these missionaries introduced themselves at the Court, as into our cabins, some in public, and some by fraudulent means; now that they enjoy the decided protection of their Government, identifying their private objects with the promotion of their public designs;—now it is not a fact, nor a word, nor a mere idea, which ought to be overlooked, but the decided object of liberating the negro race, which proceeds from England, and which unites with it the purpose of ruining the productions of this island.

In this place, and with this view, it will not be improper to refer to the recent case of an Englishman, Mr. Turnbull, who, having come with the character of a mere traveller, introduced himself into our society, and into the interior of our houses, and as the result of his observations, published a book full of inaccuracies and concealments, the chief object of which was to accuse Her Majesty's Government, its agents in this island, and the inhabitants in general, of the infringement of the Treaty for the Suppression of the Slave Trade; in which work he had the audacity to suggest the proposal to Her Majesty of the extension of the powers of the Mixed Commission, to the point of raising it to the rank of an ordinary tribunal of the country. As a reward for this publication he has obtained the appointment of Consul-General of his nation, and Superintendent of liberated Africans in the Court of Mixed Commission; it being notorious that his ideas, widely published among the people, have already produced the circulation of opinions among the negroes, which in their ignorance they have adopted, in the seductive hope of obtaining their liberty, which may very well give occasion to a general revolution, if the government does not speedily apply the necessary remedy. And is it not to be feared that other fanatics, of a lower station in society, and imbued with more cunning, but equally decided, at the risk of martyrdom, to accomplish their objects in the promotion of a cause which they conceive to be identified with that of Christianity, will not be disposed to labour in silence, in spreading insurrectionary ideas among our slave population, when, in the event of their crime remaining undiscovered, they are sure of meeting with decided protection from their own Government, and with lenity from ours? That the British Government should be desirous promoting the prosperity of its own commerce at the expense of ours, and should endeavour to enforce the abolition of slavery in rival sugar colonies, is a consideration which must be obvious to the most superficial observer; and that this

consideration is identical with the interests of the British East India Company, and may become the motive for a deviation from the path of justice, and from the rule of international right, is at least very greatly to be feared, when we consider that the smallest political commotion may interrupt the production of 16,000,000 of arrobas of sugar, now manufactured in this island; a large proportion of which would be called for from the British possessions in the East. And it cannot be doubtful to the most careless observer that the doctrines thus diffused by the English missionaries, and by the imprudent discussion of such subjects in any form by our own Cortes, cannot be interpreted otherwise by our negroes, than in a sense more extensive and more dangerous than that which is really intended.

The love of liberty is naturally the dominant passion of the slave, not from the influence of reflection and comparative reasoning on his physical or moral well-being, but from an instinct which is common to man and to the lower animals, and which is sought for the more vehemently in proportion to its distance from sound reason, as may be observed in the wild beast, and as the first use which they make of their strength when the chains which confined them are loosened, is in the destruction of those by whom they were broken, so the slave who does not understand the true use of rational liberty, and is equally unable to comprehend the genuine meaning of the word, in the state of society in which he has lived, is instantaneously driven to its abuse, for the truth of which we have the mournful and authentic testimony of the unfortunate island of St. Domingo.

Religion, philosophy, social improvement, necessity, or force, are the only moral or physical means by which man can be restrained within the limits of his duty, and by which his passions can be repressed. Law has no other basis. But would the last of these means of repression be sufficient of itself to repress the ferocious passions which would suddenly seize on half a million of barbarians, entirely destitute of Christian or moral education, and accustomed in their natural state to recognize no other difference between one man and another, than that of owner and slave, of master and servant, of oppressor and oppressed. Force? But force would not be sufficient, because it infers a struggle with beings, of whom it has been said, by a celebrated philosophical historian, that "Wretched all their lives, they are heroes only for a moment."

And even when the victory was gained it would be precarious or useless, because the mere resort to force would leave behind it consequences sufficient to initiate and ensure our complete destruction. Will it be said that men who have just acquired their freedom will keep in view and follow the example of those who have long been acquainted with its peaceful enjoyment? But this is the very worst of the evils with which we are threatened. The influence of our free people of colour will undoubtedly operate on the minds of those who are newly emancipated, which will be the inevitable consequence, first, of the equality or analogy of castes among themselves, and secondly, of the superior intelligence of those who have long been free. Hence it will follow, as took place in St. Domingo, that those who are newly liberated will form the mass, and those who have long enjoyed their freedom will become the soul of a disastrous revolution, which will not be long in declaring itself. But it must not be forgotten that when the emancipation of our slaves is in question it is not merely a social relation which is to be changed, nor a law which is to be abrogated, by which one man was subjected to another man and thereby the sole distinction between them destroyed; but the change must go the whole length of placing the negro and the white man on a footing of legal equality, and of uniting in ties of social intercourse two races who carry imprinted on their countenance the indelible stamp of separation, as strongly marked in physical as in moral qualities, insomuch that, when both are free, they are rarely united, even under the influence of vice and immorality, and hence it follows that the one must command while the other must obey; this necessity not being capable of being destroyed even by those suggestions of religion and humanity which are now in every mouth, but which would be very distant from the hearts of our modern philanthropists if they were only placed, and required to act, in our situation.

In the bosoms of our free people of colour there exists, there must exist, or they would not be men, a concentrated hatred of the whites, if there was no other cause for it but that state of isolation in which they have been placed, and that aversion with which they have been treated; that semi-legal disparity which exists *de facto* between them and the free whites; an odium more deeply rooted than that which is caused by the system of oppression exercised in some countries

by certain privileged classes over others who are compelled to endure it, because, when once destroyed, the distinction is still maintained by the diversity of origin marked by nature on the countenance, and is therefore as permanent as the colour by which they are separated. And what guarantee of tranquillity presents itself between that portion of the race already free, and those who are now in a state of slavery? The Regency will allow a Spanish traveller who has resided among us, who has visited the United States and some part of Europe, and whose attention has been specially called to the state of philanthropic institutions, and to all that has a tendency to improve the public morals, to answer in our name, because for this reason, still more than for his scientific attainments, he has acquired a celebrity in Spain. We allude to Don Ramon de la Sagra, who, in his work entitled "Five Months in the United States," expresses himself on the subject of the emancipation of the slaves in the following terms:—

"The number of people of colour in the prisons of this country has compelled me to reflect on the misfortunes of this race precipitated and overwhelmed in vice and crime by the want of a good education. I have read a great number of publications the authors of which are of opinion that for the slave, the supreme good is the attainment of freedom. I believe on the contrary that liberty is the most baneful of gifts which can be bestowed on the unhappy African who has received no education whatever; a thousand times worse than the possession of unlimited wealth by an uninformed and licentious young man, spending his time amidst the dissipation of a great city; more fatal than all the incentives of seduction to the innocent damsel who wanders into the flowery path of pleasure. The slave is a mere machine, brutalized in his condition, deprived of all moral enjoyment, and limited in what is physical to a scanty ration of food, his rest interrupted, and the very possession of his wife incomplete. Such a state of existence is undoubtedly miserable; and its amelioration is a fit subject for the philanthropist. But the custom is to describe the slave as the child of misfortune and misery, thrown amidst a crowded circle, by whom he is unknown, and placed in contact with all sorts of seductions, which infallibly lead to the brink of the precipice. As long as we are unable to cement and confirm the freedom of the negro race by means of a moral, religious, and intellectual education, it is better not to think of his emancipation at all. But is it just, the philanthropists will ask, to leave them in their misery? And would it be humane to make them criminals? I reply—Between education and perpetual slavery there is no remedy or alternative. In the island of Cuba, where I have resided for 12 years, and in these United States, which I have traversed with admiration, I have observed that the free people of colour are the most corrupt and demoralized class of society, and that their vices are only to be compared with their ignorance and irreligion. But are not the one the immediate consequence of the other? And by diminishing the one would not a remedy be provided for the other?"

"Surrounded by these considerations," the author continues, "I see the approach of a period most critical to the country in which I have so long resided, and which has hitherto been so fortunate.

"The doctrine of negro emancipation is spreading over Europe, and finds an echo in the national Congress of Spain. A few men of ardent passions find the means of securing a cheap popularity by repeating what has been said by so many. And others, under the influence of an impartial love of their kind, and a sincere compassion for the misfortunes of an unhappy race, unite their eloquent voices to the unreflecting clamour of the former. The triumph will be secure, because it is the triumph of the doctrines of the age. But look well to the consequences! A decree of emancipation, without the preliminaries of religious and intellectual instruction, will be a decree of calamity, which will open before these unfortunate beings, whose lot it is intended to ameliorate, an unfathomable abyss of crime and misfortune. Under this persuasion, those who have the temerity or the courage to sign such a decree, and are fearless of the consequences, would do well to prepare for them by the construction of extensive prisons and the erection of the scaffold."

In quoting this passage, so full of truth, it is impossible, while reflecting on the last of its expressions, to avoid a sentiment of terror, on comparing it with the purport of the article which has given occasion to the preparation of this memorial; since it serves to demonstrate the foresight of the author in question, when he announced that men of ardent passions, and of ambitious or hypocritical dispositions, would seek the means of purchasing a cheap popularity by the agitation of this question in Spain.

But nothing so fully corroborates the reasonableness of the fear of applying a remedy in this particular inopportunately, imprudently, or prematurely, as the opinion of Dr. Channing of Boston, one of the most ardent abolitionists of the United States of America, professing the most Christian hatred of slavery and of slave-holders, believing most firmly in the useful results of emancipation, and least fearful of its consequences; depreciating the importance of the question as it regards the right of property, and sacrificing everything to the restoration of the rights of the negro as a free man. This writer, the apostle of the Abolition of Slavery, to whose cause he has consecrated his eloquent pen, in his last work, entitled "Emancipation," in which also he proposes to demonstrate to his countrymen the advantages obtained in some of the English colonies, in consequence of the experiment made by that nation, suggesting to the states of the north, where slavery does not exist, the adoption of certain legislative measures indirectly tending to promote emancipation in the south, expresses himself in the following terms:—"I do not desire that emancipation should take place in the south by force; were I in possession of political power I would fear to use it in this affair. A forced emancipation in the British West Indies is, generally speaking, making favourable progress, because the mother country has been watching over it, guiding it, and shedding moral and religious influences around it, to tranquillize, enlighten, and mollify the minds of those who have newly acquired their freedom. Here such measures are not at our disposal. Freedom in the south, if it is to lead to good, ought to originate in the south. It ought to be the effect of benevolence, and of a conviction of its justice, or at least of its tendency to promote their own interest, and not that it is torn from them by a foreign power. With such an origin the experiment would have a better issue than in the West Indies. In those islands, and especially in Jamaica, the want of cordial co-operation on the part of the proprietors has continually obstructed the beneficent work of emancipation, and still throws a doubt over the completeness of the result."

From other apostles of the so-called philanthropy, belonging to the French sect, the following words have escaped:—

"Without speaking of the ruin of the proprietors which would be the immediate consequence of emancipation, it must be confessed that it would be very dangerous to place the negro in a situation for which he is not prepared;" and after pointing out as a positive evil that indolence to the temptations of which the negro is unable to offer any effectual resistance in climates where without labour he can amply provide for his limited necessities, he thus concludes:—

"Those who have just issued from a state of slavery cannot fail for a long time to preserve the vices and defects of their origin; in consequence of a life of idleness or of labour which is voluntary and indolent, they would speedily fall into a state of degradation more baneful than that from which justice and humanity had thought to have rescued them."

The tribunal has ventured to engage the attention of the Regency of the kingdom with the quotation of these opinions, because they proceed from men who have the reputation of being eminently liberal and philanthropic; because none of them are slave-holders, nor inhabitants of this island; and because, under such circumstances, they could not in any way be actuated by views of self-interest, nor prejudiced in favour of slavery which they gratuitously suppose in all those who have anything to lose in the country.

All are of opinion that without the preliminaries of a moral and religious education, and without the cordial concurrence and co-operation of the present proprietors as the result of their conviction or benevolence in the work of emancipation, freedom would in fact be an evil to those who had newly obtained it, or at least would not produce the beneficent results expected from it. And it may even be observed that if emancipation in the United States, under a legal sanction, would be attended with danger, much more would it be dangerous in the island of Cuba, if we refer only to two considerations, leaving a multitude of others aside. The one is that in the United States the proprietors of negroes as compared with whites is 16 to 84, whereas in this island they are as 55 to 45. The second is that in the United States the population is concentrated and united, and the means of communication are so rapid and abundant that resources of every kind might be collected almost instantaneously from every part of the Union; but in the island of Cuba the population is scattered over a surface proportionably vast, which, in the event of an insurrection, would make mutual assistance difficult from the want of guides who could be safely depended on; insomuch that the negroes would

easily find an asylum among the various and impenetrable groups of mountains which even in ordinary times the fugitive negroes make their haunts, and sometimes live there for ten or twelve years. It may be said by some, that the fears of an immediate insurrection by the blacks against the whites are exaggerated; but it is certain that if those who thus argue could form an idea of the matter in all its intensity, the sketch we have given of it would appear too lightly coloured, from which the future condition of the population may be inferred, living for ever in a state of alarm and uneasiness, and compelled to guard themselves from the attack of an unseen but inevitable and terrible hand. The first consequence will be the alienation of the inhabitants, with as much as they can carry away with them, to go and live elsewhere with more tranquillity. The second will be the abandonment of the manufacture of sugar, which forms almost exclusively that mass of wealth by which the commerce of the island is sustained, and by which all classes of the inhabitants are supported. The third and last, without analysing or even suggesting those of a derivative character, will be the great reduction in the numbers of the white population, and the relative increase of the power of the blacks.

We have intentionally omitted to mention the greatest of the dangers to which the island of Cuba would be exposed on the approach of the hurricane, because it cannot have escaped the penetrating perspicacity of the Regency. The tribunal alludes to the policy of the Government of the United States of America, which, although at the head of the freest nation of the universe, maintains the condition of slavery in several of its states, and concedes to the authority of the master a protection as powerful as it is diametrically opposed to the fundamental basis of the constitution.

And is it possible that a government which maintains such an absurd contrariety of principles for no reason but the fear of emancipating more than two millions of slaves, should be able to look with indifference at a similar change in its neighbourhood in the island of Cuba, without finding a motive, or at least a pretext, for putting in practice in Cuba the same maxims which have guided its conduct in Texas. And this policy would meet in the island of Cuba, subverted and demoralized as it would be, misery and terror, with none of that resistance which would undoubtedly be opposed to it by Cuba in a state of opulence. The tribunal trembles to reflect on the dreadful shock to which the undoubted fidelity of the inhabitants of Cuba will be exposed, that is of the small number of whites who remain in the country. The tribunal is not without the fear that the event may really take place of the accession of Her Majesty's Government to the perfidious instigations of hypocritical fanatics, who blinding the careless with the mask of philanthropy, under the protection of a government which finds in it the means of promoting certain important interests; but we cannot see the approach of that direful epoch announced by La Sagra without alarm, when ambitious men are about to agitate the Cortes with dangerous questions, the mere mention of which will be sufficient to paralyse in a great degree the prosperous march of our agriculture and our commerce, and will be capable of producing that emigration which is to be the first and the immediate consequence already announced.

This tribunal does not consider itself destitute of the principles of liberality, humanity, and philanthropy. On the contrary, it is on these principles that it rests its application for the maintenance on this subject of the *statu quo* in the island of Cuba, because it would not be humane, nor just, nor equitable, to sacrifice 400,000 whites for an object which would only render 500,000 persons of colour more miserable, instead of improving their condition. It was not the present inhabitants of the country who created the condition of domestic slavery. This fatal gift they received from their ancestors; and having been conceded to them by law, with all its fatal consequences, including the inherent ignorance and brutality of the slaves, and demoralization of the free people of colour, they find themselves in the dreadful dilemma of either maintaining their authority, or submitting to extermination; while for those in subjection the dilemma is not less odious of becoming criminals or remaining slaves.

Cut away at once, and for ever, all that remains of the contraband traffic in negroes, which may still be carried on in fraud of the treaty for its abolition, and in defiance of the laws of the country; and this may be done by the Spanish Government without any foreign intervention whatever, respecting at the same time, from the most powerful considerations of policy, such facts in this matter as have already been consummated. Let our beneficent legislation on this subject be carried into effect, in virtue of which every honest and industrious slave enjoys

the means of making himself free, and of becoming a useful and laborious member of society; let the light of religion be more generally propagated by respectable clergymen, as was proposed to the government by this tribunal, in the name of the Royal Junta de Fomento, in a memorial on the subject of rural policy, dated the 20th of December, 1827; and let the work proceed slowly, under the safe influence of time, that useful and salutary work which the thoughtless and the fanatic only could even think of accomplishing by violent or unseasonable means.

The Provisional Regency in its wisdom and patriotism will condescend, the tribunal hopes, to take this memorial into its enlightened consideration, and will determine on what is fittest to be done to attach this bright jewel more firmly to the crown of Castile, and one of the most precious by which it is adorned, which is all the Tribunal of Commerce aspires to in this humble representation.

God grant, &c.

(Signed) JORGE P. DE URTETEGUI.
NICOLAS GALCERAN.
ALEJANDRO MORALES.

Fourth Enclosure in No. 156.

Memorial addressed by the Conde de Santo Venia to the Captain-General.

Havana, April 15, 1841.

THE Conde de Santo Venia, Grand Cross of the royal and distinguished Order of Charles III., submits to your Excellency—

That being deeply interested in the maintenance of the tranquillity which this valuable island so happily enjoys under the influence of the officers so discreetly chosen by the mother country for its government and prosperity, he has constantly foreseen and apprehended a crisis, which, while it disturbed the uncertain foundations of our property, might even shake the superstructure which we fortunately possess, and cause the whole of that prosperity to disappear which has been acquired at the expense of so much anxiety on the part of the Government, and of so much forbearance on the part of the judicious portion of the population.

Since the period when the humanity of the age had begun to display itself at the expense of private interests, and much more since the time when a solemn Treaty was concluded in 1817 between our nation and Great Britain, in concert with the other Sovereigns of Europe, assembled at the Congress of Vienna, with regard to the abolition of the Slave Trade, the island of Cuba ought to have opened her eyes and contemplated her situation and her future prospects, not neglecting day or night to seek for the means of liberating herself without hazard, and of securing her existence on solid and indestructible foundations. But the evil was deeply rooted; the disastrous prejudices of some, the ill-understood interests of many, and the supposed remoteness of the danger, excited hopes that it might be evaded, although without any rational foundation—thus closing men's eyes to the danger, and their ears to the voice of reason, as well as to their true interests, public and private.

I shall not enter, most excellent Sir, on a description of the abuses to which this political and economical error has given rise. They are so notorious that I shall not lose time with their specification; I shall content myself with stating to your Excellency, with the frankness required from a Spaniard and a gentleman in addressing an enlightened chief in whose able hands the Supreme Government has placed the destinies of Cuba, that I consider the tempest already over our heads, and that it must be quelled, unless we mean to sit down and be buried amidst its ravages.

The alarm is general, which is an evident proof of the danger, and even those who resist the most rational reforms with the greatest obstinacy are compelled to yield to the necessity of the case, but in seeking a remedy are afraid to take the initiative, and it is for this reason that I venture to break the silence, persuaded as I am that your Excellency has been appointed by Providence to be the saviour of the island, and that you will listen to my reasons free from prejudice, as I am from fear in addressing myself to an old and illustrious general whose valour has given so many glorious days to his country.

Without opposing ourselves to the ideas of the age, to such a degree as to

reduce ourselves to the rank of barbarians in the eyes of the whole world, without the infraction of a solemn international Treaty, without provoking a collision with the contracting power, without involving the nation in a serious moral and pecuniary responsibility, and provoking the energies of those numerous and influential societies which in England, and in North America, and in France, have arrogated to themselves the mission of abolishing slavery in favour of our race, although another should perish by it; and without seeing the conflagration of our beautiful fields with indifference, or consenting to perish ourselves under the ruins of our nascent cities, we must not remain any longer in a state of reprehensible inaction, but must set our hands to the work, and make it known to the whole civilized world that we also know what is due to humanity; that if we are obliged to maintain an institution which degrades us, and which injures our interests in public and private life, it is the fault of the time in which it took its origin, and of the difficulty and danger of uprooting an evil which counts its age by centuries, and although it be true that we resist with all our might a violent mode of suppression which destroys us, we know how to find resources within ourselves to escape from the danger, without the aid of foreign intervention, conducted in a manner which is equally unbecoming as applied to us and to the illustrious mother country to which we belong.

But even setting aside the immediate political circumstances by which we are surrounded, the greater part of this community are persuaded that we should greatly gain in safety, in civilization, and in our pecuniary interests, by the substitution of free labour for that of slaves, and everything appears to be prepared for this reform. To your Excellency it belongs to place the first stone of the solid edifice of our future and perpetual tranquillity. At your Excellency's call every tongue will reply, and gathering round you as a centre of salvation, we shall unite our strength in order to justify your confidence.

The formation of new colonies where slave labour shall be absolutely prohibited, the introduction of labourers from Spain and the Canary Islands, and even from foreign countries, if required, on the firm and just basis of benefit alike to the proprietor and to the labourer, administrative arrangements, which shall for ever put an end to the contraband introduction of Africans, the adoption of measures by which funds might be raised for the transportation to colonies in Africa of such free persons of colour as might desire to go there, or of such as by their conduct have shown themselves unworthy of remaining in this island: such I believe, are the principle objects for your Excellency's solicitude during the happy period of your administration, before the evil becomes so overgrown as to make the remedy more difficult.

These simple indications I submit to your Excellency's superior judgment, exclusively animated by the love of that country in which exists all that I possess, and by the earnest desire to see all of it for ever united to the mother country, forming an integral part of the Spanish monarchy, and of that noble nation which has already distinguished itself by the stamp of Catholicism, and by the honour and good faith with which its compacts have been fulfilled.

With these views I beseech your Excellency to receive this respectful representation with favour, weighing it in your wisdom, and taking such a resolution on the subject of which it treats as may be the fittest to be adopted. Such are the hopes inspired by the prudence, capacity, and judgment which distinguish your Excellency's character.

God grant, &c.,

(Signed) EL CONDE DE SANTO VENIA.

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

No. 157.

Mr. Turnbull to Viscount Palmerston.

Havana, May 26, 1841.

(Received July 2.)

MY LORD,

AN event has just occurred which has certainly no parallel in the annals of the Cuba Slave Trade. A vessel called the "*Aguila*," belonging to the house

of Fernandez and Co., to whom I have had occasion to refer in a separate Despatch, having upwards of 500 negroes on board, was stranded on Friday last about 50 miles from the Havana, when 30 of the negroes were drowned, and the rest were landed at a place where they could not be conveniently disposed of.

In one of the memorials enclosed in a separate Despatch by this packet, your Lordship will find that his Excellency the Intendent has decidedly declared himself in favour of the suppression of the Slave Trade, and as the coast-guard for the prevention of smuggling is under the orders of this officer, he has taken the opportunity of proving his sincerity by retaining possession of the negroes, and announcing the fact to the Consul-General.

Under these circumstances the Captain-General had no alternative but to profess his willingness to receive them, and to send a steam-boat for them, in order to bring the case before the Mixed Court. It appears, however, that a serious attempt was made to defeat the object by injuring the machinery of the steam-boat, and running her into another port. The Intendent, however, was on the alert, and, having sent an officer with a party of the coast-guard to the spot, he has accomplished his purpose, and the survivors of the "*Aguila*" are now at the Havana, with a fair prospect of being soon placed at my disposal.

I have, &c.,

(Signed) DAVID TURNBULL.

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

No. 158.

Viscount Palmerston to Mr. Turnbull.

(Extract.)

Foreign Office, July 31, 1841.

I HAVE to desire that you will state to his Excellency the Captain-General of Cuba that it is an essential part of your duty as Consul to watch over the fulfilment, by the authorities of the island, of all Treaties existing between the Crowns of Spain and of Great Britain; and that you are bound to lose no time in representing to the Governor any instance in which the stipulations of any such Treaties may be violated or fulfilled.

No. 159.

Mr. Turnbull to Viscount Palmerston.

Her Majesty's Consulate, Havana, June 10, 1841.

(Extract.)

(Received July 31.)

My attention having of late been directed very earnestly to the numerous instances which have presented themselves of subjects of Her Majesty being held in slavery in this country; and having found, in the course of my researches, the enclosed letter No. 1, from the Commissary Judge, Mr. Kennedy, to Mr. Consul Tolmé, on the archives of this Consulate, I took the liberty of addressing the letter No. 2 to Her Majesty's Commissioners, adopting the suggestion of Mr. Kennedy himself, and requesting the information he had promised to communicate to Mr. Tolmé for his guidance.

To this letter I received the answer No. 3, by which I am informed that all the facts which had come to Mr. Kennedy's knowledge on the subject had been communicated to your Lordship, and that he had received your Lordship's instructions respecting them.

First Enclosure in No. 159.

Mr. Kennedy to Mr. Tolmé.

SIR,

Havana, September 26, 1839.

OBSERVING that you have been desired by Lord Palmerston to use all the means in your power to effect the recovery and liberation of any British negroes who may have been removed to Cuba, and to prevent the future introduction of kidnapped negroes into the island, I have to inform you, for your compliance with this order, that there is a slave in the house of Mr. Dodd, an American engineer at this place, a negro who states himself to be a British subject, a native of Sierra Leone, from the neighbourhood of which colony he was kidnapped on board of a slave-vessel and brought to this island.

The great and praiseworthy zeal which you have lately exhibited in furtherance of the views of the British Government, gives me full assurance that you will take immediate steps to inquire into these facts and prevent the occurrence of such evils. I know they are of frequent occurrence, and I have heard that there is an estate near the Matanzas, where several British negroes, kidnapped from British possessions on the coast of Africa are to be found. I am making further inquiries respecting them for your guidance.

I am, &c.

C. D. Tolmé, Esq.
&c. &c.

(Signed) J. KENNEDY.

Second Enclosure in No. 159.

Mr. Turnbull to Her Majesty's Commissioners.

GENTLEMEN,

Havana, June 8, 1841.

IN a letter addressed by the Commissary Judge to Mr. Consul Tolmé, on the archives of this Consulate, under the date of 26th September, 1839, I find it stated that the writer knows of the frequent occurrence of the kidnapping of British negroes, and that he has heard that there was an estate near Matanzas where several British negroes kidnapped from British possessions on the coast of Africa were to be found. In this letter it was also stated that the Judge was making further inquiries for the Consul's guidance; but I have searched the archives in vain for the trace of any further communication on the subject, and on referring to Mr. Tolmé I have not been able to learn that any such was ever made. Under these circumstances, and having had my attention recently directed to the subject by Lord John Russell, I take the liberty of inquiring,

1st. What is the name of the estate near Matanzas, referred to in the letter I have quoted?

2nd. What has been the result of the promised inquiries of the Judge on this particular subject?

3rd. What further facts have reached your knowledge regarding the kidnapping of English negroes generally?

I have, &c.

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

(Signed) D. TURNBULL.

Third Enclosure in No. 159.

Her Majesty's Commissioners to Mr. Turnbull.

(Extract.)

Havana, June 9, 1841.

WE have received your letter of yesterday's date on the subject of a letter addressed by Mr. Kennedy to your predecessor Mr. Consul Tolmé on the 26th

September, 1839, respecting certain British negroes kidnapped into slavery, and you state that, not finding in your archives any further notice on the subject, you take the liberty of inquiring—

1st. The name of the estate referred to in Mr. Kennedy's letter. 2nd. The result of Mr. Kennedy's inquiries. And, 3rd. What further facts have reached our knowledge regarding the kidnapping of English negroes generally.

In reply we can only state that Mr. Kennedy has long since reported all the facts that came to his knowledge to Lord Palmerston, and received his Lordship's instructions respecting them. Should any further information come to our knowledge that we may think right to be repeated to you, we shall not hesitate to do so in the course of our duty.

We have, &c.

(Signed) J. KENNEDY.
CAMPBELL J. DALRYMPLE.

D. Turnbull, Esq.,
&c. &c.

No. 160.

Mr. Turnbull to Viscount Palmerston.

Her Majesty's Consulate, Havana, June 23-26, 1841.

(Extract.)

(Received July 31.)

In my Slave Trade Despatch, of the 26th May, by the last packet, I had the honour to submit to your Lordship's attention the case of a Portuguese slaver, the "*Aguila*," which had suffered shipwreck a few days before near the mouth of the port of Cabañas in this Island, having been driven ashore, it is said, by one of Her Majesty's cruisers.

It is now about five months since Don José Lunar, holding the rank of lieutenant attached to the coast guard, was stationed at the fort of Mariel, with a corporal, Francisco Rodriguez, and 5 privates. From this small party Lunar, before the shipwreck of the "*Aguila*," had detached Rodriguez with 2 of the privates to Cabañas, about 8 leagues distant, where they were at the time of the accident.

As soon as the ship took the ground, which was at the point bearing the distinctive name of Amio, the parties in charge of her began to discharge the negroes in their boats, which they effected to the number of about 465. Unhappily there remained not less than 38, the most powerful and resolute of the cargo, who had not been sufficiently tamed during their voyage to admit of their being freed from their fetters, and were still attached to a strong bar of iron in the bottom of the hold. On the vessel becoming a total wreck, which happened almost immediately, these 38 individuals were drowned.

The fact of the landing of the 465 negroes was witnessed by the corporal Rodriguez, who lost no time in writing to his immediate superior, Lieutenant Lunar, at Mariel. Lunar in his turn sent off a despatch to the chief of the corps of Guardacostas, the Comandante Castañeda, who immediately made the fact known to the Civil Intendant, under the orders of whose department the whole of the civil force is placed. The Intendant communicated the fact to the Captain-General, who, with his usual promptitude, ordered one of the steamers of the port, with the aide-de-camp in waiting for the week on board, to be despatched for the negroes.

The Intendant is now generally believed to be personally favourable to the suppression of the Slave Trade; at all events he enjoys the reputation of sincerity; so that, when his despatch, denouncing the fact of the landing of the victims of the "*Aguila*" was delivered to the Captain-General, unaccompanied as his Excellency's orders had been by any explanation which it was not intended to take effect, the Captain-General saw himself reduced to the awkward dilemma

of either openly declaring his resolution to maintain the high ground he had left the world to imagine his intention to occupy, or of at once descending to the level of his predecessors in the Government, who have constantly acted on the system "*que dirigen esas ordenes y no se cumplen.*"

While this correspondence was going on in its various stages, from the corporal Rodriguez to the Captain-General Valdez, a certain Lieutenant Alegre, belonging to the class of the "*Compañias de Merito,*" and the commander at the time of the small fort of the Cabañas, thought it necessary to interfere with the proceedings of Rodriguez, who, although inferior in rank, was not under his command; and having lost his temper, insisted on taking possession of the negroes.

It appears that Alegre was either better informed as to the views of the Captain-General, or at least that he understood his instructions differently. For he insisted on taking possession of the negroes in order to restore them to the importers; and as the force at his command was much greater than that of Rodriguez, the latter, very much against his will, and after a serious quarrel, was compelled to submit.

It appears that the proprietors of the "*Aguila,*" Fernandez Pozo and Co., contrived to obtain a passage for one of their partners on board the steamer sent down by the Captain-General to Cabañas, to bring up the negroes to the Havana; and while on board this Fernandez contrived to bribe the engineer, and to induce him to loosen a screw of the engine, which detained the steam-boat several hours within a league of Cabañas.

For some time the aide-de-camp on board was deceived by this fraud; but when he found Mr. Fernandez preparing to go ashore with the engineer for the pretended purpose of repairing the damage, he began to discover the trick, and insisted on their returning on board from the boat they had launched for the purpose of landing.

And I may add with perfect certainty that the steamer returned from the trip with the same screw which was then required to be changed.

On the arrival of the steamer at Cabañas 413 negroes were received on board, the same who have since been distributed among the planters of the neighbourhood, on payment of a gratuity of 9 ounces of gold for males, and 7 ounces for females. The remaining 52 were re-captured by another agent of the house of Fernandez and Co., who had been sent down for this purpose overland, and who succeeded in obtaining and spiriting this number away, when the mass remained in the hands of Lieutenant Alegre.

It is said, but I confess I have great difficulty in believing the statement, that the commiseration, not for the unfortunate victims but for the owners of the "*Aguila,*" was so great as to have induced the Captain-General to hand over to them the large sum obtained for the services of the 413 "*emancipated*" negroes for the next five years; in which case, that sum being added to the price of the 52 recovered from Alegre at Cabañas, the loss by the shipwreck may possibly have been extinguished.

Having learned from a sure source that the Court of Mixed Commission had refused to entertain the question which had been presented for its consideration by the Captain-General, regarding the condemnation of the "*Aguila,*" and having been warned of what has since occurred, that his Excellency was about to reduce them to the condition of the degraded class of the *Emancipados*, of whom the world has heard so much, I thought it my duty to address to his Excellency the despatch No. 1, proposing to receive the victims of the "*Aguila*" under my care, and to provide for them the means of transport to one of Her Majesty's emancipated colonies; and I founded my proposal on his Excellency's own offer and undertaking a few weeks before, to bring the case I had denounced of the "*Trueno*" before the Mixed Court for adjudication, although that case was even less within the competency of the Mixed Court than that of the "*Aguila,*" which is believed to have been chased on shore by one of Her Majesty's cruisers. At all events, I was convinced that my proposal would be attended by at least one good consequence, which was that of unmasking the hypocritical philanthropy which at the bidding of his superiors the new Captain-General has condescended to assume for the evident purpose of deceiving Her Majesty's Government and the world at large as to the intentions of the cabinet of Madrid with regard to the suppression of the Slave Trade.

On this subject also I addressed the letter No. 2 to Her Majesty's Commissioners, and received from them the answer No. 3.

From the Captain-General I received the answer No. 4.

To this despatch I returned the reply No. 5, in which I took the liberty of protesting against his Excellency's decision, and of declaring that, as often as occasion should require it, I should think it my duty to persevere in denouncing to his Excellency all such infractions of the treaties for the suppression of the Slave Trade as might at any time fall under my notice.

With regard to the "*Aguila*," I protested that her victims were entitled to the protection of Her Majesty's Government. And as to the "*Gabriel*" and the "*Trueno*," one of which *had* left, and the other was preparing to leave the port of the Havana, *without any register*, I recalled the fact which I had noticed in No. 1 to his Excellency's attention, and I protested against a practice so well calculated to promote the views of the slave dealers.

I addressed to his Excellency the Despatch No. 6, in which I revived the individual case of the water-carrier Gavino. I reminded his Excellency that, for mooted this question, his predecessor, the Prince of Anglona, had threatened to send me my passport. I took the opportunity of supplying the omission of the Commissioners, by communicating to his Excellency your Lordship's Despatch to Mr. Aston, and I appealed to his Excellency's humanity, to his unlimited power, and to his consequent moral obligation, to protect Gavino from further oppression.

Neither to this Despatch, nor to my separate communication, No. 7, of the previous day, in which I made his Excellency officially aware that the Portuguese schooner "*Numantina*" was fully equipped for the coast of Africa, and that very hour was preparing for sea, have I yet received any answer whatever, unless his Excellency's general refusal to recognise my right of denunciation, as he calls it, in which he persists in his Despatch, No. 8, is to be regarded as an answer.

This last Despatch is professedly an answer to No. 5. It contains a reference to a Royal Decree, which has never been published here, and with which I am not acquainted, but which is assumed to amount to a tacit revocation of the previous Royal Decree of 1826, by which the power of denunciation was conferred even on slaves. His Excellency goes on to argue, that, because the right of denunciation had never been exercised by my predecessor in the Consulate, the omission to do so could only have arisen from the consciousness of an inherent disqualification. And with regard to the superintendency of liberated Africans, his Excellency contends that, if it did confer the right, he would not recognise me in that capacity at all. As to the "*Aguila*," he assumes that it could not fall under the Treaty, and he does not scruple to assert that her victims are free, although they have notoriously been sold for money, and reduced below the rank of slaves to the degraded condition of the other emancipados.

Notwithstanding this array of argument and authority, I know not how to depart from the course I have hitherto pursued. My intention is to continue to do all that in me lies, and by all possible means to promote and accelerate the suppression of the traffic.

The Enclosure No. 9 is the report of M. Villaverde, the third Assessor-General, in the case of the "*Aguila*," which, as it contains a good deal of interesting matter in regard to this extraordinary case, I take the liberty of transmitting, lest, by accident or design, it should not have been communicated to Her Majesty's Commissioners.

Havana, June 26, 1841.

P.S. Since the foregoing Despatch was written I have received from the Captain-General the officio No. 10, in answer to my Letter No. 6, reviving my demand for the liberation of the emancipado Gavino. In this Despatch his Excellency endeavours to confound this individual case with the execution of your Lordship's general instructions, in regard to the removal to the British colonies of such of the emancipados as may desire it.

A point of some importance has nevertheless been gained by his Excellency's consent to refer the case of Gavino to the same assessor, Villaverde, who has behaved so well in the affair of Henry Shirley and his companions.

With a view to derive from this concession as much benefit as possible, I

have insisted in my Reply, No. 11, on the proposed investigation being an open one, and on my being admitted to an active share in the conduct of it.

I have also claimed the right, which your Lordship has recognised, of receiving Gavino, and others of his class, and of hearing and advocating their complaints; and I have been at pains to demonstrate that, between myself and Her Majesty's Commissioners, there has not been the *double emploi* to which his Excellency has objected.

The Letter to the Captain-General, of which No. 12 is a copy, has doubtless been classed by his Excellency in the same category with No. 7, denouncing the outfit of the slaver "*Numantina*," to which no answer has been returned; and as it will probably lead, therefore, to no further correspondence, I take the liberty of introducing it in this place.

From this Despatch your Lordship sees that the business of fitting out slavers is still pursued with considerable activity in the harbour of the Havana, although, to escape the close observation to which it is exposed under the eye of so many British functionaries, this nefarious branch of industry has begun to take root in several of the outports, and more especially at Matanzas.

From the combination of two causes, the impossibility on the one hand of obtaining Portuguese Papers at the Havana, in consequence of the abolition of the office of Portuguese Consul, and the desire on the other to escape the jurisdiction of the Court of Mixed Commission, if Spanish documents were resorted to, the practice has recently arisen of despatching slavers to the coast of Africa, without any evidence of nationality whatever, a circumstance to which it might possibly be convenient to direct the attention of the commanders of Her Majesty's cruisers.

(Signed) D. T.

First Enclosure in No. 160.

Mr. Turnbull to the Captain-General.

MOST EXCELLENT SIR, *Her Majesty's Consulate, Havana, June 7, 1841.*

IN obedience to an imperious sense of duty, I have the honour to draw your Excellency's attention to the case of the Africans who were lately saved from the wreck of the Portuguese slaver "*Aguila*."

I have been informed that your Excellency, of your own high authority, has ordered the emancipation of the slaves without the intervention of the Court of Mixed Commission. But then it is to be feared that the emancipation to which these Africans are destined will be similar to that of the degraded and unfortunate class of whom there are so many in the island, bearing the name of emancipado as a bye word and reproach.

It cannot be your Excellency's intention, under the mere name of freedom, that "*vox et preterea nihil*," to condemn those unhappy individuals to the worst species of slavery which the world has ever known. Your Excellency, I am persuaded, will spurn from you as a private individual the dishonourable gains arising from the sale of these persons under the name of emancipados; as a statesman and philanthropist your Excellency will equally see cause to avoid the renewal of a system which has heretofore given occasion to so many painful discussions between two friendly powers, and has left under your Excellency's eye such a mass of human misery.

My present object in addressing your Excellency is to enable you at once to anticipate and foreclose the revival of such discussions, and to provide a sure asylum and a comfortable home, with the perpetual assurance of the most perfect freedom for the Africans of the "*Aguila*," and for all others who may hereafter be placed in a similar situation.

I have now the honour to propose to your Excellency to receive these un-

CLASS B.

fortunate persons under my protection, to provide for them the means of transport to one of our English emancipated colonies, where slavery or personal restraint of any kind is no longer possible, and where your Excellency's philanthropic views are therefore sure of being realised.

On the occasion of the arrival of the "*Trueno*," a few weeks ago, your Excellency was pleased to assure me that the case of the slaves imported in that vessel would be brought before the Court of Mixed Commission. Between the case of the "*Aguila*" and that of the "*Trueno*," the only difference appears to be that the "*Aguila*" had suffered shipwreck in consequence of her having been chased on shore, as I am credibly informed, by one of Her Britannic Majesty's cruisers, whereas the "*Trueno*," after landing her cargo on the coast, had entered the port of the Havana under circumstances of strong suspicion.

As this matter now stands I submit to your Excellency that the course I have ventured to recommend is that which best deserves your Excellency's adoption on every principle of sound policy as well as of humanity.

Before closing this Despatch I take the liberty of bringing under your Excellency's notice a fact which appears to require some attention. The Portuguese slaver "*Gabriel*" has recently been suffered to leave this port without any register whatever, and I am informed that the "*Trueno*" is now preparing to sail without being provided with any such document. I beg to add that the "*Gabriel*" left this harbour with a formidable armament of artillery, ostentatiously displayed on her deck, one of the numerous indications, which, without any search or examination, was sufficient to demonstrate the illegal object of her voyage.

I have, &c.

(Signed) D. TURNBULL.

His Excellency the Captain-General.

&c. &c. &c.

Second Enclosure in No. 160.

Mr. Turnbull to Her Majesty's Commissioners.

GENTLEMEN,

Havana, June 8, 1841.

I HAVE been informed that the case of the shipwrecked slaver "*Aguila*" has been the subject of a correspondence between his Excellency the Captain-General and the Court of Mixed Commission; that the court has been assembled by the authority of the Captain-General for the purpose of adjudicating on that case; that at the instance of Her Majesty's Commissary Judge the Court has declared itself incompetent; that the negroes of the "*Aguila*" have since been dealt with by the Captain-General exactly as if they had been the subject of an adjudication by the Mixed Court, under the Treaty of 1817, that is to say, they have been declared to be "*Emancipados*," they remain at his Excellency's disposal, and in fact their services have already been sold for a term of five years at the rate of nine ounces of gold for males, and seven ounces for females.

Not knowing how far this information is strictly accurate, I take the liberty of submitting it to you, and of requesting you to correct its errors and supply its deficiencies, in order that I may be the better enabled to perform the duty which these circumstances, according to my judgment, have imposed upon me.

I have, &c.

(Signed) D. TURNBULL

Her Majesty's Commissioners,

&c. &c. &c.

Third Enclosure in No. 160.

*Her Majesty's Commissioners to Mr. Turnbull.**Havana, June 9, 1841.*

SIR,

WE have received your letter of yesterday's date, on the subject of the shipwrecked slave vessel "*Aguila*," and the negroes taken on board of her, respecting which you wish us to inform you whether certain information you had received be correct.

In answer we can have no objection to inform you that your information is so far correct, as that the Mixed Court has been assembled at the summons of the Captain-General for the purpose of considering the case of that vessel, and that the court did declare itself not empowered to adjudicate respecting it. What the Captain-General has since thought proper to order respecting the negroes, we have no other means of knowing than you possess, or from common report.

We have, &c.

(Signed)

J. KENNEDY.
CAMPBELL J. DALRYMPLE.*Mr. Consul Turnbull.*
&c. &c.

Fourth Enclosure in No. 160.

The Captain-General to Mr. Turnbull.

(Translation.)

Havana, June 9, 1841.

HAVING received the communication you were pleased to address to me on the 7th, regarding the Africans of the Portuguese brigantine "*Aguila*," and also regarding the "*Gabriel*" and "*Trueno*," I cannot do less than state to you that in my answer of the 23rd May last, to your other communication of the 21st of the same month, you will find an answer on the point now in question, as well as on all others that may arise on the same subject.

I avail myself of this opportunity to renew to you the assurance of my personal consideration, and to pray to God to preserve you many years.

(Signed)

GERONIMO VALDES.

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

Fifth Enclosure in No. 160.

Mr. Turnbull to the Captain-General.

MOST EXCELLENT SIR,

Havana, June 10, 1841.

I HAVE the honour to acknowledge the receipt of your Excellency's Despatch of yesterday's date, in which, in answer to what I had the honour to address to your Excellency on the 7th instant regarding the slavers "*Aguila*," "*Gabriel*," and "*Trueno*," you are pleased to refer me to a former Despatch, in which, adopting the views of Her Britannic Majesty's Commissioners for the suppression of the Slave Trade, your Excellency declares that you will not hold any further correspondence with Her Majesty's Consul and Superintendent of liberated Africans on such subjects.

Against this decision I have the honour to tender your Excellency my solemn protest, declaring to your Excellency that, as often as occasion shall require it, I shall think it my duty to denounce to your Excellency all such

infractions of the treaties for the suppression of the Slave Trade as may at any time fall under my notice.

In adhering to this resolution I know that I am only performing a duty committed to me by Her Majesty's Government, to dispense with which neither your Excellency, with great deference, nor Her Majesty's Commissioners, have any power whatever.

In regard to the "*Aguila*" I have the honour most solemnly to protest that by the spirit and the words of existing treaties, her victims are entitled to the protection of Her Majesty's Government.

In regard to the "*Gabriel*," the "*Trueno*," and all other slavers, I protest against their being allowed to leave the ports of this island without the register and the papers required by law.

With regard to the communications, one or more, referred to by your Excellency as having been received from Her Majesty's Commissioners, I have the honour to request that a copy be communicated to me, as without such communication I am bound to suppose that some error has been committed in the process of translation or otherwise, because I am unable to believe that those gentlemen should so far have forgotten their duty to Her Majesty as to have lent your Excellency an arm with which to defeat the dearest objects of of Her Majesty's Government.

I have, &c.,

(Signed) DAVID TURNBULL.

His Excellency the Captain-General.

&c. &c. &c.

Sixth Enclosure in No. 160.

Mr. Turnbull to the Captain-General.

MOST EXCELLENT SIR,

Havana, June 13, 1841.

YOUR Excellency is aware that in the month of December last I had the honour to open a correspondence with your Excellency's predecessor, the Prince of Anglona, on the subject of the actual condition of a person named Gavino, who, although entitled to his freedom under the Treaty of 1817 between Spain and Great Britain for the suppression of the Slave Trade, has for the last seventeen years, under the very eye of the Government in the Havana, been held in a state of the most abject slavery.

The Prince of Anglona was pleased to take offence at my interference in this case, insisting that I had no authority from Her Majesty's Government to notice the most flagrant violation of a Treaty to which that Government was a party; and his Excellency thought fit to terminate the correspondence by threatening to send me my passport.

The whole of what then occurred on the subject I did not fail to communicate to Her Majesty's Government, and as the result must at once have a tendency to enlighten the mind of your Excellency with regard to the views entertained on the subject by the Cabinet of Great Britain, to justify my own interference in such matters, and so to promote the sacred cause of justice and humanity, I have now the honour to enclose a copy of the Despatch addressed in consequence to Mr. Aston, Her Majesty's Minister at Madrid, on the 4th of March last, by Lord Viscount Palmerston, Her Majesty's principal Secretary of State for Foreign Affairs.

Justified by this Despatch, as your Excellency perceives, in all that I have done, or proposed to do, with regard to this unfortunate Gavino, who is still lingering out his miserable existence under a form of slavery to which the history of the world affords no parallel, whether the iniquity of its origin, the cruelty of its continuance, or the utter hopelessness of its close be considered, I cannot in his case, after a nominal emancipation of seventeen years, allow myself to rest without a fresh appeal to your Excellency for the simple administration of justice.

Your Excellency sees that Her Majesty's Government has not only fully recognised my right to receive Gavino and to hear his complaint, but that they are much surprised that the Government of Cuba should have questioned that right; and at the same time your Excellency sees that I am directed to place myself in communication with the authorities of Cuba on this matter, and to make with them the preliminary arrangements for carrying into effect the orders of the Spanish Government, as soon as these orders shall have been received at the Havana.

It is in pursuance, therefore, of the duties imposed on me by the Government whose servant I am, that I have now the honour to address myself to your Excellency.

Gavino, most excellent Sir, is not a slave: no man, by the laws of Spain, or by the Treaties between England and Spain, has any right to reduce him to slavery; no man has any right to exact from him the wages he has hardly earned, or to treat him like a slave in any respect whatever.

Your Excellency is vested with ample power to do justice to Gavino.

In the name of our common humanity, and on the faith of solemn treaties, I claim that justice at your Excellency's hands.

The Captain-General of Cuba, the possessor of unlimited power, executive as well as judicial, can never, when the facts are once brought to his knowledge, remain a neutral, an indifferent, or even an innocent spectator of such wrongs as those of Gavino; for it is as true in morals as it is beautiful in poetry, that "He who permits oppression, shares the crime."

I have, &c.

(Signed) D. TURNBULL.

His Excellency Don Geronimo Valdes,
Captain-General of Cuba.

Seventh Enclosure in No. 160.

Mr. Turnbull to the Captain-General.

MOST EXCELLENT SIR,

Havana, June 12, 1841.

I HAVE the honour to state to your Excellency that the slave schooner "*Numantina*," Captain Valentin Cadieres, belonging to the house of Forçade, has been fully equipped in this harbour for the coast of Africa, and that she is now ready for sea.

I pray your Excellency, therefore, to take such steps with regard to this vessel as will serve to demonstrate that this fitting out of slavers in the port of the Havana is no longer to be tolerated with impunity.

I have, &c.,

(Signed) D. TURNBULL.

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

(Translation.)

Eighth Enclosure in No. 160.

The Captain-General to Mr. Turnbull.

Havana, June 19, 1841.

IN your Despatch of the 10th instant you protested against my resolution not to recognise in you the power to interfere in denunciations of the infractions which might take place of the existing treaties for the suppression of the Slave Trade; and, founding on your double investiture of Consul and Superintendent of Liberated Africans, you say that you will persist in making the same denunciations.

You protest also that with regard to the brig "*Aguila*" her victims are entitled by the letter and the spirit of the existing Treaties to the protection of Her

Majesty's Government, and you ask me to send you exact copies of the communications of the British Commissioners in the Court of Mixed Commission, denying you the power conceded to you by Her Majesty's Government.

The motives of my refusal to acknowledge in you the power of denunciation are to be found among other communications in that of the 23rd of May, to which no satisfactory answer has been returned. I rested my refusal also on the Treaties and on a royal order of the 23rd of September, 1827, and I now add that this power of denunciation has always been exercised in this place by the members of the Mixed Commission, without the interference of consuls in that which was not within the sphere of their functions.

But you state also that you hold the separate office of Superintendent of Liberated Africans, which certainly does not confer on you the power of denunciation. The sole and exclusive duty of the Superintendency is to receive the liberated Africans from the Court of Mixed Commission, and to transfer them to the English colonies. And what has this to do with the denunciations you desire to arrogate? Besides, I do not recognise in you the character of Superintendent until Her Majesty thinks fit to apprise me of it; and this is an additional reason for my refusal to acknowledge the doctrine contended for in the communication to which I am now answering.

With regard to the brig "*Aguila*" you are doubtless already convinced that it could not fall under the Treaty of 1835, since you only suggest in your Despatch that on consulting the tenor and the spirit of existing Treaties the negroes brought by that vessel are entitled to the protection of Her Majesty's Government. This is a mere generality, which does not support your original pretension. But you will permit me to answer that the negroes of the "*Aguila*" are now under the protection and safeguard of the Spanish Government; that they are free; that their liberty is guaranteed to them; and that without acknowledging Treaties, the dates of which you have not been pleased to indicate, I see in the nature of things and in the laws of my country all that these unfortunate persons require for their protection.

With regard to the communications of the Commissioners it is my duty to state to you that they were the property of these gentlemen, that they are now the property of the Government of Her Majesty the Queen of Spain, and that I do not think it convenient to transmit a copy of them to you for two reasons. First, because there is no such error as you suppose in the translation. Secondly, because these individuals will not deny to you directly the profession of their faith in this matter, on the honour of countrymen, gentlemen, and men acquainted with the Treaties, positively desirous to see them observed, and doing nothing more than accommodate themselves to their spirit, and watch over the dignity of the Government whose representatives they are in countries so far apart from their own. I do not believe that they have mistaken the instructions of their Government; but you are aware that I only obey that of Her Catholic Majesty, by whom I have not been informed that you are charged with the power of intermeddling in such denunciations. Undoubtedly Her Majesty omitted to do so from the knowledge of the fact that English functionaries are stationed here, authorised by the Treaty of 1835, in which no mention is made of the Consular Agents of the high contracting parties, who could have no desire to multiply offices without necessity. When Her Majesty shall otherwise determine, then the question will have changed its aspect; but in the mean time I reproduce to you my former communications

God grant you many years.

(Signed) GERONIMO VALDES.

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

(Translation.)

Ninth Enclosure in No. 160.

Assessor's Report to the Captain-General, respecting the Case of the Aguila.

MOST EXCELLENT SIR,

Havana, May 31, 1841.

IN receiving the declarations of the negroes detained in the Barracoon of the Misericordia de San Antonio Chiquito, I have had for interpreters two

negroes attached to the Captain Pedaneo of San Antonio Chiquito, and two others bearing the names of Ensy and Ocotufachey, part of the number detained, who appear to have begun to speak in the course of the voyage, being the only ones who understand or answer anything in Spanish.

In presence of these four, whom I made to repeat the questions and the answers, I have examined 39, including Ensy and Ocotufachey; and from their unanimous answers it follows that the declarants and their companions, to the number of 413, who were brought by your Excellency's orders from the port of Cabañas to the above-named barracoon, are Bozals of the Lucumí nation in Africa, but from various points and places of that nation; that some of them were the victims of the rapacity of other negroes of their own country, who carried them off by force in order to sell them, while others were prisoners taken in the wars of the King of Oni with the King of Lusé, by Uba and others who are not named, and who held them all in captivity; that they were sold by these negroes, and by kings of their own colour, and carried to the port of Echo, in the kingdom of Oni, on the coast of Africa. That the persons by whom they were purchased marked them with the initial letters M. N. O. C. M. HA. and others in the same style, which now exist on their persons. That they were embarked about two months or two months and a-half ago in the port of Echo in a vessel which went to pieces, they say, in the sea at the time of their arrival in this country. That they are unable to give any clear account of this vessel, nor of the names of the persons by whom it was navigated, nor of its destination, nor of the point where they were apprehended and arrested, nor how nor why they are in the barracoon to which your Excellency has sent them. From all which, from the tenour of the declarations, and from inquiries which were made at Cabañas, it appears that these negroes were captured in Africa, and came here as slaves, having landed for the first time in this island on the 21st of the present month; and it is doubtless for this reason that the captain, officers, and crew of the vessel shipwrecked at the mouth of the Cabañas under the Portuguese flag have not made their appearance, and that no person whatever has made any demand regarding her; the consignees and owners of the vessel being even unknown, the remains of which are stranded in front of the tower at the mouth of the port.

In this state of things, and holding in remembrance that the traffic in slaves in every part of the world has been finally and totally abolished on the part of the Spanish nation, I am of opinion that the whole of the above-mentioned Bozal Lucumí negroes ought to remain and be maintained in freedom, exempt from all slavery and captivity, under the protection of Her Majesty's Government, and that they ought to be regarded as freemen, and instructed in the knowledge of the doctrines of the Christian religion and of morality, civilising them, and instructing them sufficiently in the mechanical arts to enable them to maintain themselves either as artisans, as labourers, or as household servants; that they ought to be furnished with certificates of their freedom, and that the charge of their education and civilization should be given in conformity with the rules adopted in regard to the treatment of such persons. And with a view to the preservation of their freedom, even in the case of their losing their certificates, so that they may never fall back into slavery, a book ought to be opened in which should be entered all the marks which exist on their persons, the description of the vessel shipwrecked at Cabañas, and the day on which the shipwreck occurred, together with the names of the persons to whom they may be assigned for the purposes of civilization, exacting from those persons an obligation, with security, that they shall present these negroes to the Government under your Excellency's distinguished administration as often as they shall be required so to do; and in the event of the death of any of them, the identity of the body should be verified by the nearest ordinary Juez Pedaneo, who, to cover his own responsibility in regard to the disappearance of the freedman, should immediately report the fact to your Excellency, without prejudice to that which he may have contracted in consequence of the other relative circumstances.

Such is my opinion with regard to the Africans now under detention, but as the circumstances of the two negroes Ensy and Ocotufachey having acquired some knowledge of the Spanish language during the voyage affords an indication of there having been Spaniards in the shipwrecked vessel under the

Portuguese flag, as it is forbidden to Spaniards to engage in the Slave Trade in any manner whatever, while it is an established rule that those who engage in it should be prosecuted and severely punished; I am moreover of opinion that your Excellency ought to order the notary employed in this affair to make an extract from the Record from the 1st to the 9th folio of the Proceedings, so as to include all the evidence taken at Cabañas, and should certify what appears on the 11th and 12th folios; that afterwards an authentic copy of the decree should be inserted *literatim*, as it was prepared by me on the 29th instant, together with the proceedings and declarations which were taken yesterday; and that a consultation should be held with regard to the prosecution of the parties who have been guilty of bringing these negroes from the coast of Africa to the place where the shipwreck occurred, near the port of Cabañas.

Should this opinion deserve your Excellency's approbation it would be right to make a communication to Her Majesty's Government through the principal Secretary of State for the due information of the Regency of the kingdom, in order to their approbation of what has been done in this case. This communication may be accompanied—

1. By a certified copy of my opinion of the 27th instant, with your Excellency's decree in conformity thereto.

2. With a copy of the official Despatch received from the Court of Mixed Commission with the annexed certificate, and

3. A copy of the present opinion, in order to convey a perfect knowledge of this proceeding, and of all the circumstances connected with it. Its result with regard to the Liberated Africans should also be communicated to the Court of Mixed Commission, and to his Excellency the Intendant, through whose means the denunciation was received.

Your Excellency may thus decide, or otherwise, as your Excellency may judge most fit.

Most Excellent Sir,

(Signed) PEDRO MARIA FERNANDEZ VILLAVERDE.

In which opinion his Excellency concurs.

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

(Translation.)

Tenth Enclosure in No. 160.

The Captain-General to Mr. Turnbull.

Havana, June 24, 1841.

You inform me in your letter of the 13th instant, with regard to the liberation of the emancipated negro Gavino, that the British Government is surprised at the authorities of the island having disputed with you the right of preferring such claims, and that the same Government not only empowers you to pay attention to this matter, but it demands the immediate liberation of all those emancipated by the sentence of the Mixed Commission since the Treaty of 1817, and that they should give their attendance in the said Commission, in order that if they be desirous of being sent to the English colonies their wish might be complied with.

Without confining myself to the black Gavino, whose case I have referred to the Third Assessor-General Don Pedro Maria Francisco Villaverde, not as if I were attributing to him powers which he does not possess, but that he may advise me how the law stands; I will only observe to you that I have no other rule to go by in my public conduct with respect to the Africans than the Treaties themselves. These Treaties give you no authority either as Consul or as Superintendent of Liberated Africans. In the former character it is well known that you possess no such powers, and they do not belong to you.

either in that of Superintendent, whether it be considered that you have not been recognised yet by Her Catholic Majesty's Government, or that, even if you had been so, your powers would not go beyond the circle of the last Treaty, which is restricted to the receiving of the negroes who, having been captured by the British cruisers, and emancipated by the sentence of this Mixed Commission, are to be delivered up to you, in order to be transferred immediately to the English colonies.

I have frequently adverted to this idea, but finding that you always waive it in your communications I must needs suspect that you do not choose to admit its cogency. According to this idea and to the treaties, the black Gavino and the other emancipated negroes who were here prior to the Treaty of 1835 come not by any means under your superintendence, and I am at a loss to conceive how Her Britannic Majesty's Minister can give more latitude to the letter of the Treaty than it essentially possesses. I greatly regret that I cannot concur in your notions, but I find from Art. 8 of Annex C of the Treaty of 1835 that any variations which may be introduced into the stipulations must be founded on an agreement of the two high contracting parties on the subject.

And I doubt very much that such an agreement can take place, because if you, Sir, had the powers you claim conceded to you, this Government would be reduced to great straits, seeing that the individuals of the Mixed Court of Justice would possess them likewise by Treaty, so that we then should have two different functionaries contributed for the same object, or the competence multiplied without necessity.

Thus the British Commissioners in their communication of the 7th of May last addressed me on the subject of transferring the emancipated negroes to the English colonies, and of their previous examination in the Mixed Commission. I replied to these gentlemen the same day what I considered to the purpose; and now you, Sir, reproduce to me the same demand, with an intention to oblige me to discuss the same subject with two different employés, which cannot be but productive of great inconvenience.

I therefore, in conclusion, Sir, repeat to you what I have already stated on this question, that it can certainly not assume another shape till Her Majesty's Government, on whom I solely and exclusively depend, shall forward to me fresh directions.

God preserve you, &c.,

(Signed) GERONIMO VALDES.

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

Eleventh Enclosure in No. 160.

Mr. Turnbull to the Captain-General.

MOST EXCELLENT SIR,

Havana, June 26, 1841.

IN acknowledging the honour which your Excellency has done me in writing the letter of the 24th instant, regarding the case of the water-carrier Gavino, who for seventeen years has been toiling like another Sisyphus to complete the hopeless and never-ending task which your Excellency's predecessors had assigned, and which is to this day exacted from him under your Excellency's enlightened administration, I have first of all to thank your Excellency for the disposition which you have now for the first time evinced to make some inquiry into the grievous hardship and injustice which this unfortunate person has so long endured, and not less for the choice of an assessor to whom to confide the important investigation, the same distinguished individual, Don Pedro Maria Fernandez Villaverde, who in the recent case of Henry Shirley discovered so much laudable alacrity in his search after truth, and such fidelity in recording it.

But I have the honour most respectfully to represent to your Excellency that Her Britannic Majesty's Government, after what has occurred to Gavino

CLASS B.

himself, and to the numerous class to which he belongs, will most certainly not be satisfied with the result of any such investigation as that which your Excellency has indicated, unless it be conducted openly, and unless some representative of Her Majesty's Government shall be suffered to be present, and to take an active share in the conduct of the investigation. That active share I have now the honour to claim, and I farther claim the right of receiving Gavino, and others of his class, and of hearing and stating their complaints.

In dealing with the case of this individual emancipado, I observe that your Excellency has fallen into the error of supposing that I was desirous of reopening the discussion of the distinct and separate question as to the removal of the whole of the unhappy class to which he belongs from this island to the free colonies of Great Britain.

That question, it is true, has been confided to mein concert and conjunction with the British Commissioners in this place by Her Britannic Majesty's Government. The letter of these Commissioners dated the 7th of May last, to which your Excellency refers, was written in pursuance of a joint resolution adopted at a meeting between them and me, which took place on the previous day, the 6th of the same month, which meeting was held, as the Commissioners have doubtless informed your Excellency, by the express orders of Lord Viscount Palmerston, Her Majesty's Principal Secretary of State for Foreign Affairs.

When therefore I had the honour to address your Excellency on the 13th instant, I did nothing to interfere with the resolutions or proceedings of that meeting, or with the demand addressed to your Excellency in pursuance of these resolutions.

Between the Commissioners and myself there was no such *double employé* as your Excellency appears to have imagined. It is true that if your Excellency had promptly acceded to the demand to which you allude, contained in the letter of those gentlemen to your Excellency of the 7th of May, for the immediate removal to the British colonies of the whole of that wretched class of persons of which Gavino is one, there might have been less need for me to have renewed my present application for a searching and satisfactory inquiry into the actual condition of this unfortunate individual, and for such indemnification and redress as his long-protracted misery may appear to justify. But inasmuch as your Excellency has chosen to assume that you cannot do justice to the mass without special instructions from Madrid, I have thought it my duty in the name of Gavino, and with the sanction of my Government, to press on your Excellency's attention this case of individual hardship, which is evidently not attended with any difficulty whatever, since it resolves itself into a simple question of right between Gavino and his pretended master; to judge between whom your Excellency's competency is unquestionable.

I have the honour therefore to present to your Excellency in this formal manner the demand I have already indicated to be allowed to assist in person at the inquiry in the case of Gavino for which your Excellency's third Assessor-General has been so wisely selected; and also for an acknowledgment of my undoubted right not only to receive Gavino and others of his class, but to hear and advocate their complaints.

I have, &c.,

(Signed) D. TURNBULL.

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

Twelfth Enclosure in No. 160

Mr. Turnbull to the Captain-General.

MOST EXCELLENT SIR,

Havana, June 23, 1841.

IN pursuance of the duties which I feel myself called upon to execute until otherwise instructed by Her Majesty's Government, I have the honour to acquaint your Excellency that a vessel which attained so much disgraceful

notoriety when she bore the name of the "*Venus*," having been converted from a ship into a brigantine, is now once more fitting out in this harbour for the coast of Africa. I am informed that she now belongs to Señor Zangroniz, of this city, and that the command of her has been given to Captain Angel Laurriaga.

The brig schooner "*Irene*," belonging to the house of Forçade, is also preparing for the same destination.

I lament to add that the second "*Aguila*" called the "*Aguila de Moron*," and the "*Numantina*," both of which I had the honour to denounce to your Excellency, have since been allowed to depart from this harbour for their African destination.

It becomes my painful duty on this occasion to make your Excellency aware that although this traffic is still pursued with so much criminal activity under your Excellency's eye in the harbour of Havana, the peculiar business of fitting out vessels for the coast of Africa has begun to extend itself into the outports of the island, and that not less than three are at this moment in preparation at Matanzas, one of which had successfully landed a very large cargo of negroes in the neighbourhood of that port.

I have, &c.,

(Signed) D. TURNBULL.

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

No. 161.

Mr. Turnbull to Viscount Palmerston.

Her Majesty's Consulate, Havana, June 28, 1841.

MY LORD,

(Received July 31.)

HENRY SHIRLEY is free! After 10 years of slavery in the province of Puerto Principe, he is now in the Havana, and at my disposal.

I thank God and your Lordship for enabling me to accomplish this great good, which is not confined to Shirley alone, but will extend first to his wife and family, then to his numerous companions in misfortune, and, as I hope and pray, will lead to the practical recognition of the principle that henceforth no Spaniard will be safe in holding an Englishman in bondage.

In order to accomplish this important object, I have the honour to ask your Lordship for the countenance of Her Majesty's Government in requiring that the miscreant Antonio Le Desma, by whom Henry Shirley and several other free-born Englishmen were kidnapped in Jamaica, and carried into slavery in Cuba, shall be brought to a serious account for his numerous and atrocious crimes.

At this moment I believe there is no intention whatever on the part of the Captain-General to yield this important point to my incessant and urgent demands. I am confident, however, that it only requires to be presented with earnestness and vigour, and with the visible support of Her Majesty's Government, in order to command his Excellency's acquiescence. Already, in this matter, much more has been conceded to me than had ever been yielded before; and I need not say that, with your Lordship's permission, I am ready to persevere until the ends of justice are fully accomplished.

It was on the 9th instant that I received from the Captain-General the Despatch No. 1, announcing the arrival of Shirley, which had taken place nearly a week before, and intimating that, having passed his examination, he was about to be transferred to the prison or barrack of the Fuerza preparatory to his embarkation for Jamaica.

The same day, before his transfer was effected, or rather in the act of effecting it, I succeeded, partly by good fortune and partly by great prompti-

tude, in having him brought to my office, where, before I parted with him, in spite of repeated applications from the Commandant of the Fuerza, I procured from him the facts contained in the Declaration, of which No. 2 is a copy.

By the possession of these facts I was enabled to prepare the Despatch to the Captain-General, No. 3, in which I asked first of all that Shirley should be transferred to the "Romney," in order at once to relieve him from the painful sense of continued imprisonment, and at the same time to facilitate his actual removal.

In this Despatch also I pointed out to his Excellency that Henry Shirley must have been a close prisoner at Puerto Principe at the very time when the Prince of Anglona was writing the Despatch, announcing to me, for a purpose too obvious, that Shirley was dead.

At the same time I showed his Excellency that this system pursued by his subordinates at Puerto Principe was calculated to expose his own high person to suspicion, as it appeared from Shirley's examination before me that attempts had been made to induce him to renounce his own name and adopt that of "Washington," another negro brought by Le Desma in the same vessel with Shirley from Jamaica, but whose transfer was supposed to be legal in consequence of his having been originally a slave.

This pretended legality consisted in a Warrant of Deportation against Washington, who appears to have been formerly a slave of Sir Rose Price, in which he is described as an incorrigible runaway. This warrant I have since seen in the hands of M. Villaverde, the Captain-General's Assessor, or rather a copy of it, consisting of a printed form for the apprehension of runaways, filled up so as to justify the act of deportation. It appears to have originally borne the printed date of "1820," which had been altered with a pen into 1830; and then in 1831, as appears by an Endorsation upon it, this informal warrant must have been presented to the Collector and Comptroller of Customs at Montego Bay, whose signatures are attached to this Attestation. The date of this Endorsation was probably the very day of Shirley's abduction, although, strange to say, the paper thus attested by the Custom-House Authorities bore no previous signature whatever. This document will, nevertheless, be founded on, I have reason to believe, as a sufficient title to justify the abduction of Washington by Le Desma, when his restoration shall be seriously demanded; as it was evidently intended to have served as a justification for the abduction of Shirley himself.

Before the idea of confounding Shirley with Washington was imagined, it had been resolved at Puerto Principe to pass him off for another of Le Desma's victims, bearing the name of William Henry, who, like Washington, had also been brought from Montego Bay in the same vessel with Shirley.

This unfortunate person had committed suicide several years ago in consequence of ill treatment; and your Lordship will afterwards find that, when the Captain-General comes to answer that part of my Despatch in which I reproach his predecessor, the Prince of Anglona, with the attempt to make me believe that Shirley was dead when he was actually in prison, the circumstance that Shirley bore the name of Henry, while that of the suicide was William Henry, is brought forward as an explanation of this natural and innocent mistake!

In my Despatch, No. 3, I have also renewed my demand that Le Desma should be given up for trial for the forcible abduction of Henry Shirley from Jamaica. I have contended that, as the crime had been committed in the waters of Montego Bay, the criminal ought to be subjected to the penalties of *lex loci*.

It appears to me also that Shirley is entitled, independent of the *vindicta publica*, to a civil indemnity for his lengthened sufferings.

In this respect his case resembles that of Juan Fontanalez, a native of Sierra Leone, whom I was enabled to send to England in the January packet, with this difference—that, in the case of Fontanalez, we had lost our hold of the actual criminal, and had only to deal with the person who had benefited by his services; whereas in the case of Shirley the damages are claimed from the person who has evidently been guilty not of this only, but

of several acts of abduction, as your Lordship will see by a separate Despatch transmitted by this packet.

But, in the case of Fontanalez, the right of the Consul to insist on the recovery of the indemnity was denied, on the ground that his public character gave him no right to interfere; and that without a special power of attorney from the claimant any demand on his part *qua consul* could not be recognized.

This difficulty I had the honour to bring under your Lordship's notice in the case of Fontanalez, and I now take the liberty of recalling your attention to the point on behalf of Shirley. Should your Lordship be of opinion that, in the absence of the actual claimant, it is the duty and the right of the Consul to insist on the recovery of the just claims of such men as Shirley and Fontanalez, then I would pray your Lordship to direct that the Government at Madrid be moved to issue an order to the Captain-General and the judicial authorities of Cuba to recognize the right of Her Majesty's Consul to present such claims also with effect.

I venture to submit to your Lordship that the Spanish form of Exequatur is peculiarly restrictive of consular rights; that it is not by any means in harmony with existing treaties; and that an opportunity might now conveniently be taken for requiring its revisal, in so far as Her Majesty's Consuls are concerned.

My Despatches to the Captain-General, Nos. 4, 5, 6, have arisen out of the affair of Henry Shirley, and may therefore be conveniently noticed in this place.

No. 4 relates to his wife, Maria Rufina Napoli, a native of Jamaica, formerly a slave, but now of free condition; and to her daughter, Maria Feliciana Pini, a native of this island, and still a slave. It relates also to a dwelling-house built by Shirley at Santa Cruz, and to other property left by him in that place.

No. 5 claims the freedom of the four surviving companions of Shirley at the time of the act of abduction of which he was the victim. Their names are George Fenwick, Washington, Francisco, and Johanna. The restoration of these four persons will, I have no doubt, be refused on the ground that they were originally of servile condition, and that they therefore lost nothing by being brought from Jamaica to this island. As to one of them at least, Washington, (and if there be any show of ground for it with regard to the other three also,) it will be contended besides that they had all been condemned to perpetual exile from Jamaica as vagabonds and runaways.

I cannot believe that either of these grounds of detention will be regarded as valid by Her Majesty's Government.

The removal of slaves even from one English colony to another was declared to be illegal long before the abduction of Shirley and his companions; and, *à fortiori*, their removal to a foreign settlement was contrary to law.

Besides, the precedent, if recognized in this instance, might be made to apply to a vast number of Her Majesty's subjects now in slavery in foreign countries, who were removed from Her Majesty's Colonies before the Act of Emancipation was carried into effect. On one estate in this island, according to a recent communication from Dr. Madden to Lord John Russell, there are nearly one hundred Englishmen, introduced, about twenty years ago, from New Providence; and I am informed by Mr. Dalrymple, Her Majesty's Commissioner of Arbitration, that there are a great many such in the Dutch colony of Surinam, where Mr. Dalrymple has long resided.

With regard to the pretended Warrant of Deportation, if they all resemble that which was shown to me to justify the detention of Washington, they are certainly not entitled to a moment's consideration.

No. 6 presents a claim for the restoration of William Black and James Blair, otherwise Santiago, two other natives of Jamaica, and both originally of free condition, one of whom had been stolen by the same Antonio Le Desma; the other by his father, Jozé Antonio Le Desma, a few months before the abduction of Shirley.

No. 7 is a Despatch from the Captain-General, refusing to allow the removal of Shirley on board the "Romney."

Nos. 8, 9, 10 relate to his wife and step-daughter. No. 8, consisting of a

despatch from the Captain-General, contains an invitation to me to attend the examination of Shirley; No. 9 contains his Declaration; and No. 10 is a Despatch from the Captain-General, communicating to me his Assessor's Report.

Nos. 11, 12, and 13 relate, in like manner, to the surviving companions of Shirley, George Fenwick, Washington, Francisco, and Johanna, otherwise Francesca; and at the same time embrace the cases of William Black and James Blair, two free-born natives of Jamaica, who had been previously kidnapped by the two Le Desmas, father and son.

These papers contain also several interesting particulars relating to Henry Shirley himself; No. 11 being the Captain-General's Despatch, inviting me, as before, to attend the examination; No. 12 the Declaration itself; and No. 13 the Captain-General's Despatch, communicating, as before, the Assessor's Report.

No. 14 consists of a Despatch from the Captain-General, containing an argumentative Report from the Assessor, intended to serve as an answer to my Despatches, Nos. 3, 4, and 5, to which, without abridgment, I take the liberty of referring.

No. 15 is another Despatch from His Excellency, in answer to No. 6, containing promises, and stating facts, to which I replied in No. 16; and No. 17 is my Despatch to Sir Charles Metcalfe, communicating to His Excellency the intelligence of Shirley's recovery, and asking for the means of removing him to Jamaica.

I have, &c.

(Signed) DAVID TURNBULL.

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

First Enclosure in No. 161.

(Translation.) *The Captain-General to Mr. Turnbull.*

THE negro Robert Shirley having arrived at the Havana, and the judicial act for which he was brought here having been accomplished, the Lieutenant-Governor, Third Assessor-General of this Government, in a communication of yesterday's date, states to me what follows:

"MOST EXCELLENT SIR,

"The declaration of the negro Robert Francis Henry Shirley having been completed, it is fit to direct that he be removed to the barrack of the Fuerza, where free people of colour are usually placed, and to write to Her Britannic Majesty's Consul, acquainting him with the fact, in order that he may prepare for his embarkation in the first vessel to Jamaica, giving orders for his removal in the first which the Consul, or the party himself, shall point out, if he shall previously ask for his passport, and that, in the mean time, he remain in detention in the barracks. Your Excellency may thus decide, or in whatever way may be more proper."

And having adopted this opinion, I transcribe it to you for your information, and in order that effect may be given to it.

God grant, &c.

(Signed) GERONIMO VALDES.

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

Second Enclosure in No. 161.

*Declaration of Henry Shirley.**Havana, June 9, 1841.*

HENRY FRANCIS SHIRLEY declares, that he is a native of Spanish Town, Jamaica. That his father was a slave, the property of Mr. Brookes, a Creole, of Jamaica; but his mother having been a free negress, he himself of course was born free. That he does not know his age; but he knows that he was about seven years old at the time of the visit of Prince William Henry to Jamaica. That, about eight or ten years ago, Lord Belmore being then Governor, and the witness working as a journeyman labourer in Kingston, he became desirous of moving to Montego Bay; and, for this purpose, he went on board a vessel, the name of which he does not recollect, to ask for a passage. That this vessel proved to be a Spaniard; but the person who acted as master of her at Kingston was a Kingston Jew, whose name he cannot recollect. That, on the arrival of this vessel at Montego Bay, the command of her was assumed by a Spaniard of the name of José Antonio Le Desma, who now keeps a store at Santa Cruz in this island, and is, besides, the owner of two schooners and several boats. That, on board the vessel alluded to, there was a female slave with whom witness had previously cohabited, her name in Jamaica having been Johanna, but afterwards, at Principe, Francisca. That this slave had been sold at Kingston by the creditors of her deceased mistress; but that witness does not know who her mistress was, what has since become of her, or whether she be now alive. That, on the arrival of the vessel at Montego Bay, witness was asked by Le Desma whether he would like to go with him to Santiago de Cuba, to which he replied in the affirmative, on the condition of being brought back within a month; but, having afterwards found that the vessel was bound for Santa Cruz, he insisted upon being allowed to land at Montego Bay, according to his original agreement with the Jew captain, but he was forcibly prevented by Le Desma. That, after one day's detention, Le Desma made sail for Santa Cruz, where the vessel arrived about five days afterwards. That, on the landing of the party, which consisted, besides the crew of the vessel, of the witness, of the woman Johanna, and of four other English slaves, who had been purchased at Kingston, three of whom were Creoles and the fourth an African, Le Desma proceeded with Johanna and the witness towards Puerto Principe, leaving Johanna at the house of a family called Filomena, to a member of which Le Desma was afterwards married; while the witness was carried to Le Desma's own house in the Calle de la Soledad. That the names of the other negroes brought from Kingston were William Henry, George Fenwick, and Washington, who were Creoles, and Francisco, a native of Congo. That William Henry fell into the hands of a cruel master, and afterwards committed suicide in consequence of ill treatment. That George Fenwick is still living as a slave at Puerto Principe, in the service of a Catalan shop-keeper called Don Ramon, whose shop is next door to that of Don Salvador Perez, in the Plazuela. That Washington is also living at Puerto Principe, the slave of one Don Segundo Socarras, the proprietor of a potrero, or breeding-pen, on the other side of San Lazaro. That the witness has never seen the African Francisco, but has heard that he was sold at Trinidad de Cuba. That, on the arrival of the witness at Puerto Principe, Le Desma sent him with a white man all over the town to be offered for sale; but as, at that time, the witness could speak no Spanish, it was impossible to find a purchaser.

That three months having been spent in this way without success, Le Desma had the witness sent to a breeding-pen, called Soledad, hired by his father-in-law, Eloriman Napoli, from Don Antonio Metejo, where the witness remained for eighteen months. That, during his stay at Soledad, he was robbed by Eloriman Napoli of 150 dollars, all that remained of the money he had brought with him from Jamaica, besides two pigs and other little property he had begun to accumulate. That, at the end of the eighteenth month, the witness was carried by Eloriman Napoli to Puerto Principe, where he left him at the house of a schoolmaster called Don Antonio, who lives behind the church of San Francisco, having procured from the schoolmaster a loan of 100

dollars, on the security of the witness as a pledge, under the pretence of his being a slave. That the school-master had him sent to a breeding-pen belonging to himself, about four miles from Puerto Principe, where he fell seriously ill, and, having run away without knowing where to go, returned to the house of Le Desma, who, in the absence of his father-in-law, then occupied the house of Eloriman Napoli. That, on this occasion, Le Desma sent for a doctor, who declared that the witness's life was in danger, and recommended good and careful treatment, which was bestowed upon him by Le Desma during the two months that the illness lasted. That, when he was recovered from his illness, he received a hint from a younger daughter of Napoli, that he was to be sent back to the school-master; on which he went to the Governor, Don Francisco Sedano, to whom he could not make himself intelligible, but by him he was sent to a foreign flour-dealer, living opposite the government-house, and who then lived where the priest Paloma now lives, who took down his declaration in writing, and sent it to the Governor. That he was sent by the Governor to the Sindico Don Serapio Rez (perhaps Majorietta), who, after having him examined by the assistance of an interpreter, sent for Le Desma, who pretended that the witness was his slave. That the witness required Le Desma to produce his written title; but at that time he had nothing to show. That, about two months afterwards, Le Desma returned to the house of the Sindico with a forged bill of sale, ostensibly from Jamaica, but which proved to have been written on the spot, the Sindico declaring that it had the appearance of having been written the day before. That the witness was sent by the Sindico for one Don Antonio Freyre, who understood English, and by him also it was pronounced to be false. That the witness remained for a year in the house of the Sindico, and at the end of the Sindico's term of service he was sent to the Governor, in whose house he was detained for three years, in spite of all his entreaties to be sent back to Jamaica. That, nevertheless, he was kindly treated by the Governor and his lady, was well fed and lodged, and frequently received perquisites, with which he bought clothes and cigars. That, when he had been about two years with the Governor, he met Le Desma one day in the street, who asked him where he lived, and, having been told, Le Desma lifted a stone, and struck him with it on the arm, so as to wound him severely. That, having mentioned this to the Governor, a file of soldiers was sent after Le Desma, but he could not then be found. That, some time after this affair, Le Desma came to the Governor, to demand possession of the witness; but the Governor reproached him with having stolen the witness from Jamaica, and assigned as a reason for not returning him to that island, that the Governor of Jamaica would immediately write to the Captain-General at Havana, that the Captain-General would write to the Government of Madrid, and that all parties would be involved in trouble. That the Governor of Puerto Principe, Don Francisco Sedano, having died of yellow fever about five years ago, Le Desma immediately renewed his demand for the possession of the witness. That, four days before the arrival of the present Governor at Puerto Principe, Le Desma applied to the Alcalde, who sent the witness to prison; and, on the morning after the arrival of the Governor, he was taken out of prison by Le Desma, and immediately carried to Santa Cruz, without being allowed to see the new Governor. That, on the occasion when Le Desma came to claim the witness of the late Governor, he produced a paper, purporting to be a bill of sale from Jamaica, which, on being shown to the witness, he discovered it to be in the hand-writing of a Catalan named José, and Don Antonio Freyre having been sent for, he proved this to be the case. That, on the witness's arrival at Santa Cruz, he was employed by Le Desma as his cook, for the first two years, without receiving any wages. That the Commandant of Santa Cruz, Don Jozé Rez (perhaps Majorietta), presented the witness with a piece of land within a short distance of the house of Le Desma, upon which, in the course of time, the witness having been originally a mason, he succeeded in building a house for himself, which he began to occupy about two years after he had thus been brought back to Santa Cruz, and for eight months longer he returned daily to the house of Le Desma, to act as his cook. That, during that time also, he was employed by Le Desma to build a wharf for him in front of his house, which occupied about three months, and was a very severe labour, and for which he received no

wages. That, for the last three years of his stay at Santa Cruz, he was sent by Le Desma to work for wages in the loading and discharging of vessels at the wharf, for which he was paid at the rate of a dollar and a half per day. That, during all that time, he was compelled by Le Desma to pay him six dollars a week, which he did every Saturday night. That, when Le Desma was not in the way, he refused to pay the money to any one else, and deposited it in the hands of his wife, from whom Le Desma obtained it on calling at his house. That the witness was married about six years ago, when living at the house of the Governor at Puerto Principe, to a negro woman, named Katey in Jamaica, and, at Santa Cruz, Maria Rufina Napoli, who had been born a slave at Try Hall Estate, near Montego Bay, and had been brought to this country when a girl, and had had her freedom bestowed upon her by the Governor, Don Francisco Sedano, about a year before her marriage to the witness, on her recovery from a dangerous illness. That, while the witness lived at the house of Le Desma at Santa Cruz, his wife acted, for two years, as the washerwoman, without receiving wages, her object having been to procure better treatment for her husband, but without obtaining it. That he knows that his wife is desirous of following him to Jamaica, and that her daughter would be most anxious to follow also, if she could obtain her freedom. That he considered his house worth 300 dollars, but he would gladly sacrifice it for 150 dollars and labour hard to make up the 400 dollars which the mistress of his step-daughter, now at Puerto Principe, demands for her freedom, in order to obtain her liberation. That, somewhat more than a year ago, Le Desma was sent to the prison of Puerto Principe, for some smuggling transaction; and, during his absence, the witness was beaten by his partner, Salvador Zua, on which he complained to the Commandant, who desired him to go to Puerto Principe; but, on his way there, he was arrested and carried to prison; but, having found Le Desma there, it was proved that he was not a runaway, and he was immediately liberated. That, in consequence of the correspondence he opened with his friends in Jamaica, and which led to a demand for his liberation, he was sent for to Puerto Principe about seven months ago, when he was immediately sent to prison, and has been detained there ever since, until this day sixteen days, when he was sent off to Guanaja, in charge of a lancer; and at Guanaja he was embarked on board of a schooner, from which he landed at the Havana last Thursday morning, being the 2nd instant. That, while in prison on this last occasion at Puerto Principe, he was strongly urged by Le Desma and others to renounce the name of Shirley, and adopt that of Washington, on the pretence that the change would be to his advantage; but this he steadily resisted. That, immediately on his landing at the Havana, he was carried to the office of the Captain-General, and from thence he was sent to the great prison outside the walls. That, on Saturday last, he was examined by one of the Assessors, and again sent back to the same prison, where he remained until this morning about ten o'clock, when he was removed to the prison of the Fuerza, inside the walls. That the Consul having already inquired for him there, he was allowed to come to the Consulate, under the charge of a sentinel; but, in the course of the present examination, he has been repeatedly sent for from the prison, the Consul refusing always to allow his removal until the present examination should be completed. That, even on the supposition of the witness having been a slave to Le Desma, he would, at this moment, be entitled to claim 49½ dollars for his earnings on Sundays and holidays, besides the wages due to his wife as a washerwoman; and 10½ dollars for finding one of Le Desma's labourers.

Third Enclosure in No. 161.

Mr. Turnbull to the Captain-General.

MOST EXCELLENT SIR,

Havana, June 10, 1841.

I HAVE the honour to acknowledge the receipt of your Excellency's Despatch of yesterday's date, containing the communication of the Lieutenant-Governor and third Assessor-General, regarding the case of my unfortunate countryman Henry Shirley, who was kidnapped in Jamaica, nearly

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ten years ago by Antonio Le Desma, of Santa Cruz, and has ever since been held in slavery in this island.

From your Excellency's Despatch I understand that Shirley is at length to be furnished with a passport for Jamaica, and that he is to be placed at my disposal, on the condition of my undertaking to have him removed from the island by the first opportunity.

I have now the honour to intimate my acceptance of your Excellency's offer, on the condition under which it has been made; and in order to render it more effectual, as well as to obviate such a lamentable misunderstanding as that which arose in the case of James Buchanan between two of your Excellency's officers, I take the liberty of requesting that in the mean time, until an opportunity for Jamaica presents itself, Henry Shirley be transferred to Her Majesty's ship "Romney." By this means he will at once be relieved from a painful sense of imprisonment, inseparable from his detention in the Fuerza; and the danger will be avoided of losing the opportunities which frequently occur of Her Majesty's ships merely calling off the mouth of the harbour, in which cases they uniformly communicate with the "Romney."

Your Excellency not having been pleased to admit of my presence at Shirley's examination before the Lieutenant-Governor, I have since thought it my duty to subject him to a separate examination, in the course of which several facts have been disclosed to which I feel myself impelled to direct your Excellency's attention.

1. It appears that for the last seven or eight months Henry Shirley has been a close prisoner at Puerto Principe, under the immediate cognizance of the governor of that province; and yet while thus in actual confinement he was represented to me by your Excellency's predecessor on the authority of an anonymous negro as having been dead.

2. At the time of the abduction of Shirley, nine or ten years ago, there were brought from Jamaica to Santa Cruz, in the same vessel, by Le Desma, five other negroes, one of whom bore the name of Washington, who is at this moment a slave at Puerto Principe; and it is said that for this individual a bill of sale or other title was actually, but of course illegally procured, by Le Desma in Jamaica. Now Shirley declares that he was strongly urged while a prisoner at Puerto Principe, under the pretence of some advantage to himself, to renounce the name of Shirley and assume that of Washington. But most fortunately, not for Shirley alone, but for the sacred cause of truth, humanity, and freedom, the plain good sense and the principles of honesty of this poor negro have saved him from falling into the snare which had thus been diabolically laid for him.

This your Excellency perceives is not a subject to be trifled with; for your Excellency's own high name and character have incurred the serious danger of being involved in a most nefarious transaction, and of being presented to the whole civilized world, through the records of the British Parliament, as a party to a disgraceful fraud.

From any such fraudulent design your Excellency's high character does not need the exculpation, or the frank and sincere disavowal which I now have the honour to tender you. At the same time your Excellency will not fail to do me the justice of admitting that I could not now conscientiously overlook that expression in one of your own Despatches to me, in which it is intimated that Shirley had been originally a slave, and that as such he had been sold to Le Desma by one of his own countrymen.

In your Excellency's Despatch of yesterday I cannot discover any answer or allusion to the demand I have repeatedly had the honour to address to your Excellency that Antonio Le Desma, of Santa Cruz, should either be brought to the Havanna, and here be subjected to a public trial and to condign punishment for the atrocious crimes committed by him on the person of my unfortunate countryman, or that he should be sent for this purpose to Jamaica, where his crimes, in this instance, took their origin, and where, therefore, he is liable to answer for them.

I have now the honour to renew that demand, together with the offer by which it has always been accompanied in the event of the former alternative being preferred, that I should bring from Jamaica the witnesses required to establish the original free condition of Henry Shirley as a British subject, and also his personal identity. Independent of the punishment of Le Desma, I

have the honour to add that Shirley is entitled to every indemnity which your Excellency is able to afford him for the loss of his freedom, and for his accumulated sufferings during the last ten years. Of the amount of these sufferings, or of that indemnity, I confess myself unqualified to form a suitable estimate, because I am ultimately convinced that—

“A day, an hour, of virtuous liberty
Is worth a whole eternity of bondage.”

I have, &c.

(Signed) DAVID TURNBULL.

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

Fourth Enclosure in No. 161.

Mr. Turnbull to the Captain-General.

MOST EXCELLENT SIR,

Havana, June 10, 1841.

I AM informed by Henry Shirley that, being by trade a mason, he had built at Santa Cruz a dwelling-house, in which his wife, also a native of Jamaica, and a person of free condition, now lives. The piece of ground on which the house is built was presented to him five years ago by the Commandant of Santa Cruz.

Maria Rufina Napoli, the wife of Shirley, was formerly held in slavery in this island, but was manumitted several years ago by the late Governor of Puerto Principe, Don Francisco Sedano. Her daughter, however, is still held in slavery at Puerto Principe; and her freedom I have the honour to claim, together with a passport for her mother, the wife of Shirley, for Jamaica.

I have also the honour to ask your Excellency's authority to bring the house of Shirley at Santa Cruz to sale, in order to remit to him its value as soon as it is realised.

I have, &c.

(Signed) D. TURNBULL.

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

Fifth Enclosure in No. 161.

Mr. Turnbull to the Captain-General.

MOST EXCELLENT SIR,

Havana, June 10, 1841.

IN the Declaration of Henry Shirley, to which I have alluded in a separate Despatch addressed to your Excellency of this date, I find it stated that in the same vessel in which he was brought to this island from Jamaica, about ten years ago, there were five other persons, his countrymen and mine, four of whom are now alive and in slavery in this island. The fifth is stated to have committed suicide in consequence of the ill-treatment he received at the hands of the cruel master to whom he had been sold. The four survivors, George Fenwick, Washington, Francisco, and Johanna, I have now the honour to claim from your Excellency.

George Fenwick is at present in the service of a Catalan shopkeeper at Puerto Principe, called Don Ramon, whose shop is next door to that of Don Salvador Perez, in the Plazuela of that city. Washington is in the service of Don Segundo Socarras, who resides at Puerto Principe, and is the proprietor of a breeding pen on the other side of San Lazaro. Francisco was sold soon after his arrival at Trinidad, in this island.

Johanna was carried by Le Desma on her arrival from Jamaica to the house of the Filomena family, at Puerto Principe, to a member of which family Le Desma was afterwards married.

Under these circumstances I have the honour to suggest to your Excellency that Le Desma ought to be required to restore these four persons to Kingston,

Jamaica, from whence he brought them, and that he should be compelled to indemnify them for the sufferings and privations they have since endured
I have, &c.

(Signed) D. TURNBULL.

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

Sixth Enclosure in No. 161.

Mr. Turnbull to the Captain-General.

MOST EXCELLENT SIR,

Havana, June 17, 1841.

I BEG to offer your Excellency my best thanks for the unwonted privilege of assisting at the examination of Henry Shirley, in the presence of your Excellency's third Assessor-General, Don Pedro Villaverde, on the 15th instant, in pursuance of your Excellency's Despatches of the previous day.

In the course of that examination it transpired that there are now living at Puerto Principe two other British subjects, both natives of Jamaica, and both originally of free condition, but who are both now held in slavery within your Excellency's jurisdiction.

One of these persons, bearing the name of William Black, was the victim of the father of the same Antonio Le Desma, of Santa Cruz, by whom Henry Shirley was deprived of his liberty, so that the trade of man-stealing appears to have become hereditary in Mr. Le Desma's family. William Black is now held in slavery in consequence, probably, of an illegal purchase from the elder Le Desma, by a certain Don Blas de Betancourt, of Puerto Principe, from whom I have therefore the honour to claim him from your Excellency. The other individual referred to by Shirley bears now the name of Santiago, but his true name is James Blair. He is the cousin of William Black, and is a native of Montego Bay, in Jamaica. This James Blair was, like Shirley himself, the victim of the cupidity of Antonio Le Desma the senior. He is now held in slavery by a Spaniard whose name is unknown to Henry Shirley, but who resides within six or seven doors of the principal church of Puerto Principe. I am informed that James Blair is personally known to the Lieutenant-Governor; and, at all events, his cousin, William Black, can point him out to the local authorities.

These two persons I have now the honour to claim from your Excellency; and as they have both been suffering all the evils of slavery for more than ten years, I trust that your Excellency will do them the tardy justice of ordering their immediate liberation without such a tedious correspondence, and such a lengthened and unwarrantable imprisonment as have occurred in the case of Henry Shirley.

I have, &c.

(Signed) D. TURNBULL.

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

Seventh Enclosure in No. 161.

(Translation.) *The Captain General to Mr. Turnbull.*

Havana, June 12, 1841.

IN answer to your Despatch of the 10th instant, containing among other matters a request that the negro Shirley may be placed on board Her Majesty's ship "Romney," in order to be ready for the arrival of one of Her Britannic Majesty's ships, it is my duty to state to you that I cannot on any account consent to this removal; because, having the large, well-ventilated, and healthy barrack of the Fuerza for his destination, being the place of deposit for the foreigners of colour of all nations, such an exception would give rise to complaints.

Shirley must therefore remain in the dépôt of the Fuerza until his removal to the vessel by which he is to leave the island, the acceleration of which

must in a great measure depend upon you, because, in so far as this government is concerned, the necessary orders will be issued without a moment's delay, as soon as you have given notice that the vessel in which he is to embark is ready to sail.

With regard to the other particulars on which you have enlarged in this Despatch, I have remitted those of this date to the Assessor of the Cause, in order that he may administer justice.

God grant, &c.,

(Signed) GERONIMO VALDES.

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

Eighth Enclosure in No. 161.

(Translation.) *The Captain General to Mr. Turnbull.*

Havana, June 14, 1841.

WITH a view to a resolution on the demand made by you in your Despatch of the 10th instant, regarding the wife of Henry Shirley and her daughter, I have consented that a declaration be received from Henry Shirley in your presence, and I have appointed the hour of twelve to-morrow, the same for which you are invited for another declaration, when this proceeding will take place.

This I state to you that you may be good enough to attend at the residence of the Third Assessor-General, Calzada de San Luis Gonzaga, in front of the Guard-house in the Plaza de Tacon, that officer being commissioned to this effect.

God grant, &c.

(Signed) GERONIMO VALDES.

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

Ninth Enclosure in No. 161.

(Translation.) *Declaration of Henry Shirley.*

IN the ever most faithful city of the Havana, on the 15th June, 1841. Before the Third Assessor-General appeared the negro Robert Henry Francis Shirley, and having been sworn by the Assessor before me the notary, and in the presence of the consul of Her Britannic Majesty and the interpreter of the government, Don Luis Payne, the Despatch of the consul was produced, claiming the wife and daughter of Shirley, and the following questions were put to him:—

Being asked if he be married to the black woman, Maria Rufina Napoli, according to the laws of Spain or of any other country, and if he has had any children by this marriage or connection:—he answers that he was married to the person in question according to the laws of Spain, in the parish Church of Santa Ana, in Puerto Principe, about six years ago, by which marriage he had a son named William, who is since dead.

Being asked when his said wife had the daughter referred to in the consul's Despatch,—whether she was then a slave or of free condition,—what is the name of this daughter,—in whose service she is at Puerto Principe:—he answers that his wife had this daughter before her marriage to the witness; that she was then the slave of a man of fortune, a native of the country, who lives in Puerto Principe, and is called Thampini; that being a slave she bore this daughter to another man, and that the name of the daughter is Maria Feliciani Pini; but before her marriage, the mother received her freedom, and the daughter remained in servitude or slavery, and that she is now the slave of Doña Juana Maria, a widow who lives in the Calle de la Horca, in the house of her daughter in Puerto Principe; and the witness declares that if, by the sale of his house in Santa Cruz and some other effects, he could collect some money, he would willingly liberate this

daughter of his wife; and he would already have done so if he could have amassed 400 dollars, which her mistress asks for her; and he is now willing to give the house and the effects that he holds there, which may be worth the 400 dollars more or less, in order to procure the manumission of Maria Feliciana, the daughter of his wife.

That all this is true in virtue of the oath he has taken; and he does not sign his declaration because he does not know how to write. But the assessor, the consul, and Mr. Payne, attest this writing in his name.

(Signed) VILLAVERDE.
DAVID TURNBULL.
LUIS PAYNE.

Tenth Enclosure in No. 161.

(Translation.) *The Captain General to Mr. Turnbull.*

Havana, June 18, 1841.

YOUR Despatch of the 10th instant, regarding the statement of the negro Henry Shirley, that he had built a house at Santa Cruz, in which his wife, a person of free condition, born in Jamaica, now lives, I have remitted to the Third Assessor-General of the Governor, who, after making certain inquiries in your presence, has given the following advice:—

‘MOST EXCELLENT SIR

“WITH a view to a decision, it is right that the declaration of Shirley should be extended; and in order to avoid judicial discussion, and with every disposition to promote the desired result without the loss of valuable time, your excellency may be pleased to direct that the Consul be invited to be present at this proceeding, which may take place to-morrow in presence of one of the assessors, when Henry Shirley may be carried to the place of meeting at the hour which your Excellency shall appoint.

“This being done, your Excellency may reply to the Consul that this affair will proceed in the ordinary course without further discussion.

“*Havana, June 14, 1841.*”

“This I adopt, commissioning the Third Assessor-General, appointing 12 o’clock to-morrow, and writing to the Consul to attend at the office of the Assessor.

(Signed) VALDES.”

And having adopted this opinion, I transcribe it to you in answer, sending you at the same time a copy of the declaration for your government.

God grant, &c.,

(Signed) GERONIMO VALDES.

Eleventh Enclosure in No. 161.

(Translation.) *The Captain-General to Mr. Turnbull.*

Havana, June 14, 1841.

IN order to avoid future discussion as to the claim advanced by you in your Despatch of the 10th instant, as to the four other negroes, George Fenwick, Washington, Francisco, and Johanna, I have consented to the extension of the declaration of Henry Shirley, and for this purpose have commissioned the Third Assessor-General, and have determined that the examination shall take place in your presence.

And I have to apprise you that this proceeding will take place to-morrow at midday, in the Assessor’s private residence, Calzada de San Luis Gonzaga, in front of the Tacon guard-house, and when completed an answer will be returned.

God grant, &c.

(Signed) GERONIMO VALDES.

Her Britannic Majesty’s Consul,

&c. &c. &c.

Twelfth Enclosure in No. 161.

(Translation.)

Declaration of Henry Shirley.

IN the ever most faithful city of Havana, on the 15th June, 1841, before the Third Assessor-General, appeared the negro, Robert Henry Francis Shirley, who, being sworn before the Assessor by me, the Public Notary, in the presence also of Mr. D. Turnbull, the Consul of Her Britannic Majesty, and of Mr. Luis Payne, the Interpreter of the Government, the Declaration of the negro emitted by him on the 5th instant was produced, together with the Consul's Despatch of the 10th, demanding the removal to Jamaica of the four negroes referred to, namely, George Fenwick, Washington, Francisco, and Johanna; and I have to state that the Declaration is the same with that emitted before the Assessors, with this difference, that the George of whom it is said he had not spoken is that same Jack Piniqui, immediately afterwards referred to, and which ought to have been written George Fenwick; that the Francisco, one of the four pointed out by the Consul, and not spoken of in the declaration, is another negro brought also from Jamaica, of whom Washington, otherwise Ramon, can give an account, which Washington is now in the service of Don Segundo Socarras, and also George Fenwick, now called José Antonio, in the service of the shopkeeper Don Ramon, spoken of in the Declaration. With regard to Francisco, Shirley had seen him in Puerto Principe, at the time of his arrival from Jamaica, and George Fenwick says of him that he had been sent to be sold in Santa Spiritus, and from thence to Trinidad. That he did not speak of Francisco in his former Declaration, because he did not then remember him; that the person in whose service Wm. Black then was in Puerto Principe is called Don Blas Betancourt. That when Le Desma's vessel was in the harbour of Kingston, the declarant went on board to work his passage to Montego Bay on the usual conditions, which he accordingly did; that the negress Johanna was then on board, and when the vessel was at anchor in Montego Bay, he was ordered to carry down to this negress her dinner, which accordingly he did, and afterwards fell asleep, and when he awoke he found the vessel under sail in the open sea; that when the vessel came to anchor in Montego Bay, he asked of Le Desma permission to land three different times, but was refused, under the promise that he should be allowed to land when Le Desma returned from the shore, to which he proceeded in a boat without allowing the declarant to go with him; so that he was brought to this island against his will, and without his consent having been asked by Le Desma, as it ought to have been; that on his arrival in this island, Le Desma made him change his dress, and charged him, if he were asked, to say that he was not free. That in the Declaration which he emitted on the 5th instant, and which has now been ratified, he was at perfect liberty, and if he did not make the additions which now appear, it was because he did not recollect them. That all this is true in virtue of the oath he has taken, and he does not sign the declaration because he does not know how to write, but it is signed by the Assessor, the Consul, and the Interpreter, which I, the Notary, attest; and also that Shirley claims indemnification for the damages sustained by him at the hands of Le Desma, both civil and criminal, before his Excellency the Captain General, the Political Governor, and the other competent Tribunals of this Island, expressing his hope that these Tribunals will do him justice as promptly as his demand and the course of justice will permit.

(Signed)

VILLAVERDE.
D. TURNBULL.
LUIS PAYNE.

Before me,

DR. MATEO QUINTERO.

Thirteenth Enclosure in No. 161.

The Captain-General to Mr. Turnbull.

(Translation.)

Havana, June 18, 1841.

YOUR Despatch of the 10th instant regarding a certain inquiry arising out of the declaration of Henry Shirley, and regarding other negroes which you say are living in slavery, although free, was remitted to the third Assessor-General of the Government, who, after taking certain steps in your presence, now writes to me what follows :—

Havana, June 17, 1841.

MOST EXCELLENT SIR,

“According to the declaration of Henry Shirley emitted on the 5th instant, and according to the ratification of that declaration, which took place the day before yesterday, in presence of her Britannic Majesty’s Consul and the interpreter of the Government, there are now in Puerto Principe originally from Jamaica, the negroes Washington, now called Ramon, in the service of Don Segundo Socarras, who lives at the Four Corners of San Francisco, and is proprietor of a breeding pen at the bridge of San Larazo ; George Fenwick, now called José Antonio, in the service of Don Ramon, who sells coffee in a shop close by that of Don Salvador Perez, in the square of Don Luca ; and the negress Francesca, formerly called Johanna. That these were sold in Jamaica, where they were slaves with another called William Henry, now dead, as maroons or runaways, and that as such they were brought here by Don Antonio Le Desma ; Shirley also states that there exists another negro called Francisco, from the same place, whom he had seen at Puerto Principe on his arrival from Jamaica, regarding whom George Fenwick, now José Antonio, stated, he has been sent to be sold at Santa Espiritu and from thence to Trinidad, adding that this George, and also Washington, otherwise Ramon, could give an account of this Francisco. He states also that there exists in Puerto Principe a negro named William Black, now in the service of Don Blas Betancourt, and formerly in that of Don José Jalch, who is a baker, and occupies a large house ; that this William was from Palenque, and that his relations carried him to Kingston, where Shirley knew him. That he afterwards saw him in Puerto Principe, and knew that he had been carried there by Don José Antonio Le Desma, the father of Don Antonio, and both inhabitants of Santa Cruz. That there was also brought from Jamaica, before Shirly, a free Mulatto, a native of Montego Bay, formerly called James, but now Santiago, who is at present at Puerto Principe, living beyond the Governor’s house on the left hand ; that he is a coachman and a cook, and is married to a negress, the slave of the same person in whose service he himself is.

“This is the result of the declaration and ratification of Shirley, emitted in presence of the Consul, who heard him state that George Fenwick Washington, and Johanna, otherwise Francisco, had been slaves in Jamaica.,

“In this state of matters the removal required by the Consul cannot be immediately determined on, because the possession of those who now hold them ought to be respected, more especially as their original servile condition was not made worse by the acquisition of the present proprietors.

“I am therefore of opinion that the Lieutenant-Governor of Puerto Principe ought to receive a declaration from Don Antonio Le Desma, regarding his acquisition of the negroes Washington, George Fenwick, and Johanna, otherwise Francisca. That these negroes should themselves be examined by the Sindico of Puerto Principe, and asked for the names of their several owners in Jamaica, and whether they are aware that they were sold as runaways, and that as such they had been brought here by Don Antonio Le Desma, and on what day, month, and year they left their own country, and also when they arrived in this island. That George and Washington be also examined regarding the residence of the other named Francisco, inquiring whether he was a Slave or of free condition in Jamaica, and in the former case the name of his owner in that country. That a declaration be also taken from the negro William Black, and the Mulatto James, inquiring as to their place of nativity, and the time of their coming from Jamaica, their

state and condition in that country, and the cause of their removal to this island. Examining also the persons in whose service they are, inquiring when and by what title they became possessed of them, and from whom they acquired them in case they be held as slaves. In communicating these orders to the Lieutenant-Governor, it is fit to warn him to prosecute this affair with all the urgency and preference which its nature demands, and if possible to send the original documents by an intermediate courier; making the persons in whose houses or in whose power these negroes and the Mulatto may be, understand that on their peril they must not dispose of them until this Supreme Political Government shall have finally resolved on their condition; in order that they may enjoy their liberty who ought to enjoy it; and that those may remain in servitude who, without prejudice to third parties, and without disturbing rights legally acquired, cannot be declared free.

“Your Excellency may issue orders accordingly to the Lieutenant-Governor of Puerto Principe, at the same time answering her Britannic Majesty’s Consul, by transmission of this opinion for his information, and at the proper time there may also be communicated to him the other proceedings thus ordered to be adopted; or otherwise as your Excellency may see most fit.”

(Signed) “PEDRO F. VILLAVERDE.”

Havana, June 17, 1841.

I ADOPT the proposal of the Assessor, and direct the Lieutenant-Governor of Puerto Principe to require Don Antonio Le Desma and the other persons referred to in the preceding opinion, to produce the justificatory documents establishing their right to the negroes in question, taking their testimony on the subject, and remitting it with all the promptitude required.

(Signed) VALDES.

Havana, June 18, 1841.

And having adopted the tenor of this opinion, I transcribe it to you in answer, together with the decree to which it refers, and a literal copy of the whole proceedings for your Government.

God grant, &c.

(Signed)

GERONIMO VALDES.

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

Fourteenth Enclosure in No. 161.

The Captain-General to Mr. Turnbull.

Havana, June 18, 1841.

In my Despatch of the 12th instant I stated to you, among other matters, that I had remitted your communication of the 10th regarding Henry Shirley, to the third Assessor-General of the Government, and having accordingly done so, he has given me the following advice:—

MOST EXCELLENT SIR,

THE reasons assigned by Her Britannic Majesty’s Consul are not sufficient to justify the removal of the negro Shirley on board the receiving ship “Romney,” from the barrack of the Fuerza. He reminds your Excellency that while this negro was detained in Puerto Principe during the investigation, he was told that this Henry had died there. He states that another negro, named Washington, now lives a slave in Puerto Principe, and that as to him Le Desma had procured an illegal written title. That while Shirley was detained in Puerto Principe, he was strongly urged to assume the name of Washington, which he refused to do, and that recently in another Despatch he had been told that Shirley had been sold as a Slave in Jamaica. He concludes with the complaint that he cannot discover any answer or allusion to his demand, that Le Desma should be brought to a public trial in the Ha-

CLASS B.

vana, or that he be sent for this purpose and for punishment to Jamaica, and that Shirley be indemnified for the the time he was deprived of his freedom.

From all that appears in this Despatch, I am of opinion that an answer should be sent to Her Britannic Majesty's Consul, stating that the removal of Shirley to the "Romney" cannot be granted. That in point of fact, the negro who died or committed suicide was also called Henry, and as that was one of the various names given by Shirley in his declaration, it is not to be wondered at that the one negro should have been confounded with the other. But the noble and ingenuous procedure of this Government is established by the fact of its having persevered in the investigation, by its having acknowledged the identity of Shirley, and by its having given him the power as a free man of returning to his own country; which result has made all this consequential and extemporaneous recrimination unnecessary; as well as what is stated with regard to Shirley's having been urged or not urged in Puerto Principe to change his name for that of Washington, a thing which is not certain merely because Shirley asserts it; and if it were so and were also legally proved, your Excellency, without this indication, would have caused the weight of your authority to be felt by the seducers. The assertion that the Consul was told in another Despatch that Shirley had been sold as a slave in Jamaica is equally destitute of motive, since Shirley has already been regarded and treated as a free man; nor could it either injure him or favour him, that it had been believed that his name had been confounded with that of another negro who had previously been a slave in Jamaica, because nothing followed from that supposition, and because the result of the investigation has been as favourable to Shirley as possible.

In disposing of this affair and holding Shirley to be a person of free condition, there is nothing to prevent him from instituting the civil and criminal proceedings to which he may be entitled against Le Desma or others. Far from that, the courts of justice and your Excellency will administer prompt justice on the case that may be presented to you.

Your Excellency may therefore say to Her Britannic Majesty's Consul, declaring to him at the same time your Excellency's decided resolution to give full effect to the laws, as has been repeatedly demonstrated, extending to Shirley, as a foreigner, all the protection which his just demands may entitle him to; the facts on which he rests his complaints being supported by competent evidence; in order that the Consul may make it known to Shirley, and that he may proceed according to law, because it cannot be allowed that Le Desma should be sent in person to Jamaica in order to be subjected to foreign tribunals; nor even here can he be exposed to a criminal prosecution on the mere official demand of the Consul; it being competent to Shirley as a man of free condition and full age, and for his class sufficiently intelligent, to proceed in the form prescribed by law.

This is my opinion. Your Excellency may be pleased to adopt it or otherwise as may be most fit.

And I have accordingly adopted the preceding opinion, and transcribe it to you for your Government.

God grant, &c.

(Signed)

GERONIMO VALDES.

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

Fifteenth Enclosure in No. 161.

(Translation.) *The Captain-General to Mr. Turnbull.*

Havana, June 21, 1841.

In consequence of the declaration of Henry Shirley on the 5th instant, and ratified by him in your presence on the 15th before the Third Assessor-General, who received it by my orders, I have issued the necessary directions for placing in a clear point of view the actual state and condition of the two individuals referred to in your Despatch of the 17th instant; and I have

taken care that these men shall not be concealed nor molested during this investigation, which will be promptly effected under the orders I have issued in consideration of the urgency of the affair.

It is important to record in this place that it was not in the Act of Ratification of the 15th, but in the previous declaration of the 5th, that the existence of these individuals transpired, as what Shirley stated was then correctly set down, which you had occasion to see when you attended the ratification. This I state to you in answer to your Despatch of the 17th.

God grant, &c.

(Signed) GERONIMO VALDES.

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

Sixteenth Enclosure in No. 161.

Mr. Turnbull to the Captain-General.

MOST EXCELLENT SIR,

Havana, June 22, 1841.

I HAVE the honour to acknowledge the receipt of your Excellency's Despatch of yesterday's date, containing the agreeable and unsolicited assurance, on which I do not hesitate to place the most implicit reliance, that your Excellency has given orders that the two free-born Englishmen, William Black and James Blair, now in Slavery in Puerto Principe, shall not be concealed or molested during the investigation which your Excellency has so considerably ordered to be prosecuted vigorously.

And I acknowledge with sincere thankfulness that the fact of the existence of these men in slavery appeared in the minutes of the original examination of Henry Shirley on the 5th instant, as well as that the perfect honour and good faith of your Excellency's Assessor-General, Don Pedro Villaverde, throughout this transaction was fully demonstrated to me on the occasion of the ratification of Shirley's deposition on the 15th, at which I was present.

I have only to add the expression of my earnest desire that your Excellency's orders may be executed with equal good faith by the agents of the Government at Puerto Principe.

I have, &c.

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

(Signed) D. TURNBULL.

Seventeenth Enclosure in No. 161.

Mr. Turnbull to Sir Charles Metcalfe.

SIR,

Havana, June 14, 1841.

I HAVE at length the supreme satisfaction of acquainting your Excellency that Henry Shirley has been brought to the Havana, and has been placed at my disposal by the Captain-General.

Independent of the principles involved in his case, I find that Shirley, from the qualities of his head and heart, well deserves all the trouble we have had in the recovery of his freedom.

In the same vessel in which he was inveigled and brought to this island, it appears that there were five other English negroes, namely, William Henry, George Fenwick or Finnick, Washington, Francisco, and Johanna.

Of these, the first is now dead, having committed suicide soon after his arrival in consequence of ill-treatment.

George Fenwick and Washington are both now in slavery at Puerto Principe, and Francisco at Trinidad de Cuba; but as to Johanna, I have not been able to learn anything from Shirley, except that she was carried by Le Desma to Puerto Principe, and placed at first in the house of one Filomena.

These four persons I have formally demanded of the Captain-General; and until they are all restored or accounted for, I pray your Excellency to continue to inquire after them from time to time, as every such inquiry serves greatly to strengthen my hand.

The cases of Shirley's wife, also a native of Jamaica, formerly held in slavery, but now a free resident of Santa Cruz, and of her daughter, who is still a slave at Puerto Principe, appear to require immediate attention.

Shirley having been originally a mason, built a house for himself at Santa Cruz, on a piece of ground presented to him by the commandant. This house he values at 300 dollars; and he has left also money in the hands of his wife to purchase the freedom of his step-daughter, which he is anxious to do in order that they may both follow him to Jamaica as soon as possible.

In the course of a few days I hope to be able to communicate to your Excellency the result of the researches of a friend of mine, one of the most distinguished of our Creole abolitionists, now on a journey in the interior of the island, who has engaged to make enquiries for me as to many other kidnapped negroes, who are known to be now in slavery in Cuba.

In the meantime, as a measure of prevention which is even better than cure, it humbly appears to me that we ought not to lose sight of Mr. Le Desma until he is brought to account for his crimes, or until Shirley and his family are indemnified for his sufferings.

Your Excellency will have difficulty in believing that Shirley has been in prison at Puerto Principe for the last eight months, during the whole process of our enquiries regarding him, and of course at the very moment when the Prince of Anglona was gravely writing to me of his death.

In the course of this imprisonment, as Shirley himself will explain to your Excellency, the poor fellow was urged to renounce his own name and adopt that of Washington, who had been originally a slave; but, thanks to his honesty as much as to his good sense, he did not fall into the snare, which had it been successful, might have proved a serious obstacle to the recovery of his freedom, as it was formally intimated to me by the present Captain-General that Shirley had been sold into slavery by one of his own countrymen.

His Excellency having refused to allow me to receive Shirley on board the "Romney," he must of course remain a prisoner at the Havana, until your Excellency can make it convenient to send for him. I confess that I should be glad to give as much *éclat* to the removal as possible. For the more it is talked of the more likely shall we be to recover the freedom of other English negroes now in slavery in Cuba.

I have, &c.

Sir Charles Metcalfe, Bart.
&c. &c. &c.

(Signed) D. TURNBULL.

No. 162.

Mr. Turnbull to Viscount Palmerston.

Havana, June 28, 1841.

(Received July 31.)

MY LORD,

I HAVE the honour to enclose the copy of a letter from the Commander of the "Romney," a young officer, perfectly disposed to promote the great objects of the service for which he has volunteered, announcing the sailing, this afternoon, of the celebrated slaver "Venus."

From a separate Despatch,* your Lordship will see that I had denounced this fact to the Captain-General; and I am now bound to state, that no notice whatever has been taken of my communication.

I have, &c.

(Signed) D. TURNBULL.

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

Enclosure in No. 162.

Lieut. Bathurst to Mr. Turnbull.

SIR,

H. M. S. "Romney," Havana, June 28, 1841.

I BEG to inform you, that, at one o'clock this afternoon, the "Venus" slipped from her moorings under the sheers, and proceeded, under easy sail,

* See Enclosure 12 in No. 160.

out of the harbour. Before rounding the light-house, she hoisted Portuguese colours. I have every reason to believe she is going on a voyage to Africa for negroes, as I have been informed by a Spanish pilot that her men receive 40 dollars a month, on an agreement that, should they fall in with an English man-of-war, they will engage her.

I have, &c.
(Signed) J. BATHURST.

D. Turnbull, Esq.,
&c. &c. &c.

No. 163.

Viscount Palmerston to Mr. Turnbull.

Foreign Office, August 3, 1841.

SIR,

I HAVE received your Despatch of the 17th of May last, and its Enclosures, respecting the seaman James Buchanan, who had been kept confined at prison in the Havana. And I have to desire that you will inform the Captain-General of Cuba, that it is your duty, as Consul, to claim the release of any British subject who may be wrongfully detained by the local authorities, whether such person belong or not to Her Majesty's naval service.

I have further to desire, that you will endeavour to ascertain whether James Buchanan has again been imprisoned in any port in Cuba; and, if so, that you will, by note to the Captain-General, state that you are ordered by Her Majesty's Government to demand the immediate release of Buchanan.

I am, &c.
(Signed) PALMERSTON.

David Turnbull, Esq.,
&c. &c. &c.

No. 164.

Viscount Palmerston to Mr. Turnbull.

Foreign Office, August 14, 1841.

SIR,

I HAVE received your Despatch of the 19th May, enclosing copy of a communication which you had addressed to Lord John Russell, in which you state your opinion that British cruizers might capture, in a Spanish port, foreign slave vessels not being Spanish.

I have referred your Despatch and its Enclosures to Her Majesty's Advocate-General, and that officer has reported it to be his opinion, that British cruizers are not authorized, by treaty or otherwise, to capture foreign slave vessels in Spanish ports.

I have to desire that you will take this opinion of Her Majesty's Advocate-General for your guidance in advising with the officers of Her Majesty's Navy as to the measures to be taken by them for suppressing the Slave Trade.

I am, &c.
(Signed) PALMERSTON.

David Turnbull, Esq.,
&c. &c. &c.

No. 165.

Mr. Turnbull to Viscount Palmerston.

Havana, July 8, 1841.
(Received August 25.)

MY LORD,

Two Portuguese seamen, José Antonio de Silva and Antonio José de Castro, have just entered on board the schooner "Adeona," of Guernsey, Captain Ollivier, which is to sail to-morrow for the Port of London.

These men have recently arrived here from the coast of Africa, the one in the "*Trueno*," the other in the "*Tres de Febrero*," both of which have landed their cargoes successfully.

I have requested Captain Ollivier not to pay off these men until he has had an opportunity of delivering this letter at the Foreign Office, in order that the two seamen may be subjected to a direct examination, should your Lordship think that necessary.

I have, &c.

(Signed)

DAVID TURNBULL.

Lord Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 166.

Viscount Palmerston to Mr. Turnbull.

SIR,

Foreign Office, August 26, 1841.

I HAVE received your Despatch of the 28th of June last, on the subject of the British Negroes held in slavery in Cuba.

I have sent a copy of your Despatch to Her Majesty's Minister at Madrid, and I have instructed him to request that the Spanish Government will send directions to the Captain-General of Cuba, to send Le Desma prisoner to Jamaica, to be tried for his offence; or, if that cannot be done by Spanish law, to bring him to public trial at the Havana.

I have further instructed Mr. Aston to represent to the Spanish Government that many British subjects are still held in slavery in Cuba, and that Her Majesty's Government claims and demands as a right from the Government of Spain, that all those persons shall be immediately released, and placed on board Her Majesty's ship "*Romney*," under your care.

I have also stated to Mr. Aston, that you are instructed to take all the steps which may be necessary for finding out all British subjects in Cuba who are illegally detained in bondage, and that you will apply to the Captain-General for the release of all persons whom you may find to be so detained.

I am, &c.

David Turnbull, Esq.,
&c. &c. &c.

(Signed)

PALMERSTON.

No. 167.

The Earl of Aberdeen to Mr. Turnbull.

SIR,

Foreign Office, September 21, 1841.

VISCOUNT PALMERSTON referred to the proper law adviser of the Crown your Despatch of the 17th December last, proposing that you should be furnished with a Power of Attorney to enable you to prosecute, in the Spanish courts of law, a demand for wages and other money due to Juan Fontanales, a British subject, kidnapped from Sierra Leone, and held some time illegally in slavery in Cuba.

And I have now to acquaint you, that although, under the very peculiar circumstances of the case, Her Majesty's Government is justified in directing you to use your good offices with the Spanish authorities, and to take all proper means for promoting the success of claims which may be preferred on this account by Juan Fontanales, yet that it must rest with Juan Fontanales himself to determine whether the proceedings for the recovery of the sums due to him in this case shall be carried on, and whether he will supply the means, and send out the power of attorney, necessary for that purpose; for that it does not fall properly on Her Majesty's Government to carry on and to defray the expense of a suit for the benefit of an individual.

I am, &c.

David Turnbull, Esq.,
&c. &c. &c.

(Signed)

ABERDEEN.

No. 168.

*Mr. Turnbull to Viscount Palmerston.**Havana, August 3, 1841.**(Received October 7.)*

MY LORD,

AN extensive sugar-plantation, bearing the name of Belfast, was formed in this island, in the neighbourhood of Cardenas, about two years ago, by Mr. Campbell Faloon, a native of the town whose name he has given to the estate, and who had long been a successful planter in the colony of Berbice. After expending on this new creation some 70,000 or 80,000 dollars, through the American house of George Knight and Co. of Havana, who had acted as his factors, and have since become insolvent, Mr. Faloon, a few months ago, ceased all communication either with these gentlemen, or with the resident manager, Mr. Ling, who is also an American.

Having learned from another British subject, Mr. Smylie, who had come to Havana from Demerara in search of employment as a distiller, that Mr. Faloon had left his estate in Berbice, with the intention of re-visiting this island, that he had embarked in a British vessel bound from George Town to New Orleans so long ago as January or February last, but that he was then in a precarious state of health, I lost no time in writing to Her Majesty's Consul at New Orleans on the subject, in order, if possible, to ascertain whether Mr. Faloon were yet alive, but as yet I have not been favoured with any answer from Mr. Crawford.

I addressed myself also to the Captain-General, requesting his Excellency, in consideration of the peculiar circumstances of the case, and in virtue of the unlimited power with which he is invested, to stay the judicial proceedings which were threatened on the part of persons claiming to be creditors, for debts which were either of doubtful origin or of a very limited amount, but which, nevertheless, if recklessly pursued, would be attended with ruinous consequences.

Having afterwards learned that the estate of Belfast is peopled with Bozal negroes, I communicated that fact to the Captain-General; and whatever measures might be taken with reference to my previous application, I requested that these Bozals, at least, might not be sold, until the question of their right to their freedom should be determined.

I am informed, nevertheless, that the persons claiming as creditors have been allowed to proceed with the liquidation of their demands, and that these Bozal negroes are about to be assigned to them in payment.

I have, &c.

(Signed) D. TURNBULL.

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

No. 169.

*Mr. Turnbull to Viscount Palmerston.**Havana, August 10, 1841.**(Received October 7.)*

MY LORD,

I HAVE the honour to enclose Copies of the Declarations emitted before me on the 7th of July last, by two Portuguese seamen who had recently returned from the coast of Africa, but having renounced their Slave Trade practices, had engaged in the British schooner "Adeona" of Guernsey, Captain Ollivier, bound for the port of London. Lest the original Despatch, transmitted by Captain Ollivier, of which the Enclosure No. 3 is a duplicate, should not have reached your Lordship's hands, I take this opportunity of bringing the subject under your Lordship's consideration.

I have, &c.

(Signed) DAVID TURNBULL.

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

First Enclosure in No. 169.

*Declaration of José Antonio da Silva.**Havana, July 7, 1841.*

JOSE ANTONIO DA SILVA, a native of Lisbon, 34 years of age, lately entered by the shipping-master of Havana on board the schooner "Adeona" of Guernsey, Captain Peter Ollivier, declares that he arrived at the Havana six or eight weeks ago, on board the Portuguese schooner brig "*Trueno*," Captain Eugenio Fernandez. That the "*Trueno*" embarked her cargo of negroes at Ayuda, and landed them at Bahia Honda after six weeks' passage. That the "*Trueno*" has since sailed again for the coast of Africa, under a different commander and a different crew; and Captain Eugenio Fernandez, according to the belief of the witness, is still at the Havana. That the witness arrived at Ayuda on board an American-built vessel under the Portuguese flag, which he had joined at Bahia, called the "*Don Pedro Segundo*;" which vessel was captured by an English brig-of-war on the coast; which, after landing the crew, carried the "*Don Pedro Segundo*," and her captain, Joaquim José Maria, to Sierra Leone. That after the discharge of the cargo the "*Trueno*" was brought round to the Havana, and there placed under quarantine. That the armament of the "*Trueno*" remained on board at the time of the visit of the Spanish officers in the quarantine ground, consisting of a long 18-pounder pivot gun, similar in all respects to that which existed on board the vessel which captured the "*Don Pedro Segundo*," together with musketry, cutlasses, and other small arms.

(Signed) JOSE ANTONIO DA SILVA.

Second Enclosure in No. 169.

*Declaration of Antonio José de Castro.**Havana, July 7, 1841.*

ANTONIO JOSE DE CASTRO, a native of Oporto, 38 years of age, lately entered by the shipping-master of Havana on board the schooner "Adeona" of Guernsey, Captain Peter Ollivier, declares that he arrived at the Havana about a month ago, on board the Portuguese schooner brig "*Tres de Febrero*," Captain Francisco José de Souza, a native of Lisbon, who still remains her master. That the "*Tres de Febrero*" received a cargo of negroes at a place called Popo, three days' sail from Ayuda; and after 32 days' passage, landed 230 of them within sight of the city of Matanzas, 35 having died during the voyage. That four days after the landing of the negroes the "*Tres de Febrero*" was brought round to Havana, which she entered with her long 18-pounder pivot gun still mounted, and her musketry and small arms still on board; but the pivot gun was landed a fortnight ago at Casa Blanca. That the witness entered the "*Tres de Febrero*" about five months ago at the Havana; and proceeded directly to Popo, where they found a cargo ready for them. That they saw no English armed vessel in the course of their voyage; but the "*Tres de Febrero*" is a very fast sailer. That the wages of the witness and the able seamen of the crew was 45 dollars a-month, and those of the ordinary seamen 40 dollars a-month; but his engagement on board the "Adeona" is not more than 10 dollars. That the "*Tres de Febrero*" is now fitting out at Casa Blanca for the coast of Africa, and will be ready in about a month. That there are eight factories at Popo; two of which are French, and the other six Spanish or Portuguese. That the French factories are engaged in lawful trade, but the whole of the other six are slave dealers.

(Signed) ANTONIO JOSE DE + CASTRO.
his
mark.

Third Enclosure in No. 169.

Duplicate of No. 165.

No. 170.

*Mr. Turnbull to Viscount Palmerston.**Havana, August 16, 1841.**(Received October 7.)*

MY LORD,

I THINK it my duty to acquaint your Lordship that I have received information of a fact which has recently occurred at Matanzas, having a tendency, if renewed, in the present state of the public mind on the subject of the abolition of slavery, to excite alarm on the part of the proprietors, and to provoke complaints on the part of the Government.

The brig "Flora" of Dundee, Captain Hunter, built I believe in 1824, arrived at Havana on the 24th of May last, and sailed from hence on the 27th of June to Matanzas; where, having been chartered by Mr. Mooyer, the Russian Consul-General in this city, she shipped a cargo of sugar, the destination of which was fixed by the charter-party, after calling at Cowes for orders, either for St. Petersburg or some port in Great Britain. Just before the sailing of the "Flora," the exact date of which I cannot now specify, but probably about the 20th ultimo, two slaves sought refuge on board, and were seen there at the moment of her leaving the harbour; in consequence of which the local authorities sent out a pilot-boat in chase of the "Flora," which, however, did not come up with her.

One of these slaves, for some time the property of Mr. Coulson, an English resident at Matanzas, belonged formerly to the gang, nearly 100 in number, introduced into this island about 20 years ago, by Mr. Forbes, from the Bahamas; so that this individual had doubtless represented himself to Captain Hunter as a British subject, unjustly held in slavery, and desirous of returning to his own country. The companion of his flight is, I understand, a Bôzal negro; so that perhaps neither the one nor the other, by the laws of this country, could be legally held in bondage.

In consideration of the motives of Captain Hunter, which must be presumed to have been founded in humanity, I submit to your Lordship that it might be well to have him warned, that if he were to return to this island, and more especially to Matanzas, he might be personally exposed to inconvenience, and the interests of the owners of his ship to danger.

It is probable that the two slaves have been landed at Cowes; in which case it might be convenient to have them placed in communication with Lord John Russell, who desires information regarding the party introduced into this island by Mr. Forbes from the Bahamas.

I have, &c.

(Signed) DAVID TURNBULL.

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

No. 171.

*Mr. Turnbull to Viscount Palmerston.**Havana, August 27, 1841.**(Received October 7.)*

MY LORD,

ANOTHER distressing instance of the kidnapping of free British subjects, and of selling them into slavery in this island, has just been brought under my notice.

James Thompson, a native of Nassau, New Providence, has come to me to claim my protection, and has directed me to evidence by which I have been convinced of the truth of the statement contained in the declaration, a copy of which is enclosed.

As this unfortunate young man is in constant danger of arrest and punishment as a runaway slave, the best I fear that can befall him is that I should represent the case to the Captain-General, when he will probably be committed to prison for an indefinite period, until the uncertain result of a tedious and harassing investigation.

CLASS B.

I pray most earnestly for your Lordship's support in making these demands, the materials for which are apparently very considerable.

I have, &c.

(Signed) DAVID TURNBULL.

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

Enclosure in No. 171.

James Thompson's Statement.

Havana, August 27, 1841.

JAMES THOMPSON, a mulatto, about thirty years of age, declares that he is a native of Nassau, New Providence; that he was born free; that his mother was originally a slave of his father, John Thompson, a fisherman at Nassau, a white man, and native of the island, but his mother was manumitted before he was born; that he had a full sister, older than himself, who at an early age married an American named John Norris; that John Thompson, the father, died when the witness was seven years of age; that his mother was left by his father in easy circumstances, and he and his sister lived with their mother after their father's death, and it was three months after the death of his father that his sister was married. That about a year after his father's death John Norris came to Gibara, in this island, in a brig which had belonged to his father, and brought the witness with him to a coffee estate which he had purchased before his marriage; that he brought his wife also with him, but quarrelled with her soon after their arrival, when she left him and returned to Nassau, after which Norris sold witness to an Irishman named Thomas Wheeler, a person who carried on trade between Gibara and Nassau in a sloop belonging to himself; that Wheeler had also a baking establishment at Gibara, in which the witness was employed for the eight years he remained with Wheeler; that Wheeler having died, his widow sold the witness to a French baker in Puerto Principe, named Bartolome Ferrer, where he remained for six years; that the Frenchman having become bankrupt, the witness was sold at the suit of his creditors; that one of these, named Don Pancho, brought the witness to Havana and sold him to a coffee-planter named Don Juan Marquette, who carried him to his plantation called San Miguel, in the partido of Guirra Melena, about eighteen leagues from Havana; that on this estate he has been beaten and maltreated, and he therefore made his escape, and has come on to the Havana to claim protection from Her Majesty's Consul.

Lane Smith, a native of St. Domingo, declares that she knew James Thompson at Nassau, where she resided for many years, and where she knew his mother before he was born; that when he called for her this morning she recognised him directly to be the same person she had known at Nassau.

No. 172.

Mr. Turnbull to Viscount Palmerston.

Havana, August 29, 1841.

(Extract.)

(Received October 7.)

In the course of the duty which I understand to be incumbent upon me of endeavouring by all the means in my power to promote the execution and expose the infractions of treaties to which Great Britain is a party, I have, on several occasions within the last month, addressed myself to the Captain-General to denounce the equipment of slavers for the Coast of Africa, at the notorious wharf of Casa Blanca in this port.

By the enclosed, No. 1, your Lordship will perceive that eight different slavers are denounced by name, besides one to which no name had yet been given. Those named are the "*Invincible*," the "*Pampero*," the "*Venus*," the "*Trueno*," the "*Nueva Amalia*," the "*Salomé*," and two called the "*Tres de Febrero*."

In my Letter, No. 2, I intimated that the "*Invincible*" had been allowed to sail, and that the "*Pampero*" was making great progress in her equipment.

By No. 3 I directed his Excellency's attention to another vessel, not yet named, preparing for a similar destination, and I intimated that the "*Pampero*" had been suffered to sail.

And this day, by No. 4, I have denounced the schooner "*La Paz*" and the brigantine "*Vapor*," which are doubtless destined to follow their consorts in this criminal enterprise.

First Enclosure in No. 172.

Mr. Turnbull to the Captain-General.

MOST EXCELLENT SIR,

Havana, July 31, 1841.

I AM credibly informed that the brigantine "*Invincible*," now lying at Regla, at the wharf of Palacio, is about to sail for the Coast of Africa under the command of Captain Fernando Carreras, the same person who arrived a few weeks ago in command of the "*Aguila*," otherwise the "*Diligente*," the fate of which is so well known to your Excellency. As the "*Invincible*" is fully equipped for the Slave Trade, provided with a slave-deck, water-casks, and coppers for a numerous cargo, and is besides most formidably armed, I trust your Excellency will see it right to interdict her from leaving the port, the more especially as there is no longer any Portuguese Consul in this harbour by whom her papers could be legalised.

I have further the honour to state, that the brig-schooner "*Pampero*," now lying at Casa Blanca, at the wharf of Señor Sama, is far advanced in her preparations for a similar destination, having her water-casks already on board; and with regard to her, your Excellency can have no difficulty, as she dares to assume the flag of Spain.

Another vessel, which lately arrived as a schooner, and is now fitting as a brigantine at Casa Blanca, I am assured is also destined for the African Slave Trade.

I regret to be obliged to add that the "*Venus*," the "*Trueno*," the "*Nueva Amalia*," the "*Salomé*," and two different vessels under the name of "*Tre de Febrero*," have all been allowed to sail within these few weeks after being fully equipped for the same unlawful destination.

I have, &c.

(Signed)

D. TURNBULL.

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

Second Enclosure in No. 172.

Mr. Turnbull to the Captain-General.

MOST EXCELLENT SIR,

Havana, August 2, 1841.

WITH reference to my Despatch of the 31st ultimo, I lament to be obliged to state to your Excellency that the brigantine slaver "*Invincible*" has since been permitted to leave this harbour under the Portuguese flag fully armed and equipped for the African Slave Trade.

It is my painful duty to add, that the "*Pampero*," to which I had the honour to direct your Excellency's attention in my Despatch of the 31st ultimo, has since made great progress in her equipment, having now her crew and water on board; and I have therefore very earnestly to renew my request that your Excellency will interpose your high authority to prevent these glaring infractions of the existing Treaties between Spain and Great Britain.

I have, &c.

(Signed)

D. TURNBULL.

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

Third Enclosure in No. 172.

Mr. Turnbull to the Captain-General.

MOST EXCELLENT SIR,

Havana, August 21, 1841.

It is my duty to state to your Excellency that a vessel, now lying at Casa Blanca, completely fitted out for the Slave Trade, is about to sail for the Cape de Verds, there to obtain Portuguese papers and strengthen her crew before receiving her cargo of slaves. This vessel, altered from a schooner to a brig-schooner, is the same which lately arrived from Sierra Leone with passengers who had formerly belonged to the crews of captured slavers.

I pray your Excellency to prevent this fresh infraction of the Treaties between Spain and Great Britain.

I beg also to be allowed to state that the slaver "*Pampero*," the equipment of which I had the honour to denounce to your Excellency, has since been suffered to sail for her criminal destination.

I have, &c.

(Signed) D. TURNBULL

The Captain General of Cuba,
&c. &c. &c.

Fourth Enclosure in No. 172.

Mr. Turnbull to the Captain-General.

MOST EXCELLENT SIR,

Havana, August 29, 1841.

It is again my painful duty to draw your Excellency's attention to the undisturbed equipment of slavers in defiance of law and treaty in the harbour of Havana.

The schooner "*La Paz*," which has recently returned from the Coast of Africa, and the brigantine "*Vapor*," which has heretofore been engaged in lawful commerce, are both now lying at the wharf of the Casa Blanca, preparing an illegal equipment for the Coast of Africa.

Once more I beseech your Excellency to put an end to these lawless proceedings.

I have, &c.

(Signed) D. TURNBULL.

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

No. 173.

*Mr. Turnbull to Viscount Palmerston.**Havana, August 29, 1841.**(Received October 7.)*

MY LORD,

WITH reference to the preceding Despatch of this date I have the honour to state that having received a communication from Her Majesty's Consul at Santiago de Cuba, that a number of the unfortunate emancipados assigned to one of the Mining Companies in that neighbourhood, having completed their term of service, was about to be sent back to the Havana in order to be placed at the disposal of the Captain-General, I lost no time in bringing the subject under his Excellency's notice by the letter enclosed; but I regret to be obliged to add that the same silence has been observed by his Excellency on this subject as with regard to the equipment of slavers, to which I have so frequently and so vainly directed his attention.

I have, &c.

(Signed) DAVID TURNBULL.

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

Enclosure in No. 173.

Mr. Turnbull to the Captain-General.

MOST EXCELLENT SIR,

Havana, August 3, 1841.

I HAVE just received information from Her Majesty's Consul at Santiago de Cuba that a portion of the emancipated negroes assigned many years ago to the Royal Santiago Mining Company of Cobre, having been sent for by your Excellency on the expiring of their stipulated term of service, had been embarked at Santiago de Cuba, on the 18th ult., on board the Spanish polacca schooner "*Juanita*," bound for Havana, where, if not already arrived, they may of course be daily expected.

These unfortunate persons being justly entitled to the full enjoyment of their freedom, their arrival under such circumstances will afford an admirable opportunity of proving that your Excellency is at length resolved to realise the assurance you condescended to offer me nearly five months ago, that your Excellency would yield to no man in practical philanthropy.

In the name of justice and humanity, and of your own high character, I pray your Excellency to extend to these men the practical enjoyment of their liberty.

I have, &c.

(Signed) DAVID TURNBULL.

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

No. 174.

*Mr. Turnbull to Viscount Palmerston.**Havana, August 31, 1841.**(Received October 7.)*

MY LORD,

I HAVE the satisfaction to be able to assure your Lordship, that since the date of my last communication on the subject of the popular movement in this island in favour of the suppression of the Slave Trade, that movement has been accelerated, in a very remarkable manner, by the arrival of an intimation from the Supreme Government in Madrid that Her Britannic Majesty's Government had demanded the emancipation of all the African slaves introduced into the Spanish West Indies since the date of the first of the existing Treaties for the suppression of the Slave Trade.

It is generally believed that the Captain-General has been instructed to obtain the most authentic statistical information as to the number of slaves introduced into this island during the period in question; and, in point of fact, it is known that his Excellency has addressed himself on the subject officially to several of the public or corporate bodies of the island, and also to a number of private individuals; but from the selection of witnesses and parties which has been made, from whom to obtain the means of answering the inquiries of the Regency, it is evident to all the world that his Excellency is resolved, if not to keep his Government in the dark, at least to furnish it with the means, as far as in his power, of making such a representation to your Lordship as will serve, if anything will, to defer the evil day which has so long been impending.

In illustration of what I have said it is only necessary to mention that, in making the inquiries directed by the Regency, the native or Creole proprietors, who form the wealthiest and most intelligent class of the community, have been entirely overlooked; so that the evidence to be transmitted to Madrid will consist of that of such men as Don Joaquin Gomez, Don Antonio Bustamente, and other notorious individuals who have made themselves rich by their Slave Trade adventures.

The Creole proprietors are generally, I may almost say universally, in favour of the immediate suppression of the Slave Trade; and not a few of them

are sufficiently advanced in the career of sound reason and philanthropy as to declare themselves in favour of the abolition of slavery itself. Of this latter class there are some in influential stations in society, who would even go so far to accomplish this object as to submit to the continuance of a burthen-some tax which has always been regarded as temporary, the *Subsidio de Guerra*, and, on the credit of the revenue arising from it, to raise an immediate capital with which to provide indemnification for the owners of slaves, to be forthwith emancipated, without the intervention of any intermediate period of apprenticeship.

In the furtherance of this primary object a great variety of subordinate proposals are made to secure the continuance of agricultural labour and to provide for the public tranquillity. On these points, in the mean time, I have not thought it necessary to enter. My whole anxiety is to provide your Lordship with the means of contradicting the statements at this moment in preparation, with which, not to deceive the Government of Madrid, but to provide that Government with the means of postponing the concession which your Lordship is doubtless prepared to exact.

I have, &c.

(Signed) DAVID TURNBULL.

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

No. 175.

Mr. Turnbull to Viscount Palmerston.

Havana, September 2, 1841.

(Extract.)

(Received October 11.)

CAPTAIN LE GEYT, Commander of the ship "Ramble," of Guernsey, bound to London, has consented at my request to receive on board his ship, as a seaman, a young man to whom I am desirous of affording an opportunity of communicating to your Lordship the events which have recently occurred to him on the coast of Africa, in consequence of a species of impressment to which he has been subjected by the commander of the notorious slaver "Aguila," otherwise "Diligente," belonging to the still more notorious house of Fernandez Poza and Co, the shipwreck of which, on the shores of this Island, I have the honour of communicating to your Lordship.

Having complained without success to the local authorities of the violent abduction of which he was the victim, he is now on his way to Madrid to prosecute his appeal from the judgment of the Captain-General.

And as the arrival of the "Aguila" on the African coast coincided with the burning of the slave factories, and the destruction of the boats of one of our cruisers, it has occurred to me that useful information might be obtained from him in a more satisfactory form than anything I could communicate in writing.

No. 176.

Mr. Turnbull to Viscount Palmerston.

Havana, September 15, 1841.

MY LORD,

(Received October 11.)

APPLICATIONS are frequently made to me for my attestation to the signatures of notaries and other public functionaries to papers of a doubtful and repugnant character, such as certificates of the damage sustained at sea by English goods of a kind notoriously destined for the purposes of the Slave Trade, valuations of real estates, including that of slaves, for the purpose of raising money on mortgage in England; and even valuations of the losses

sustained by Spanish factories on the coast of Africa, for the purpose, perhaps, of laying the foundation of future claims against Her Majesty's Government.

Not finding anything on this subject to guide me in the general Consular instructions, I have hitherto not thought myself justified in looking beyond the simple fact of the genuineness of the signature presented for my attestation; and in truth it would often be attended with labour of a very arduous kind to be required to read the voluminous documents, to the signatures of which such attestations are required. But if your Lordship should decide that by affixing my name and seal to such documents I incur a responsibility beyond the mere fact of the genuineness of the signature to which I attest, then I am ready and desirous for the future to examine all documents which may thus be presented to me, and to attest the signatures of such only as shall be within the rule which your Lordship may be pleased to prescribe to me.

I have, &c.

(Signed) DAVID TURNBULL.

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

No. 177.

The Earl of Aberdeen to Mr. Turnbull.

SIR,

Foreign Office, October 18, 1841.

I HAVE received a Note from the Spanish Chargé d'Affaires at this Court, repeating the demand of the Spanish Government for your removal from the office you now hold at the Havana.

I have also had under my consideration the correspondence which has passed between my predecessor in this office and the Spanish Government on the subject.

I have stated to the Spanish Chargé d'Affaires, in reply to his Note, that there does not appear to me to be any offence proved against you of sufficient gravity to justify Her Majesty's Government in complying with the demand of the Spanish Government in this matter.

But I have added, that you will again be strongly cautioned to refrain from conduct calculated to give rise to misconstruction and offence.

I cannot, however, conceal from you that I consider the tone of your correspondence with the Captain-General of Cuba highly objectionable; and I have earnestly to impress upon you that it is very essential that the Spanish authorities should not have an opportunity of fixing any charge upon you of any sort whatever.

I think it right also to recall your attention to the several Despatches which have been addressed to you by Viscount Palmerston, on the subject of the tone and style of your letters, both to the authorities of Cuba and to the officers employed there by Her Majesty's Government, and to warn you to be not only civil in tone but most circumspect in your behaviour.

I have, &c.

(Signed) ABERDEEN.

D. Turnbull, Esq.,
&c. &c.

No. 178.

The Earl of Aberdeen to Mr. Turnbull.

Foreign Office, October 30, 1841.

Circular sending Papers presented to Parliament.

(See No. 113.)

(Extract.)

*Mr. Turnbull to the Earl of Aberdeen.**Havana, October 21-26, 1841.**(Received December 6.)*

In my Despatch of the 27th of August last I stated the case of James Thomson, a native of Nassau, New Providence, who had been brought to this island many years ago by an American named Norris, who had married his sister, and by him had been sold into slavery.

When young Thomson arrived at Havana in the month of August last he addressed himself, in the first instance, to an old man named Pearson, the well-known keeper of a sailor's boarding-house in this place, by birth an Irishman, who for 20 years of his life had resided at Nassau, and had been well acquainted with the father of young Thomson. In consequence of this acquaintance the young man obtained shelter in the house of Pearson, who soon afterwards brought him to me, not without being sensible of the danger to which he exposed himself by such an act of humanity.

As soon as I had despatched the packet, which sailed on the 1st of September, I devoted my best consideration to the case of this unfortunate person. On referring to the archives of this Consulate I found a precedent in the case of Jack Norris, removed by Captain Hope, of the "Racer," from St. John's, Porto Rico, to Antigua in the month of April, 1838, and soon afterwards communicated to my predecessor by Lord Palmerston, which might, perhaps, have justified the commander of one of Her Majesty's ships, without any requisition from me, in receiving Thomson on board, at least for temporary protection.

Sensible, however, of the delicate ground on which I stand with reference to the "Romney," and in consideration of the youth and inexperience of the present commander, I finally resolved, as I had the honour to intimate in my Despatch, to address myself in the first instance to his Excellency the Captain-General, by the Letter enclosed, No. 1, in which I proposed to receive Thomson on board Her Majesty's ship, where I engaged that he should remain until I was able to convince his Excellency that he was really what I had stated him to be, a kidnapped British subject.

Not receiving any answer to this letter, after an interval of four days I again addressed to his Excellency the Letter No. 2, stimulated by the apprehensions, not of Thomson, but of Pearson his entertainer; in which I entreated an early answer to my previous communication.

Two days after the date of this second letter Mr. Pearson came to my office, and declared that, although still perfectly convinced of the truth of Thomson's statement, he could not allow him to remain any longer in his house; on which I agreed to relieve him of the charge on the following morning, having taken the resolution, if I had not heard from his Excellency, to send him on board the "Romney."

In consequence of this conversation with Pearson, as I was still without any answer from the Captain-General, I addressed next day the letter, No. 3, to the commander of the "Romney," containing the usual requisition to receive James Thomson on board as a distressed British subject.

A few hours after Thomson was thus sent on board I received from the Captain-General a letter dated the preceding day, of which No. 4 is a copy, in which, adopting the report of his assessor, his Excellency states that he could not consent to James Thomson's removal to the "Romney," but undertakes that, if placed at the disposal of the Government, he should be received at the depôt in the royal Casa de Beneficiencia, and should remain there until it was ascertained whether he was a slave or not.

On receiving this letter I resolved, with very great reluctance, to comply with the request contained in it: because, although convinced that Her Majesty's Government would never consent to his being permanently consigned into slavery, I foresaw that the investigation would be tedious, and that during the imprisonment the unfortunate young man would suffer most severely from the miseries of suspense.

I lost no time, therefore, in writing the letter, No. 5, in which I state the perfect confidence I was desirous of feeling that the liberty which was Thomson's birthright would be instantly recognised, and that he would be restored to it.

In this letter I took an opportunity of declaring very strongly also for the general presumption in favour of freedom, and of protesting against the opposite doctrine, to which the Assessor of the Government appeared to me to be lending his sanction.

On the sixth day of Thomson's imprisonment I received from the Captain-General the letter, of which No. 6 is a copy, in which His Excellency states that the investigation would proceed with as much promptitude as the numerous affairs of the Government would allow.

Finding that the prisoner was drooping under the apprehension of his being sent back to the master from whom he had escaped, I thought it my duty, after waiting five days longer, again to write to his Excellency the letter No. 7, beseeching him to appoint an early day for calling Thomson before him, and hearing such additional evidence in his favour as would, in my opinion, be sufficient to determine the fact of his having been born in Her Majesty's dominions.

Besides the Irishman Pearson, whose testimony could not have been objected to, there was a negro woman, a native of St. Domingo, named Lane Smith, by whom Thomson had been recognised as a native of Nassau; both of whom had expressed to me their belief that the mother of Thomson, originally a slave, had been manumitted by her master, who was the father, before the child was born.

According to the doctrine which I understand to be law, the fact of young Thomson's condition in Nassau, whether servile or free, ought to have no effect whatever in determining his present condition. If Thomson was a slave in Nassau, his removal to this island was not only a fraud on him, depriving him of the benefit of the subsequent act of emancipation, but a direct infringement of the statute law of England, which, long before that time, had forbidden the removal of slaves even from one British colony to another. If originally free in Nassau, of course he could not afterwards be legally deprived of the right he had inherited or acquired.

I am aware, however, that this is not the doctrine of the Spanish authorities; and it will be seen in the sequel, as I afterwards found to my great concern and surprise, that it is also not the doctrine of Her Majesty's Commissary Judge, who, I lament to say, has been taking steps in this case, the direct tendency of which is to deprive this young man of his freedom.

In the case of Jack Norris, of Antigua, I showed his Excellency that when Captain Hope sent him on shore from the "Racer," as I had sent Thomson from the "Romney," Don Miguel Lopez Baños, the Captain-General of Porto Rico, had returned him on board again the very same day, leaving his ultimate disposal for subsequent adjustment between the Spanish Captain-General and the Governor-General of the British Leeward Islands: and I concluded my letter by stating that it was not with the view of consigning James Thomson to a tedious imprisonment that I consented to his leaving the "Romney," suggesting to his Excellency how desirable and necessary it was that he should be restored without further delay to the full enjoyment of his freedom, in order that Her Majesty's Government, so justly alarmed by what had occurred in the cases of Shirley and Wellington, and the unfortunate companions of Shirley, might not subject me to blame for too readily reposing my confidence in his Excellency's administration of justice.

To this letter, after an interval of eleven days, I received the answer, of which No. 8 is a copy; in this answer his Excellency defends the delay which had occurred, but agrees to the examination of the witnesses proposed by me in my previous letter, directing them to be sent to a public notary, who was to bring them to the office of the Assessor; from which circuitous route I inferred I was not to be allowed, as in the case of Henry Shirley, to be present at the examination.

Now, as I had no great confidence in either of the two witnesses whom it was my purpose to present for examination, Lane Smith, a poor negro woman, being peculiarly exposed to the pernicious influence which was sure to be brought into action as soon as her name was uttered, and James Pearson having unfortunately taken up the idea that the liberation and removal of Thomson would inspire some slaves of his own, whom he had brought with him from Nassau, with the notion that they also would become entitled to their freedom, I arrived at the conclusion that I should only be hazarding the object at which I aimed by consenting to an *ex-parte* examination.

On the same day, therefore, I addressed to the Captain-General the letter

CLASS B.

No. 9, in which I repeated my readiness to produce witnesses to the fact of James Thomson being a native of Her Majesty's dominions, but I declared that, in making this offer, I was actuated solely by the desire to hasten the liberation of an unfortunate countryman, because I could not admit that any evidence was necessary to prove his title to his freedom, and I insisted on my own right to be present, and to assist in person or by deputy at every step of the investigation.

It was not until after another interval of twelve days that I received the letter No. 10, forming the Captain-General's answer to this demand, founded as usual on the report of his legal adviser, who declares that, when a witness is under examination, there ought to be nobody present but the judge, notary, and clerk, and he advised that, as I claimed to be present as a matter of right, I should be told that it could not be permitted; and that if at any time my presence at such examinations had been consented to, it must have been out of pure condescension.

The previous letters of the Captain-General, and other circumstances connected with the case, having led me to anticipate some such issue as this to the steps I had already taken for the purpose of establishing the right of Thomson to his freedom, I perceived that it would be necessary to look elsewhere for the means of strengthening his case.

With this view I addressed the letter, No. 11, to Colonel Cockburn, the Governor of the Bahamas, and sent it in triplicate, one copy to the care of Her Majesty's Vice-Consul at Key West, a second by way of Matanzas, and the third by way of Gibara, as there is no regular communication from this island to any part of that colony. In this letter I begged his Excellency, if possible, to supply me with the means of proving either that James Thomson was born free, as he asserts, or at least that he was legally of free condition at the time when he was spirited away from Nassau as already described. And with a view still further to strengthen the case, I took occasion to recall to Colonel Cockburn's attention that of a whole gang of Bahama negroes, upwards of 100 in number, who had been removed to this island nearly 20 years ago by a Mr. Forbes, of Nassau: as to whom I had been instructed by Lord John Russell to institute some inquiry, on the perfect understanding that these negroes were slaves at the time of their removal.

Not content with this proceeding I prepared, on the same day, a circular letter, No. 12, which I caused to be addressed to twelve of the leading English residents in this city, whom I thus invited individually to pay Thomson a visit at his place of confinement; and, after seeing and conversing with him, I requested them to state to me whether in their judgment he was what he claimed to be, a native of Her Majesty's dominions. The majority of the gentlemen to whom I addressed this circular excused themselves from the task which I desired to impose upon them. Mr. Morrison, Mr. Tennant, Dr. Finlay, and Dr. Arnold, all came to me in person to express their sympathy for Thomson, but at the same time to say they could not do what I asked, lest their own interests should suffer by such an interference. From Mr. Mitchell, a nephew of Mr. Hector Mitchell of Jamaica, and Mr. D. R. Clarke, I received no communication whatever. Mr. Dalrymple, by No. 13, excused himself on account of an accident. Mr. Watson, by No. 14, on account of his occupations. But the Letters of Mr. Tolmé, Mr. Hadwin, and Mr. Johnston, Nos. 15, 16, and 17, are such as to prove that, if it should become expedient to examine witnesses in support of this young man's claim to his freedom, their testimony, as far as it goes, may be perfectly relied on. The Captain-General, by his letter (No. 10), refuses to allow me to be present at the examination of my own witnesses. My present impression is, for the reasons already assigned, that neither the Irishman Pearson, nor Lane Smith, the negro woman, can safely be entrusted to give their evidence in this affair, unless both Thomson and myself are present on the occasion, not only to assist in conducting the inquiry, but to protect the minds of persons in their humble station against the influence and the arts by which they would be so liable to be affected.

My intention, therefore, is to write to the Captain-General, respectfully declining to produce the witnesses for examination in the manner proposed by the Assessor; but, at the same time, maintaining the principle with which I set out that Thomson, being a native of Her Majesty's dominions, is now entitled to the benefit of the act of emancipation of 1833, even although he had been a slave at the moment of his removal from Nassau.

In this state of matters I venture to avail myself of the opportunity which the

case of Thomson suggests to remind your Lordship that during the long period of alarm for the stability of slave property which preceded the Act of Emancipation, a number of individuals resorted to the expedient of removing with their slaves to this island and Porto Rico, and perhaps also to such other slave-holding countries as presented the best prospects of a more durable tenure of their tottering rights, and that of course many unfortunate individuals, born to better prospects, and thus deprived of their birthright, are now living with their descendants in their original servile condition.

In behalf of this unfortunate class of persons I humbly submit to your Lordship that it is scarcely consistent with the honour of Her Majesty's crown to allow them to live as slaves in foreign countries, and that their emancipation, although it were to be purchased and paid for out of the public purse, is the indispensable complement of the Act of 1833. I beg also to be allowed to add that as such persons, when emancipated, will in general be desirous of returning to the place of their nativity, their children, although born on a foreign soil, should not be separated from their parents, nor deprived of the benefit of the act of grace and justice I have taken it upon me to recommend.

Mr. Forbes, of Nassau, and Mr. Pearson, the lodging house keeper, will doubtless both be too happy to relinquish their hold of their imported slaves in consideration of such an indemnity as they may think themselves entitled to. And the mere offer of compensation will most certainly bring to light a considerable number of other cases of clandestine removal, which without it will never be heard of.

In the mean time I have the honour to solicit some special instruction from your Lordship as to the course to be pursued with regard to James Thomson, whose case is probably not one where compensation of any kind ought to be granted.

First Enclosure in No. 179.

Mr. Turnbull to the Captain-General.

MOST EXCELLENT SIR,

Havana, September 3, 1841.

WHILE waiting with much anxiety to receive from your Excellency the restoration of the companions of Henry Shirley to their liberty, I have received an application from another kidnapped British subject, born in freedom at Nassau, New Providence, but long held in this island in slavery.

The name of this person is James Thompson. He has made his escape from his oppressors, and has arrived at the Havana, where I have the honour to claim for him some assurance that he shall not share the fate of the unfortunate Wellington at Santiago de Cuba, and the other subjects of Her Majesty, who cannot be found, although proved to be still in slavery within your Excellency's jurisdiction. With regard to James Thompson, I have the honour to propose to receive him on board Her Majesty's ship "Romney," where I undertake that he shall remain until I am able to convince your Excellency that he is really what I have stated—a kidnapped British subject.

I have, &c.

(Signed)

D. TURNBULL.

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

Second Enclosure in No. 179.

Mr. Turnbull to the Captain-General.

MOST EXCELLENT SIR,

Havana, September 7, 1841.

WITH reference to my Letter of the 3rd instant, proposing to receive on board Her Majesty's ship "Romney" a free-born British subject named James Thompson, stolen from a British colony, and here reduced to slavery, I have the honour to request an answer at your Excellency's earliest convenience.

I have, &c.

(Signed)

D. TURNBULL.

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

Third Enclosure in No. 179.

Mr. Turnbull to Lieutenant Bathurst.

SIR,

Havana, September 10, 1841.

BE pleased to receive the distressed British subject named James Thompson on board Her Majesty's ship under your command.

I have, &c.

(Signed) D. TURNBULL.

*Lieutenant Bathurst, R.N.,
Her Majesty's Ship "Romney."*

(Translation.)

Fourth Enclosure in No. 179.

The Captain-General to Mr. Turnbull.

SIR,

Havana, September 9, 1841.

HAVING sent your communication of the 3rd instant to the first Assessor-General for consultation, regarding the English negro, James Thompson, he writes to me this day what follows:—

"Most Excellent Sir,—It may be stated, in answer to Her Britannic Majesty's Consul, that the ship 'Romney' having been admitted for the reception of the negroes liberated by the Court of Mixed Commission during the investigation prior to the sentence, and nothing more, as may be seen in the Royal Order of the 12th of March, 1837, which authorised her remaining in this port. Your Excellency cannot consent to the removal on board of James Thompson, more especially since, from what is stated, it appears that he has heretofore been reputed as a slave, and the property of a Spanish subject in this island; and he should therefore be so considered until it shall be otherwise declared. For which reason your Excellency promises yourself that this individual will be placed at the disposal of the Government, on the understanding that, as soon as he is received, he shall be removed to the dépôt in the Royal Casa de Beneficencia, and shall remain there until it is ascertained whether he is a slave or not."

And having adopted this opinion, I transcribe it to you in answer.

God grant you many years.

(Signed) GERONIMO VALDES.

*D. Turnbull, Esq.,
&c. &c.*

(The Fifth Enclosure in this Despatch is missing. See page 344.)

Sixth Enclosure in No. 179.

The Captain-General to Mr. Turnbull.

SIR,

Havana, September 16, 1841.

ON the 10th instant, immediately on receiving the person of the negro, James Thompson, sent to me by you, I gave orders for his being deposited in the Real Casa de Beneficencia, where he now is; and, with the advice of the first Assessor-General, I have directed an inquiry to be made with all the promptitude which the numerous affairs of the Government will permit, in order to determine whether he is a slave or not. This I state to you for your information, and in answer.

God grant you many years.

(Signed) GERONIMO VALDES.

*D. Turnbull, Esq.,
&c. &c.*

Eighth Enclosure in No. 179.

(Translation.) *The Captain-General to Mr. Turnbull.*

SIR,

Havana, October 2, 1841.

YOUR communication of the 21st ultimo, acknowledging the receipt of mine of the 16th, relative to the case of James Thompson, who calls himself free, and says he is held in slavery in this island, and in which you propose an examination of witnesses to prove that this Thompson was born free in Nassau, having been sent to the Assessor-General for consultation, I have received from him, after seeing the proceedings, the following opinion:—

“Most Excellent Sir,—As soon as James Thompson was transferred to the Real Casa de Beneficencia, where he was placed, not as a prisoner, but merely in deposit, as was expressly intimated to the administrator by an official Letter, in order to prevent his running away, and also to allay the fears of the British Consul, expressed in one of his communications, where it is intimated that he might possibly be stolen, I proceeded to take his preliminary declaration; and, in consequence, orders and official Letters have been issued with all the promptitude that was possible, by the interior and exterior couriers of the island, in order to ascertain the place of his birth, and the condition in which he has lived during his stay on the Spanish territory. But in order to arrive at the decision which ought to be adopted, it is necessary to consider not merely the interests of the individual concerned, but also those of the Spanish subject in whose possession he was in the condition of a slave. It is not very extraordinary, therefore, either the days which have elapsed since the 10th of September, nor that many more should still be consumed, since it is necessary to receive returns of facts and dates from Nassau, Holguin, Puerto Principe, and La Guira de Melena, in consequence of the statements made by James Thompson. Nor ought this to give rise to any just cause of complaint, since the only privation or suffering to which he is exposed is that of not being able to leave the Casa de Beneficencia, and this for his own proper security; nor can your Excellency omit the collection of all these facts in the correct administration of justice. Nevertheless, as the examination of witnesses worthy of credit, proposed by Her Britannic Majesty's Consul, may have a tendency to throw light on the proceedings, in so far as relates to James Thomson having been born free in Nassau, your Excellency may order that such examination take place—such witnesses appearing before the Notary of the Government, who will take care to bring them to my office, in order to their being examined by myself in person, with the assistance of the Interpreter of the Government, in case they are unable to speak the Spanish language fluently; and this determination may be communicated to the British Consul, in order to his making arrangements for the appearance of the witnesses at the office of the Notary.”

And having adopted this opinion, I send it to you for the purposes therein referred to.

God grant you many years.

(Signed) GERONIMO VALDES.

D. Turnbull, Esq.,
&c. &c.

 Ninth Enclosure in No. 179.
Mr. Turnbull to the Captain-General.

MOST EXCELLENT SIR,

Havana, October 2, 1841.

IN your Excellency's Letter of this day's date, containing the opinion of the first Assessor-General in relation to the affair of James Thompson, who is still detained in the Casa de Beneficencia, I hasten to announce my readiness to produce several credible witnesses, who are ready to prove that James Thompson was born within Her Majesty's dominions. In making this offer, however, I am actuated solely by the desire to hasten my unfortunate countryman's liberation, because I cannot admit that any evidence is necessary to prove his right to his freedom.

At the same time I must insist on my right to be present, and to assist in person or by deputy at every step of an investigation in which the freedom and the dearest rights of one of my countrymen are involved.

On this understanding, I am ready, with the witnesses, to attend the Assessor at a moment's notice.

I have, &c.

(Signed) D. TURNBULL.

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

Tenth Enclosure in No. 179.

The Captain-General to Mr. Turnbull.

SIR,

Havana, October 14, 1841.

YOUR Despatch of the 2nd instant, in which you claim the right of being present and assisting in person or by deputy at all the steps of the process for the verification of James Thompson's freedom, has been sent to the first Assessor-General of the Government; and, under the date of the 6th instant, he has given me the following opinion:—

“Most Excellent Sir,—When a witness is under examination there ought to be nobody present but the judge, notary, and amanuensis engaged in writing the declaration. Since, therefore, Her Britannic Majesty's Consul insists on being present as a right, I am of opinion that your Excellency should say to him that it cannot be permitted; and if it has at any time been consented to, it has been out of pure condescension.”

And having adopted this opinion, I send it to you in answer; adding, that you may send the witnesses to the office of the Government notary, in order to their being examined.

God grant, &c.

(Signed)

GERONIMO VALDEZ.

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

Eleventh Enclosure in No. 179.

Mr. Turnbull to Colonel Cockburn.

SIR,

Havana, October 4, 1841.

A MULATTO named James Thompson, from 28 to 30 years old, who has long been held in slavery in the interior of this island, having recently made his escape, and come to this Consulate to claim my protection, I communicated the case to the Captain-General, and his Excellency has called on me to produce evidence of his freedom.

Although I have not admitted that the burden of proofs should be borne by the man who claims to be free, I am nevertheless anxious to hasten the moment when Thompson may be restored to his birthright; and as I have no doubt of his being a native of Nassau, New Providence, I venture to appeal to your Excellency in his behalf. His father, John Thompson, according to all accounts, was a person of some consideration at Nassau, although he had two families, the one white and legitimate, the other mulatto. The mother of this James Thompson appears to have been at one time the slave of his father; but, as he asserts, was manumitted before he was born. After the death of his father, which happened about 20 years ago, one of his white sisters married an American named John Norris, who removed with his family to Gibara, in this island, and brought with him this mulatto brother of his wife. In consequence of some domestic differences, the wife of Norris left him, and is supposed to have returned to Nassau; after which Norris sold young Thompson as a slave to one Wheeler, a baker at Gibara; and on the death of Wheeler he was resold to another baker, a Frenchman residing at Puerto Principe, who having become bankrupt, the person of poor Thompson

was attached as a chattel by his master's creditors, and sold to a Spaniard; upon which, having been provoked by ill treatment to assert his right to his freedom, he made his escape and came to me. An Irishman named Pearson, and a black woman from St. Domingo, named Lane Smith, who have both resided at Nassau, have recognised young Thompson as a native of New Providence. But as there seems to be some doubt about the manumission of his mother, and as on that fact will depend the assertion of a right assumed by the Captain-General to detain him in slavery, this particular case would be relieved of the embarrassment which the pretension of the Spanish authorities will create, if your Excellency could supply me with the means of proving either that James Thompson was born free, or that he was legally of free condition when he was spirited away from Nassau by John Norris.

Your Excellency is no doubt aware that a whole gang of negroes, about 100 in number, were brought to this island from some part of the colony under your Excellency's government, by a British subject named Forbes, about 20 years ago. With regard to them it will be necessary, as they were probably all slaves, to resist the pretension of the Captain-General to detain them, because in every case their removal was contrary to law. If free, it is admitted that they could not be enslaved; and if slaves in the British dominions, they were incapable of giving their consent to their own expatriation. In the course of my inquiries regarding these unfortunate persons, who continue to speak the English language, I find myself beset with difficulties; and I should feel myself under the greatest obligation to your Excellency if you could furnish me either with facts or arguments to strengthen their claim for the restoration of their freedom. It appears to me that the heirs of Mr. Forbes are not entitled to benefit by their ancestor's wrong; and that the descendants of these negroes, born in this island, are equally entitled to their liberty with those above 20 years of age who are actually natives of Her Majesty's dominions, and enjoy, therefore, an inalienable right to the freedom conferred on them by the Act of 1833 for the abolition of slavery.

I have, &c.

Colonel Cockburn,
&c. &c.

(Signed) D. TURNBULL.

Twelfth Enclosure in No. 179.

Mr. Turnbull to the Principal English Residents in Havana.

SIR,

Havana, October 4, 1841.

I TAKE the liberty of acquainting you that a British subject named James Thompson is now detained at the Casa de Beneficencia, and that the Captain-General has called on me to produce evidence of his freedom.

In order to strengthen the case of this unfortunate young man, I venture to beg of you to take the trouble to pay him a visit, and after putting such questions to him as you may think proper, to express to me in writing whether in your judgment there can be any reasonable doubt of his being what he professes to be, a native of Her Majesty's dominions.

I have, &c.

(Signed) D. TURNBULL.

Robert Morison, Esq.; Joseph Mitchell, Esq.; D. R. Clarke, Esq.; S. C. Tennant, Esq.; Dr. Finlay; Dr. Arnold; J. J. Hadwen, Esq.; William Johnson, Esq.; James Watson, Esq.; C. D. Tolmé, Esq.; James Kennedy, Esq.; C. J. Dalrymple, Esq.

Thirteenth Enclosure in No. 179.

Mr. Dalrymple to Mr. Turnbull.

SIR,

October 5, 1841.

I HAVE had the honour to receive your Letter of the 4th instant respecting James Thompson, a British subject, now detained in the Casa de Beneficencia

under pretence of his being a slave. In reply to which I have to inform you that, in consequence of an accident I met with five weeks ago, by my horse falling with me, I am unable to quit my house.

I have, &c.

(Signed) CAMPBELL J. DALRYMPLE.

David Turnbull, Esq.,
&c. &c.

Fourteenth Enclosure in No. 179.

Mr. Watson to Mr. Turnbull.

DEAR SIR,

Havana, October 6, 1841.

IN reply to your circular Letter of the 4th instant addressed to me, I am sorry to find that it is very inconvenient for me to comply with your request, owing to my occupations.

I find that my friends Messrs. Hadwen and Johnson have visited the Casa de Beneficencia, and seen the negro named James Thompson, and I presume what they say regarding the young man will suffice. If I thought that my questioning the young man would tend in any way to produce evidence of his freedom, I would certainly visit him at the cost of any inconvenience it might give me, but the only evidence in this case is that he speaks English.

I have, &c.

David Turnbull, Esq.,
&c. &c.

(Signed) JAMES WATSON.

Fifteenth Enclosure in No. 179.

Mr. C. D. Tolmé to Mr. Turnbull.

DEAR SIR,

Havana, October 5, 1841.

I HAVE had the honour of receiving your Letter of the 3rd of October instant, and in reply can assure you that I perfectly remember having seen at your office, a few weeks ago, a young man of colour, who said that his name was James Thompson, and that he was a native of the Bahamas.

I remember, also, that the general manner of the youth, and the peculiar dialect which he spoke, led me at the time to believe his statements true; and though it is within the verge of possibility that I am deceived, I have no doubt whatever of his being, what he claims to be, a free subject of Her Britannic Majesty.

I have, &c.

D. Turnbull, Esq.,
&c. &c.

(Signed) C. D. TOLME.

Sixteenth Enclosure in No. 179.

Mr. Hadwen to Mr. Turnbull.

DEAR SIR,

Havana, October 5, 1841.

IN reply to your Letter of yesterday's date, marked "Circular," requesting me to pay a visit to an individual named James Thompson, now detained at the Casa de Beneficencia, I have to state that it has afforded me much pleasure to comply with your request; and that, from the questions I put to him, it would appear that he is a native of Nassau, New Providence, and that he was surreptitiously taken away from his home while quite a child. His manner of speaking English would certainly lead one to the belief that he is from one of

CLASS B.

the British West India Islands ; but whether this fact, added to his own statement, forms sufficient testimony of his being a British subject, is not for me to determine.

I am, &c.

D. Turnbull, Esq.,
&c. &c.

(Signed) J. J. HADWEN.

Seventeenth Enclosure in No. 179.

Mr. Johnson to Mr. Turnbull.

MY DEAR SIR,

Havana, October 6, 1841.

AGREEABLY with the request contained in your Circular of the 4th instant, I visited the young man, James Thompson, at the Casa de Beneficencia, where he is detained upon the plea of his being a slave ; and from what I have been able to gather from his answers to the various questions I put to him, it would appear that he is a native of Nassau, New Providence, whence he was covertly removed to this island and sold by one Norris, a relative of his.

He speaks the English language with fluency, and, for the truth of his assertions, refers to parties here, who were, at the time of his abduction, inhabitants of Nassau, and well acquainted with his parents.

How far correct his statements may be it is impossible for me, in the absence of further information, to determine. I therefore leave the matter to your better judgment.

I am, &c.

D. Turnbull, Esq.,
&c. &c.

(Signed) W. JOHNSON.

No. 180.

Mr. Turnbull to the Earl of Aberdeen.

Havana, October 30, 1841.

(Extract.)

(*Received December 6.*)

IN obedience to the instructions contained in Lord Palmerston's Despatch of the 31st of July last, directing me to state to the Captain-General of this island that it is an essential part of my duty as Consul to watch over the fulfilment, by the authorities of Cuba, of all Treaties existing between the Crowns of Spain and Great Britain ; and that I am bound to lose no time in representing to the Governor any instance in which the stipulations of any such Treaties might be violated or not fulfilled—I have the honour to inform your Lordship that I lost no time in addressing the Note, of which No. 1 is a copy, to his Excellency the Captain-General, in which, after a literal compliance with Lord Palmerston's instructions, I took the opportunity of making his Excellency aware that the commands of Her Majesty's Government had not been given without full consideration of the whole of my correspondence with his Excellency, respecting my communications to his Excellency on the subject of the Slave Trade ; and I reminded his Excellency that not a few of these communications remained to that very hour unanswered and unacknowledged, and that the infractions of Treaties of which I had complained were also left without redress.

But now that his Excellency's mind must be disabused of the error under which he had been labouring as to the nature of the Consular functions, I added that I could not doubt that his Excellency would not only condescend to listen to the just demands of the British Government, however humble the functionary to whom the duty of presenting them was committed, but that, when thus made known, the redress which had been sought for so often and so fruitlessly would no longer be withheld.

To this Note I received in answer the Letter of which No. 2 is a translation,

in which it is stated that his Excellency had also received communications from his Government approving of his conduct in that matter, and that I might be assured that this had not taken place without the fullest consideration of all his Excellency's correspondence with me, by his most Serene Highness the Regent of the Kingdom, who had at the same time charged his Excellency, in the due defence of the rights of the nation, as well as of the prerogatives and responsibilities of his Excellency's office, not to allow me nor any other Consul to exceed, in any manner or degree, the Consular duties prescribed by mutual compact between the two nations. His Excellency therefore argued that, in so far as the approbation of our respective Governments was concerned, our situations were strictly identical, but with this most remarkable difference, that my pretensions were not in harmony with the Treaties now in force, which Treaties were not to be exposed to this or to any other alteration without the express consent of the two high contracting parties, and not at the good pleasure of one only. As a necessary consequence, his Excellency assumed that he found himself on legal ground, from which I had departed without my being able to show him a single Article of those Treaties which supported my extraordinary pretensions. Resting on these principles, which his Excellency is pleased to say are universally recognised, he tells me that I may be convinced that, without express instructions from his Government, it was not possible for him to depart, by a single point, from the line of conduct he had hitherto observed; and with so much the more reason, because his Excellency had had the satisfaction of seeing it approved, and because it was so well founded in legal principles that neither the British Government nor myself could deny it.

The challenge at the close of this Letter, to contest the soundness of the legal principles on which his Excellency relies in his refusal to recognise my right as Consul to watch over the fulfilment of the existing Treaties, was such as to make it impossible, according to my understanding of my duty, to refuse to accept it. I lost no time therefore in addressing to his Excellency the Letter No. 3, in which I declared that I could not acquiesce for a moment in the doctrine, that, when two nations or two individuals had bound themselves to each other, in clear and definite terms, by a solemn Treaty, when that Treaty was grossly and systematically violated by the one party, while it was religiously observed by the other; and when the party aggrieved instructed his agent to complain to the other contracting party of these flagrant infractions, the party who had thus broken his contract was entitled to turn round on the agent presenting these instructions, and to tell him (as his Excellency was thus telling me) that the contract between the parties contained no specification of the name, rank, or quality of the agent to whom the duty was to be assigned of denouncing such infractions.

I contended, on the contrary, that such a specification would be directly opposed to the invariable usages both of nations and of individuals, because, when Treaties are entered into, the mutual good faith of the contracting parties is necessarily assumed; and the case of a flagrant and systematic violation of all their most vital conditions is neither anticipated nor provided for. Such a provision, I suggested, would amount in fact to a direct and positive insult, since it can only be justified by the assumption that the party to be bound by it was faithless and insincere. It was accordingly to be seen that no such specification was ever thought of in the negotiation of Treaties, whether private or national. In private negotiations the contracting parties relied on the efficacy of the laws of the country to which they belonged; in international Treaties the high contracting parties relied, with equal confidence, on an appeal to the "*jus gentium*."

Thus, for instance, I proceeded by the 7th Article of the Regulations for the Mixed Commission, annexed to the Treaty between Great Britain and Spain for the abolition of the Slave Trade, signed at Madrid, in the name of the most Holy Trinity, on the 23rd of September, 1817:—"Each of the two Governments bound itself to guarantee the liberty of such portion of the Africans adjudged to be free as should be respectively assigned to it." When this stipulation was negotiated by the British and Spanish plenipotentiaries it was not anticipated, and could not possibly be assumed, that this solemn obligation of guarantee was to remain a dead letter; that the adjudication of freedom was to be totally disregarded by one of the contracting parties, which party, in virtue of the other provisions of the Treaty, was nevertheless to accept the charge of the emancipated slaves, but, in place of performing the obligations thus solemnly undertaken, was systematically to consign the unfortunate Africans to the very worst species of bondage which the world had ever known.

His Excellency the Captain-General probably did not mean to contend that, because the Treaty of 1817 was altogether silent as to the mode of denouncing the infractions of it which might have been committed by either party, it was therefore not competent for the party aggrieved to take any notice whatever of such violations; and yet the argument of his Excellency appeared to me to reduce itself to this absurd conclusion.

According to my view of the subject, when a treaty or contract had thus been violated, it was the undeniable right of the party aggrieved to choose its own agents, and to select its own mode of bringing the infraction under the notice of the other contracting party.

As long as his Excellency believed that, in watching over the fulfilment of the Slave Trade Treaties, I was taking on myself a task which my own Government had never committed to me, there might have been some pretext or apology for disregarding my denunciations; but now that the whole subject has been deliberately discussed, and that my original instructions had been formally confirmed, I was humbly to maintain that his Excellency the Captain-General, and even his Serene Highness the Regent of Spain, invested as he is with the whole power of the monarchy, had no right whatever to call in question my title to render the most implicit and the fullest obedience to the orders of my Government, "in watching over the fulfilment, by the authorities of this island, of all Treaties existing between the Crowns of Spain and Great Britain, and in representing to the Governor any instance in which the stipulations of any such Treaties might be violated or not fulfilled."

Having thus disposed of the question of legal principle, which his Excellency the Captain-General has thought it necessary to agitate, I proceeded to contend that it followed, as a matter of course, that no attack whatever had been made, either on the rights of the Spanish nation or on the prerogatives and responsibilities of the Captain-General of this island, unless it were his Excellency's intention to claim for himself the prerogative, or for his nation the right, not only to evade the fulfilment of the existing Treaties with Great Britain, but to set those Treaties at open defiance.

To this Despatch I received the reply of which No. 4 is a translation, in which his Excellency objects to my returning to a question which he had already discussed on several occasions, giving rise on the one hand to useless repetitions, and well calculated on the other to absorb the time required for affairs of a different description.

His Excellency declares that he never denied, nor did he then deny, to one high contracting party the right they might have of procuring from the other the fulfilment of Treaties by the means pointed out by the law of nations; but he would say, and repeat, that the Captain-General of the Island of Cuba had no other superior but Her Catholic Majesty's Government, on which alone he was dependent; and so long as that Government did not authorise him to recognise these or other faculties in me, his Excellency neither could nor ought to recognise them, without failing in the most sacred of his duties. Till then it had been said that these faculties were exclusively in the competency of the British Commissioners; and he was not aware that he had refused to them this function, which these same Commissioners had denied to me when my invasion of it was in question.

On a general view of the whole affair, his Excellency was of opinion that I might avoid these useless communications; and with so much the more reason that it would better become the British Government to address such Notes as it might see fit to the Government of Her Catholic Majesty on this point, than for me to expect a concession from his Excellency, which it was neither in his power nor his duty to grant.

In transmitting this correspondence to your Lordship, I hope to be pardoned if I offer with it a single observation. In the reported debates of the Lower House, during the last Session of the late Parliament, a noble Lord, then a minister of the Crown, in speaking of the continuance of the Slave Trade, and the protection extended to it by the authorities of this island, appears to have assumed that the Captain-General and his subordinate functionaries, in granting this illicit protection, had been acting in defiance of the Supreme Government in the Peninsula, which was altogether blameless in the matter; and so far from conniving at the practice, or encouraging the Captain-General to defend, was as zealous and sincere as ourselves in its desire to enforce the existing Treaties for its suppression.

Far from presuming to judge of the policy which this assumption discovers, I

believe it is nevertheless my duty, from the position in which I am placed, to declare to your Lordship my firm conviction not only that the local Government of this island has the power to suppress the traffic, in which it is so deeply implicated, at a moment's notice, but in this, as in everything else, his Excellency the Captain-General is under the most implicit subjection to the orders of the Regency of the Kingdom, whose pleasure it undoubtedly is to tolerate and encourage the importation of Africans, in order to impress on the Creole population a deeper sense of dependence on the Spanish monarchy, and so to deter them from any attempt to realise their long and dearly-cherished desire to follow the example of the provinces on the neighbouring continent, which have already achieved their independence.

The memorials I had the honour to transmit in my Slave Trade Despatches of the 12th of April and of the 25th of May last, from the leading corporations, and from some of the wealthiest and most influential proprietors, not of land only, but of slaves, appear to me to afford the most conclusive evidence on this subject; and by an early opportunity I hope to be able to forward a further mass of evidence to the same effect, consisting of Reports and Returns to the Captain-General from a still more numerous class of persons, in answer to a Circular which his Excellency issued on the 16th of August last, in pursuance of an order of the Regency, communicated by the Spanish Secretary of State on the 25th of June, requiring the most detailed information on the subject of the draft of the Convention proposed to Spain by Her Majesty's Government.

In the mean time I may safely assure your Lordship that the reporters are unanimous in giving it as their opinion that the draft of this Convention ought to be decidedly rejected, because, besides setting a vast number of persons in the condition of slaves at liberty, it would leave the rest of the slave population in a state of disquiet.

I am informed that many of the reporters—adopting the calumny which the Peninsula slave-dealers profess to treat as an axiom of the British policy—persist in charging us in these Returns with a design to destroy the agriculture of the island. I am assured, however, that the reporters are unanimous in recommending that Spain should put an immediate end to the contraband traffic in Africans; and ought at the same time, by all possible means, to encourage the increase of the white population. I moreover find that some of them insist, in a manner more or less energetic, on the exactment of the special laws for the government of the ultra-marine possessions of the Crown, which were promised by the Constitution when it was last adopted as the fundamental law of the monarchy; and to this effect the "*Junta de Fomento*," one of the most important of the corporate bodies of the island, proposes that Cuba should be authorised to send delegates, accredited to the Spanish Government, for the purpose of supporting the pretensions of the inhabitants in regard to the nature of these special supplementary enactments.

These slight indications present, I have reason to believe, a fair view of the spirit of the Reports and Returns obtained by the Captain-General in answer to his Excellency's Circular, which was accompanied, I may add, by copies of the draft of the New Convention, and of the Despatch containing the order of the Regent transmitting it.

Now, inasmuch as the reporters are unanimous in representing that the importation of Africans should at once be done away with, it appears to me that the continued toleration of the traffic can only be explained in the manner I have now attempted to do—by the supposition, or, if you will, the conviction on the part of the Supreme Government of Spain, that the continual inundation of a flood of Africans is, in the nature of a political necessity, for the purpose of repressing the aspirations of the Creoles; maintaining in their minds a salutary libration of motives between the longing for municipal rights on the one hand, and the dread of negro insurrection on the other; and thus securing the island, by this see-saw system, for a few years longer in Her Catholic Majesty's dependence.

But however discreet it may have been for a while to dissemble our convictions, and to seem to believe that the Captain-General and the authorities of Cuba are so entirely independent of the Peninsula as to be able to evade the orders and set at nought the sincere and earnest desires of the Spanish Government, yet surely the moment has at length arrived when such arrant trifling ought not to be tolerated; and when to submit to the imposition is to sanction the belief, already far too prevalent, that the British Government itself has never been sincere in the desire it constantly professes to promote the liberties of mankind.

Should your Lordship decide that in offering these observations I have transgressed the narrow and humble limits of a mere Consul's duty, I can only declare in all sincerity that I should gladly have shrunk from the task which appeared to me, perhaps most erroneously, to press itself upon me, insomuch that, from the peculiarity of my position, having no resident minister, or other intermediate functionary, with whom to communicate, I believed that the moral responsibility of remaining silent would weigh more heavily upon me than if I thus ventured to convey to your Lordship the expression of my deliberate and well-considered conviction.

Before closing this Despatch I take the liberty of soliciting your Lordship's attention to that passage in the last Letter of the Captain-General, where, for the second time, he reminds me that Her Majesty's Commissioners, in their official communications to his Excellency, had objected to my performance of the duties now confirmed to me by Her Majesty's Government by the Despatch to which the present is an answer. It was not, in fact, until these gentlemen had thought fit to treat my denunciations of the violations and evasions of the Slave Trade Treaties as an invasion of functions which they declared to be exclusively their own, that his Excellency ever thought of refusing me the simple courtesy of an acknowledgment of the receipt of my Letters.

When I accepted the offices I have now the honour to hold under Her Majesty's Government, I had no idea of entering upon the enjoyment of a sinecure; and it is simply because my activity and my ardour in the cause appear to these gentlemen to reflect a reproach on their proverbial apathy, they are now leaving no stone unturned to accomplish my removal.

These personal considerations, however, sink into utter insignificance in the view of the great events now impending over the destiny of this island. The negotiation for the protection of these unhappy emancipados has been opened most opportunely. It has served to undeceive the public authorities of the island, and, I may add, its entire population, as to the supposed insincerity of the British Government, and the indifference of the British nation, on the subject of the cessation of the Slave Trade; and whatever the result may be of the negotiation now pending, it is now no longer doubtful that the numerous class of persons to whom it more immediately applies, in consequence of the mere agitation of the subject, are already in the enjoyment of the most substantial relief from the severest of their sufferings; and nothing, I am persuaded, can now deprive them of the immunity from corporal punishment they already enjoy—at least such of them as are engaged on the public works of the island—but the abandonment of their cause by the people and Government of England.

Shortly after the arrival of the order of the Regent, already referred to, an emancipado, assigned to the Guines Railroad Company, and employed by them at the Havana terminus of their line, was, for some real or imaginary offence, subjected to that sort of castigation to which slaves are habitually liable; and although, before this period, the distinction with regard to discipline was in favour of the slave, a practical revolution has suddenly taken place to the advantage of the emancipados; but after all, in the true spirit of despotism, without advertising its instruments of the intended relaxation. In this first instance, the overseer by whose orders the punishment was inflicted was dismissed from his office within twenty-four hours. A few days afterwards, another emancipado employed on the same line of road, at a place called Villanueva, where the locomotive machinery is repaired, having received notice from the mayoral to prepare for a "*boca-bajo*," he asked leave to retire for a moment to the other extremity of the building; and, as if he enjoyed some instinctive perception of the relief which awaited him, he seized the opportunity, and ran to the office of the secretary, M. Escovedo, who gave him at once a note to the overseer forbidding the infliction of the torture. Returning with this paper concealed about his person, he resolved to signalise his escape by submitting to be tied down with his face to the ground, in the attitude of punishment; and when the lash was yet impending over his naked person, he produced the secretary's interdict, on which he was instantly released. This incident is so perfectly characteristic of the race that I hope to be pardoned for introducing it in this place; and I shall take the liberty of adding that, within the last few months, not the emancipados only, but the servile classes generally, particularly those in the service of Englishmen and other foreigners, have experienced a marked improvement in regard to the treatment and discipline to which they are subjected.

The state of transition on which the servile classes of this country appear to be

just entering, is liable, however, to be attended by fatal errors and disastrous results.

One of the wealthiest of our Hacendados, Don Domingo Aldama, has been for several years engaged in building a palace in the suburbs of this city, overlooking the Campo de Marte, and in the midst of a dense population, where he has a numerous party of labourers incessantly employed, among whom there were said to have been very recently not less than forty or fifty Bozals. On several occasions a spirit of discontent has discovered itself among this body of workmen; but as long as Don Domingo Delmonte, one of the sons-in-law of Aldama, remained in the country, they were constantly appeased by his going among them, and offering the leaders the usual paper of licence to sell themselves to other masters; but since Delmonte has gone to the United States, to avoid, it is said, the inconvenience of an involuntary form of expatriation, on account of his known efforts to promote the independence of the island, the discontent among the labourers at the Casa Aldama has repeatedly assumed the form of passive resistance to the orders of the master builder; and on a recent occasion, when Aldama himself made his appearance among them to induce them to return to their work, he was treated so very disrespectfully by some of the Bozals that he went directly to the Captain-General, and asked for the means of reducing them to obedience. To this application his Excellency acceded; and having sent for the Mayor de Plaza, or Town Major, directed him to proceed to the spot with a detachment of the infantry of the line, and instructed him to obey such orders as might be given to him by Don Domingo Aldama. In pursuance of this course, his Excellency doubtless assumed that the pecuniary interests of the slave-owner would act as a restraint on his passions, and would prove sufficient for the protection of the lives of his human property; but if his Excellency really entertained this idea, his mind was speedily disabused by the tragedy which instantly followed. When Aldama, with the troops at his back, reappeared among the negroes, accompanied by one of his sons, the Bozals, instead of submitting to the requisition, which was no doubt formally made to all, to return to their work, persisted in the attitude of resistance: one of the most daring of them, turning his back upon his master, applied his hand to his hip, and uttered an exclamation of defiance. On this, without more ado, Aldama gave the signal to fire, regardless of the sacrifice either of money or of life, and consulting only the gratification of his own ungovernable passion. The first volley was not sufficient to quell the spirit of the Bozals, who maintained the unequal contest for several minutes, hurling back the stones of the building on their assailants, from the lofty scaffolding on the unfinished walls; and in fact the victory was not gained until more than half their number were either dead or grievously wounded. Seven perished on the spot, and three more have died in the barracks, to which the wounded were removed. Thus ended this horrid affair, which having at first been greatly exaggerated, and described as the signal of an insurrection to which the English and their Consul could not possibly be strangers, produced for a little while the most serious consternation; and inasmuch as the first alarming accounts may possibly find their way to the press of the United States, and afterwards produce the most erroneous impressions, I trust that, in troubling your Lordship with these particulars, I shall be pardoned for the relaxation of my ordinary reserve on subjects not included in the regular course of my Consular functions.

By the delay of the packet which will carry this Despatch to England, I am enabled to add that the public mind of the island is still deeply agitated by the discussion which the Captain-General has provoked on the subject of the proposed Convention, in the manner I have already described. Among the public bodies thus called upon to report their views on the subject, the most numerous and enlightened, if not the most influential, is the Real Sociedad Patriótica, to which, long before my official connexion with this island, I have had the honour to belong. The debates of this body, prolonged and continued by adjournment in a manner and with an intensity of interest which in this country at least has neither parallel nor precedent, has served not only to form and define public opinion on several collateral subjects, but also to give it utterance; for such are the restrictions on the press of this island that even the material interests of the inhabitants have hitherto been regarded as not safe or fit topics of public discussion—a fact of which I have now in my possession a mass of curious evidence, in the mangled manuscripts of one of our ablest Creole writers on the rural economy of the island.

At the first of these meetings a committee of four was appointed to prepare the draft of the Society's Report; but having been equally divided in opinion, it

was resolved to return two separate drafts, the composition of one of which was entrusted to Don José Maria Calvo, the uncle of that Marquis de Casa Calvo deported from the island in the time of General Tacon, and who, because his family had the honour to entertain the Princes of the House of Orleans during their visit to Cuba at the time of the French Revolution, now delights to appear at the Court of the Captain-General in the uniform of a gentleman of the bed-chamber of the King of the French, and thinks it necessary to signalise his affection for the one country by unmitigated hostility to the other. It is therefore more owing to this accidental connexion than to any real strength of the French party in the island that the Report produced by Don José Maria Calvo is charged with all sorts of vituperation against the policy of the British Government—assuming that our views are selfish and egotistical, and that all our pretended philanthropy is nothing more than a cloak, under cover of which to ruin the agriculture of the countries which rival us in the production of sugar.

The second draft of the Report is the work of Don Martinez Serrano, a lawyer of some distinction, who, however, was deserted by the colleague with whom he had divided the Committee before the presentation of either to the assembled Society; and such was supposed to be the general feeling on the subject, that even Señor Serrano appears to have imagined that a few paragraphs in abuse of British policy would make his paper more palatable to the general meeting.

That of Don José Maria Calvo, having thus come from the Committee with the sanction of the majority, was the first submitted to the consideration of the Society; and, after a debate which lasted from half-past six in the afternoon of the 26th of October till daylight next morning, it was rejected almost without division; only the two members of which the majority of the Committee had consisted having held up their hands in its favour.

The consideration of the draft of Don Martinez Serrano having been postponed, on account of the lateness of the hour, till the evening of the 28th, it was then resolved to discuss it paragraph by paragraph. And, in the course of this examination, those passages in which the views of England were treated with the greatest severity were, by an overwhelming majority, expunged; although it must be admitted that enough is still left to prove that the respect they entertain for us is not unmixed with apprehension.

Before the close of the debate, Don José Maria Calvo though it necessary to attack Her Majesty's Consul by name in such a way as greatly to assist in defeating his own object. He declared that I was the sower of discord and the promoter of insurrection; that, in short, I was the very impersonation of that policy which his Report had ascribed to Great Britain; that my name ought to be expunged from the rolls of the Society, and that no effort should be spared to induce the Government of Her Catholic Majesty to withdraw my exequatur.

But having many personal friends among the members of this philosophical institution, the absent Consul was not left defenceless, nor the tirade of M. Calvo unanswered; and the whole object of the Slave Trade party, more numerous out of doors, of which he is the leader, was defeated, on this occasion, in the ignominious manner I have already described.

Ever since my arrival at the Havana in an official capacity, I have from time to time been annoyed by warnings meant in kindness, and by intimations, in another sense, of personal danger.

The only sort of notice I have ever taken of these intimations has been to redouble the care with which I have avoided all just causes of offence; and I am persuaded that, if any real danger shall ever present itself, it will originate in some such sanguinary blunder as that which recently occurred in the case of Don Domingo Aldama.

As it is generally believed, however, without a shadow of foundation, that I have addressed some protest to the Captain-General on the subject of my personal safety, I beg to be allowed to state that nothing of the kind has occurred.

First Enclosure in No. 180.

Mr. Turnbull to the Captain-General.

(Extract.)

Havana, October 6, 1841.

THE Undersigned, Her Britannic Majesty's Consul and Superintendent of liberated Africans, has received the commands of Her Britannic Majesty's Go-

vernment to state to his Excellency the Captain-General of Cuba, that it is an essential part of his duty, as Consul, to watch over the fulfilment by the authorities of this island of all treaties existing between the crowns of Spain and of Great Britain; and that he is bound to lose no time in representing to the Governor any instance in which the stipulations of any such treaties may be violated or not fulfilled.

These commands have not been given without full consideration by Her Majesty's Government of the whole correspondence of the Undersigned with his Excellency the Captain-General respecting the communications of the Undersigned to his Excellency on the subject of the Slave Trade.

Not a few of these communications remain to this hour unanswered and unacknowledged; and the infractions of treaties of which they complain are also left without redress.

But now that his Excellency's mind must be disabused of the error under which he has been labouring as to the nature of the consular functions, the Undersigned cannot doubt that his Excellency will not only condescend to listen to the just demands of the British Government, however humble the functionary to whom the duty of presenting them is committed, but that, when thus made known, the redress which has been sought for so often and so fruitlessly will no longer be withheld.

(Translation.)

Second Enclosure in No. 180.

The Captain-General to Mr. Turnbull.

Havana, October 10, 1841.

HAVING received your communication of the 6th instant, in which you inform me of your having received orders from your Government, empowering you to watch over the fulfilment of the existing treaties between the two countries in relation to the Slave Trade, I have the satisfaction to state to you, in answer, that I also have received communications from my Government, approving of my conduct in this matter; and you may be assured that this has not taken place without the fullest consideration of all my correspondence with you by his most Serene Highness the Regent of the Kingdom, who has at the same time charged me, in the due defence of the rights of the nation, as well as of the prerogatives and responsibilities of my office, not to permit you nor any other Consul to exceed in any manner or degree the limits of the consular duties prescribed by mutual compact between the two nations.

Thus you perceive that, in so far as the approbation of our respective Governments is concerned, our situation is strictly identical; but with this most remarkable difference, that your pretensions are not in harmony with the treaties now in force, which treaties are not to be exposed to this or to any other alteration without the express consent of the two high contracting parties, and not at the good pleasure of one only. As a necessary consequence, I find myself on legal ground, from which you have departed, without your being able to show me a single article of these treaties which supports your extraordinary pretension.

Resting on these principles, which are universally recognised, you may be convinced that, without express instructions from my Government, it is not possible for me to depart by a single point from the line of conduct I have hitherto observed; and with so much the more reason since I have had the satisfaction of seeing it approved, and since it is so well founded on legal principles, that neither the British Government nor yourself can deny it.

God grant, &c.

(Signed) GERONIMO VALDES.

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

Third Enclosure in No. 180.

Mr. Turnbull to the Captain-General.

MOST EXCELLENT SIR,

Havana, October 12, 1841.

THE Undersigned, Consul of Her Britannic Majesty and Superintendent of liberated Africans, loses no time in acknowledging the Letter which his Excellency

CLASS B.

lency the Captain-General of the island of Cuba has done him the honour to address to him under date of the 10th instant, informing the Undersigned that his Excellency has been charged by his most Serene Highness the Regent of the Kingdom, in defence of the rights of the nation, and of the prerogatives and responsibilities of the office of Captain-General, not to permit the Undersigned nor any other Consul in any manner to exceed the limits of the consular functions prescribed by mutual compact between the two nations.

His Excellency is pleased to add that the pretensions of the Undersigned are not in harmony with the treaties now in force, and that the Undersigned has not been able to point out a single article of these treaties in support of these strange pretensions. His Excellency concludes by assuring the Undersigned that it is not possible for his Excellency to depart by a single point from the line of conduct already observed, more especially as that conduct has met with approbation, and was besides so well founded in legal principles that neither the British Government nor the Undersigned can gainsay it.

However hopeless the Undersigned may be of inducing the Captain-General to abandon a position which he firmly believes to be utterly untenable, it is not possible for the Undersigned to acquiesce for a moment in the doctrine that when two nations or two individuals have bound themselves to each other in clear and definite terms by a solemn treaty, when that treaty is grossly and systematically violated by the one party while it is religiously observed by the other, and when the party aggrieved instructs his agent to complain to the other contracting party of these flagrant infractions, the party who has thus broken his contract is entitled to turn round on the agent presenting these instructions, and to tell him, as his Excellency now tells the Undersigned, that the contract between the parties contains no specification of the name, rank, or quality of the agent to whom the duty was to be assigned of denouncing such infractions.

Such a specification, on the contrary, would be directly opposed to the invariable usages both of nations and individuals. When treaties are entered into, the mutual good faith of the contracting parties is necessarily assumed; and a case of a flagrant and systematic violation of all their most vital conditions is therefore neither anticipated nor provided for. Such a provision would amount, in fact and in substance, to a direct and positive insult, since it could only be justified by the assumption that the party to be bound by it was faithless and insincere. Accordingly, we find that no such specification is ever even thought of in the negotiation of treaties, whether private or national. In private negotiations, the contracting parties rely on the efficacy of the laws of the country to which they belong; in international treaties, the high contracting parties rely with equal confidence on an appeal to the *jus gentium*.

Thus, for instance, by the 7th article of the regulations for the Mixed Commissions annexed to the treaty between Great Britain and Spain for the abolition of the Slave Trade, signed at Madrid on the 23rd of September, 1817, in the name of the Most Holy Trinity, "Each of the two Governments binds itself to guarantee the liberty of such portion of the Africans adjudged to be free as shall be respectively consigned to it."

When this stipulation was negotiated by the British and Spanish plenipotentiaries it was not anticipated, and could not possibly be assumed, that this solemn obligation of guarantee was to remain a dead letter; that the adjudication of freedom was to be totally disregarded by one of the contracting parties, which party, in virtue of the other provisions of the treaty, was to accept the charge of the emancipated slaves, but instead of performing the obligation thus solemnly undertaken, was systematically to consign the unfortunate Africans thus nominally liberated to the very worst species of bondage which the world has ever known.

His Excellency the Captain-General probably does not mean to contend that because the Treaty of 1817 is altogether silent as to the mode of denouncing the infractions of it which may have been committed by either party, that therefore it is not competent for the party aggrieved to take any notice whatever of such violations; and yet the argument of his Excellency appears to the Undersigned to reduce itself, with all deference, to this absurd conclusion.

According to the view of the Undersigned, when a treaty or contract has thus been violated, it is the undeniable right of the party aggrieved to choose its own agents, and to select its own mode of bringing the infraction under the notice of the other contracting party. As long as his Excellency believed that, in watching

over the fulfilment of the Slave Trade treaties, the Undersigned was taking upon himself a task which his own Government had never committed to him, there might have been some pretext or apology for disregarding his denunciations. But now that the whole subject has been deliberately discussed, and that the original instructions of the Undersigned have been formally confirmed, he is humbly to maintain that his Excellency the Captain-General, and even his Serene Highness the Regent of Spain, invested as he is with the whole power of the monarchy, has no right whatever to call in question the title of the Undersigned to render the most implicit and fullest obedience to the orders of his own Government, "in watching over the fulfilment by the authorities of the island of all treaties existing between the crowns of Spain and of Great Britain, or in representing to the Governor any instance in which the stipulations of any such treaties may be violated or not fulfilled."

Having thus disposed of the question of legal principle which his Excellency the Captain-General has thought it necessary to agitate on this occasion, it follows as a matter of course that no attack has been made either on the rights of the Spanish nation, or on the prerogatives and responsibilities of the Captain-General of this island, unless it be his Excellency's intention to claim for himself the prerogative, or for his nation the right, not only to evade the fulfilment of the existing treaties with Great Britain, but to set these treaties at open defiance.

The Undersigned, &c.

(Signed) DAVID TURNBULL.

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

(Translation.)

Fourth Enclosure in No. 180.

The Captain-General to Mr. Turnbull.

Havana, October 19, 1841.

YOUR Despatch of the 12th instant returns to a question which I have already discussed on several occasions, giving rise on the one hand to useless repetitions, and well calculated on the other to absorb the time required for affairs of a different description.

I have never denied, nor do I deny now, to one high contracting party the right they may have of procuring from the other the fulfilment of treaties by the means pointed out by the law of nations. But I will say and repeat, that the Captain-General of the island of Cuba has no other superior but Her Majesty's Government on which he is dependent; and so long as that Government does not authorise me to recognise those or other faculties in you, I neither could nor ought to recognise them, without failing in the most sacred of my duties.

Hitherto it has been said that these faculties were exclusively in the competency of the British Commissioners, and I am not aware that I have refused to them this function, which these same Commissioners denied to you when your invasion of it was in question.

On a general view of the whole affair, I am of opinion that you might avoid these useless communications, with so much the more reason that it would better become the British Government to address such notes as it may see fit to the Government of Her Catholic Majesty on this point, than for you to exact a concession from me which it is neither in my power nor my duty to grant.

This I repeat to you in answer, returning you the assurance of my personal consideration.

God grant, &c.

(Signed) GERONIMO VALDES.

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

No. 181.

Mr. Turnbull to the Earl of Aberdeen.

Havana, November 6, 1841.

(Received December 6.)

MY LORD,

WITH reference to my Despatch of the 30th ultimo I am enabled, by the prevalence of northerly winds, to commence the communication I then proposed

of the documents which have recently been prepared at the instance of the Captain-General, in order to furnish his Excellency with materials for a detailed and argumentative report to the Regency of the kingdom on the subject of the Convention proposed by Her Majesty's Government with reference to the slaves introduced into the Spanish dominions in contravention of the Treaties of 1817 and 1835, with the view, doubtless, of assisting the Supreme Government in delaying or defeating the negotiations.

And as it has humbly appeared to me that the object in view may be materially promoted by an early knowledge of the facts and arguments on which, in all probability, the Spanish Government will place the greatest reliance in the course of the ensuing discussion, I have spared no pains to procure, in the first instance, those reports already presented to his Excellency which either originate with parties in the enjoyment of the greatest local influence, or proceed from individuals distinguished for their intellectual attainments. The Enclosure No. 1 is the Circular Despatch of the Captain-General, addressed to the corporate bodies, and to a number of private individuals, enclosing the draft (of the draft) of the Convention, and requiring them to report on it in its legal and economical bearings as it affects the national dignity, and in any other point of view which, with reference to the true interests of the country, might lead to a better understanding of the subject.

Of the reports prepared in pursuance of this Circular which have yet been communicated to me, that of the Junta de Fomento, forming the Enclosure No. 2, demands the first place, in spite of its reckless disregard of truth in many important particulars, not only from the ability and force with which it is written, but in consideration of the great influence of the body from which it proceeds.

The only remark I shall make on this paper is, that when first presented to the Captain-General (who enjoys, *ex officio*, the station of President of all the corporations of the island) it was accompanied by an Appendix, containing a series of suggestions intended to prove that slave-labour in this island might be entirely dispensed with, and that the proposed Convention might be rendered unnecessary by a general act of emancipation.

This Appendix, although still existing in the archives of the Junta, I have not yet been able to procure, *because* it was suppressed by his Excellency, in his character of President, before, as Captain-General, he would consent to receive it.

The motive for this suppression is sufficiently obvious. The members of the Junta, like other Creoles, are desirous of seeing Cuba independent, but are denied all hope of achieving that object as long as slavery and the Slave Trade are maintained. They oppose, therefore, the Convention now proposed, because it threatens to deprive them of a large portion of their slaves without simultaneously securing for them the object they so earnestly desire.

The only other report which I shall be able to communicate by this packet is that of the Conde de Santo Venia, a person of immense wealth in slaves, lands, and money; who distinguished himself, a few months ago, by the presentation of a Memorial to the Captain-General, which I was enabled to communicate in my Despatch of the 25th of May, wherein he declared himself the advocate of an immediate and general emancipation. It is true that he was then labouring under the influence of the mystification in which the present Captain-General, then recently arrived, had thought it necessary to involve the proceedings of his government with regard to the negro population of the island. And I have no sort of doubt that, by that deceptive line of policy, his Excellency has greatly accelerated the development of the principles which it was his real purpose to neutralize and control. The other paper enclosed in the form of an address from the young Creoles of the Havana, the *Hijos del Pays*, as they delight to call themselves, to the London Anti-Slavery Society, affords another striking illustration of the same fact. A glance at this paper, while serving to prove that it has been written under the most erroneous impressions as to the character and functions of the parties addressed, will be found to afford a fair picture of the views and opinions of the young men of five-and-twenty in the higher classes of Creole society, and may also be useful in furnishing suggestions to Her Majesty's Minister at Madrid in the course of the pending negotiations. For these reasons I

have taken the liberty of assuming that it might not be unworthy of your Lordship's consideration.

I have, &c.

(Signed)

DAVID TURNBULL.

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

(Translation.)

First Enclosure in No. 181.

Circular of the Captain-General.

Havana, August 16, 1841.

By order of His Highness the Regent of the kingdom, communicated to me on the 25th of June last by his Excellency the Secretary of State, I am required to report to that department of the Government with the requisite detail on the draft of the Convention proposed by Her Britannic Majesty's Government relative to the examination of the slaves imported from Africa since the 30th of October, 1820, and in liberty, after taking the opinion of the corporations and of individuals, so as to be able to furnish a greater number of reasons for the consideration of this important question. With this view there has been sent to me the Note communicated to our Government by the British Legation in Spain, and the draft of the Convention proposed by Great Britain. And in forwarding to you the literal copy of these documents, in order that you may furnish me with such information as may present itself to you, I can only recommend that your report should be reasoned, and that it should examine the points to be discussed under their legal and economical aspects as they affect the national dignity, and in any other point of view which, with reference to the true interests of the country, may lead to a better understanding of the subject in question.

This I state to you in strict obedience to the above-mentioned order, that you may comply with it and send me your report as speedily as the importance of the affair will admit, in order that I may be enabled to do what is required of me *en parfaite connaissance de cause*.

(Signed)

GERONIMO VALDES.

Second Enclosure in No. 181.

Report of the Junta de Fomento to the Captain-General on the Draft of the Convention relating to Slave Trade, proposed to Spain by Great Britain.

THE Island of Cuba, hitherto so fortunate, has never before been threatened with a danger so imminent or disastrous as that which now fills the minds of its peaceful inhabitants with consternation and alarm.

When the fervour of political and philanthropic principles, and the want of experience of certain Deputies in the extraordinary Cortes, induced them, in 1811, to propose, by legislative means, the gradual extinction of slavery, although our distress was great, we were not entangled with millions of free people of colour—we had not within our bosom 500,000 or 600,000 persons of the African race—nor had a powerful, persevering, and astute nation declared itself their ally and protector. The question had not ceased to be purely of a domestic nature, and the final triumph of reason, justice, and sound policy had not yet been doubted. In what a very different situation do we now find ourselves! It is now proposed, at a single blow, to break the bonds which connect us with our slaves; and an attempt is made to cover the proposal with the sacred forms of justice.

Masters and slaves are to appear in a kind of tribunal of the last resort, in which England is to appear at once as the accuser of the one and the advocate and defender of the others—as arbiter, judge, and administrator of the law. And, in order to accomplish this disastrous design, Spain is required to change her civil and fundamental laws—to associate herself with injustice, to renounce her sovereignty of the island, voluntarily to sign her own degradation, and to give to the world the most melancholy instance of self-denial which its history has ever exhibited.

On such a solemn occasion as this, every man who is called by his position to

enlighten the conscience of the Government is bound to give utterance to his opinion with perfect frankness ; and it is this consideration which has induced the Junta de Fomento to undertake a task so arduous, and in all respects so far beyond their strength.

In order to accomplish it with all the accuracy that was possible, they have studied the subject, they have meditated on its details, they have called to their assistance well-informed persons of all classes and stations, and, above all, have consulted the public opinion of the country. This opinion, although given with reserve and prudence, has been unanimous, compact, deliberate, and grave. The memorialists have contented themselves, in fact, with making themselves the organs of that opinion, and with reducing it into form, so as to make it worthy of being presented by our provincial chiefs to the consideration of the Supreme Government.

The memorialists proceed, therefore, to deal with the question pointed out by his Excellency the Captain-General, in his Despatch of the 12th ultimo, transmitting the draft of the Treaty, in which he requires it to be treated, 1st, in a legal point of view ; 2nd, in its economical and political bearings ; and, finally, with such general considerations as may be judged of importance.

In examining the draft of the Convention, the first question which naturally presents itself is—What are the principles and the rights on which the British Government advances this extraordinary pretension ? Are they founded on the Treaty of the 23rd September, 1817 ? Let us examine this question. In the Congress of Vienna of 1814, it was declared by the Plenipotentiaries of the Great Powers of which it was composed, “ that the traffic in slaves was repugnant to the principles of humanity and morality, and that their respective Sovereigns ardently desired to put an end to a calamity which desolated the coast of Africa, degraded Europe, and afflicted humanity.”

This declaration went no farther than the simple recognition of a moral principle. The Sovereigns who made it obliged themselves to each other in nothing, unless to signify that each and all of them regarded it as a duty of conscience to prohibit the Slave Trade in their respective states ; reserving to themselves the power of deciding the period and the rules under which, and at which, they might find it convenient to carry their views into effect.

The English Plenipotentiaries were the authors of this Article, but in the opinion of their own Statesmen it had no other import than that we have pointed out. In the course of the discussion of the Bill proposed by the English Ministers for the assimilation of the Slave Trade engaged in by Englishmen with piracy, when some Members of Parliament who supported it contended that the Congress of Vienna ought to have declared, as a general principle of international law, that slave trading was, in fact, a crime of this nature, Mr. Canning, although the author of the Bill, could not listen with tranquillity to such a political blasphemy ; and hastened to declare that England, of all the nations in the world, should be the last to recognise in such a Congress, or in any alliance whatever (these were his words), the right of making laws universal and obligatory on all other nations. “ What we desire,” continued this illustrious Minister, “ is that each State should declare, of its own accord, that the traffic in slaves is equivalent to piracy ; for up to the present period (16th March, 1824) we have not succeeded in inducing any European Power whatever to accede to the mutual right of search of vessels suspected of being engaged in this traffic.”

But the Government having, for reasons which it is not necessary in this place to discuss, already decided on bringing the discussion to a close, this declaration was always in their hands a most useful document for the purpose of promoting the negotiation with the two countries most deeply interested in the question, and which, from particular circumstances, were then more than ever disqualified from making any effectual opposition to the demand. The British Government induced that of Spain, in an additional Article to the Treaty of the 5th of July, 1814, as a consequence of that declaration, to say that—

“ His Catholic Majesty, concurring in the fullest manner in the sentiments of His Britannic Majesty with respect to the injustice and inhumanity of the traffic in slaves, will take into consideration, with the deliberation which the state of his possessions in America demands, the means of acting in conformity with those sentiments. His Catholic Majesty promises, moreover, to prohibit his subjects from engaging in the Slave Trade for the purpose of supplying any islands or possessions excepting those appertaining to Spain ; and to prevent likewise, by

effectual measures and regulations, the protection of the Spanish flag being given to foreigners who may engage in this traffic, whether subjects of His Britannic Majesty or of any other state or power."

This article was just of as vague and general a character as that of the Congress of Vienna. His Majesty King Ferdinand VII. reserved to himself the faculty annexed to his sovereignty of putting an end to the traffic when he should deem it convenient, and when he should judge it not calculated to do these countries a serious injury; and he only obliged himself formally to prevent his subjects or others under the protection of the Spanish flag from introducing slaves into foreign colonies. Nevertheless, this article was regarded by England as of far greater importance, because it might serve as the preliminary of a negotiation; and that view of the matter sufficed for her political designs.

These designs were effectually favoured by the circumstances of the period. The King, in a certain manner, acknowledged that he was indebted to the English forces for the possession of his throne. He was involved, moreover, in war with his insurgent colonies; and he believed that he had a great interest in not offending a nation which was naturally inclined to favour and even to provoke the struggles of the inhabitants of these countries to achieve their independence. The Treasury, besides, was exhausted and destitute of resources, with which to carry on the war, and to meet the other pressing exigencies of the state. England was able to remove these difficulties; and hence the impolitic Treaty of the 17th November, 1817. But its sole exclusive object was to put an end to the Slave Trade carried on by the subjects of the two nations.

In effect there was stipulated, 1st. The mutual right of search of the merchant-vessels of the one by the ships of war of the other. 2nd. That such as were met with, having slaves on board, might be captured on their way from the coast of Africa, and carried to the places where the Mixed Courts of Justice might be established, for the limited purpose of deciding on the justice or illegality of these captures.

Except in the case of captures made at sea, the authority of these Mixed Tribunals ceased; and each nation naturally reserved to itself the right of judging by its ordinary tribunals, and in conformity with its general or special laws, such individuals as might be accused of the clandestine introduction of Africans. Fifteen years had elapsed since Spain had begun, with her proverbial fidelity, to fulfil her part of the Treaty, when, with the view of making it more efficacious, the Treaty of 1835 was concluded. The mere existence of this new convention proves that in the opinion of the high contracting parties the previous Treaty had not been so effectual as was desired. It was, doubtless, believed to have been violated, and that, in spite of the efforts of both Governments, some Africans had been introduced into their respective colonies. But although the right of capture was enlarged, and even extended to cases where there were only suspicions, and very slight suspicions, of the vessel being really engaged in Slave Trade (without indemnifying the losses to which the ships of the weaker nation might be exposed), the most profound and absolute silence was preserved, not only with regard to the Africans who up to that period might have been clandestinely introduced, but also with regard to such as might be introduced for the future, as a necessary consequence of the immense profits which the trade afforded. This silence did not proceed from mere omission or forgetfulness, but resulted from the very nature of the Treaties themselves, and was the rigorous consequence of the maxims on which the independence of nations is founded; because it could not be the intention of Spain to commit herself more deeply than she already had done by this blind negotiation.

From the moment when the vessels engaged in the clandestine traffic of negroes have succeeded in eluding the vigilance of the cruisers, and in landing their cargoes, whether on English or on Spanish soil, the nature and aspect of the question are absolutely changed. There has been no capture. There is no subject to which the proceedings authorized by the Treaty can be made to apply. If any crime has been committed on shore, any vicious or illegal act, it ought to be judged of and decided by the ordinary laws and tribunals of the nation to which the territory belongs. These are truths which do not admit of commentary; the proofs are in the Treaties, their strength in their mere simplicity.

England cannot, therefore, found her pretensions to a new Treaty either on

the letter or the spirit of those which now exist, nor is the object in view of sufficient importance to justify our Government in violating our civil and fundamental laws, in completing the sacrifice of our dignity and independence, and in resigning ourselves to the perpetual loss of one of the richest and most important jewels of the Crown of Castile.

It is inconceivable, in fact, how the right of property arising from possession has been overlooked in the draft of this Convention—that fundamental basis of all property and of all social order.

An undisturbed possession for one, ten, or twenty years is regarded by the Treaty as a fact of no importance. Even in the discussion of the legitimacy of a title arising from purchase or succession, the possessor may be called upon to prove that the slave had been introduced antecedent to the month of October, 1820. When was there ever seen such a scandalous forgetfulness of the maxims of universal justice? Attacked in its two vital principles, which are possession and title, and its owners compelled to undertake the proof of what is always difficult, and often impossible, the property in slaves would be wholly destroyed. The spirit of insubordination and disquiet which would take possession of the minds of the slaves would make their retention at once useless, inconvenient, and dangerous. To alienate or dispose of them would, for the same reasons, be impossible. And suppose that where there existed 200 or 300 freed people, there lived also an equal or smaller number of persons of the same colour, and from the same country, who still remained in slavery, and who could not comprehend the cause of the extraordinary and revolting distinction; and whites themselves, if they survived to witness such a state of things, would hasten to rid themselves of a property attended with such serious inconveniences.

But the legal inconveniences to arise from the treaty now proposed, become more formidable when it is considered that it not only proposes to deprive the actual possessors of slaves of the just guarantees assured to them by law, but to subject them to the judgment of a tribunal composed in part of foreigners, by means of special rules, contrived for this purpose, making all defence impossible, and greatly aggravating the evils of the sad situation in which they would find themselves placed in the course of their struggle.

The memorialists have consulted the history of the world, but have met with no notice of any independent state which has ever consented to the establishment of tribunals within its own bosom, composed of foreigners, for the purpose of judging the natives in civil and criminal questions, and for acts committed on their own territory. Examples have been found of nations consenting to submit to a fortunate conqueror, and so to renounce their independence; but stipulating, and always obtaining, even from the most barbarous and ferocious, the preservation of their laws and privileges, and the right of being tried by their natural judges.

The annals of ancient as of modern nations are filled with such testimony; and those of our own (Spain) are most fruitful in facts of this nature. The Romans, the Goths, the Moors, and Napoleon, always respected this principle, which publicists of the highest authority now regard as a maxim of international law (Burlamaqui, *Droit des Gens*, part iv. cap. 8; Vattel, *Droit des Gens*, lib. i. cap. 7), which, moreover, assumes the character of a fundamental law of society. It has always been a law of Spain that the inhabitants should be judged only by natives of the kingdom (*Ley 2, Tit. 4, Libro 7, Nov^{ma} recopilacion y 3^a Tit. 16, Libro 2^o del Ordenamiento Real*), and by the codes and laws of the nation, and not otherwise; and so zealous were our ancestors for the preservation of this right, as is testified by a multitude of petitions of the Cortes, and by various legal enactments, all designed to prevent foreigners, even when residing on the spot, and entrusted with public functions, from ever exercising those of a judicial character.

The Spaniards have been prodigal of their blood when their complaints and representations in support of the inviolability of their laws—the only true guarantee of civil liberty—were neglected; and most certainly the just and celebrated rising of the *Comunidades* had no other origin.

Besides, the erection of a tribunal composed of foreigners to decide on questions so essentially domestic in their nature, by other than Spanish law, and by other than Spanish Judges, would be an unheard of opprobrium to the nation; and to sanction the application of the rules of this tribunal to facts accomplished

twenty years before the existence of such rules, would be to transgress the last limits of iniquity. It is a maxim of universal justice, recorded and sanctioned in our codes, "that laws should never have a retroactive effect" (Ley 15, Tit. 5, Lib. 4, Fuero Real). "No Spaniard," says an article of the present Constitution of the Monarchy, "shall be prosecuted or sentenced except by a competent judge or tribunal in virtue of laws antecedent to the offence." (Tit. I, Artículo 9^o.) And although it may be contended that the code and the constitution do not extend to these provinces, the answer is easy—that the exclusion has only reference to the system of government, and that they must always have the benefit of General principles, which, like those now quoted, are applicable to any regular organised society.

The mind, in fact, is involuntarily seized with a sentiment of just indignation when it attempts to analyze the rules which are to guide the Mixed Court in the substantiation and decision of certain questions, which, although apparently affecting only individual interests, will in reality extend to all the proprietors of slaves, and in their disastrous consequence will involve the entire fate of these islands.

An accusation in the most laconic form, and a few simple declarations on oath, without the means of redress or appeal, will be sufficient to determine the property and affect the lives of half a million of individuals, and to condemn them to perpetual silence.

This mode of procedure, more executive and expeditious than that of any of the sanguinary tribunals and commissions of which history has transmitted any notice, will appear to be the more alarming when it is remembered, first, that the vilest spies and informers, distinctly authorised, will doubtless be bribed and encouraged with English gold; and secondly, that the proceedings are to be founded on mere suspicions. What an admirable system for the administration of justice in matters of such serious interest! And to what hands are to be confided the application of those rules, in themselves so unjust, to inspire the most cautious and confiding with consternation, even if Justice herself were to descend from on high to carry them into execution?

The memorialists, most Excellent Sir, are unable to find language with which to give expression to the feelings of anxiety, alarm, and despair, engendered in every breast, that some fanatical methodist, determined to sacrifice everything to the triumph of his dogmas, or some hypocrite still more dangerous—in either case the zealous agent of his Government in its dark designs—may at once be the judge, the informer, the instigator of the slaves, and the executioner of his own iniquitous judgments. What justice are the unfortunate owners to expect from such judges? What hopes of reparation are we to entertain against a judgment from which there is no appeal—pronounced by Judges who are exempt from all legal or moral responsibility?

Is it to be supposed that 500,000 individuals will continue to live in tranquillity and unmoved, while sentence of death against them is pronounced and executed?

This, most Excellent Sir, is not the age of voluntary martyrdom. And, in order to execute such a Treaty, it would be necessary at the same time to conclude another, permitting an English army to take possession of the island. England must always acknowledge (for how can she refuse to acknowledge?) that, in consenting to these Treaties, Spain never abandoned the right of judging the questions which might arise out of the fraudulent introduction of Africans by means of her own ordinary tribunals, and in virtue of her own laws.

In the various Notes which the Cabinet of St. James's has addressed to that of Madrid, when attention has been drawn to some of these frauds, the object of them has always been to request that the zeal of the authorities of the island should be excited to redouble their vigilance, and that measures should be taken of a nature to put an end to the evil; but they have never attempted to interfere in a matter peculiar to the internal policy of the nation. Our Government, on their part, issued the necessary orders, and among others that of the 2nd of January, 1826, which was of itself sufficient to put an end to all discussion on the subject.

In that order convenient precautions were taken by which to make it certain that vessels arriving from the coast of Africa were not such as had been engaged in the Slave Trade. It was declared that the President-Governor with his assessor should have exclusive jurisdiction in these matters, that he

would admit denunciations with regard to negroes illegally introduced, who should immediately be declared to be free, and the purchaser of them should be fined 200 dollars for every one he had acquired. And in order to make these regulations more effectual, the sacred authority of our holy religion was interposed, and the Right Reverend the Archbishop of Cuba and the Bishop of this diocese were exhorted, with the aid of the parochial clergy, to teach the faithful the fault they committed by the infringement of this law.

On the part of Spain what more could there have been done? No nation, however great its maritime power, however determined its resolution to put an end to this traffic, has ever yet succeeded in seeing its accomplishment immediately follow the promulgation of the law by which it was forbidden. It continued in the United States for a long time after it had been legally abolished; and it would have continued much longer if public opinion and private interest had not contributed more powerfully than the dictum of the law in accomplishing its condemnation.

The French colonies ought to have witnessed its final termination in the year 1819. But it is, nevertheless, an undeniable fact that, up to the year 1831, the trade was carried on with great activity and to a very great extent; while the Government manifested no desire to prevent it.

And England, with her thousand ships of war, may perhaps glorify herself in having prevented the clandestine introduction of slaves into her colonies, as soon as the act of 1817, by which the traffic was forbidden, had been promulgated. Most certainly not! The vigilance of the cruisers was evaded by the efforts of self-interest, and the colonies were reinforced by fresh importations.

Wilberforce and Buxton and the other ardent protectors of the African race exclaimed incessantly in Parliament against the violation of the law, which was equally denounced by the press and by all the organs of public opinion. At length, in 1814, a Bill was passed condemning all those convicted of engaging in such a traffic to fourteen years' transportation, or five years' hard labour. But even this law most certainly did not put an end to it, for in the year 1825 it became necessary to promulgate another, assimilating the Slave Trade to piracy.

But it is to be observed that, although the abolitionists were perfectly persuaded that a considerable number of slaves had been introduced in contravention of the law, it never occurred, even to the greatest fanatics among them, to make the disastrous proposal of raising a question between these individuals and their possessors, judging them without form of process, by executive commissions; and thus accelerated the ruin of the colonies. They adopted fit measures, it is true, to prevent the evil, but this did not issue in more serious consequences. They look to the future only, but public policy forbade an attack on that which had already acquired the sanction of time; and which, if pried into too closely, might have exposed the colonies to the most alarming vicissitudes.

And can there be any just reason for demanding that Spain should consent to a demand affecting these provinces, which England, with all her power, and amidst the greatest effervescence of her philanthropic principles, could not succeed in carrying into effect in her colonies?

The memorialists have hitherto confined themselves to a demonstration—1st. That the demand of the English Government is destitute of all just foundation. 2. That, in order to accede to it, the Spanish Government must divest itself of one of the most important attributes of sovereignty, must abjure its dignity, and repress the noblest feelings of the heart; infringing the civil and fundamental laws of the state, setting at nought the clearest maxims of universal justice and international law; and, finally, as a reward for our fidelity, delivering us up chained and unarmed to be judged by the malevolence of foreigners, and sacrificed to the vindictive rage of a few barbarians. It is now the time to show what would be the immediate

CONSEQUENCE OF THE TREATY.

As soon as the existence of the Treaty became known, and, in virtue of the suspicions on which the informers would lay hold, a few declarations of emancipation had taken place, the fact would speedily be published and propagated from one end of the island to the other. Alarm and disgust would take pos-

session of the minds of the slaves, to whom the extent and limits of the Treaty could not readily be made intelligible. Fresh instances of the declaration of freedom would soon engender insubordination; insubordination would promote mutiny; and mutiny would degenerate into open rebellion. So that scarcely would this fatal convention have begun to be carried into effect, when blood would flow in our fields—so long the asylum of labour and repose. It is to be utterly ignorant of the magical effect which the word liberty produces, to suppose, as the authors of the Convention suppose, in its preamble, that the individual declarations which the Mixed Commission will be called on to make will not be dangerous. No one here is ignorant of the effect which an individual case of manumission, arising from the savings recognised by our laws, produces in the minds of other slaves. The object of envy to his neighbours, his new condition serves to excite the imaginations of all around; and these fallacious ideas are unfortunately so much the more seductive, in proportion to the indefinable attraction which a state of idleness and sloth presents to every savage; conveying to them the flattering illusions which some of our poets have connected with solitude and a desert. And assuredly it is not the English Government which ought to disavow these truths.

The history of the British colonies abounds with bloody examples of the terrible echo which the most insignificant motion in Parliament produced on the minds of the slaves, whether their object was to terminate the illicit traffic at once, or to introduce some amelioration into the condition of the slaves.

When Mr. Canning proposed a series of measures in 1823, full of wisdom and prudence, for the purpose of tempering the rigour of the masters' authority, and improving the moral character of the slave, the negroes of Jamaica and Demerara unfurled the standard of rebellion, pretending they were already free, and that the colonists, in defiance of the orders of the King, were holding them illegally in slavery; so that it became necessary to publish martial law, and take off the heads of some hundreds of those who had risen under the influence of this illusion.

These scenes were renewed when the Bill was introduced by which the Slave Trade was assimilated to piracy. Every motive and every step which was taken in this serious affair opened the graves of a hundred proprietors and a thousand slaves. The spectacle of the emancipation of a considerable number of slaves, wherever it has occurred, has occasioned insubordination among their companions in labour and servitude, as well as of alarm and ruin among the proprietors. When the celebrated minister of whom we have spoken proposed the Piracy Bill, in opposition to the wishes of certain abolitionists, who called for immediate emancipation, after stating that since the period of the cession of Trinidad that point had been chosen as the most suitable at which to try an experiment as to the best means of progressively civilising the negroes, he expressed himself in the following terms:—"We have not thought it right to proclaim the freedom of the children to be born hereafter, because such a step might occasion among the negroes heart-burnings and jealousies. Besides, liberty, like all other benefits, ought to be acquired by a succession of efforts discreetly applied. That freedom which is earned by means of industry, continuously applied, would, in my firm opinion, be a much more positive and solid benefit than that which should be suddenly proclaimed."

Few as the cases may have been of the introduction of slaves into this island since the year 1820, they are sufficient at least to excite the jealousy of the true slaves, and to inspire them with a longing to share the same fate with those who had previously been supposed to be legally of the same condition; and under this impression the situation of the island would be much more perilous and alarming than if it were proposed to declare the freedom of those to be afterwards born. Some would be unable to fix the time of their arrival in the island; others would be desirous of enjoying a benefit which they saw so readily conferred on their neighbours; and all acting under the influence of instigation, which certainly would not be wanting, there would not be a single slave in the island who would not institute proceedings which, without risking anything, might end in so great a victory. In this struggle, so unequal and disastrous to the proprietors, their only reliance would be on the favour of the Mixed Court; without which they could not expect to avoid an unsatisfactory decision. They would also have to appeal to the sympathies of the formidable mass of freed men already existing, which would receive a reinforcement, so much the more effective in proportion as those composing it should have preserved these sym-

pathies in a latent form, or should have brought more freshly and vigorously into action their spirit of vengeance, and all their ferocious and anti-social passions.

The first effect of the Convention would be to produce a universal dissention between the slaves and their owners. Two or three hundred slaves would be seen disputing with their masters for their liberty in this judicial arena, only afterwards with their fellows to contend in a more bloody field for our property and the dearest of our possessions, and even for the sovereignty and dominion of our beautiful country, for which we had hoped that fortune had prepared a better destiny. Such, we cannot doubt, would be the spectacle which the island would offer us. The love of liberty once excited in the minds of the negroes, the *prestige* of masterdom destroyed, and instructed by their friends, already free, in the secret of their own strength, who is to restrain them? By what power shall they be reduced to the quiet habits of obedience and toil? St. Domingo, Sierra Leone, and Jamaica, in short, all the English colonies, will reply with the irresistible evidence of facts to these terrible inquiries. Let us separate ourselves, if we can, from the view of the most horrible picture of misery, barbarity, and degradation which St. Domingo now offers, after 40 years of tranquilly and of peaceful contact with enlightened and industrious nations, because it might perhaps be argued that emancipation had been there a casual and unpremeditated affair, and let us confine our attention to Sierra Leone, and Jamaica, because we shall there enjoy the conviction of reading solid and useful lessons, inasmuch as in these countries they have had the benefit of all the dictates and resources of human prudence, in order to prepare for the great result, converting it to purposes useful alike to the colonies and the mother country, and calculated to make the beautiful principles of philanthropy and morality triumphant.

The principal if not the exclusive object of the establishment at Sierra Leone was the instruction of the negroes in the doctrines of Christianity, and in the arts and habits of Europe, in order that it might become a focus of civilisation, the rays of which should penetrate among the circumjacent tribes. Slavery never existed there, and it is to this circumstance that the advocates of abolition ascribe the inefficacy of all the efforts which have hitherto been made to inspire the negroes with some notions of morality. Twelve hundred of those who had embraced the cause of the mother country in the war with her North American colonies, were the founders of this model establishment, and that number was successively increased by means of Spanish, Portuguese, and even English prizes; so that in 1831 the coloured population had reached the number of 38,627. England has been prodigal of her treasure and of the blood of her children, in order to realise the expected results.

The expenses occasioned by this establishment between 1807 and 1831 amounted to 110,000,000 dollars; and what have been the results of such an enormous sacrifice? Let us listen on this subject to a justly celebrated writer, whose authority will certainly not be suspected by the friends of emancipation. After detailing the efforts of the Government to inspire the negroes with habits of order, and reconcile them to industry, the profound M'Culloch expresses himself in the following terms:—"We regret to add that all these sacrifices have been manifestly fruitless. There is certainly a great deal of contradiction in the notices we have of the progress of the negroes; but it is sufficiently clear that they have not been very considerable, and we do not believe that any other result could have been reasonably expected."

Thus it appears that all the efforts of the English to civilise the slaves of their colonies, and to prepare them for emancipation, present to us a most disconsolate prospect. The power of the master is modified and cut down; the use of the lash is prohibited; the spirit of domesticity and the love of family is promoted; marriage, the basis of all civilisation, is encouraged; the right of property and the privilege of making a will are recognised; two bishoprics have been created, one in Jamaica, the other in the Leeward Islands, in order to ameliorate and imbue the negroes with the sacred precepts of religion, and with ideas of order and morality; in fine, the system of apprenticeship is adopted, in order to enable them to pass, by a gentle and gradual transition, from the condition of servitude to the complete enjoyment of freedom. And what has been the fruit of so many years of preparation, and of so much exquisite care? And what does Jamaica teach us, so lately rich and flourishing, the rash rival of this island in the production of sugar and coffee, amidst the various advantages she enjoyed? Your Excellency,

the nation, the whole world know full well how misery has been substituted for abundance, and even opulence; how fields of Jamaica have been desolated by murder, robbery, and fire-raising, which before were cultivated with so much intelligence and skill; while the production of sugar and coffee has fallen off to such a degree, as to give rise to the most serious alarm on account of the scarcity which will ensue in the mother country.

In one word, all sorts of labour have been so completely abandoned, that the *plantain* has disappeared, a thing so perfectly inconceivable with regard to this bread of the West Indies, the favourite food of the negroes, that in these islands of Cuba and Porto Rico it will not be believed. Such are the beautiful results of emancipation.

If the deplorable condition to which the British colonies have been reduced required any proof, a recent and scandalous fact, which illustrates the policy of the Government, would remove all doubt on the subject.

In the month of February of the present year Mr. Barclay, a member of the Legislative Council of Jamaica, sailed from the Thames, provided with a licence from the Government to carry to that island several thousands of negroes from Sierra Leone and from other points of the coast of Africa, under the specious title of apprenticed labourers, for *fifteen years*.

And by what means has the labour disappeared or diminished, by which the active and prosperous agriculture of the island was maintained a few years ago? Does not the same, and even a more numerous, coloured population still exist than at the period of the final extinction of slavery in 1834? But the negroes were not prepared for emancipation; they were not under proper subordination; they did not feel the respect which was due to their masters; they lost all their habits of order and industry. The facility with which they satisfied their wants in a fertile country only served to aggravate their misery and want of foresight. And England, undeceived on the subject of the useless and frightful sacrifice she has made of her colonies, begins to perceive that she must now complete it by a reduction of the duties on sugar and coffee, in order to satisfy the just demands of the people of the mother country. It is now rather late in the day to prepare a palliative which involves the Government in self-contradiction, and produces an open violation of the existing treaties with Spain. This violation is clear. The greater part of these negroes are those which were found on board our captured merchant ships, and those which were recently removed from certain factories belonging to Spaniards, and, by an abominable abuse of brute force, were burnt by the English cruisers, as we find from the notes of the cabinet of Lisbon, remarkable for their energy, and addressed to that of St. James's, in which reparation is demanded for certain excesses committed on vessels under the Portuguese flag. But England had no right, according to the 13th article of the Treaty of the 22nd of July, 1835, to dispose of those individuals in this arbitrary manner. By what right can they condemn them to such a period of forced labour, which few of them will survive? From whom have the English Government acquired this faculty? By what shocking contradiction has this multitude of men, declared to be free in virtue of solemn treaties, been torn from the place in which they had been accustomed to live, and which for them had become a second country, in order to remove them to their own colonies, at the very time when they are exacting from Spain a measure of iniquity which is to compromise the very existence of these islands? * What will the world think of this inexplicable conduct? If not prevented by some great material interest, it would not be wonderful to see England retrograding in her march of disastrous philanthropy, and establishing regulations by which to reduce this multitude of savages, whom she has driven back to a state of barbarism, to a cunning species of slavery, either in consequence of a blunder, or, what is doubtless more probable, in order to accomplish some more political design. †

* NOTE BY MR. TURNBULL.—The Abolition Society of London has complained of this permission given by the Government. But Lord John Russell did not think the complaint of that body worthy of an answer: it was made by his secretary in six lines of evasion and burlesque. The newspapers announce the arrival of some hundreds of negroes at Jamaica.

† NOTE BY MR. TURNBULL.—Public opinion in Europe on the subject of negro emancipation is not in harmony with the results observed in the English colonies. Distinguished writers, who have studied this question, have arrived at a reasonable distrust of theories, after consulting the fact. De Tocqueville, from what he has observed in the States of the North American Union, has inferred the absolute impossibility that the two races should ever live together in any relative condition but that of oppressors and oppressed—the weak being the slave or the victim of the strong; and M. Granier de Cassagnac, in his observations on the islands of Jamaica, St. Domingo, and Cuba, observes that, in the present moral and intellectual condition of the negroes, emancipation is a gift as injurious to them as to all the rest of the civilised world. See his letters, published in the "Courier" of the United States on the 19th of June of the present year.

If, then, the cessation of all labour has been the result of emancipation in the English colonies; if it is proved, by a constant and most melancholy experience, that the same facts have everywhere produced the same consequences, sending back the negroes to all their savage, anti-social habits, what is to be the fate of an island where nothing has been done to prepare for so serious a change? Nothing less than its total loss to the inhabitants, to Spain, and to the civilised world—a loss as infallible, and perhaps even more disastrous, than that of St. Domingo. The profound conviction which the Government ought to feel is that this will be the dreadful consequence, not only of any attempt at a general or partial emancipation of the slaves, but of any measure which may be adopted, the tendency of which shall be to weaken, in any way whatever, the authority of the masters, or to increase the number of freed men, already far too considerable. This alone is a powerful and peremptory motive for rejecting this Convention, although in rigorous principle it were just.

Of all human rights that of self-preservation is the first and most sacred, whether applied to nations or to individuals. "The faithful promoter of the wishes of Parliament," said the celebrated Canning, in answer to those who were crying, as at present, for the immediate suppression of the Slave Trade, "ought not to apply himself exclusively to what is just in theory, but to what is practicable in fact."—(Sitting of the 16th of March, 1824.) These words, pronounced by a man whose authority is not to be denied by England, embraces not only our defence, but the severest censure on the iniquitous Convention now proposed.

Our Government cannot forget the maxims of natural right and sound policy; nor, under the specious pretext of preventing one or two speculators from introducing a few hundred negroes, allow thousands of its subjects to be condemned to misery; nor will it resolve on throwing away a province of such immense political and economical value as is the island of Cuba. The economical evils which its ruin would cause to the mother country are incalculable. Where will her agriculturists, her artisans, and her merchants send the goods, to the value of seventeen millions of dollars and upwards per annum, which we now consume? What voyage will the nine hundred vessels undertake which are now employed in the transit of our productions? What will be the fate of the eight or ten thousand seamen with which these vessels are manned, and which serve as the nursery of our navy?

Has Spain conceived the hope of entering into successful competition in the foreign markets of the world with other nations more advanced in industry, and in possession of a richer mercantile marine? And where is the Government to find the means of supplying the deficit which the abstraction of our subsidies will occasion? How is the enormous expenditure of the army, the navy, and the civil officers of the state to be provided for, which are now maintained by this island, and which will then serve to aggravate the general distress? In the exercise of her sovereignty over savages and ruins, where are the funds to be found with which to maintain the naval and land forces which it will still be necessary to maintain?

On the other hand, apart from her internal consumption, and the pecuniary advantages she offers to the Government, the island enjoys also another extraordinary benefit, arising from her admirable geographical position. She is a precious connecting link with which to invigorate and preserve the strong sympathies which still exist between the new nations of America—bathed by the Gulf of Mexico or the neighbouring seas—and the mother country; and her bonded warehouses are a convenient place of deposit for this lucrative and advantageous commerce.

The island offers to Spain a great futurity. It is a providential remnant, which is destined, perhaps, to give her greater influence in America than she enjoyed when she was the actual sovereign of the two continents. To preserve the island and make it prosperous ought to be as much a canon of peninsular policy as, in another sense, it is for England a law of her existence to retain unfortunate Ireland in a state of thralldom and oppression.

The loss of such immense material interests would finally be shamefully aggravated by the opprobrium which this new Convention would bring upon Spain. The right of visit and detention, on grounds of mere suspicion, which was sanctioned by the two former Treaties; the existence in this harbour of a dismasted ship of war, manned with negroes; the toleration of an agent, not of the Government only, but of the English abolitionists, who insults and threatens us, are concessions and sacrifices already sufficiently painful.

It is time therefore to bring to a close these interminable exigencies of the British Government, which, having abandoned the disguise with which she has

hitherto concealed her true designs, now finally throws off the mask, and makes an impudent display of them.

On the back of this Convention our sentence of death is already written. But England ought to remember that there is a law of supreme authority, superior to all others, written by the finger of God in the heart of every man, and that this law has created a right, which can neither be renounced nor compromised, and a resort to which has already furnished more than one terrible example in the history of this very people. This right is that of self-preservation. The most moderate publicists are agreed that societies may resist the execution of laws which contain precepts decidedly opposed to this natural right. That obedience which a people promises to its sovereign involves the tacit condition that nothing shall ever be ordained which may be capable of compromising its existence.

The inhabitants of Cuba, without forgetting their fidelity, would be entitled on this occasion to oppose the orders of the Government; and, in offering opposition, they would not only be exercising a right, but would be fulfilling a sacred duty, which may one day or other be referred to as the best of her titles to the national gratitude. This duty consists in the preservation of this beautiful and important possession to Spain and to the civilised world.

The memorialists believe that they have pointed out the legal inconveniences which forbid the conclusion of this Treaty; that they have demonstrated how disastrous it would be in its consequences, and to what an extremity of degradation its adoption would reduce the national dignity and independence. But, being convinced that in this negro question a great political design on the part of England is involved, and that the basis of this design is here, in the island of Cuba, the memorialists are of opinion that perhaps they ought not to stop at this point, but to proceed in sounding the project, so as to make it palpable how ruinous it is to be to the country, and so to rouse from their fatal lethargy those who see in the present pretensions of England no other desire but that of suppressing the illicit traffic in slaves. But this undertaking, however important, and even necessary, would involve the memorialists in a tedious discussion, which would greatly lengthen this report, already sufficiently diffuse, although too much can scarcely be said on a question of such vital national importance.

Impelled by their zeal, the memorialists have nevertheless, in a separate paper, pointed out such measures as, in their judgment, are indispensable in order to improve and strengthen our internal organization, so as one day or other to enable us to dispense with the labour of slaves, and provide against the dangers with which we are threatened.

In closing this report the memorialists propose:—

First.—That Her Majesty be implored not to make the smallest change in the negro question, in any sense whatever, without condescending first to listen, as Her Majesty is now pleased to listen, to the local authorities and corporations of the island, who will always be ready zealously and faithfully to declare what is suitable.

Secondly.—That what was stated by the Royal Junta, in its representation of the 27th of February last, should now be repeated, viz. That in this question of slavery there is but one sentiment, one unanimous wish in the island, a fixed and unalterable idea in the minds of all its inhabitants, which is, that they prefer any extreme to the calamity of losing their property, of endangering their lives, of remaining in subjection to negro power.

Note.—The separate paper alluded to in this report, suggesting measures which might serve to enable the island at some future period to dispense with slave labour, not having proved acceptable to the Captain-General, to whom, as President of the Junta, it was first of all presented, has been suppressed. It is well known, however, that it earnestly prayed for the total suppression of the Slave Trade.

Third Enclosure in No. 181.

Report of the Conde de Santa Venia to the Captain-General.

MOST EXCELLENT SIR,

Havana, October 3, 1841.

DESIROUS of responding to the distinguished confidence which your Excellency expresses to me in your Despatch of the 12th instant, requesting my

opinion on the order of the 25th of June last, transmitted by his Highness the Regent of the Kingdom, requiring a report from your Excellency to the Minister for Foreign Affairs, on the subject of the draft of a Convention proposed by the Government of Her Britannic Majesty regarding the examination of the slaves imported from Africa since the month of October, 1820, and their liberty, sending me at the same time a copy of the note addressed to our Government by the British Legation in Spain, and of the draft of the Convention in question, with a recommendation that the Report should be reasoned, and that the affair should be considered in its legal and economical aspects, and also as it affects the national dignity and the true interests of the country, so as to lead to a better understanding of the points in question, I have perused the documents referred to with the greatest care, and have meditated upon them with all the zeal which an affair so vital to this island, and of such vast importance to the whole nation, requires.

But in submitting to your Excellency the result of my meditations, I am impressed with the fear that my suggestions may not have force sufficient to quell the storm which daily threatens to swallow up our devoted Cuba. I have, nevertheless, resolved to undertake the task which your Excellency has required of me, and thus to afford another proof of my ardent wishes for the welfare of the island, and for the welfare, integrity, and dignity of the noble nation to which it belongs.

Under the pretence that negroes from the Coast of Africa have been introduced into this island from time to time, since the conclusion of the Treaty of the 23rd of September, 1817, and of the additions to it of the 22nd of June, 1835, between Great Britain and Spain, the Government of Her Britannic Majesty proposes the adoption of the present Convention, the object of which is to authorise the Court of Mixed Commission, established in this city, to receive declarations, on oath, to the effect of proving that a certain negro recently landed from the Coast of Africa is living in this island in slavery, and that in consequence of these declarations there should be required to appear before the Court, not only the negro in question, but the person presumed to be his master, and such other *individuals* as may be connected with the affair, or possess any knowledge of the facts, who are to be examined on oath; in consequence of which all those who shall appear to have been imported from Africa since the 30th of October, 1820, are to be declared to be free. And finally, in the event of the refusal of the parties interested to appear, the affair is to be decided in their absence *par contumace*, and equal effect is in that case to be given to the judgments of the Court.

The zeal exhibited by Great Britain in an affair of so much interest to humanity is doubtless highly laudable. But sometimes, unfortunately, the enthusiasm inspired by the holiest of principles serves only to obscure the intellect and to trample justice under foot, and thus to create more serious evils than those we are desirous of avoiding. Such, with all deference, appears to me to be the Convention now submitted to my opinion.

Let it be admitted as certain that a few covetous men have from time to time succeeded in eluding the vigilance of the Government and of the English cruisers on our coasts and on those of Africa, thus infringing the solemn Treaty concluded by the two nations on the 23rd of September, 1817. In that case it is these individuals alone who are culpable, and if taken in the act, and the crime sufficiently established, it is just, and most just, that the sword of the law should fall on the heads of the criminals. But if those who were really guilty have succeeded in withdrawing themselves from the pursuit of the high contracting parties, it is not fit that the responsibility should fall on those who have purchased in good faith and without opposition the negroes afterwards introduced, and already mixed up and confounded with those which were previously in the island; for this, of all sorts of injustice, would be the most grievous.

In point of fact, the purchase of negroes introduced into these dominions was not prohibited either by the Treaty of 1817 or by the addition to it of 1835, nor by the Royal Cedula of the 13th of December of the same year, but only the going to seek them on the Coast of Africa, imposing severe penalties on those who did so, as is clearly declared by the Royal Cedula already quoted; and if that which the law has not forbidden is permitted to all men, the inhabitants of Cuba have been free to purchase and to sell negroes within their territory, without being required to verify the uncertain period of their introduction. They were not called upon to supply the want of foresight of the authors of the

Treaty, and consequently they have committed no infraction, and are not in any way responsible. Before a man can be punished it is necessary to refer to a prohibitory law, which shall be not only clear and conclusive, but which, antecedently to the fact complained of, shall have been sanctioned and promulgated by legitimate authority. In the case before us there is nothing of the kind. There has therefore been no infraction, no offence; the penalty is therefore unjust.

It has been said that no man is allowed to purchase smuggled goods; but in a country where innumerable sales and purchases of negroes are daily made, as a legitimate branch of trade, and as the necessary instruments of agriculture and of domestic service, who, I ask, is able to distinguish between the man who is legally of servile condition and him who has been unlawfully introduced? At the moment of his landing this might possibly be done; but after a few months have elapsed it is at least exceedingly difficult; and if there had been a well-defined and acknowledged right to claim these newly-imported negroes as free, and if it were really so easy to recognise them, why was this not done by the Court of Mixed Commission at the proper time? Just, first of all, because there was no such right, and because it was not possible to discover the negroes after they had been mixed up and confounded with those already existing in the island. If therefore the Court of Mixed Commission cannot be blamed, so neither can the individual purchasers, who were under no obligation to enter on an investigation of the particular date when the negro he has purchased was imported, since he had no warning that such negligence on his part would expose him to the risk of losing what he has purchased, and since neither law nor practice had supplied a ground of suspicion. To have asked at that time, or even now to inquire, as to what never could have been a legitimate subject of investigation, would be to resist the immutable principles of justice, would be openly to attack the right of property, would be a source of disorder and danger, and of the most melancholy consequences, which neither England nor Spain could adopt, because it would be contrary to their declared purposes of justice and humanity. Let us examine the question with impartiality, and we shall speedily be convinced that, if any one is guilty in these disorderly proceedings, it can only be the contraband importer and the agents of the contracting nations, whose duty it is to prosecute.

The mere assertion that slaves have been introduced since the date of the prohibition amounts to an admission that the necessary measures of prevention have not been adopted; and inasmuch as England has been most forward in the multiplication of such measures of prevention, not only on these coasts, but on those of Africa, attacking the factories created under their eyes, where the traffic has long been so scandalously facilitated, England ought therefore be the last to complain, or to impute the blame to others. Our island, almost a desert, and surrounded by ports and beaches of easy access, presents a thousand points where the landing of negroes is so easy as not to be capable of being guarded against; because, when a denunciation is brought to the knowledge of the authorities, it is already too late to counteract the activity and caution with which the criminals pursue their guilty traffic, and they therefore succeed in escaping from the authorities by whom they are pursued.

On the other hand, the proposal to empower this Mixed Tribunal to decide in an arbitrary manner, without regard to any of the forms prescribed by Spanish law, is so repugnant to the just and conservative spirit of our legislation, such a spoliation of our rights, and such an attack on our property, that nothing will be left to us in security after the violation of the laws by which our property is guaranteed.

Here, then, is an exposure of the injustice of this English proposal, considered on the footing of its legality: let us now look at it in an economical point of view. The Spanish nation was compelled by a lamentable necessity to fall into the error, which the other nations of Europe had also committed, of cultivating the fields of their ultra-marine possessions by means of slaves from Africa, because at that time it was thought that a benefit was conferred on the slave, and because the consequences of the system were not then foreseen. The consequences have now been discovered by the light of the philosophy of the present century, and they are now justly regarded with horror. The slave groans and the master trembles: such is the sad condition of a people among whom this odious system is established. For this reason our own Catholic Spain, in concert with Great Britain, adopted measures which were wise and just for putting an end to the Slave Trade in their transatlantic possessions, both

powers being penetrated with its inhumanity and injustice, as is declared in the preamble of the Treaty of 1817. But considering at the same time that a disease so deeply seated could not be promptly extirpated without producing a fatal result, a term was fixed for the cessation of the traffic, and no attempt was made to interfere with the unfortunate individuals already reduced to a state of slavery. They believed, in their wisdom, that without this precaution a state of freedom would be attended with greater evils than slavery itself; because all the foundations of our civil existence would speedily be overturned; because our agriculture would be destroyed in its very roots; while our trade and our capital would take their departure in quest of more promising channels for their application; and also because our disbanded slavers, when left without discipline or restraint, ignorant, vicious, and revengeful, would exterminate the remnant of our white population who had not been able to fly from the danger. So that our beautiful Cuba would return to its primitive condition, uncultivated and filled with barbarians, lost at once to us and to the rest of the world.

At that time we were saved by the wise and prudent conduct of the two Governments. At present an excessive zeal would involve us in the evils we have enumerated; but a resort to sound principles will save us from the danger; and this we expect from our own enlightened Government, and from the magnanimity of Great Britain.

As soon as the inquisitorial proceedings which this convention proposes shall have been introduced among us, our slaves would be ambitious of being included in its benefits; and any pretext would be sufficient (for a suspicion is all that the Convention proposes to require) for their presenting themselves before the tribunal in gangs; and during the interval between the commencement of this difficult investigation and the date of the final sentence, our estates would be left abandoned and all labour on them paralysed; after which it would be exceedingly difficult to induce the slaves to return to habits of order and discipline.

Insubordination and a series of contested questions of right between the slave and his master would be the first result of the measure proposed.

Their common danger may serve to unite the white population in order to enable them to defeat the requisitions of the Mixed Court; but the negroes, disappointed in their hopes, will unite in open and desperate insurrection, in which they will assuredly perish, but not without the destruction of the island and the ruin of the whites. Then will history write in characters of blood the scenes of horror to which an imprudent philanthropy has given rise, the offspring rather of blind fanaticism than of enlightened humanity.

To give an idea of all the mischief and disorder which the measure now proposed by England would produce, let us suppose that a slave has been discovered introduced into the island in the year 1821, and that he is declared to be free. The following questions of very difficult solution will instantly present themselves. Who is to lose the value of this slave? the actual possessor or the first purchaser? or the merchant by whom he was clandestinely introduced? If the first, then a great injustice is committed, because the purchase, in good faith, was made of an article of lawful commerce. If the second, the same inconvenience will arise, because at the time of the acquisition no law existed by which it was prohibited, and no notice was given of the illegality either by the Government or by the Mixed Court. And if the third, how is this delinquency to be proved?

Resolve this question which way you will it cannot fail to be the fruitful source of innumerable and endless lawsuits, alarming the inhabitants and involving their property in ruin. Let us now suppose that a female slave is declared to be free, after having given birth to children. Are the children also to be liberated, or are they to remain in slavery? If the first, then this will not be in conformity with the letter of the draft of the proposed Convention, which only relates to slaves introduced since the 30th of October, 1820, to the exclusion of Creoles. And in this case who is to lose the value? The individual in whose possession they were born, the actual possessor, or the merchant by whom the mother or the grandmother had been introduced? If the second, that the Creole children are to remain slaves, it would be an injustice and an inconsistency; because by our laws a free mother cannot give birth to a slave. Hence also will arise new sources of litigation, and who, in fine, is to reimburse those slaves, included in the Treaty, who have earned their own redemption, the price they have already paid for their freedom? Nay, who is to decide all these questions? The Mixed Court, consisting of judges only competent to determine the question of fact, or the ordinary tribunals of the country?

If the former, it will not be possible for them to see their way through such a labyrinth without injuring the rights of the parties, in consequence of their not being subject to the forms of procedure recognised by our laws; and if the latter, we shall have lawsuits for three generations to come, and a drain for all our fortunes.

But let us suppose that the affair is satisfactorily arranged, and that the adoption of the new Convention is attended with no sort of difficulty. Among the negroes thus emancipated there are many who are old and infirm, there are infants and others who are incapable of earning their subsistence. Where are such to find shelter and maintenance? Are they to be left to their own resources? are they to wander from door to door in vagrancy, begging their bread? or are they to be left to perish of hunger and of exposure to the inclemency of the weather? What horrible freedom, what infernal philanthropy! And the numerous remnant of the youthful and the strong—are they to remain in this island or to leave it? If the former, who is to detain them? if the latter, who is to carry them away, Spain or Great Britain? And would such a general emigration be useful to the country? These are questions of the greatest political and economical interest, which naturally arise out of the principle proposed, and which ought to be determined in time, if the proposal of the British Government should unhappily be carried into effect. For my part I am of opinion that the inquisitorial proceeding proposed will not produce the salutary effects which the British Government now contemplates, but the overthrow, on the contrary, of all the peace and order which now reign in the island, the extermination or misery of the slaves, and the ruin of their masters.

If we examine the question as it affects the dignity of the mother country, I observe that as the Treaty of 1817 was voluntary and reciprocal in regard to both nations, because both were animated by the same sentiments with regard to the injustice and inhumanity of the Slave Trade, its prudent realization, far from offending either of them, would only be regarded as glorious, from the holy end which the contracting parties had in view. They may therefore without dishonour make in concert such alterations in the Treaty as they may judge convenient and suitable to the circumstances, having reserved to themselves this faculty by the 11th Article of the solemn Treaty in question. But it would be indecorous for one of the two nations, under the influence of the other, to give to such a Convention a greater degree of latitude than had been sanctioned by its own laws, enacted for the better government of its own people, and for assuring them the tranquil possession of their property. It would be indecorous in Spain to abandon the most faithful of her sons who inhabit this ultra-marine possession of the Crown, and not to evince the most decided resolution to protect us, and at the same time to maintain the integrity of the Spanish territory. And finally, it would be unworthy of either of the high contracting parties to withdraw itself from the obligations of a mutual and solemn Convention. But we have no reason to apprehend anything of this kind from Spain, so distinguished for honour and fidelity, and whose Government knows how to conduct itself with discretion, and at the same time to sustain our rights and the national dignity with becoming energy.

Let us now consider whether the new powers with which it is proposed to invest the Court of Mixed Commission are legal, just, politic, economical, and decorous—I do not say for our nation, but even for England herself, for that which is most injurious to the honour of nations, as of individuals, is injustice. As the result of these reflections I am of opinion that our supreme Government ought to be entreated to withhold its consent from the Convention proposed by Her Britannic Majesty, to whom it ought to be represented that, far from desiring to escape from the conditions of the Treaty of 1817, we are ready to carry it into effect in a rational and equitable manner. That a date should be proposed, the negroes introduced after which from the Coast of Africa should be declared to be free, the provisions under which this declaration is legally to take place having been previously promulgated. After that date the vessels which shall engage in the traffic shall be adjudged to be pirates, because it compromises the national honour and the existence of the island; and the English, with their powerful navy, should redouble their vigilance, because hitherto their efforts have not been successful in preventing abuses; and the cupidity and inhumanity of the African princes should be restrained by persuasion or force, so as to induce the prohibition of the establishment in their dominions of those factories by which this abominable traffic is known to be fed and facilitated. And at the

same time there should be revived among us those laws of the Indies, and those Royal Cédulas, which ordain the augmentation of our white population, so necessary and yet so much neglected, opening a wide door, without any restriction whatever, to this our only reliance for salvation and prosperity. If it were possible, also, a veil should be thrown over those distinctions in religious belief, which now present such a serious obstacle to the union of the great family of mankind. The Canary Islands, the Peninsula, Switzerland, Germany, and Ireland could furnish us with thousands of emigrants.

How long are we to wait? Blind and credulous to imprudence, it appears as if fire and bloodshed were alone capable of rousing us to a sense of our danger. Let us shake off this lethargy and reunite our strength to prop up our tottering edifice. If the increase of our white population were encouraged by the application of sufficient funds, and if regulations were established for the production of prompt and solid results, we might be relieved in a few years from the perilous necessity of cultivating our fertile fields by means of slave-labour. Our manners and customs would be improved, our fears would cease, our resources and our strength would be augmented, and the exigencies of the age would be satisfied, as well as the aspirations of humanity and religion.

Undertake, most excellent Sir, this enterprise with enthusiasm, and add to your military glory the renown of having saved a whole people, and with it the eternal blessings of the good.

Although these are my opinions, which I offer in perfect frankness and sincerity, in pursuance of the invitation with which your Excellency has honoured me I desire it to be understood that I am far from thinking myself infallible, and that I submit them to your Excellency's superior understanding and to the wisdom of the supreme Government, to whom I owe the tribute of my loyalty and affection.

God preserve, &c.

(Signed)

EL CONDE DE SANTO VENIA.

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

Fourth Enclosure in No. 181.

Address of the Young Creoles to the London Anti-Slavery Society.

GENTLEMEN,

Havana, October 3, 1841.

THE future destiny of the island of Cuba, already compromised, is now more than ever a subject of apprehension. By some the blame is ascribed to Her Britannic Majesty's Government, which is supposed to be actuated by selfish and ignoble views, under the belief that on our ruin the promotion of British interests will depend; by others, the want of foresight of those by whom we are governed, the dark combinations of a Machiavelian policy, and the blind cupidity of unworthy gains, are assumed to be the causes of our present condition. But the thinking portion of the community, besides these last co-operating causes, can perceive that there is another which exercises a powerful influence, and which at the best is nothing more than an erroneous implication, a false principle adopted by the English, which it is indispensable to destroy, in order to get rid of the evil which threatens our very existence.

Wicked and criminal, and for ever to be execrated by his country, must he be who would not lend his aid, whether great or small, to accomplish such an object. Not to merit such a reproach, we have resolved, at every risk and inconvenience, to consecrate our humble offering on the altar of humanity, presenting, although slightly traced, the picture of the progress and the misfortunes of a whole people, and showing how the one and the other may originate either in error or in sound reason. In the course of human action, the want of judgment and prudence is too often sufficient to convert good into evil, to make the most wholesome theories produce the most lamentable effects, and even to translate the sublimest of virtues into the most odious of crimes. Consult the history of nations, and see how blind systems, and rash opinions, and a ferocious intolerance, have caused tears and blood to flow, and under the ruins of flourishing cities have buried millions of dead, because they refused to yield to circumstances, by which everything is modified; because they would not listen to the voice of reason, which ought to regulate the world, nor submit to the faithful exactions of impartial justice. One of the

noblest characteristics of the nineteenth century is that affection for our kind which is now seizing on every heart. The priest no longer drives him to the stake who professes another faith; and the soldier, under the excitement of victory, delights in pardoning the vanquished. May the powerful influence of an enlightened philosophy arise over the ruins of a hoodwinked superstition! Among the dark pages of the history of the human race, we meet with some which reveal to us in characters of blood the various systems of slavery which have heretofore prevailed. It may there be seen that, in the fifteenth century, an unfortunate branch of the human family which inhabited the shores of Africa was seized upon by another, stronger and more avaricious, barbarous and cruel, who, under the pretence of teaching a religion which the invaders themselves neither professed nor understood, subjected their victims to the most degrading and insupportable bondage. Since that period the negro has been regarded as a chattel by his fellow-man; and a beast has been of equal or greater value than a slave, according to circumstances. Such has been the basis of this inhuman system; and the voice of humanity has been powerless to restrain the cupidity or soften the scenes of horror to which the Slave Trade has daily given rise, because the chains have been riveted under the perfidious sanction of religion. But philosophy has spoken, and reason has lighted her lamp, pointing to the path of true interest, and opening the bowels of compassion so as to enable a despised humanity to recover her calumniated rights. The beautiful island of Cuba is a vast theatre, where for more than three centuries all the dreadful practices of this depraved institution have been tried. From the moment of the conquest the innocent aborigines were reduced to a state of slavery; and as they perished under the exterminating influence of excessive labour and despair, their indolent and avaricious masters thought only of new victories, by means of which to purchase, at a sanguinary price, the means of living in a state of idleness and dissipation. Such were our forefathers. It is our duty to respect their memory; but truth is still more sacred, and we are bound to defer to it, although it were to raise a blush on our countenances and carry grief to our hearts. The light of knowledge has taught us the injustice of this system, the moral, political, and physical evils it produces, and the danger which it threatens; but its roots are now so deeply seated, that to destroy the system suddenly would be to expose our own existence to danger.

In the midst of this state of things an all-powerful nation, unequalled in knowledge as in arms, has raised a shout which strikes the sordid heart of avarice and cupidity with terror, and raises a smile on the face of humanity. "Freedom to the slave" is the cry of generous England; and these have not been idle words, but have been followed up and enforced by an unsparing application of her unbounded resources. The children of Cuba have listened to the consoling sound, and generous hearts have not been wanting which palpitated with delight; but in the tranquillity of reflection they knew that, if they rushed on such a measure imprudently, they would raise the destructive blast which might inflame the mouldering ashes on which they stood, and devour in a moment the beautiful fields which gave them birth.

Silent and sad they drew back, and confining their feelings each within his own bosom, they saw before them the desperate alternative of perishing if humane, or of becoming executioners in self-preservation. The first required more heroism than could be looked for in a whole people; the second was rejected as repugnant to noble minds. In this conflict of feelings, there were patriots alive to the danger, who gave the signal of preparation for what was at hand. But venality having assumed the mask of policy, imposed silence on the patriots, and the most distinguished of them (Don José Antonio Saco) was expatriated by the decree of a tyrant (Tacon). The system which had previously prevailed resumed its sway; while cupidity, not more blind than deaf, closed her ears to the voice of reason, and her eyes to the aspect of danger. In the mean time the evil advances with gigantic strides; and while it already looms over our horizon, one single consolation, one solitary hope, remains to us. The voice of reason tells us that it is not possible that the philanthropic men by whom the freedom of their own slaves has been proclaimed should resolve or desire to leave their task imperfectly fulfilled; to sacrifice one race for the sake of saving another; and to destroy a people which has already made advances in civilisation and knowledge, in order to confer a violent and precocious liberty on a handful of men, who, although unhappy, are also ignorant and rude, and would not know the use of the inestimable gift. This would be inconsistent and self-contradictory—at once humane and barbarous. It would be offering incense to the Deity with one hand, and with the other throw-

ing the coals into his face. No! it is not possible that the learned and humane should act in this manner, unless they are grievously misled. They are bound to be prudent and discreet, and to seek and obtain the best information before setting themselves to work, if they desire to attain their object, and to preserve the crown of glory which covers them without a stain—if they wish to maintain a character for consistency, and protect their intentions from suspicion—if they aspire, in fine, to the gratitude of the human race. Animated by these ideas, and impelled by affection for the soil where we first saw the light, and by a desire to advance the progress of civilisation, we have resolved on addressing ourselves to your enlightened Society, and on submitting to your consideration the means which in our judgment are best suited to reconcile the preservation of the island of Cuba with the mitigation of bondage and the ultimate freedom of the slave, the welfare of both races, and the complete triumph of that humanity which is the light of the age. Happy, thrice happy shall we be, if we have the good fortune to be listened to, and the glory of saving our country!

THE INCONVENIENCE OF SUDDEN EMANCIPATION.

If we consider slavery on the footing of its legality, without defending its justice, we find it sanctioned by the laws of all countries for a series of ages; so that strict equity requires that the master should be indemnified for the loss of the services of his slave. We come, then, to consider in what way that object can be accomplished.

Taking the number of slaves in the island at no more than 300,000, and putting on them the average value of 300 dollars a-head, we find that the large sum of 90,000,000 dollars would be required to furnish an adequate compensation—a sum which could not possibly be raised. And let it not be said that the money might be deducted from the foreign debt of Spain. Such an idea is chimerical, and not to be realised; and even if the nation acceded to it, the inhabitants of Cuba would at once be united, and in one moment, from one end of the island to the other, the war cry of desperation would be heard. But it could neither harmonise with the beneficent designs of a philanthropic institution, nor with the interests of the British nation, to place in hostile array a whole people, by whom English industry is alimented, and English manufactures are consumed. Amidst the roar of artillery the still small voice of humanity cannot make itself heard, nor are the social virtues to be inculcated by the edge of the sword. The arms of humanity are irresistible. They consist of facts, arguments, and convictions. But suppose compensation for a moment to be practicable by some other means, and that the negroes are at once emancipated, what a horrid spectacle presents itself to our contemplation! Our beautiful Cuba, at the moment of reaching its full developement, when industry and science begin to adorn it with their gifts, and when the most flattering prospects present themselves on every side, is suddenly to be deprived of its agriculture, the basis of its wealth. Industry will perish, the light of science will be extinguished, the flags of a hundred nations which now frequent our ports will desert them, emigration and flight will succeed, and the unhappy few who are unable to fly will become the victims of the brutal vengeance of fierce and ignorant men, whose only thought will be to gratify their resentments and to satiate their ungovernable passions.

And what will be the fate of the poor negroes themselves? It is not difficult to foretell it, since ignorance, disorder, and passion have never yet conduced to human happiness. The old and the infirm, the lame, the blind, and the orphan, now sheltered and maintained by their masters, will have no one to care for them, will become beggars and vagabonds, and will die of hunger and wretchedness. Instead of clapping her hands with joy, Humanity will be drowned in tears of bitterness; and amidst the ruins of the cities of Cuba a voice will perpetually arise to Heaven, exclaiming, "Maldicion a los Filantropicos Ingleses!" But where is there the man whose heart at the bare idea does not burn with indignation? Show me the son of the soil who is prepared to sit down and behold such a spectacle with tranquillity! Not one. The inhabitants of Cuba, one and all, will swear to perish on her maternal bosom, rather than live like cowards amidst all this ignominy and disorder, or go to beg their bread among strangers. Rather than this let us rise *en masse* and trust for our salvation to the fate of arms, the issue of which would not be so hopeless. We are separated by the ocean from our aggressors; the soil on which we live is ruinous to their health, and the air we breathe is fatal to them. It is not yet a century since this truth was proved to

us by experience. Our population is now numerous, we have fortresses of the first order, and a respectable and well-appointed army. Our arsenals are supplied with all the requisites of war; our soldiers, whether Spaniards or natives of the country, are not strangers to military tactics; and it is part of the national character to look with hatred on foreign domination, teaching us that all means are holy which serve to assist the weak in their resistance to the strong. And, finally, we confide in that powerful American confederation, which will never consent that England should set a foot on our soil without exhausting all the means of opposition which their own vital interests will suggest. France, the gigantic rival of the Albion colossus, will not fail to lend us her assistance. And the trade of the whole world, not excepting that of England itself, will find us supplies, because by our breaking with the English Government their individual profits will be increased. Our own population will rise as one man, because the poorest has at least one slave to lose. The free people of colour, themselves the owners of slaves, will lend us their assistance; and even the very slaves themselves, if they do not consent, may be compelled to act as our instruments in our just defence. Despair, in fine, will multiply our resources, by enabling us to defeat the rash pretensions of the English, who ought carefully to avoid the false position into which they are about to fall, because the political attitude of their rivals will never allow such designs to be consummated.

But all this, as I have said, is only a hypothesis, founded on the supposition that the Government of London will so beset us with difficulties as to leave us no other resource but an appeal to arms. Let us avoid, then, the contemplation of a futurity so unsatisfactory, and let us seek for another path, by which to arrive at a peaceful solution of the complicated question which the re-establishment of the sacred rights of humanity involves.

BASIS

On which to combine the sure Extinction in the Island of Cuba of the Contraband Traffic in Slaves, and the Abolition of Slavery, with the Existence and Prosperity of the Island.

Seeing that the Treaty of 1817 has not been effectual in extinguishing the African Slave Trade, the English Government, in concert with that of Spain, ought to make the following additions to the Treaty, in order to prevent the scandalous infractions of it which have hitherto taken place:—

1st. A register shall be established, in which all the slaves now living in the island shall be inscribed, with a specification of their names, height, age, nation, and particular marks; and all others, whose descriptions are not so recorded after a date to be fixed, shall be declared to be free.

2nd. A reward shall be adjudged to the person who shall denounce the existence of a negro treated as a slave, and not described in the register; and, in order to facilitate such denunciations, this register shall be annually corrected, printed, republished, and circulated throughout the island.

3rd. This register shall be made up by the local tribunals, with whom shall be associated in the duty an English Commissioner belonging to the Society for the Abolition of Slavery; and the owners of slaves shall furnish statements in detail of all subsequent deaths, births, and manumissions to these mixed functionaries, who, in addition and in subordination to the Mixed Commissioners at the Havana, shall be established in various convenient localities, in order to facilitate this new arrangement.

4th. Greater activity shall be given to the vigilance of cruisers. The African factories shall be completely destroyed; and all vessels detected in the practice of this barbarous trade shall be subjected to the pains of piracy.

5th. The prædial or field slaves shall be distinguished in the register from the domestic slaves, or those employed in towns. On the owners of this latter class a monthly tax shall be imposed, the proceeds of which are to be applied towards the increase of the white population, because the Africans having been introduced expressly and exclusively for agricultural purposes, they ought not to be employed as heretofore in any other capacity; and this would be in harmony and accordance with the 8th article of the Royal Cedula of the 28th of February, 1780, which imposed an annual capitation tax of two dollars, in order to moderate the excess of importation; and the amount of this tax should also be applied to encourage the increase of the white population.

6th. Every free negro or free person of colour, not connected in this country

by family ties, shall be transported, without exception, to the new colonies on the coast of Africa, without expense to them. But this is not to extend to Creole negroes.

7th. Philanthropic societies shall be formed in various parts of the island, in correspondence with the London Society, for the purpose of promoting the cause of emancipation, but under the presidency of some Spanish authority. These societies shall also apply themselves to the increase of the white population.

8th. The tax on the sale of slaves, which is now limited to six per cent., shall be increased to eight, with regard to those who are not to be employed in agriculture; and the amount of the tax shall be applied to the fund for the encouragement of white emigration.

9th. In order to obviate fraud in the payment of this duty, and at the same time to prevent speculations in slaves, the increase of their value shall not be permitted beyond what was paid by the previous owner, under the penalty of losing the surplus, besides 100 dollars additional as a fine, all which is to be applied towards the increase of the white population.

10th. When freedom is in question the maximum value of a slave shall be 500 dollars, although he may have cost more, because that might happen which frequently occurs in the United States, that a slave is worth more than a thousand dollars, which only serves to stimulate the cupidity of speculators, and makes it almost impossible for a slave, with his miserable earnings, to purchase his freedom.

11th. Those slaves who are employed by their masters as tradesmen and artisans, to the prejudice of the industry of freemen, shall pay a contribution double or treble the amount of that exacted for domestic slaves, according to the amount of the daily wages brought in by these slaves to their owners; and the produce of this contribution is also to be applied to the white immigration fund.

12th. Slaves hired out by their masters for wages shall not pay more than half a dollar a day.

13th. The children of slaves born after the year 1842 shall acquire their freedom on their arriving at 15 years of age, when they are immediately to leave the country for the African colonies, their passage being paid by the Philanthropic Societies of the island.

14th. The Mixed Court of Justice at the Havana shall enjoy a special and exclusive jurisdiction in all that relates to the freedom of the slaves and their connexion with the white population; and sub-delegates, possessing their confidence, shall be named by them in the various localities, wherever they may judge it necessary, in order to secure the exact fulfilment of all the stipulations of the new Treaty; deciding the questions verbally, and giving publicity to their decisions in the public journals, in order to restrain abuses by the salutary force of public opinion. The ministers or other functionaries to be sent by England shall be persons of distinction, and shall belong to the Anti-Slavery Society, in order to ensure the necessary zeal on their part in the exercise of their functions, and at the same time that they may be respected as well as feared.

15th. All possible efforts shall be made to increase the number of colonists and domestic servants from Spain, Switzerland, Germany, Ireland, &c., under regulations which shall have the force of law, by which the reciprocal rights, obligations, and responsibilities between masters and servants shall be clearly defined, including in this class the free people of colour.

16th. In order to diminish the necessity for the continuance of slavery, the Philanthropic Society, by itself, or in conjunction with these societies to be formed in the island, will undertake the formation of sugar and coffee plantations, to be worked exclusively by the labour of white men, with the aid of machinery, such as may serve, when they become profitable, as models to the capitalists and proprietors of the soil. Various projects, with this view, have already been formed, which will be submitted to the society, in order that they may consider and judge of their practicability.

17th. All sugar and coffee plantations, breeding pens, and other rural possessions, the business of which shall be conducted exclusively by means of free labour, shall be exempt from the payment of all tithes and export duties on the amount of their produce, for a term of 10 or 15 years.

18th. The Philanthropic Societies alluded to shall themselves establish colonies in the island, on such a footing as may be agreed upon in concert with the Government; and in these the introduction of slaves shall be prohibited, either for agricultural or domestic purposes; and for a certain number of years they

shall be exempted from the payment of import duties, export duties, and tithes. These new colonies, although governed by Spanish authorities, shall be empowered every second year to elect their own municipal officers, who are to have power to send an agent or procurator to Spain, in communication with the Government, and with a seat and vote in the National Congress on all questions where the interests of the colony are directly or indirectly concerned. These colonies shall also enjoy the freedom of the press and of public worship, in order to promote the introduction and establishment of foreigners; and that there may be no distrust of the British Government, no English colonists shall be admitted during the first two years after the creation of the colony.

By these and similar means we are of opinion that ten years would be sufficient to dissipate those dark clouds which now serve to obscure the political horizon of Cuba, and a more flattering prospect would then present itself for the future. Slavery would daily be losing ground, and industry and intelligence would spread with corresponding rapidity, producing a rich harvest of wealth, tranquillity, and glory. The British would then acquire, from gratitude as well as justice, a sovereign influence in the island, without the fear of rivalry on any side; the purity of British principle would then be made manifest, tending solely to the amelioration of the human race, and not to ignoble objects of self-interest, as by some has been suspected. If so much warmth and enthusiasm are devoted to the improvement of the sad condition of the African race, and if for this purpose the formation of colonies on their native continent has been thought necessary, why should the like not be tried for the benefit of those in Cuba? Does humanity make a distinction of colours?

But we do not occupy ourselves with impracticable plans: our object is to remove the veil and arrive at the truth. The enlightened Society of London ought to know that even if Spain were to consent, by a solemn treaty, to all that has been proposed, its fulfilment would be late and imperfect, if it ever took place at all; because the system of government adopted consists in the balancing of the two races against each other. It would therefore be idle to suppose that either willingly, or on account of a mere treaty, the black population would be weakened and the relative strength of the white race increased, which is exactly that of which the Government is most afraid. Experience has already demonstrated the truth of this view of the subject. When, in the year 1817, the suppression of the Slave Trade was agreed to in the Spanish dominions, our Government of that period began in good faith to increase the white population, and created a Commission for the purpose. Strangers were introduced, various colonies were formed, and a great impulse was given to the project, especially in the city of Matanzas. But in the year 1823, when Captain-General Vives was charged with the suppression of the Constitution of 1812, which then prevailed in the island, he believed that that object could only be accomplished, consistently with the preservation of tranquillity, by inspiring the white population with fear of the negroes; and since that period we have witnessed the unlimited toleration which has been extended to the introduction of African slaves, the encouragement given to the equipment of slavers, and the total neglect of the increase of the white population; since even a fund, arising from a contribution of four per cent. on the personal labour of the forensic body, amounting to nearly 200,000 dollars, which was destined to this purpose, has been applied to the payment of the salaries of the Members of the Pretorial Tribunal of the Havana: and the repugnance with which foreigners are admitted is observable in the exaction of evidence of Catholicism before a Letter of Domicile can be obtained—a thing which was formerly evaded. This oppressive system is daily gaining strength, because in proportion as our sufferings are alleviated our hopes of freedom are deferred, while the Spaniards see the means of realizing these hopes in the diminution of the black and the increase of the white population. Thus it is that we are bound by the same chain which holds our slaves in servitude. Break but a single link and we shall all be free!

The infamous plan to which Spain has resorted for the purpose of subjecting us to her sway by means of the very fetters of our slaves, paying us for our fidelity with despotism, has already produced its effects in a spirit of discontent, which is universal; and in the love of independence, which is equally so—the natural consequences of the atrocious injustice with which we are treated.

Strength is all that we require; for from the limited amount of our population, our insular situation, and our want of experience in the art of war, we are in danger of being overwhelmed by the superior number of our oppressors, with-

out the protection of some friendly power. Here, then, is an admirable opportunity for the intervention of your illustrious Institution and of all the friends of the human race, because political servitude may fairly be regarded as the parallel of domestic slavery; and if we consider the various classes of men who suffer from either cause, it would be difficult to say which is more deserving of compassion, and of the protection of generous minds. Let the philanthropic Association of London invite then the omnipotent Cabinet of St. James's to assume the protectorate of Cuba, and it will acquire for itself the glory of giving freedom at once to the whole population, the white as well as the black. Yes, we are all slaves, and are all equally in want of succour and compassion.

The colonial system has been pushed so far by Spain as to deprive us not merely of our share in the national representation, with a degree of contumely which is known to all the world, but the Creoles have even been deprived of the appointments they had obtained in the Island; and those who have made themselves a sacrifice in the Peninsula, fighting for its liberty, have been prohibited from returning to the bosom of their families. There is no longer a place where a son of the country is considered eligible or admissible. Every office is filled by Spaniards, and we are reduced to a most humiliating condition, such as cannot well be borne by a people who, from their sound judgment and their good dispositions, are worthy of a better fate. Even thought is fettered by the censorship of the press, and our youth are denied the means of instruction. They ask for lessons in literature, and it is refused; they propose a lyceum, where they might have an opportunity of exercising their talents, and it is forbidden; Sunday-schools are opened for the instruction of the poor, but the doors are immediately closed; a chair of civil history is founded, but the lectures are prohibited; a school of declamation is proposed, and they prescribe the presidency of some Spanish authority. How long is our patience to endure! For the sake of justice and humanity, and for its own interest, the English Government owes us succour and protection. For the sake of justice—because when the victorious sword of Bolivar, with the aid of the gold of Mexico, was raised in 1825 to give us freedom, it was England that interposed to prevent it; and the evil which she did us *then* entitles us *now* to reparation. For her own interest—because Cuba is ready to engage to pay the half of the debt of Spain, and even the whole of it; and because, under such a protectorate, many political and economical advantages would arise which it would here be out of place to detail. For the sake of humanity—because the inhabitants of this island are reduced to extreme suffering; and because, once free, we would advance with the light of the age, and would no longer tolerate domestic slavery. Within a very few years there will not be a single slave in Venezuela. Had she remained under the Spanish yoke, when would Venezuela have attained that condition?

Let the enlightened Society consider our misfortunes, and think of a remedy for them. Let them engage the English Government to undertake an enterprise which the whole world will admire, and which will increase the resources and the power of England in these seas. Let them send us a personage of strong mind, high rank, and great fortune, capable of influencing and uniting our nobility: let some guarantee be offered to these nobles. Let a Treaty of Alliance, offensive and defensive, and a Treaty of Commerce, be made with them. Let a plan be formed and combined, and let England lend us some ships, by means of which the people of the Costa-firme might make a descent on our shore at some convenient point; and it will be seen how promptly the country will respond to the call—every native of Cuba, from one extremity of this great island to the other. United by the ties of gratitude, and by a solemn Treaty, where would be the limit to the trade of England, and to the influence of her Government, in these seas, and over the whole of the American Continent?

All this is possible only by the indirect means of a protectorate, because a more direct domination would never be consented to by rival nations, and more especially by the great American Confederation, nor even by ourselves; not only because it is freedom, and not a mere change of masters, we aspire to; but also because in such a case we should be making of Cuba another Sicily, where the Rome and Carthage of modern times would dispute the empire of these seas, and our destruction would be complete.

If these ideas are of any value, either with the view of treating with the Spanish Government for the absolute cessation of the Slave Trade and the gradual extinction of slavery, or for the purpose of emancipating the two races by a single act, and to this effect treating with ourselves, we offer to devote ourselves to far-

ther meditation for the complete fulfilment of either, or of both ideas. Meanwhile we present the tribute of our respect to your illustrious Institution, not doubting your willingness to pardon that temerity which takes its rise in love of country, and in a desire to promote the interests of humanity.

No. 182.

Mr. Turnbull to the Earl of Aberdeen.

Havana, November 25, 1841.

(*Received December 28.*)

MY LORD,

IN the hope that the pending negotiations with the Spanish Government for the enlargement of the powers of the Mixed Court may be promoted by the communication to your Lordship of such of the reports, addressed to the Captain-General, as have hitherto come to my knowledge, I have now the honour to enclose a continuation of the series begun in a former Despatch.

In the voluminous paper of Don Wenceslao de Villa Urrutia, which forms the Enclosure No. 1, the reporter, I perceive, has taken it for granted that Her Majesty's Government had simply adopted the systems for the suppression of the Slave Trade suggested in a work of mine which was published in England in the course of the last year, whereas, although I have never doubted the right of Her Majesty's Government, when pushed to the last term of demanding the extreme concession which the proposed Convention requires, I need hardly say that all I ever ventured to propose was to cut off the market for the sale of imported Africans, in order to put an end to this infamous traffic for the future.

One of the consequences of this demand on the part of the Government, and of the honour of being its author thus erroneously ascribed to me, has been to make my position at the Havana one of extreme peril; and if a negro insurrection should unhappily arise, I am deliberately of the opinion that I cannot hope to escape from the first unreasoning impulse of the fury of that wretched portion of the community which desires the perpetuation of the Slave Trade.

For me, however, under all the circumstances, the Havana has become so decidedly the post of honour, that I should most bitterly lament my removal from it, in spite of the very serious sufferings to which I am exposed from the *res angusta domi*.

The Report of Don Bernardo Maria Navarro, forming the Enclosure No. 2, and that of the Marquis de Santiago y San Felipe, No. 3, although both persons of high station in the country, are in all respects inferior to the paper of Señor Villa Urrutia. But one of the advantages which may arise from putting your Lordship in possession of Reports on this subject from so many independent sources is, that the materials will probably be procured of furnishing from their contradictory arguments a better answer than could otherwise be prepared to the objections which the Spanish Government will doubtless offer to the conclusion of the Convention proposed; although it must be admitted that several of the separate reports, not excepting even that of M. Villa Urrutia, are in themselves individually not a little inconsistent and self-contradictory.

The Report of the Royal Patriotic Society, to which I took occasion to allude in the Enclosure No. 4, is not equal in merit to the high reputation of the body from which it proceeds, although it contains evidence, nevertheless, of a high degree of liberality and intelligence on the part of the great majority of its members, whose opinions are of the more value, as this society may fairly be said to represent the general mind as well as the wealth of the Creole portion of the community.

The paragraphs forming the Enclosure No. 5 were supported by about a fifth of the general meeting at which the Report was adopted; but were ultimately rejected by the other four-fifths, in consequence of the attack they contained on the supposed policy of Her Majesty's Government with reference to the Island of Cuba. But the Report of the majority of the Committee, forming the Enclosure No. 6, which met with no support whatever at the general meeting of the society, may be said to speak the sentiments of the French and Spanish parties in the island, Mr. Calvo being the representative of the one, and Mr. Chacon of the other, although, in point of fact, they happen to be both Creoles.

The vituperation which these gentlemen have heaped on Her Majesty's Consul, and the truculent threats with which it is accompanied, contributed, I have

CLASS B.

reason to believe, to the rejection of the draft in a manner which its authors have felt very sensibly. This rejection, on the other hand, has exposed the society to a new and systematic interference with their deliberations on the part of the authorities, which although perfectly in keeping with the spirit of despotism which prevails in this country universally, is likely to be submitted to by the members of this body with a very indifferent grace.

By the statutes of the society, approved of or prescribed by the Supreme Government in Madrid, the Captain-General holds the station of its president *ex officio*; but, in point of fact, having never exercised the functions of chairman, although the meetings, for the supposed convenience of his Excellency, have always been held in the Government House, one of two assessors of the Captain-General, Don Francisco Villaverde, has recently received from his Excellency the nomination of vice-president, with the view, no doubt, of watching and controlling any dangerous outburst of that patriotism which occasionally manifested itself, although not to a very alarming degree, in the course of the present discussion.

The nomination of Mr. Villaverde to the vice-presidency of the Patriotic Society is the more extraordinary at this particular juncture, because it is known that he has incurred the serious displeasure of the Supreme Government in Madrid; and that, in common with a great number of other functionaries, instructions had been sent out to supersede him. But the Captain-General, not willing to part with a man who suited his present purpose, has moved the Ayuntamiento or municipality of the Havana, which is a close corporation, to petition for his reinstatement in office until the pleasure of the Peninsular Government can again be consulted; and in addition to his former duties, Mr. Villaverde, it appears, is now to be employed in repressing the aspirations of the Creoles for some share in the administration of their own affairs, a consummation which, in their own mind, is inseparably bound up with the suppression of the Slave Trade.

In illustration of the spirit which presided at the preparation of the draft of the majority of the Committee, I take the liberty of enclosing (No. 7) an extract of a French newspaper, published in New York, called the "Courrier des Etats Unis," which enjoys an extensive circulation in the island. In this paper, the editor, in speaking of the negro massacre at the house of Mr. Aldama, to which I had occasion to allude in a former despatch, thinks fit to ascribe it to English influence, and more especially to the fanaticism of the English consul, who ought, it is said, to have been hanged on the spot.

The Enclosure No. 8 affords a specimen of one class of anonymous letters which are frequently addressed to me, and which sometimes serve to lead me to facts which when duly verified become of considerable value. In a free country it is difficult to imagine an occasion where one man would be justified in writing or another in paying any attention to such communications. To another class of anonymous letters, surcharged with personal abuse, and with attempts to alarm me by threats of violence, I pay no sort of attention; and although much more numerous than the friendly sort, I do not trouble your Lordship with even a specimen.

I have, &c.

(Signed)

D. TURNBULL.

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

&c.

&c.

&c.

(Translation.)

First Enclosure in No. 182.

Report of Don Wenceslao de Villa Urrutia on the Draft of the Treaty proposed to Spain by Great Britain.

MOST EXCELLENT SIR,

Havana, October 21, 1841.

I HAVE carefully examined the draft of the Treaty proposed to our Government by that of Her Britannic Majesty, for the more effectual suppression of the Slave Trade, together with the note of the British plenipotentiary, in Madrid, by which it was accompanied, and the documents annexed to your Excellency's despatch of the 18th of August last, by which you are pleased to direct me, by order of his Highness the Regent of the Kingdom, to submit a reasoned report on the subject in question, considering it under various aspects, legal and econo-

mical, as well as with reference to the national dignity and the welfare and prosperity of this island. The question under discussion is unfortunately one of facts and circumstances, rather than of reasoning; for arguments have at various periods been exhausted, without the effect of protecting the island of Cuba from servile subjection to the law, which the direct interests and the political designs of the English Government have thought it necessary to impose, under the pretence of philanthropy and humanity, in the treaties which her friendship and alliance with Spain have enabled her to conclude; the true object of which have been, through the destruction of our prosperity, to accomplish her own vast plans, with their fatal and horrible results, but always conducing to her own peculiar system of aggrandisement.

I should therefore have believed that I had done my part towards satisfying the wishes expressed by your Excellency, if I succeeded in detailing, with reasonable brevity and calmness, the antecedents of this affair, its present circumstances, and the legal and economical considerations, as well as those affecting the national dignity, which, according to my view of the matter, ought not to be forgotten in coming to a resolution on the subject, without presuming to be able to throw any light on the subject, unless by the most obvious truths; but even these I should have buried in my conscience, if the duty which your Excellency has imposed on me, did not impel me to express my sentiments on this occasion.

Without attempting to record the history of slavery, the origin of which is lost in the remote antiquity of the oldest nations of Asia and Africa, it is sufficient to my present purpose to know that the cupidity of the foreigners who surrounded the throne of the Emperor Charles V., by seizing on an innocent suggestion of the venerable Las Cases, was the cause of its first introduction in America; and that thenceforward it was carried on by means of foreigners, who engaged in the selling of negroes, and in bringing them from Africa; especially the English, who during the last century were, so to speak, the exclusive purveyors of slaves in America, and absolutely so with reference to the island of Cuba; to which effect they concluded certain contracts with our Government under the name of *Asientos*, the basis of which was monopoly; and it is worthy of note that their two famous queens, Elizabeth and Anne, took a personal interest in such speculations, which are now so deeply execrated.

Even after the permission conceded to the Spaniards in 1789, of going to Africa in quest of negroes, the national expeditions undertaken between that period and 1818 were exceedingly limited; and these were rendered necessary by the total want of hands during the two wars of that period against Great Britain, exactly at the time when the cultivation of colonial productions was stimulated by the high prices occasioned by the destruction of the island of St. Domingo. This is so certain, that the African Slave Trade was already looked upon by the Spaniards, if not with the hypocritical horror of modern philanthropists, at least with the greatest repugnance, and with a certain contempt towards those who were directly engaged in it. So that it was a positive necessity, and not the mere cupidity of speculation, which compelled them to continue the introduction of negroes, begun and pursued by foreigners.

In farther evidence of this truth, it may be stated that the introduction of slaves into the Spanish colonies, which were all governed by the same laws, bore always a distinct proportion to the difficulty, great or small, of procuring free labourers for the cultivation of the soil.

Thus it was that in consequence of the absolute extinction of the small number of inhabitants of the indigenous race, who before the conquest were thinly scattered over our coasts, it became necessary to supply their place by means of slaves imported from Africa, because the rigours of a tropical climate made it difficult to increase the number of the white population, and still more so to induce the white inhabitants to devote themselves to agricultural labour; so that in point of numbers the negro race acquired a greater preponderance in this island than in any other Spanish colony.

In the mean time the philosophy of the eighteenth century, which discussed all sorts of theories, which attacked everything practical, and which attempted to destroy all religious belief, could do no less than call in question the right under which men were held in slavery, since the rights of kings, and even those of the Divinity, had been subjected to censure.

The initiative in this affair was taken by the Quakers of Pennsylvania, who were followed by those of England; after which came the Methodists and the

other sectaries most distinguished for their fanaticism. Their declarations, more or less furibond, the exaggeration of which is to be ascribed to the cruelty, unknown among us, with which slaves are treated by foreigners, found a natural echo among men of humane feelings who had no pecuniary interest in the question at issue. The fear instilled into the consciences of others, lest the sanguinary scenes of St. Domingo should be repeated in the British West Indies, brought reinforcements to the party of the philanthropists. The progressive aggrandisement of the British dominion in India, and the great power and influence of the shareholders in the celebrated sovereign Company, came last of all to unite their influence with that of the abolitionists, and weakened the opposition with which the British Government step by step defended the introduction of slaves into the colonies.

The whole of this sequence of circumstances was necessary to induce the British Government to yield to the exigencies of the sect of abolitionists, which, constantly looking to a general emancipation, was compelled to content itself at the end of the struggle with the mere cessation of the Slave Trade, after an interval of 19 years; during which period the colonies might be abundantly provided with labourers, and above all with women, so as to secure the reproduction of the number which would be lost by the suppression of the traffic with Africa.

But from that moment the British Government foresaw that other nations would inherit a portion of the wealth of which their own Colonies were about to be deprived, that other regions, more favoured by nature, would avail themselves of the advantages which these were about to lose by the suppression of the Slave Trade, and thenceforward they proposed to hold in their own hands the means of practically obstructing it.

When the law of 1807 was enacted, by which the British legislature prohibited their own subjects from engaging in the Slave Trade, the Government took care to insert in it various clauses authorising their cruisers to detain, and their prize courts to condemn, a multitude of foreign vessels, which were navigated in good faith, and were trading in peace, in obedience to the laws of their respective nations. By a fatal coincidence during the year which followed the promulgation of this law, the United States also prohibited their citizens from engaging in the trade, and the inhabitants of this island were thus compelled to engage on their own account in Slave Trading enterprises, and for this purpose took advantage of the peace which then prevailed. But scarcely had the Spanish flag been unfurled on the coast of Africa when it became the object of English depredation, ships of war and privateers sent out expressly for this purpose detained and captured the Spanish traders on the most frivolous pretences, and, applying to their captives the English navigation laws, unsupported by any Treaty with Spain, they were condemned in the English tribunals.

The breaking out of the war in the Peninsula prevented the complaints of the island of Cuba from being heard, and under the shadow which the assistance which the armies of Great Britain were lending to Spain, and of the intimate alliance between the two Governments, the British navy committed robberies with impunity (no other form of expression would here be applicable) on the interests of our ultra-marine provinces, and this pillage continued until the period when the abolition treaty was concluded.

In the mean time, in the year 1814, a general peace had been established, and the restoration to their thrones had taken place of the sovereigns who had been deprived of them by the French revolution, or by the power of the Emperor Napoleon. The omnipotent influence which the events of that period conferred on the British Government in the proceedings of the Congress of Vienna is well known. Availing itself of that influence to promote the favourite theme of the nation, the British plenipotentiaries exacted from the assembled powers the cessation of the Slave Trade against, or before, the year 1820.

In the separate convention with Spain, concluded on the 5th of July, 1814, it was stipulated that His Catholic Majesty, after mature deliberation, should take into consideration the means of reconciling his sentiments, with regard to the injustice and inhumanity of the Slave Trade, with the necessities of his possessions in America. But a year afterwards, in the royal Cedula which was issued on the 10th of August, 1815, under the advice of the council of the Indies, among other provisions for the encouragement of the island of Porto Rico, His Majesty, by the 4th Article, declared that the slaves which might be introduced into that island during the succeeding 15 years were to be exempt from all duties on im-

portation, allowing their inhabitants, by the same Article, to go to the colonies of neutral and friendly nations for the purchase of slaves, which traffic had previously been forbidden. And the produce and money exported for the purpose of making these purchases were declared to be free from the payment of duties. How then was it possible to suspect, or believe, that the blow was so near at hand which was to ruin the agriculture of the island of Cuba?

Without any notice, anterior or posterior, to the conclusion of the Treaty which was signed on the 23rd of September, and ratified on the 23rd of November, 1817, it came to be known here at the end of February, 1818, that, for three months before, the departure of expeditions to the coast of Africa to the north of the Line had been prohibited, and that three only of the six months remained which had been conceded for the return of the vessels which were then at sea. And by one of the Articles of the Treaty it was stipulated that the vessels which were permitted to continue the trade to the south of the Equator till the 30th of May, 1820, should be provided with royal passports, conceived in a certain specified form; and, in point of fact, such passports were never issued. And such a premature compact, thus suddenly concluded, was to be held to be in conformity with the Convention of the 5th of July, 1814, by which His Majesty offered to take into consideration, with the necessary deliberation, the means of reconciling his sentiments in this particular with the necessities of his possessions in America. "No, it is not so," said the Real Consulado of this island to His Majesty on that occasion, "it is not thus the Spaniards deliberate unless instigated and pushed on by an irresistible influence, or by the calamities of the period." Simultaneously with this event, or at least with a difference only of days, Great Britain had concluded a Treaty with Portugal, which, while it pretended to the same tendency with the Spanish Treaty, left the Brazilian Slave Trade open for an indefinite period, at the pleasure of the sovereign of Portugal. The knowledge of the existence of this Treaty ought to have been sufficient to have induced our Government to suspend and refuse to ratify that which had just been concluded, because it was indubitable that the English Government was thus preparing the means of prosperity for the most formidable rival of the island of Cuba, of which prosperity we had been deprived in consequence of the ascendancy which Great Britain then enjoyed in the Cabinet of Madrid.

This Treaty with England did not stipulate for rights, nor did it secure any interests of a reciprocal nature in favour of the two nations. It was therefore a Treaty of pure disinterested benevolence, ill-considered and ill-advised, on the part of Spain, and an unmitigated loss to her colonies; while, on the part of England, it served to promote her interests and her political views. It was a Treaty between one who was blind, and another who could see very clearly, as the English Ambassador observed by whom it was concluded. Four millions of pounds sterling, which assuredly were not sufficient to cover the losses of the Island of Cuba alone, on account of her vessels unjustifiably captured, was the amount of the indemnification which was stipulated on this occasion, for the losses which would be the necessary consequence of the abolition of the Slave Trade; and this miserable sum, with which the philanthropy of the King of Spain would appear to have been purchased, although it was not sufficient to pay for the depredations which had been made on our trade before the negotiation of the Treaty, is that which has given the semblance of a right to the English Government to plant its foot on our territory, to accumulate its exigencies, and to seek to rule over us.

Such were the results of the calamities of the time; and in spite of the just and energetic representations of the Real Consulado of this island, in the name of its agriculture and its trade, addressed to the King's Government of that period, the Treaty was carried into effect, and also the Royal Cedula of the 23rd of December, 1817, which was issued in consequence. The first result of the Treaty, as was natural, was to raise the price of slaves, especially that of women, to the double of what it had been. Hence arose the heavy burdens with which the proprietors were oppressed during the years which immediately followed, causing pecuniary difficulties and bankruptcies which were very generally felt, and also a notable obstruction to the rapid progress which the country had been making towards wealth and prosperity. As if to complete the fatality which then pursued us, one of the chief foundations of this prosperity had been laid at that very period, in two memorable provisions:—First, the concession of the absolute property in the land to its actual possessors; secondly, the exemption

from the tax, or *alcabala*, on the distribution, *per capita*, of the newest and most fertile of the mountainous districts. So that, when in virtue of these laws, which would have produced an instantaneous effect, an immense amount of capital had been devoted to agricultural pursuits on the one hand, the means of acquiring labourers on the other, which had become a new necessity, were obstructed.

From the enhanced value of the slaves, and from this newly-created necessity, the trade to Africa, at all risks, was powerfully stimulated; and this contraband traffic could not fail to be supported by the inhabitants of the island, when thus forced, by an imperious necessity, to repair the losses which their industry had suffered by the malice with which a foreign Government had abused the generous sentiments of the Spanish monarch. Whoever remembers the period from 1820 to 1823, and the decay which followed it, will not certainly blame the inactivity of the Spanish Government in not having applied itself with the same zeal as the British Cabinet had done to the absolute suppression of the Slave Trade. But not satisfied with the result, and not thinking the concessions she had obtained from Spain to be sufficient—although such concessions could only then be obtained from the two protected Governments of Holland and Portugal—England persisted in exacting, and in 1835 obtained, another Treaty, the object of which was to subject to condemnation all vessels which might be characterised, by their equipment, as destined for the traffic in slaves; and by this Convention the former Treaty of 1817 was confirmed and renewed.

The date of this Treaty is a period of melancholy reminiscence for the Island of Cuba. From 1833 to 1836 the epidemic, Asiatic cholera, ravaged the country in all directions, and cut down the population by a fifth, more especially in the rural districts, where it produced the most frightful desolation. Hence another new and extraordinary necessity for the reinforcement of our labouring strength, and a sufficient cause why the proprietors should provide themselves with slaves introduced by foreigners, in spite of the vigilance of the two Governments.

The importunity of the British Government on this subject is now, however, once more renewed; and a Treaty is proposed, as a means of repression, on which I am required to offer an opinion under its legal and economical aspects, and as it affects the national dignity. But your Excellency will permit me, before proceeding farther, as a most important antecedent in this affair, to call your attention to the source from whence the English Government took the idea of this proposed Convention, because they have really done nothing more than adopt it from a work which was published, with this chief object in view, by Mr. David Turnbull, who, to our misfortune and ignominy, is now the Consul of Her Britannic Majesty in this island.

This author supposes that the majority of our most enlightened proprietors desire as ardently as did Clarkson or Wilberforce the immediate and total abolition of the Slave Trade, and that the Government and its agents, and the Peninsular Spaniards, “are those who *force* the Island of Cuba (these are his words) to continue it, to the great loss and disadvantage of the richest, and, in every sense, the most respectable class of proprietors.” And he ascribes this conduct on the part of the Government to a political design, the object of which is to maintain this country under Spanish dependence, and to secure the fidelity of the white population by means of the terror of a servile insurrection.

After ascribing such paltry views to Her Majesty’s Government, which are even contrary to the end proposed, and contradicted by the fact that the ancient restrictive laws of our Indian dominions had been abolished in favour of this island, in order to promote the immigration of foreigners, the author persists in assuming that this is the true key of the policy of Spain with regard to this island, “by means of which (he says) many measures may be explained which have heretofore appeared to be mysterious or contradictory.”

“The Spanish Government,” Mr. Turnbull adds, “has constantly asserted that Her Catholic Majesty desires as much as ourselves to free her transatlantic dominions from the stain of this murderous system. The suggestion I am about to make will first of all put to the proof the sincerity of these barefaced assertions, so constantly addressed to our Minister in Madrid by the Government of Her Catholic Majesty, and by the Captain-General of the Island of Cuba to the British Commissioners, which in practice are so totally disregarded.” The suggestion here alluded to is, “that the powers of the Court of Mixed Commission shall be enlarged, and it be authorised to judge of the civil right of an African to his freedom after the fact of his having been landed on the island, which measure will

produce a radical and practical change in the legal condition of the imported negroes, because the possessor will be obliged to prove his dominion, and if unable to produce a legitimate title, the slave will obtain sentence of freedom in his favour, according to the existing law."

"This measure," the author asserts, "will suffice to deter the proprietors from the purchase of negroes, and the speculators will very soon cease to employ their capital in a trade which will become ruinous from the want of a market. The facility of obtaining such a concession from the Spanish Government is supported by the fact that that Government has declared the sincerity of its desire to abolish the traffic, and has engaged to adopt new measures for that purpose; and as it must be convinced that the Treaty of 1835 has only had the effect of transferring the trade to the flag of Portugal, no plausible motive can be assigned for a refusal to consent to the enlargement of the powers of the Court of Mixed Commission. . . . The fact," he says, "of two English Judges having existed for more than twenty years, exercising an extensive jurisdiction in the Spanish territory, in the course of which twenty years various causes have been tried in which the freedom of entire cargoes of Africans has been discussed, without producing a single practical evil, and without giving occasion to a single ground of complaint from the Captain-General or the Government, affords a sufficient ground for demanding this extension of the powers of the Mixed Court.

"The causes," he adds, "to be decided in virtue of the powers to be conferred by this additional article, although essentially of great importance, will not justify any fear of insurrection, because each particular case will refer only to the individual right of a single African to his freedom."

Here your Excellency will perceive that the English Ambassador has scarcely done anything else than present a paraphrase of this paragraph of Mr. Turnbull, in order to prove that nothing is to be feared on the part of the negroes, in consequence of the adoption of the Treaty proposed; but his Excellency has omitted what follows, which is of the greatest importance:—

"If carried to its full extent," the author continues, "it is true that, by the constant repetition of the same proceeding, the plantations would be depopulated, and deprived of their prædial labourers. On this ground, unless it were to be limited to future importations, it would be strenuously resisted by almost all the inhabitants of the Island of Cuba; but if by the new Article, or Treaty, a *terminus a quo* were to be fixed, from which its operation was to commence, the number of persons whose interests were to suffer from it would be greatly reduced, and the object would also be more clearly defined."

And in order still farther to establish the facility with which the additional article proposed might be obtained from our Government, not giving it, however, any retroactive effect, and, the first obstacle being already overcome by the fact of the establishment of an English tribunal in the Spanish territory, Mr. Turnbull thus concludes:—

"When strongly pressed in the years 1834 and 1835, the Spanish Government *submitted* with a tolerably good grace to the admission of a principle the only object of which was to facilitate the conviction of the criminal trader. But the effect of the equipment clause, contrary to the hopes of the two contracting parties, in place of abolishing the traffic, has only transferred it to another flag. Let us return, then, to the charge; let us expose the false position which the Spanish Government has taken up; *and let us compel them to surrender at discretion!*"

Here, then, is laid bare before your Excellency's eyes the very soul of the present English negotiation; and in the paragraphs I have copied from Mr. Turnbull's works the motives which actuate the British Government are sufficiently explained. Their strongest argument is, that because one concession has been made, another and another must be granted, until we have yielded every thing that can be asked of us. Sign, they say, a treaty for the suppression of the Slave Trade on the coast of Africa; and you bind yourselves, on your part, to take all the measures necessary for its obstruction. You admit the privilege, apparently reciprocal, of searching all vessels suspected of being engaged in the traffic. You concede to us the right of establishing English judges in your territory, who are to determine the validity of the captures, under the pretext of our admitting Spanish judges in our territory. At a later period, you allow us not only to search, but also to capture vessels possessing mere indications of an intention to engage in the Slave Trade. But not only have you allowed us to establish judges in your territory; you have tolerated in these judges the exercise of a power of supervision of the

conduct of your own agents and authorities. In the harbour of the Havana we have an English floating island, with a garrison of negro soldiers, in order that in communicating with your slaves they may be made to understand that we are their guardians and protectors; and that we are also ready to advocate their cause, and undertake their defence; and that you, their Spanish masters, have an interest in their oppression.

You have allowed an agent of ours, invested with the character of Consul and Superintendent of liberated Africans, to constitute himself the virtual chief of the negro apostolate of the Ponton, and to dare, with the greatest effrontery, to raise his voice in your tribunals, and before your authorities, and to proceed as if he himself were an authority. You have therefore suffered and tolerated all that we have asked of you; more from sentiment, it is true, than from force of reasoning; in order to follow the fashion of the day, and embrace our opinion, which in practice is only useful to us. And as the generous mind of your late monarch was abused by a blind and incapable ministry; and instead of considering the means of reconciling his pious sentiments with the wants of his colonies, advised him to sign a treaty in which he offered to assist in paralysing the commerce and the prosperity of your colonies,—surrender at discretion!—accomplish the work, of which we have concealed the true object behind our protestations of philanthropy; which is the instantaneous emancipation of the black race throughout these West India islands, in order to enable us to overthrow the whites, and, by means of a negro archipelago, to attack on the weak side, and endanger the existence, of our growing transatlantic rival. We ask no more from you than the promulgation of a law, with a retroactive effect of only 20 years; and the right of applying it, without appeal, by means of English judges, who shall be authorised to call before them all the inhabitants, and all the slaves, of the island of Cuba, and to liberate the one half, or perhaps two-thirds of them, because their owners may not be able to prove their right of dominion; and hence, without discussion or delay, we shall reach the desired object of a general emancipation, or rather the destruction of the island of Cuba, either of which will serve to adjust the balance of our interests and our political designs.

It is clear that the answer to this address, which it is not difficult to read at the bottom of the communications I have now before me, if it were to be given by such a cabinet as we have possessed at another period of our history—oh, doleful reminiscence! when Spain had a powerful squadron with which to support her reply—it would have been conceived in a sense the very opposite. “You have shamefully abused,” it would be said, “the weakness and the unfortunate position of our Government, in causing it to sign the Treaty of 1817, by which you made us bind ourselves abruptly to abolish the traffic in slaves, without giving us time to take any of the precautions which you yourselves took care to adopt, under similar circumstances, in order to prepare your own colonies for such a notable change in their mode of existence. And at the very time when you were exacting this sacrifice on our part, you granted to your favourite and protected Portuguese an unlimited period for continuing the traffic; thus creating in Brazil a productive power for the growth of sugar and coffee, the most formidable rival of our transatlantic possessions; and in this way you secured a profitable return for the immense amount of English capital with which the agriculture of that country is sustained.

“You have deceived and cheated us! When about to paralyse at every point the progress of our colonial prosperity, you gave us 400,000*l.* sterling; and made that sum appear in the treaties as a sufficient indemnification for all the losses we were to suffer from it, when in point of fact it would not have sufficed to compensate us for the robberies and depredations committed on us by your ships, and sanctioned by your prize courts, in a period of perfect peace, when you were calling yourselves our friends; and to Portugal, who possessed no colonies, you granted six millions, as the price of her complacency, which has never been so complete as our own.

“You have deceived us! By means of the Convention of 1835 you caused the Spanish flag to disappear from the coast of Africa; and that of Portugal, according to the author so often quoted, now floats all over the Atlantic, with cargoes of slaves. You have recognised and confirmed the slavery which has been illegally introduced into Texas, where it had already been abolished by the Mexican republic; and you ask us, by a retroactive law, to liberate all the slaves in the island of Cuba, whenever your agents shall think fit, however inconsistent with the legally acquired rights of the owners.

“ You are still trying to cheat and deceive us! But it is now too late. This is no longer the period of 1817. We are already undeceived. It is not possible to believe that a nation which maintains two-thirds of the population of Ireland, and a great part of England itself, in a most abject state of pauperism and misery—which tolerates in the East Indies, in the provinces which are subject to your immediate administration, a state of slavery attended with the most horribly aggravated circumstances—which not only admits the importation of slaves, but the sale of children by their parents, in order to supply the brothels of Madras and Calcutta—the nation which, in the interior of Great Britain itself, consents to the most horrible treatment to which its own children are exposed in the atrocious factories of its manufacturers, far exceeding in cruelty all that our bitterest enemies have ever said of the treatment of our slaves—it is not credible, we say, that this nation should make such sacrifices, for the sake of mere philanthropy, in favour of the African race. We have no desire thus blindly to sacrifice ourselves to the views of this hypocritical benevolence, which conceals behind it designs of the greatest danger to our prosperity.

The Slave Trade has been painted in horrible colours, because you had made it subordinate to the blind and barbarous cupidity of your traders. We would subject it to rules which would convert it into a beneficent institution.

You devoted your slaves to perpetual idolatry, because you did not teach them, as we do, the holy religion of Jesus Christ; and even now, at the present day, all that your free men are taught is the gloomy fanaticism of your frantic sectarians.

You condemned your slaves to celibacy, and consequently to habits of life the most dissolute and immoral; disregarding the ties of family, and not, like us, permitting them to marry.

You refused them the power of purchasing their own redemption, which, with us, is facilitated to such a degree as to have become exceedingly dangerous. You denied them, also, the consolation which our laws have recognised, of changing their masters when maltreated.

The power of the master, on Sunday, was as absolute and undefined in your colonies as on the other days of the week; while with us it is limited by law, and the slaves are authorised to appeal to law for protection, by means of agents expressly appointed for this purpose. The condition of your slaves was not better than that of your cattle, and at times, perhaps, somewhat worse. The condition of ours is probably better than that of the majority of the labouring classes in England or Ireland.

Why, then, should Spaniards draw conclusions from English premises? Govern your own household, and leave us to govern ours. Go to Africa and civilise the negroes there, if you can; and leave us to civilise those in our own possessions, as we civilised the Indians, instead of shooting them down, and pursuing them to the death, as you and your sons did in New England.

These Treaties, which you made us sign, are Treaties of mere benevolence, which stipulate for no reciprocal advantage; and their only result has been to produce to you a gain, to us a sacrifice.

You have lost nothing by any act of ours, and from you we have exacted nothing. You owed us the four hundred thousand pounds, and more than that, as a compensation to the trade of Havana alone; but if you ask them of the Havana, the Havana will repay them to you. With this sum you surprised the conscience of our unfortunate Monarch, and took advantage of the calamitous circumstances of the period in order to swindle him. Henceforward govern your own household, and leave us to govern ours!

Have we ever demanded of you, in the name of humanity, the lives of the widows of Hindostan? Have we asked you, in the name of civilisation, to improve the condition of the Pariahs? Have we called you to account for your treatment of the unhappy aborigines in your Eastern empire? Look to your own household!

These and a thousand other reasons drawn from public policy, from philosophy, and from mere principles of humanity, the Spanish Government might assign, not only for the contemptuous rejection of this new Treaty, but also for nullifying and rescinding those already concluded.

But, as I had the honour to state to your Excellency in the outset, this is not a question of argument, but of fact. Although all the reasons in the world, founded in history, physiology, or morals, have proved that the negro is not a

man like the white man ; that when left to himself he is incapable of civilisation, if from no other cause than his invincible aversion to labour ; that it is conferring on him a benefit to accustom him to labour, because it gives him, and lets him hope for, enjoyments which he never knew, and never could know, in the state of barbarism in which he was vegetating in his own country ; that negro slavery, as it exists among us, does not deserve the exaggerated execration by means of which the English religionists and the French philosophers have converted it throughout Europe into a theme of opprobrium, without knowing anything of the matter ; and, consequently, that our Government is not required, by any principle of genuine philanthropy, to persevere in the fulfilment of those Treaties which, not being based on any ground of reciprocal benefit, are not perpetually binding.

Although, in fact, it were demonstrated that Spanish policy, without forgetting any sound dictate of humanity, ought in this affair to pursue a course directly opposite to that which England pretends to dictate to us, we should gain nothing by the victory, because this, unfortunately, is a question where reasoning is prejudged and overruled by mere sentiment ; and because reasoning between nations, which differ from each other in physical power, is not always of the same persuasive force.

The question then is, whether the Spanish Government, while it continues to lend itself to the interests and purposes of the Treaties of 1817 and 1835, ought now to consent to the new additional Convention proposed. And this question can only be answered after we have taken as a basis the degree of importance which our Government assigns to the maintenance of the union of the island of Cuba with the mother country ; the weight which, in the balance of its justice and consideration, the island deserves ; the welfare of its inhabitants ; and the interest inspired by the preservation of the resources accruing to the state from the present wealth and prosperity of this country. Under this point of view it is to be observed that the prosperity of the island of Cuba, proclaimed as it has been to excess, may be compared to the statue of Nebuchadnezzar, the upper and visible part of which was composed of the most precious metals, while its feet were formed of clay. Our prosperity will indeed be ephemeral, if, before we destroy the basis on which it rests, we do not provide another.

In its origin it was doubtless bad, and in its consequences most pernicious. But alas ! that the prophetic voice of Cardinal Cisneros was not listened to, in the councils of Isabella, when he resisted the introduction of this plague spot into our Society ! But neither we, nor our forefathers, nor our present Government, are responsible for the necessary consequences of that fatal error, into which all the governments of Europe fell, as well as ours. We have suffered, and are still suffering, from its consequences. But, as there are some men whose lives could not be preserved without the constant use of certain poisons, to which their constitutions have become habituated, so we, to our great misfortune, are disabled from passing from our present social condition to another diametrically opposed to it, without exposing ourselves to a shock which was to endanger our very existence.

It is no doubt true, that certain speculative philosophers, by means of abstract deductions and theories, to the total disregard of what is taught by practice and experience, overlooking the sort of labour we require, the nature of our climate, and the character of its inhabitants, of every class, affected as they are by that powerful influence, have attempted to prove that our industry would gain, and that its products would increase, by the employment of free labour. Not only, however, are these doctrines founded on the assumption of such an abundance of hired labourers as would keep down wages to a moderate and reasonable rate, which is totally groundless ; but those at least who resort to such arguments, ought to yield to the fact of the unsuccessful issue of the costly and dangerous experiment which the English have been making in their own colonies, because the Treaty which we are now examining is only one of the consequences of that failure.

These theories are also founded on the English Act of Emancipation ; but, although the slaves in the British colonies were prepared for the transition from servitude to liberty, by means of the system known by the name of the apprenticeship, which lasted for several years, the consequence has been the diminution of the agricultural produce to the extent of a third ; and this *deficit*, as regards the supply of sugar, has not even been made up by the prodigious addition of 50,000 tons, which, during the last six years, has been obtained from the East Indies, and which, during the last year, has caused a rise in the price of this article to the

extent of a third. But this practical evil, which party spirit in England has not been able to conceal, and which was clearly demonstrated in the course of the last session of Parliament, has not been of such serious consequence to England as it would have been to Spain. The English Government does not treat its colonies as direct sources of wealth, from which to supply the wants of the public treasury, but rather as safe markets for the disposal of the national manufactures, as the growers of produce for transportation or consumption, as intermediate places of deposit for the trade with other nations, as nurseries for the mercantile marine, as ports of shelter and supply for more distant voyages, and as points of reinforcement and defence for their naval armaments.

These objects have brought them to the West Indies and to Canada, at an annual expense of 7,000,000 of dollars, with which the royal treasury of Great Britain is burthened by the possession of these colonies, independently of 15,000,000, which, in addition to its territorial revenues, the East India Company expends in the government and defence of its distant empire.

The white population of the whole of the English West Indies amounts scarcely to 60,000 souls, so that in the event of any imminent danger they could all be saved by a trifling exertion of their immense naval power. But what is Spain to do with her 400,000 white inhabitants, which, at the least, exist in this single island of Cuba? England, although no longer ignorant of the serious injury which her own West Indies have sustained, nor the re-action which that injury has inflicted on the consumers of sugar in the British islands, in consequence of negro emancipation, is in a situation to alleviate the evil, and even, in some measure, to convert it into a benefit for another section of her vast empire, either by increasing the population of the West India colonies by means of negro labourers, contracted for in Africa, who under the name of emigrants are taken bound to labour for a period of fourteen years (a thing which is equivalent to slavery), or by bringing about the diminution of the production of sugar in Brazil, and above all in the island of Cuba, its most formidable rival, or if possible its entire annihilation; because, by the progressive increase in the production of sugar in the East Indies, Great Britain will be able to supply all the markets of Europe. This idea is openly avowed by Mr. Turnbull, where, in speaking of our prosperity, he thinks it necessary to apostrophise all the other nations of the earth engaged in the production of sugar, in order to induce them by motives of self-interest, if not from humanity, to proclaim a crusade for the destruction of the Slave Trade, to which our prosperity is exclusively ascribed.

This idea is predominant also in the parliamentary speeches of the celebrated English statistician, who has just been placed at the head of the national Government, and in those of all his partisans. It is equally predominant in the draft of the Treaty we are now considering, the work of the ministry which has ceased to exist.

The immediate object of that ministry was, doubtless, no other than that of procuring, by means of this Convention, a shield with which to defend in parliament the Bill for the Reduction of the Sugar Duties, in order to escape from the violent reproaches of their political adversaries, for having imprudently and prematurely adopted the plan of negro emancipation; this measure having caused a loss of more than 8,000,000*l.* a year to the consumers of sugar in England, increasing the national debt to the extent of 100,000,000*l.*, and compelling those ministers at last to chant a palinode, confessing their error, and trying to make amends by another error still more serious, by admitting into England an inundation of Havana sugar (so the Tories express it), which, as a necessary consequence, would promote the Slave Trade, and would reduce the emancipated negroes of the British colonies to misery, vagrancy, and crime. This animadversion, which contributed to the overthrow of the power of the ministry they endeavoured to avoid by answering as follows: "If we have placed our colonies in imminent danger, if the value of property has been deteriorated, and if the consequence of our error has been to leave the production of sugar insufficient for the consumption of Great Britain, here, at least, is a Treaty which we have obtained from the Spanish Government, by which we have succeeded, by a dash of the pen, in destroying the prosperity of the most odious rival of our colonies; for the future, you have no need to fear the rivalry of the produce of Cuba. The sugars of Brazil will supply our immediate deficiency, until we are able to provide for all our wants in our eastern dominions. Moreover, we have made other preparations against any immediate catastrophe, not a little interesting to

the progress of our other political designs, which assuredly cannot long be concealed from your speculative sagacity."

Just as little ought this to have been concealed from the sagacity of the Spanish Government; and it appears to be incredible, that two consecutive cabinets should have kept this proposal for more than a year in their portfolios, without having given it a preremptory and a negative answer. Such is the calamity of the period in which we live, that we submit to the examination of the legality, the convenience, and the compatibility with the national dignity, of a measure, the direct tendency and the certain results of which would be the destruction of the agricultural and commercial prosperity of the Island of Cuba; the privation of the advantageous market it affords for the productions of the mother country; the reduction of its maritime traffic to the extent of one hundred thousand tons; and the extinction of a revenue of more than four millions and a half towards the general expenditure of the state, on the one hand; and on the other, the ruin of all the prosperity, and the immense risk to the lives of the ever faithful inhabitants of this well deserving province, or its not less dangerous *disobedience* to orders, incompatible with the preservation of life and estate. How has it been possible to forget this political consideration, which was alone sufficient from the first moment for the rejection, with energy and dignity, of this insidious and humiliating proposition.

This, most Excellent Sir, is not a vain exaggerated declaration, on the consequences which this proposition is calculated to produce. Your Excellency has already seen, in one of the paragraphs I have copied from the work of Mr. Turnbull, that, if the fulfilment of the treaty proposed were carried to an extreme, the Court of Mixed Commission, by the mere repetition of its acts, would arrive at the depopulation of our plantations. This is not only true, but it is a truth which would be realised, even if the greater part of our labourers had been legally introduced. And if we desire to know the why and the wherefore, we have only to consult the work of this same Mr. Turnbull, where we are always sure to find the treasure of the iniquity which the proposed measure contains, and thus to discover the secret:—

"Although the Spanish Commissioner," he says, "were to persist in a constant opposition to the British Commissioner in the decision of all the causes, and although it were necessary in every one of them to call in an arbitrator, by lot, as it is probable that the chances would be equally divided, we should at least succeed in securing the emancipation of one half of these victims of oppression."

This declaration needs no commentary; and it is sufficient to demonstrate that the object and tendency of the Treaty is not merely to present a measure, *ad terrorem*, to impede the clandestine traffic, but to carry into effect the emancipation of the whole or the greater part of our slaves, leaving the rest in a state of effervescence and disorder, which will render them unserviceable; overthrowing our establishments and breaking down all the barriers of social order, undermining the foundations of our prosperity, and driving us to the brink of the precipice where our lives are to be sacrificed. It is tiresome to repeat the same idea; but it presents itself to our minds, involuntarily, under whatever aspect we regard the Treaty in question; and if in this we are even wrong, why at least should a retroactive effect have been given to the powers and jurisdiction of the Court of Mixed Commission?

The basis of this determination is the principle advanced by Mr. Turnbull, whose work has been so often referred to; the negroes introduced since the year 1820 have a right to their liberty in virtue of the Treaty of 1817.

But this principle is false. The only law on this subject which has ever been promulgated among us is the Royal Cedula of the 23rd of December of the year in question; by the First Article of which it is forbidden to Spaniards to go to the coast of Africa to purchase negroes; and as a penalty for the infraction of this mandate it is added:—

That the negroes purchased on these coasts shall be declared to be free, in the first port of my dominions where the vessel shall arrive by which they were transported; and the vessel, with the rest of her cargo, shall be confiscated at my Royal Treasury, the Mate and the Pilot shall be condemned, without appeal, to ten years' hard labour in the Philippine Islands.

By the tenor of this law it may clearly be seen that the declaration of the freedom of the negroes, the confiscation of the vessel, and the condemnation of those who were concerned in the transaction, were meant to apply specifically to the place, time, and circumstance, of the arrival at the port of disembarkation

and, consequently, that they cannot be legally applied in any other place, time, or circumstance whatever, not indicated by the law; the true meaning and object of which, besides, it is sufficiently clear, was that the freedom of the slave was to be an equivalent for the loss of the profits of the enterprize, and that those concerned in it were to be exclusively liable to its penalties. It would be absurd, therefore, to suppose that after the actual culprits had escaped from the vigilance of the authorities, those persons should be punished by the loss of their property, who had never "gone to purchase negroes in Africa," which is all that the law prohibited; and who had only exercised their undoubted right of purchasing slaves within the island, where the sale of them had never been forbidden.

It is, no doubt, true, that certain would-be English philanthropists have expressed it as their opinion, that, in questions relating to slavery, those principles which take their origin in ordinary cases of contraband are not rigorously applicable; because in those, the article smuggled is a human being, who claims his freedom under the law of nature, which is imprescriptible. But it would be necessary, in replying to this objection, to pronounce a discourse *ex cathedra*, in which it might be proved, with the exclusive aid of English facts, constantly approved of by the English Government, and without travelling out of the British dominions, that Slavery under various names, has always existed in the world, and that the right of the stronger, by which it is supported, takes its origin in the same natural and international law; in the same genuine, true, and intrinsic sense and meaning, which the history of mankind has given to the words.

I shall here confine myself to the quotation to your Excellency, of the respectable opinion of a learned English magistrate, who judicially declared that, in the administration of justice, a court of justice had no right to impute criminality to an act which had not been ascribed to it by law, and that in this matter (of the Slave Trade) it was necessary to take into consideration the principles of morality which the law of nations has prescribed, and established by constant practice of ancient date, and very generally admitted, from which, legally speaking, it could not be said that the purchase and sale of slaves was criminal; and that in regard to it every nation had the right to legislate for itself, and its tribunals had the right of judging according to its special laws. The only Spanish law, therefore, that has ever been duly sanctioned and promulgated, neither in the express tenor of its words, nor in its virtual meaning, contains the declaration which this new convention has supposed.

But if the violation of the law of nature, in the language of our philosophers and philanthropists, or the disregard of the moral precepts of Christianity, ought to be vindicated by Mixed Commissions of the nations interested in their observance, and if national morality is to be estimated by similar rules, where shall we go for a defence of your Eastern dominions? How are the territorial revenues of your sovereign Company to be supported? your opium monopoly, and so many other acts which are held to be legal, with no better foundation than that of mere force?

But suppose for a moment that the declaration of the freedom of the negroes, imported clandestinely, had been prescribed by a written law, in conformity with right and justice, and that with the powers with which it is proposed to invest the Court of Mixed Commission, an attempt were made not to emancipate the slaves now existing in the island, but to inspire the new purchasers with terror, and for this purpose, signifying some present or future term, the proceedings of the Mixed Court could not fail even then in every case of doubt to be eminently arbitrary and illegal, its proceedings as hitherto pursued having been limited to an inquiry into facts denounced and proved by the actual apprehension of the culprits *in flagrante delicto*. There would then be no room for the inquiry into the legal right of a Spaniard to his property on the Spanish territory. And why should all the maxims which serve as the basis of our judicial proceedings be thus trampled underfoot? why deprive us of the protection of our forms of legal process? why deny us the salutary remedy of appeal? and why, in fine, create an exceptional tribunal, and allow a foreign judge to sit in it?

I have purposely avoided the consideration of the absurdities, in legal principle, which abound in the draft of the Treaty in question; such as that of recognising the birth of a Creole negro as a sufficient proof of slavery, while his mother is declared to be free; because no evidence is adduced of her introduction at a period antecedent to the year 1820; or the emancipation of women with numerous families, who would not be able to maintain themselves apart from their hus-

bands, who were still to be slaves; besides many other cases of more or less importance, because, the measure being regarded as unjust, illegal, impolitic, ruinous, and in the highest degree calamitous, as a whole, it would be useless to enter into further particulars.

It appears to me to be equally unnecessary to examine this question with reference to the national dignity: to adopt it, as Mr. Turnbull has said, would be to surrender at discretion! If the Mixed Commission could be tolerated, for the adjudication of causes where the parties were Englishmen on the one hand, and Spaniards on the other, under the specious pretext of reciprocity, this must cease in the case where the only question at issue was one which affected a right of property or an interest, exclusively Spanish.

The first attribute of national independence is that of being judged by its own laws, and to see them executed in the national territory. This right is the same for the empire of Russia or the Republic of San Marino, and the day of its abandonment must also be the date of the renunciation of that nation's independence. In the mean time, therefore, as the island of Cuba is Spanish, it is entitled to the protection of the Spanish judges. But if we are to be compelled to submit to the presence of Mr. Consul Turnbull, and the negro pontoon, and to see the chief part of our property placed at the mercy of British judges, it would be better, or rather it would be less mischievous, and more consistent with the dignity of Her Majesty's Government, that the island be ceded, sold, or abandoned, than that a flag should continue to wave in it, which, if our hard fate has deprived it of all else, has at least preserved untarnished its honour.

To this extreme of absurdity does our imagination carry us, when we contemplate even the remote possibility of a compliance with this daring demand of the British Government. But this would not be possible, even if we omitted to take into consideration either the advantages which Spain already derives from this island, or the still greater benefits it is capable of yielding, especially if its affairs were prudently administered, and if new sources of wealth were opened up. It is not possible, I repeat, that the Spanish Government should lend a deaf ear to the voice of half a million of Spaniards, which at the cost of so many sacrifices, and amidst the political vicissitudes and commotions of which our age has been witness, have asked for no other reward for their constant fidelity and their unsuspected loyalty, but the preservation and the quiet enjoyment of their material interests; for which they sacrifice all the civil and political rights which their brethren in Europe enjoy.

Let that social condition be maintained which may perhaps have had its origin in error; but which facts, which have been consecrated by an existence of three centuries, have firmly established among us as the first basis of our prosperity. Any experiment which may be made to the contrary will be undoubtedly more injurious to Spain than it has been to England, even after still greater preparations have been made for it.

But the adoption of a system of emancipation so sudden, inopportune, and imprudent, as that which this Convention proposes could have no other issue but the complete ruin of the island, whatever the course may be which the inhabitants may think fit to adopt.

Should the Government, *en connaissance de cause*, think it just, or equitable, or convenient, or political, decidedly to put an end to the Slave Trade, if for no other purpose than that of putting to silence the humiliating demands of Great Britain, let it be done at least with our own means, which are perfectly sufficient, and with which, in the hands of Spanish authorities, there can, in fact, be nothing more easy. But let this be the last term of all intervention in our internal affairs. Let the "pontoon Romney" leave our shores; because its presence is disgraceful to us; and let it carry with it the English Commissioners, and the Consul, Turnbull, to some place where they can serve the cause of humanity, without detracting from our prosperity, without endangering our existence, and without tarnishing the glory of the national flag.

Such is the conclusion to which my examination of this Convention has led me, by the light of the work in which it took its origin, and which was written for the express purpose of recommending it to the English Government. English facts and English doctrines in discussing it I have carefully kept in view; because I was resolved to search for the real intentions of those who call themselves our friends, in the writings of their own authors; and the plan I have followed, although doubtless very different from that of the other reports which have been

addressed to your Excellency on the same subject, will at least have this advantage, that it will have subjected the question to consideration, under a point of view where few have thought of regarding it.

The whole subject will have been developed by others in a more concise and orderly manner; it will have been carefully analyzed, and its obvious and terrible consequences, which would not only follow from the Treaty in question, but from any measure whatever, the tendency of which might be to force upon us the emancipation of our slaves, will have been placed in the clearest point of view. Many of the reporters will have entered into various details, for the purpose of demonstrating the necessity for the adoption by the Government of effectual measures for the increase of the white population, in order, in due time and with the slow but always progressive emancipation of our slaves, in pursuance of the beneficent system of our legislation, two races equally free before the law may one day meet each other face to face; but as their social equality is impossible, let us take care that ours shall not succumb for want of numbers, and thus leave us at another of the extremes of the exaggerated charity of the philanthropists.

Far from me be the belief that, in the ideas of our present Government, and still less in those of our pious monarchs, the ungrateful distrust should ever have found a place which the audacious Turnbull has ascribed to them; nor the insensate design of forcing us to resort to the Slave Trade for the purpose of securing the dependence of the island by means of the terror which the presence of a great number of savages might inspire. It is too well known that this is the age of riches, before which all the other elements of which the power of nations and the strength of governments was formerly composed have disappeared; and it would certainly therefore be the greatest of absurdities to enrich us in order to weaken us. No man, I add, can be ignorant that revolutions are not produced unless where general interests, recognized by the majority, require them. Besides the immense majority of the whites, so great as to include almost the whole of them, of whatever origin or descent, without reference to virtue, affection, hope, or fear, and solely from a conviction of their own interest and convenience, are aware that for them the public tranquillity is, so to speak, a religion, because on the preservation of that tranquillity depends that free and prosperous commerce in which their welfare and existence consist; and because they are equally convinced that, in the geographical position of the island, and the whole combination of circumstances in which it is placed, any alteration whatever in its political concerns would be the signal of a deadly war among the great maritime powers, who would contend for its possession as the key of the Gulf of Mexico, although at the expense of its own inevitable ruin.

Firm and secure, therefore, as is Her Majesty's dominion in the strongest support of the people and the material interests of the governed, what is there to fear? Insurrectionary movements, the work of men under the influence of excited passions, who therefore make no calculation of interests and foresee no consequences, are never attended with effect. But re-actions, which are provoked by violence, injustice, and oppression, are much more formidable; and these Her Majesty's Government, in its justice and prudence, and with the protection and the other advantages it dispenses to the country, and its sons, can have no reason to fear, since it possesses, as I have shown, the best guarantees, and the surest pledges of a blind obedience. No other country has ever proved these truths so completely as the Island of Cuba.

The island, most Excellent Sir, is entitled, on so serious an occasion as this, to hope that your Excellency will remind Her Majesty's Government of its constant and unwavering fidelity; and, as a fit remuneration, to implore its protection against the measures which the sordid interest and the astute policy of the British Government have now prepared.

Here I should have concluded this voluminous report, which has, perhaps, been too much extended and not so deeply reasoned as your Excellency desired. But one political consideration remains, which I think it my duty, in conclusion, to submit to your Excellency.

Although England may consider herself the mistress of the seas, omnipotent to prescribe to other nations her own will as law, making the strength in which she confides subservient to her policy, yet there never was a period when Governments, individually weak, were in a better situation to assert their independence, in consequence of the habit which the great powers of Europe have adopted in the present age of interfering in common in all questions which have any tendency, directly or indirectly, to disturb the balance of power, or affect that peace-

ful *statu quo* which the civilised world now enjoys. It is not to be doubted that our Government knows how to appreciate this advantageous position, and to rest on it the justice which is due to the Island of Cuba, as well as to the national dignity.

God preserve your Excellency many years.

(Signed) WENCESLAO DE VILLA URRUTIA.

(Translation.)

Second Enclosure in No. 182.

Report of the Licentiate Don Bernardo Maria Navarro, residing in Matanzas, on the Draft of the Convention regarding Slave Trade, proposed by the British Government.

MOST EXCELLENT SIR,

IN order to enable me to perform the duty which your Excellency was pleased to intrust to me by your Despatch of the 12th of August last, I have carefully considered the draft of this Convention which the British Government, by their minister in Madrid, has proposed to that of Her Catholic Majesty, in order to authorise the Court of Mixed Commission established at the Havana to receive declarations, for the purpose of ascertaining whether there exists in this island in slavery any negroes recently imported from Africa, and to declare such negroes to be free, as soon as it shall be proved, to the satisfaction of that tribunal, that they were not born in the Spanish dominions in America, or that they were not imported from Africa at a period antecedent to the 30th of October, 1820.

Hitherto, most excellent Sir, no question of equal importance to the island of Cuba has ever been agitated, nor, indeed, is that possible. The Supreme Government has happily been so circumspect as not to be willing to take any resolution on so serious an affair without consulting your Excellency; and your Excellency, not less enlightened in judgment than inflexible in justice, will know how to defend our cause, so as to prevent the monstrous spirit of selfishness, respectably covered up with the veil of philanthropy, from bringing desolation on the fair fields of our country, and by ruining our agriculture, the sole fountain of our wealth, losing the first and most beautiful island of the Western Archipelago to the whole civilised world.

The more we reflect on the terms of this Convention, the less can we believe that a nation, which descants so largely on its love of mankind, could possibly in good faith have proposed to the Spanish Government the most shocking infraction of every principle of justice; or that, in order to confer a precocious state of freedom on some three hundred thousand savage Africans, which would only be injurious to them, since they are unable to enjoy it, the property, and even the lives, of half a million of civilised beings should be condemned to perish at a single blow, although their rights are established by the very same Treaties concluded between that nation and our own.

Two Treaties have already been negotiated between Spain and Great Britain for the purpose of accomplishing the suppression of the Slave Trade, the one in 1817, the other in 1835. In both such means have been adopted as sagacity, combined with the sentiments of humanity by which both nations are actuated, could suggest, to carry these noble and generous designs into effect.

Nevertheless, in the first, as in the second, the whole of the provisions of these Treaties were directed to the pursuit of the actual slave-dealers, in the prosecution of their voyage from Africa, and to the act of introducing the slaves into this island. Not the smallest penalty is established by either of these Treaties against those who may afterwards acquire such negroes, and for the obvious reason, no doubt, that any such stipulation would have proved illusory, from the difficulty of distinguishing between the negroes imported before and after the year 1820, as well as because any measure which should not be effectual in accomplishing the suppression of the Slave Trade would be prejudicial to the possessors of slaves introduced at a time when their introduction was legal. The possessors of such slaves were entitled, from the mere silence of these Treaties, and especially from the silence of the Treaty of 1835, which sought for new and more severe means of repression, to conclude that an implicit permission had been granted for the acquisition of such Africans after their actual importation; and we believed that this was lawful with so much the more reason, considering that not only the laws of our own country, but those

which have been generally adopted by other civilised nations for the suppression of the Slave Trade, have been directed to the punishment of those directly engaged in it, and not of the persons who have purchased the goods clandestinely imported.

If therefore the anathemas have been constantly directed against the actual slave-dealers, and if a penalty has never yet been proposed against the mere purchaser of the imported article, how is it possible that the purchasers of such slaves, introduced since the year 1820, should now be condemned to the loss of capital, invested in such purchases with the most perfect good faith? How can the sacred right of property, acquired in conformity with these very Treaties, be disturbed? What, can it be forgotten that no law can be invested with a retroactive effect, or that laws can only be applied to future and not to past events? If those who now possess slaves imported subsequent to the year 1820 had known the penalty to which it is now proposed to subject them, most certainly they would not have made the purchase. The Royal Order of the 2nd of January, 1826, although it sanctions the denunciation of the negroes introduced in contraband, and imposes a penalty of 200 dollars on the purchaser, does not declare the slaves themselves to be free; and although it is declared that those who actually denounce the vessel in which they were imported are to be free, if posterior to the publication of the Royal Order in question, still this does not apply to those who had been previously introduced. Nor is anything whatever provided or stipulated with regard to the mere purchase of negroes, to whom freedom is not conceded except in the case of the slave who actually denounces the vessel in which he arrived, in which case his liberty is secured, because the possessor and owner of such slaves can see, in the designation of the slaver, and in the persons of its owners, those who are bound to indemnify him for his loss; whereas even this resource is not left to the present possessors of such slaves, now that they are deprived of the means of proving by whom the importation was actually effected, and cannot therefore know the person against whom they are entitled to institute their proceedings.

If the negroes were found in the hands of the slave-dealers, the measure now proposed would be perfectly just, because these are the persons by whom the prohibition had been actually violated; but this can no longer be so after the slaves have passed through the hands of a hundred owners, who have made the acquisition with perfect good faith, and have obtained for it a legitimate title, since no law whatever exists by which the acquisition is prohibited; nor are there any means by which its illegality can be proved. To pretend to condemn the possessors of slaves imported since 1820 to the loss of their property would be to commit an atrocious injustice, and would be punishing him who had acted in the confidence that he was not infringing any law whatever, while it would be leaving the actual culprit unpunished.

As soon as the negroes imported since the year 1820 were declared to be free, on the principle of their having been acquired illegally, it would follow as a necessary consequence of this Convention that such slaves would be entitled to demand from their masters the wages which had accrued from the period of their introduction. If we yield therefore to the first demand, only see what a flood of difficulties will immediately appear? How is the amount of this arrear of wages to be ascertained? Where are the means with which to satisfy the demand? Must our estates be given up, and the present proprietors reduced to a state of misery? If the demand be rejected, will the negroes be satisfied with such a resolution? Will they remain in a state of tranquillity when they feel that they have not only justice on their side, but the necessary strength by means of which their rights can be enforced, with necessities to satisfy, and abundant pretences for making a revolution? The most fruitful imagination could not possibly foresee the consequences of such a Convention. The mere intimation that such a Convention had been proposed has already scattered over the island such seeds as are capable of producing the bitterest fruits. This Convention, besides, proposes to attack all the slave-owners of the island indiscriminately, whether their slaves have been introduced before or subsequent to the year 1820, because the negroes, either from the innate love of liberty, or from ignorance of the actual period of their introduction, will believe at the moment of the promulgation of this Convention that they are all entitled to its benefits; and, abandoning the houses of their masters, they will

flock in crowds to the Court of Mixed Commission, which, as a preliminary measure, will no doubt require them to be placed in deposit, so that the owners, even of those imported before the year 1820, will immediately be despoiled of their property, and will lose the services of their slaves during the period at least when the Court remains in deliberation, which assuredly will not be very short, because there will be such a simultaneous accumulation of demands that the decisions must infallibly be delayed, and many will be obliged to wait for years for the decision of their causes. From the moment that this Convention is promulgated the value of the capital invested in slave property will be sensibly diminished, and this is another injustice to which the owners of slaves introduced before the year 1820 will be exposed, because no one will be willing to purchase a slave as long as the date of his introduction is doubtful. In order to affect the transfer of a slave, it will be necessary to engage in a difficult inquiry, in consequence of the want of public registers, by which the date of the introduction into the island could be established; and this would suggest a most dangerous example with reference to the subordination of other slaves, so necessary in our rural solitudes.

But the evils do not end here, with which the owners of slaves imported before the year 1820 are threatened. Reduced to the necessity of proving the date of the introduction, they will see themselves condemned to the loss of their property, if they cannot establish the fact that the importation had taken place at an earlier period. During this early period, on the occasion of the sale of Bozal negroes, the only documents interchanged were those known by the name of "*papeletas de barracon*," which nobody has been in the habit of preserving: some because they believed them to be worthless—as in fact they are, since they do not contain the means of identifying the individual to whom they refer—and others, relying on the legitimate title they had acquired by such a lengthened possession, have never imagined that they could be called upon to answer for their right of property in their slaves.

Under such circumstances, what course will such proprietors follow? Will they rely on the testimony of witnesses? Can they tell the time when the purchase was made? Can the owners, after such an interval, remember who were the witnesses to the particular purchase? And if they do remember it, where are such witnesses to be found, after an interval of so many years? And even when the witnesses are found, will they be able to recognise the negro in question, so as to prove him to be the same they saw sold at least 21 years before, when they had only seen him on a single occasion, and without taking any interest in the matter? And in the absence of all evidence, in consequence of the impossibility of producing it, how is the Court of Mixed Commission to decide? Will they believe the masters or the slaves? If the former, then all the slaves will appear to have been introduced before the year 1820. To no one will freedom be granted, and the Convention will do nothing more than produce commotions, creating hopes of freedom which are never to be realised, and exciting the negroes to insubordination, or at least to discontent, and exposing the island to a revolution in which all will be victims. And if the tribunal, either from the desire to avoid such evils, or from a wish to conform itself to the letter and the spirit of this Convention, shall resolve on declaring those slaves to be free whose importation before 1820, or whose birth in the Spanish American dominions, has not been completely proved, and shall thus decide in favour of the slaves, then the total emancipation of all the slaves in the island will be effected by a single blow, and with it the very revolution which it was proposed to avoid.

In the powers which this Convention proposes to give to the Court of Mixed Commission, Her Majesty's Government will see additional reasons for refusing to accede to it. The tribunal is to be authorised to establish a species of inquisition; and it is not to be subjected to regulations or forms of process of any kind. When judgment is pronounced, there is to be no appeal from it, and no recourse whatever. Possessed of such powers, all forbidden by our laws, the distrust which such a tribunal must inspire may easily be conceived; composed in part of foreigners, inspired with fanatic zeal for the freedom of the negroes, and at the same time directly interested in the ruin of this island.

If we examine the proposed Convention by the light of political and economical principles, we shall immediately see in it a firebrand which, once

lighted up, might in a single day convert the island into one great bonfire, in which everything around us would be reduced to ashes! Yes, most Excellent Sir, the plan which the philanthropy of England has presented to Her Majesty's Government offers evils and inconveniences of such magnitude, as will not only destroy, at a single blow, the wealth and prosperity of the island, but also the tranquillity and existence of its inhabitants!

In order to form some idea of the degree in which public order and tranquillity will be compromised, allow me to observe, that if the concession of the right of citizenship, which was granted by the National Assembly of France to the freed men of St. Domingo, was sufficient to inspire them with the idea of emancipating their slaves, and if this was the origin of the disastrous revolution which terminated in the ruin of the island, what disasters may we not apprehend here, if we resolve on the sudden emancipation of 500,000 African savages, which number, at the least, will fall under the operation of the Convention now proposed by Great Britain! The Convention once promulgated, an insurrection will assuredly follow as soon as the necessary interval has elapsed which will bring it to the knowledge of the negroes.

The restraints of subordination and discipline being once broken down by this enormous mass of barbarians, who can never forget the hard fate to which they have been subjected, and who, although weak and submissive under oppression, will be bold and daring when free, and anxious to avenge the aggravated wrongs they have suffered from the white race, under whose dominion they have so long been held, urged on by the vehement desire with which the attainment of their freedom must inspire them, emboldened by the fortitude which the knowledge of their numbers will give, when they assemble at the doors of the Court of Mixed Commission, ignorant at the same time of their comparative weakness, from their want of all knowledge of the use of arms, and agitated by a thousand passions, of which it is easy to form an idea, they will commence the repetition of the sad scenes of the French colony, scouring and desolating town and country! They will break open the houses, sacking and robbing the inhabitants, and murdering all who offer them any resistance, if for no other motive than the barbarous pleasure of tormenting the whites. They will destroy whatever falls in their way, and involve us all in one horrible revolution, the object of which will be to establish a negro ascendancy, in which they will reckon on the sympathy and assistance of the neighbouring Haytian republic, not having foresight enough to perceive that they will themselves become the victims of their own madness and folly, as those did who dared, in 1829, to rebel against their masters in the district of Guamacaro.

These, most Excellent Sir, are the first links of the heavy and interminable chain of evils with which the exaggerated philanthropy of England desires that Spain should fetter her own children. As the sign of our redemption—the symbol of gentleness and peace—has served, in the hands of the superstitious, to carry war to the ends of the earth, and to cut mankind into pieces, so this blind philanthropy, with an equal disregard of times and circumstances, will convert the most valuable of the West India Islands into one vast desert, covered with dead and streaming with blood, if Her Majesty's Government does not at once repel this proposed Convention.

It is difficult to understand or explain the philanthropy of the English with regard to our slaves, if we keep in view their proceedings in their own colonies on the subject of emancipation. Here it is proposed to effect it suddenly and in mass, in open violation of the laws of the country; whereas in the English colonies everything was done in perfect tranquillity, and according to the laws which were passed after long and serious discussions in parliament, without giving to any of these enactments the tyrannical retroactive effect which they desire to apply to us.

Here there has been no preparation, on the part of either the masters or the slaves, in order to make the emancipation less dangerous to the one class or more beneficial to the other; whereas in the English colonies it was not attempted to break the chain of slavery until after a six years' apprenticeship, in the course of which they endeavoured, however uselessly, to inspire the negroes with some ideas of order, some principles of morality, the love of labour, and the pure and holy maxims of the Gospel. The English Govern-

ment would do better to preach this philanthropic propagand in the countries of Africa, and diffuse over that Continent the light of true religion, since it is amidst the clouds of ignorance that these unhappy beings are reduced to a state of slavery, which is only alleviated when they are brought among us. In no country where slavery has ever existed has the power of the master been so tempered and limited by law as in this island. By these laws it is provided that the slave shall be accounted one of his master's domestic servants. They require that he shall be instructed in the principles of our holy religion, and that he shall not be deprived of the consolations it affords. They give him the same right to contract marriage which the individuals of the white race enjoy; conferring on him the blessings of paternity, and the habit of living in family with his wife and children. The means of acquiring property are generously afforded by the proprietors; and the property thus acquired is protected by law, together with the rights which are inherent in that of property,—such as that of self-redemption on equitable terms. In many cases, also, these laws concede to the slave the consolation of being transferred from a bad master to a good one.

With us the slave is entitled to be fed and maintained in every period and vicissitude of his life. No one except his master has any right to chastise him; and if he does so to excess, he is liable to punishment. In every town where a municipality is established the slaves have a legal protector, who defends them energetically and gratuitously against the abuses of the power of the master. In judicial proceedings where a slave is interested, the same forms are observed as in those of a freeman; and when the circumstances are similar, the same punishments are imposed on the one as on the other.

But let us return to the examination of the Convention, interrupted by this digression, which will be excused in consideration of the desire to vindicate our love of our kind and the laws of our country.

Let it be granted for a moment that it were possible, without risking our lives, to bestow immediate freedom on the half-million of slaves we possess, can we expect the same security for our fortunes, which in one day would be annihilated, reducing thousands of families from the summit of wealth, and even opulence, most legitimately acquired, to the most frightful abyss of misery? Nor will the loss of the proprietors, most Excellent Sir, be confined to that of their slaves; it will carry with it the great amount of capital, invested in lands, buildings, and machinery.

The labour which gives life to agriculture being wholly withdrawn from it in a single day, and there being no possibility of replacing it, from the smallness of the number of our white population capable of engaging in such pursuits, we shall speedily see our delicious gardens and our beautiful fields converted into one vast desert; the whole island presenting the appearance of a land of savages, inhabited exclusively by Africans, who will return to the usages of their own continent, compelling the whites to emigrate as they have done from our unfortunate Hispaniola. It is madness to suppose that the negroes would ever consent to labour continuously for a moderate rate of wages. This might be expected of men infused with correct ideas on the subject of freedom, but not of those who believe that the true end of liberty is idleness and vagrancy.

The negroes, when free and left to themselves in the state of ignorance and stupidity in which it has suited our convenience to leave them, will immediately fall back into a savage state. The love of labour is the fruit of civilisation, which creates enjoyments; and these produce wants, which induce a man to pursue the means of satisfying them; and this can only be done by means of labour. This is so certain, that those countries which are the farthest advanced in civilisation are also the most laborious. The savage does not understand and cannot imagine the tastes which riches impart. His only enjoyment is in eating or in the grossest sensual gratification. When these wants are satisfied he goes to sleep or returns to a state of vagrancy. This occurs everywhere, and is more likely to occur in the island of Cuba than in other places, from the prodigality with which nature has here lavished her gifts, and from the extreme fertility of the soil, which will grant, without labour, all that is necessary for the mere sustenance of life. It is impossible for any one who knows anything of the negro character to deny the accuracy of these observations. Such is the natural indolence and aversion to labour

of this unfortunate race, that, although in the perfect knowledge of their power to acquire the means of purchasing their freedom, it is necessary, in many cases, to induce them by means of premiums to cultivate their gardens, or *conucos*, which are given by every proprietor, in order to afford them the means of employment on the festivals of the church, and thus avoid the excesses to which they would be liable if allowed to wander about the country in a state of idleness.

In political affairs the lessons of history should not be neglected, and especially those which are furnished by societies who have been similarly situated with ourselves. After the revolution of St. Domingo had been accomplished, the negroes, convinced of their own indolence, were induced, by the misery which overcame them, to frame what they called a rural code, by which the labouring classes were compelled to remain on their property, without moving from it, at least not until they had first obtained a licence to that effect from the Government; and the proprietors were authorised to return to the ancient custom of corporal punishment, with this difference only, that a rod should be substituted for the lash. By these means it followed that, in 1806, the produce of the island rose so as to be equal to a third part of what it had been in 1789; but with a republican form of government, and amidst successive revolutions, which did not admit of the exercise of any legal authority, and which were not compatible with the maintenance of laws thus violently enacted.

The consequence was, that the cultivation of the soil fell into total neglect; that impenetrable thickets usurped the place of the richest rural estates, and that the exportation of sugar, which in 1806 amounted to 47,516,531 pounds, was reduced in 1835 to 2020. In the English colonies themselves, where emancipation was preceded by a long apprenticeship of six years, we see the most convincing proofs of the aversion of the negroes to labour, and that, although it is now so useful and necessary, the people have given themselves up to vagrancy, and have thus occasioned the lamentable reduction which the agriculture of these countries has experienced. For which reason the English themselves, convinced of their error, in the simultaneous emancipation of such an immense number of men, have adopted the expedient of bringing negroes from the coast of Africa, under contracts for fourteen years; a species of disguised slavery of a new kind, attended, perhaps, with even worse consequences to humanity.

Under the ancient usages of slavery the master was bound to maintain the old, the sick, and the infirm; but under the new form of contract, these savages, who are of course incapable of understanding the nature or force of the obligations they have undertaken, will sacrifice the best period of their lives, and, when no longer capable of labour, will be abandoned to their own resources, and will end their lives in want and misery. The slave can purchase his freedom, or at least can change his master; but men under contract have no such resource until the time of their engagement is expired. The master has an interest in the life of his slave, at least to the extent of preserving the capital which that life represents; but the man under contract is deprived of this guarantee, if bound to a mere overseer deaf to the voice of humanity, and listening to no dictates but those of his own sordid interest. These inconveniences may possibly be foreseen and provided against by the form of the contract, but the system cannot fail to be one of temporary slavery, such as must always throw a doubt over the rectitude of the intentions of the English Government, when they propose to interfere with us in the emancipation of our slaves.

When the agriculture of this island, the only source of our wealth, is annihilated, as it will be, whence are its products to arise? How are its revenues ever to reach the enormous sum of nine millions of dollars, with which it covers its own expenditure, and assists in sustaining the burthens of the State? Where are we to find the means of maintaining our well-appointed army, with which the country is garrisoned, and which commands for our territory universal respect?

The blow which would thus be given to the Peninsula would be terrible. How can the Island, then, afford to purchase the flour, the wine, the oil, the ham, and the other articles with which we are now furnished by Spain? What will then be the destination of the great number of Spanish vessels now engaged in the colonial trade, and especially those employed in bringing us the jerked beef with which our estates are supplied? How are the seamen to be

employed by whom these vessels are manned, and from which the men required for the royal navy are obtained? How are the European provinces of Spain to be supplied with sugar, coffee and tobacco, and the other precious fruits which are obtained from hence so cheaply and of such excellent quality? What is to become of the thousands of families now living in the Peninsula entirely dependent on their fathers and husbands, their sons and their brothers, and their other kinsmen who come to this island, and, by means of the wealth which they honestly acquire, extend relief to their unfortunate relatives, and prevent them from falling into beggary?

But it is not the people of Cuba alone, most Excellent Sir, who are interested in the question now agitated by the English. Our brothers of the Peninsula have equally an interest and an undeniable right to be heard in this important discussion, by which the welfare of the whole nation is affected.

The proposed Convention attacks the national independence, or at least deeply offends the national dignity. It is proposed that the subjects of Spain shall be tried by a tribunal, consisting partly of foreigners, for acts committed on the Spanish territory. It is not enough to say that this tribunal has been recognised by our Government in the Treaties for the suppression of the Slave Trade, since, if it has been so recognised, it has only been to the effect of determining the legality of the capture of the prizes made by the cruisers of Her Britannic Majesty; and as in these proceedings there are British subjects on the one hand, and Spanish subjects on the other, parties to the cause, it is only just and reasonable that the Judges should belong to the two nations. But this is not the case with the affairs to which the proposed Convention is intended to apply. These proceedings will be directed only against the possessors of slaves, who, being all Spaniards, cannot be made subject to foreign judges. To assent to this Convention, therefore, would be at once to confess that the strictly-honourable Spanish nation is incapable of fulfilling its engagements without the aid of persons from abroad. Not one of the nations by which the Slave Trade has hitherto been prohibited has consented that the infractions of the prohibition should be punished by foreign judges. This circumstance alone must be sufficient to produce the indignant rejection of this offensive and degrading proposal of the English.

By the Royal Order already quoted of the 2nd of January, 1826, the exclusive power of receiving denunciations and of instituting proceedings in regard to the contraband introduction of slaves is committed to the Captains-General of the island; and the English themselves have declared that they have no complaint to make against these authorities. Where, then, has the distrust arisen which the proposed Convention discloses, unless, most Excellent Sir, in the restless desire of universal domination?

Your Excellency condescends to allow me to report my opinion as to the effect of this proposal on the true interests of the country; and, accepting this honourable confidence with pleasure, I owe it to my conscience to state frankly my thoughts.

If the inflexible principles of justice; if the wealth and prosperity of the island; the tranquillity and existence of its inhabitants; the interests of the state; the industry and trade of our brothers of the peninsula; and the fate of the unfortunate negroes themselves, whose protection is in question, requires that the slavery which now exists should not be interfered with, then these same objects, the faith of treaties, the peace and the dignity of the nation so seriously compromised, the laws of humanity, and the irresistible force of the ideas of the age, require also that our ports should be closed at every point against the further introduction of slaves.

Although prohibited by our own Government, and by that of every nation of Europe and America, with the exception of Brazil, the means have not yet been found of extinguishing this detestable traffic. The lust of wealth has proved so fertile in resources as to defeat the object of the law and evade the vigilance of the authorities; so that it has become necessary to resort to new and more energetic means of repression in order to root out the cancer which threatens to devour us.

This is the wish of the thinking mass of the people of Cuba. They desire for their country a *futurity*, and this they can only see in the preservation of acquired rights, and prospective extinction of the Slave Trade. When that is put an end to, the enthusiasm of the philanthropists will be tranquillised;

and England, seeing us do all we ought or are able to do, will relax in her demands. And although it may be true that the progress of our prosperity will remain for some years stationary, it is also true we shall secure the perpetual possession of what we now possess, and with the increase of our free population we shall attain that degree of prosperity to which we are called by the fertility of our soil and our geographical position.

The error of assembling a vast number of negro slaves in an insulated country has long been understood, since their condition has ever made, and must always make, them the mortal enemies of the white race, under whose dominion they are placed. It was for this reason that Ovando, the Governor of Hispaniola, opposed the introduction of negroes into these regions; and the Municipality of the Havana, the Patriotic Society, and the Consular Tribunal, in the respectful but energetic representation which they addressed to the Constituent Cortes in 1811, while they opposed any precipitate attack on the institution of slavery, acknowledged that measures ought to be taken to provide a remedy for an evil, which being old and deeply-seated must be treated with consideration but not with indifference.

For this reason, most Excellent Sir, the Island of Cuba now expects that Her Majesty's Government, at the same time that it refuses its assent to the Convention now proposed by Great Britain, shall adopt all suitable measures for preventing any further importation of slaves.

God preserve, &c.

(Signed)

BERNARDO M. NAVARRO.

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

Note addressed by the Captain-General to the Governor of Matanzas.

LET there be Reports from two persons of your city, the most worthy of confidence; let them be landed proprietors, natives of the country, free from all suspicion of being concerned in the odious and illegal traffic in slaves, and such as are in a situation to assign the greatest number of reasons for their opinion; with this further instruction, that a single post only is to intervene before the return of their Reports.

Third Enclosure in No. 182.

Report of the Marques de Santiago y San Felipe, on the Convention proposed to Spain by Great Britain.

(Translation.)

On the convention proposed by the British to the Spanish Government regarding the Slave Trade.

Havana, October, 1841.

The question put by the local Government to the corporations and to individuals, with regard to the legality and the convenience of accepting or rejecting the Convention in question, and the point which ought not to be forgotten, of the national dignity, with whatever else might contribute to enlighten the supreme Government on the subject of its inquiries, in order to enable it to adopt some determination on the subject, has been considerably misunderstood, if we may be allowed to judge from appearances.

Before engaging in the discussion of this affair, the terms of the question at issue ought to be fixed and defined. For it is not the fit occasion to inquire whether free labour is advantageous, compared with that of the humble slave. Neither is it the time for the repetition of the trite arguments, which are used to render the wretched institution of slavery less odious and repugnant. The question as to the justice and humanity of slavery has been settled long ago, by every man who keeps his heart in his bosom, and not in his head or his money-chest.

Let us dismiss from our minds the hypocritical pretences of those who, while affecting to convert the heathen, reduce their own wives and children to misery; forgetting that charity which is the basis of true Christianity, and that precept of the Gospel which requires us to labour in silence. Heaven will not suffer us, as

in the French colonies, to resort to the miserable expedient of ascribing to the curse of Cain the degradation of the African race, in order to show that it is necessary and eternal. In dealing with this question, we have only to regard it as one of justice towards our slaves, and of humanity to ourselves. Our whole duty, then, is to apply ourselves as briefly as possible to the points which are now proposed for discussion, and which are of more importance than may at first sight appear to the future destinies of Cuba.

The first point for consideration is the question of legality; and in order to come to a conclusion, it is necessary to inquire whether England has the right to require of us the adoption of the Convention now proposed, in order to extend the operation of the Treaties of 1817 and 1835.

No! a thousand times no! International compacts are the result of numerous conventions, and there cannot be a more convincing proof of this fact than the submission of a powerful nation like England to the issue of these pending consultations.

On this point it is necessary to observe, that Spain is bound, in self-respect and in fulfilment of her solemn Treaties with England, as well as because she is tied down by the plighted faith of her Envoy Plenipotentiary, accredited to the Congress of Vienna, Don Pedro Gomez Labrador, who promised the assembled sovereigns, as is proved by the collection of diplomatic papers relating to the Congress, which are in everybody's hands, that the object in view should be accomplished.

To bring forward the Treaty of 1817, a Treaty which is onerous on both nations, because, by the article, Spain received 400,000*l.* sterling, for the reason expressed in the Treaty, as an argument on the present occasion, is to assume that we require to be spurred on to the fulfilment of our engagements; and that it cannot be ascribed to any other supposition we propose to prove in the sequel.

The offer made by the King of Spain in 1817 ought to be fulfilled. The Slave Trade does not exist legally; and it is useless to pretend that an importation attended with injurious results is permitted, in consequence of an imprudent zeal to stimulate production, although inconsistent with the welfare of the island, and calculated to involve us in serious difficulties.

By the first Article of the Convention, it is acknowledged and declared that since the 30th of May, 1820, it was not lawful for Spanish subjects to engage in the Slave Trade; and by the ninth Article the means by which the Convention is to be carried into effect are pointed out. By this Article, the mutual right of search of the merchant-vessels of both nations, against which any reasonable grounds of suspicion are entertained, is conceded to the ships of war of both nations respectively. These specific means of suppression, but none other, are extended and amplified by the additional Treaty of 1835. And to these, exclusively of all other means, are limited the acquired rights of England, from whence it follows that legally speaking there are no grounds for assuming that the Convention now proposed is obligatory, a truth which, in the course of the discussion of other points, will be more clearly demonstrated.

II. The second capital point submitted to discussion, or, to speak more correctly, to examination, is whether the proposed Convention would be convenient. This is a question which deserves to be maturely considered, and which may be resolved either *pro* or *con* according to the points of view in which it is regarded. In the abstract, the convenience of universal emancipation is undeniable, and in this way all those who have been introduced by evading the vigilance of the local authorities would at once acquire their freedom. But with regard to the landed proprietors and the interests of the country in general, the proposed Convention offers no ground of convenience whatever; and as in this question is involved the freedom of the emancipados already referred to, it follows that nothing but inconvenience on all hands can result from this Convention. From the communication which was made to the Anti Slavery Society of London by the present Consul of England in this city, Mr. D. Turnbull, inserted in the "Anti-Slavery Reporter" of the 6th May, 1840, it appears that the greater part of the ideas embodied in this Convention were suggested by that gentleman to the English ministry. As he had resided for some time among us, he had found means to acquire a knowledge of our ideas on the subject, and so to communicate them to the Government, and accordingly he proposed, in the paper already alluded to, the means of anticipating the objections which he foresaw would be offered to the Convention now proposed. In spite of this gentleman's reasoning, we are bound to confess

that to entertain the idea of executing such a Convention without any insurrection or commotion, would be to misunderstand human nature, and to allow ourselves to be dazzled by the light of a most beautiful principle, which in theory is undeniable, but which requires the greatest prudence in its practical application.

But supposing the Convention to be carried into effect, who, we ask is to answer, for the tranquillity of the other negroes? Who is able to assure us that, when freedom shall be actually conceded to such a numerous body of negroes, they will not abuse it? Who is to indemnify the *bonâ fide* possessors of slaves, illegally introduced, who have passed through three or four hands? In the midst of so many dangers, not in policy merely, but affecting our very existence, any measure whatever which has a tendency to render property insecure must be a very considerable evil. The question of justice and humanity must be regarded as already settled. The means for accomplishing such ends are not fit subjects for international negotiation, but rather for the consideration of the economist and the legislator. At present, the negroes already introduced, whatever their numbers may be, belong of right to their owners. They are part and parcel of a property which ought to be rejected by the law of public convenience, which, although severe in its operation, and by some minds disavowed, is nevertheless highly useful and necessary in warding off an infinity of mischief, and which cannot be dispensed with unless we mean to sacrifice our estates. But, supposing for a moment that the proposed Convention was capable of amendment, is it fit after all to be adopted? And here presents itself the question of the national dignity.

III. When Spain consented by the article of the Treaty of 1817 to the establishment of a court of Mixed Commission, consisting of English and Spanish judges, for the adjudication of the questions confided to it, she did not confer any right of sovereignty; she did not acknowledge herself incapable of self-government; nor did she in any way compromise her power or authority.

Either, therefore, Spain confessed that the Courts of Justice were impotent, or she repelled with indignation and disgust a stipulation which was an insult to her good faith, and involved the abandonment of the right of self-government, which every nation enjoys. Spain on her side ought to increase her vigilance, and from henceforth ought not to allow a single slave to be introduced into the country, authorizing every slave-trader to be treated as a pirate, and to be condemned accordingly. The same penalty should be imposed on the owners and freighters of slavers, on the holders of shares, and on every individual interested in such speculations; all of whom should be fined for the benefit of the fund for the promotion of white immigration, depriving the offenders of their civil rights, and denying them the privilege of appearing as witnesses in Courts of Justice.

The Government, in fine, is bound to demonstrate that its power and its disposition to execute the law has been brought causelessly into question. When the British Minister accredited to the Congress of Vienna proposed the suppression of the Slave Trade to the assembled Plenipotentiaries of Russia, Prussia, France, &c., the Ministers of Spain and Portugal disavowed the proposed right of interference in the domestic affairs of other nations, and on this occasion it is not necessary to suppose any hostile intention on the part of Great Britain. I for one believe in her good faith; but it is our duty to desire, as warmly as she does, the cessation of this traffic, which our laws have declared to be contraband. In the protocol of the third conference, of the 4th of February, 1815, of the Congress of Vienna, the following remarkable expressions are to be found:—"The Plenipotentiary of Her Catholic Majesty has stated more than once that everything which relates to the Slave Trade is the private affair of each particular state." It follows that this declaration was made and repeated in obedience to the orders of his Government, who neither conceded to one nor to a number of powers the right of watching over her operations. As no Government is entitled to infringe these principles, it follows that the literal tenor of the Treaties should be fulfilled, and that no national Government should be treated with such marks of distrust.

IV. The other points of view under which this Convention ought to be considered are purely incidental. By the force of facts, and the will of the civilized world, the suppression of the Slave Trade, and the gradual diminution of slavery, are already determined; and with the combined advantages of our legislation, so highly praised by Mr. Gasparin as to become a fit subject of study for other nations, as well as the national demand for fresh hands with which to increase our cultivation, it becomes the duty of the Government to apply itself to the increase of the white population, and to endow the island with institutions which,

added to the gifts of the soil, will attract men from all quarters, sufficient to insure the future welfare of the country. It is the duty of the Government to provide the means of primary instruction to our rural population; for one educated man is worth two or three who are ignorant. It belongs to the authorities to protect the white population against that inundation of savages by which it is in danger of being overwhelmed; and to support that moral power which loses all its influence and its strength when it degenerates into cruelty, and when the institutions of a country have ceased to correspond with the necessities of the age.

To attain these objects, we require only men and institutions liberally and prudently organised. That people must needs fall into decay which does not securely provide for its physical and intellectual necessities; but this is a subject which would require a whole dissertation, and which the Government itself well knows how to appreciate.

(Signed) EL MARQUES DE SANTIAGO Y SAN FELIPE.

Fourth Enclosure in No. 182.

Report of the Royal Patriotic Society, addressed to His Excellency their President, on the Convention proposed by the Government of Her Britannic Majesty, for the fulfilment of the Treaties for the Abolition of the Slave Trade, agreed to at the sittings of the 26th and 28th October, 1841.

MOST EXCELLENT SIR,

Havana, October 28, 1841.

WHEN so many persons who are interested in the prosperity of the island have written on the subject of the exorbitant pretensions of the British Government regarding the extinction of Slavery in Cuba, the Royal Patriotic Society, in preparing the Report which your Excellency has required of them, submit their opinions with some apprehension, lest, in so important an affair, their answer will not be so complete as the importance of the interests at issue would require. In addressing to this Corporation the three Articles of the proposed Convention, and the note which contained them, with an instruction to examine them, and to offer an opinion on the question at issue, in its legal and economical bearings, as it regards also the national dignity, and in any other point of view which might serve for its illustration, your Excellency has doubtless had in view that the distinction which you thus confer should be in harmony with the sentiments of the illustrious and immortal Jovellanos, who, penetrated with the idea of the influence which economical societies can exercise on the prosperity of nations, declares that Governments and Corporations ought to listen to their opinions with attention, giving them thus a proof of their esteem, and offering them a tribute of confidence, as the premium justly due to their gratuitous and voluntary labours.

But we do not regard this as the only motive which has induced your Excellency to make this communication: but because, as the British Government demands that the negroes introduced into the island since the 30th October, 1820, should be declared to be free; and that these declarations should be made by the Court of Mixed Commission, to the exclusion of all other authority, subject to the regulations prescribed by the articles of the Convention proposed, the Society ought, undoubtedly, to apply itself with the greatest interest to the question; because it is its duty to promote the encouragement of agriculture and commerce. And the British Government, in demanding the freedom of the negroes, in the form and manner now proposed, can only be seeking to destroy both branches; because even the temporary privation of the labour, now devoted to agriculture and to the supply of our domestic wants, as will presently be shown, must lead directly to our ruin.

It may, perhaps, be said that the New Convention proposed is founded on the previous Treaties of 1817 and 1835; and that, not having come into force until the year 1820, the demand is limited to the slaves introduced since that period. But this is not a satisfactory reason; because the grounds which served England as a pretext for demanding the first of these Treaties were purely philanthropic; and if this be the cause of humanity it ought to recognise neither limits nor restrictions, but ought to be exercised in favour of every human being now

groaning under the detestable yoke of slavery. To which it may be added, that neither of the two Treaties referred to authorized the emancipation proposed by this new convention; so that it ought not to be adopted, because it is illegal and exorbitant; that is, if the nation desires to preserve its dignity, and its dominion over the Island of Cuba.

If it were not established by the law of nations, that the stipulations and conventions of sovereigns were unalterable until revoked or modified by other stipulations; and if, in the intercourse of governments, it were not unworthy and degrading to resort to objections which would be effectual in nullifying an engagement as between private individuals, the society would be ready to demonstrate, in the clearest manner, the nullities which serve to vitiate the Treaties of 1817 and 1835, which were entered into by our Government with Great Britain for the extinction of the Slave Trade. But while they abandon this objection, as being unnecessary, they are bound to deny the justice of the recent pretensions. The sole object of the articles of the old Treaties was to prevent the traffic in Slaves, and to establish Mixed Commissions, which, after a capture had been made, were to determine as to its legality. But it has nowhere been written that it had been resolved that the negroes which might be introduced into the island, after these Treaties took effect, were to be declared free. So far from that, it is to be observed, that such a declaration, if it exists at all, is confined to such negroes as have been found on board the vessels which have been declared to be good prize, as may be seen from the seventh article of the Regulations for the Mixed Courts; that is to say, that pursuit and capture were only to be acknowledged at sea; since nothing whatever is agreed upon, even remotely, with regard to the negroes after they have actually been landed. Hence it follows, that the emancipation now proposed is impolitic and unjust, because it is sought to give to the Convention a virtue and a power which it does not possess, in violation of the principles of all sound legislation. But why fatigue ourselves with the search for reasons by which to demonstrate that this new Convention is not supported by any previous Treaty, since it is broadly admitted in this very project itself, by the fact of its requiring not the fulfilment of a previous obligation, but the establishment of a new and distinct stipulation? And by what right is this demand authorized? None other but the laxity and carelessness with which the Treaties of 1817 and 1835 were negotiated, because what is now asked was then forgotten; and therefore the laws of nations are to be violated, which forbid one people to interfere with the internal government of another, to the effect of depriving it of the advantages which it has earned by its industry, or which nature has bestowed.

When the Society thus explains itself, it is not intended to intimate that the prosperity of the island, or the cultivation of the soil, depends exactly on the maintenance of Slavery, nor is it to be presumed that its inhabitants are destitute of those feelings of humanity which are compatible with intelligence. The people of Cuba, endowed with sensibility, and naturally philanthropic, are imbued with the most favourable dispositions for the extinction of Slavery, because they believe it to be prejudicial even to their own interests; because, although the soil of the island is lighter and more easily tilled than in other countries, and although the masters are carefully watched over by the authorities, to prevent the abuse of their power on the Sunday, it must still be admitted that Slavery must always be odious; that the service it furnishes is imperfect and forced, and its products can never be so advantageous as those arising from free labour, stimulated by the desire of earning wages, and the fear of not being employed again if the task is not properly performed. But although this opinion is favourable to liberty, and promotes the idea of cultivating the soil, as well as domestic service, by means of free labour, still the preservation of acquired rights—nay, our very existence and the tranquillity and preservation of the island, compel the inhabitants to submit to a calamity which its own Government has occasioned, by permitting the introduction of Africans, under the belief, doubtless, that it was conferring on the country a benefit; because, if a measure of sudden and simultaneous emancipation were to be agreed to, as the British Government now demands, it would be an agreement, in fact, to destroy our agricultural riches; since, the cultivation of our fields being exclusively the work of Slaves, and since we are not prepared for this sudden change, it is undeniable that all labour would be paralysed, having no free labourers with whom to supply the places of those to be emancipated. Besides, all those who would immediately desire to be

included in the benefits of the Treaty would become a torrent, in which the whites, unable to restrain it, would speedily be overwhelmed; overturning the entire system of our social economy, and destroying our property, if it did not involve us in perpetual ruin. Nay, the mother country itself would run the risk of being deprived, by this enormous and demoralizing evil, of one of the richest provinces of the Crown. The state of Slavery which now exists in the island being maintained, as it ought to be, the agricultural labour on our estates now performed by negroes will not suffer any interruption, because everything will proceed in its natural course; and although the non-introduction of Slaves, for the future, may be regarded as certain, and although the gradual extinction of Slavery will follow as a natural consequence of the fulfilment of the Treaties of 1817 and 1835, it is also certain that this gradual mode of proceeding will protect us from the evils which would inevitably flow from any sudden measure of emancipation, would leave us the leisure required to procure the needful supply of labour, and would suggest a new motive to the Government for encouraging the increase of the white population, and affording other means of protection to our agriculture.

It is on these two principles that the welfare of the people of Cuba depends, for our wealth will increase with that of the white population; and in proportion as our estates are cultivated by means of free labour, our land will become more productive; new indulgences will be granted to our labourers, and, as their comfort increases, the prosperity of the landowner will increase along with it, as Señor Jovellanos assures us, on the well-founded conviction that agriculture is the principal source of all sorts of riches. Nor can it be doubted for a moment, after these considerations, that the Supreme Government will hesitate in adopting both courses, since the protection of the people subject to its sway is its most sacred duty. It is not to be presumed that a deaf ear will be lent to our complaints, because the consequence will be the disappearance of the wealth of the island; and when we are reduced to a state of want and misery, the Government may not be able to meet the urgent demands of the royal treasury, because it would be disabled from remitting to the mother-country the millions of dollars we have hitherto done.

It has already been observed that this new Convention is offensive to the national dignity, and the method by which it is proposed to carry its stipulations into effect is violent and unseemly; for it would be indecorous to consent to the establishment of a Mixed Court, the forms of whose proceedings were not in accordance with that of our ordinary tribunals, nor with the laws of the kingdom, pronouncing its judgments in a disorderly manner, not recognised by our legislative system; and not involving this anomaly only, but also another juridical phenomenon, inasmuch as it would sanction the exercise of a certain jurisdiction by a foreign power on the Spanish territory and against Spaniards, a course which would be very offensive, since it would amount to the direct intervention of the English Government in our judicial proceedings, and would at the same time reflect distrust on our own judges. Moreover, as it is proposed by this new Convention to enlarge the powers of these Mixed Commissions, it would be an ineffaceable blot and disgrace for the nation to admit of a resort to other measures, calculated still farther to lower the authority of our ordinary courts of justice, thus receiving our law from foreigners; whereas we ought, on the contrary, to take all lawful measures to annihilate the functions of this imperfect and inappropriate tribunal called the Court of Mixed Commission.

The method proposed by this new Convention for entering on the investigation into the cases of the Slaves introduced into the island since the year 1820, and the consequent declaration of their freedom, becomes more objectionable when it is considered that, while it would subject us to the consequences of an informal proceeding, founded on the simple declarations of persons belonging to any class of society, it would deprive the proprietors of the right of appeal, a right which is held in so much respect by our law, and it should therefore be regarded as too outrageous a proceeding to subject us to such grievous stipulations. Besides, in consideration of its vast and dangerous importance in every sense, we ought to regard it with alarm, and not submit to it or fulfil it, as we are permitted to do with rescripts of a fraudulent and surreptitious character, which would place us at the mercy of a foreign power; subjecting us to the influence of passion, and to forms of proceeding which have not been established by the laws under which we were born; on the supposition that the protection

due to person and property would not be granted, which every Government is bound to afford to its subjects.

Now is the time to avoid the evil with which we are threatened, but which the Society is of opinion cannot take effect, since the Government has been pleased to listen to the parties most deeply interested in the issue before coming to any resolution on the subject; and it is not to be presumed either that it will yield to the unjust demands of the cabinet of St. James's, or that it will overlook the solid reasons which speak in our favour, and which in your Excellency's hands will be strengthened and enforced. If this ruinous proposal should, unhappily, be accepted, the Island of Cuba, which on such good grounds has been called the richest jewel in the crown of Castile, will lose all its lustre, because its wealth will disappear. But if the Treaties of 1817 and 1835, by the adoption of extraordinary measures, were carried faithfully into effect, and if, at the same time, the white population were increased, so as to substitute a supply of free white labourers in place of the negroes; and if agriculture and industry of all kinds were generously protected, the Island of Cuba would yet attain the highest degree of prosperity; because, when the importation of Africans has ceased, the practice of slavery itself will gradually die away, and in this way the preservation of our interests will be reconciled with the sentiments of humanity by which we are distinguished.

In sum of all that has been said, it may here be observed, that the violent abolition proposed by Her Britannic Majesty is regarded by this Society as not only destructive but in the highest degree unjust, and that we therefore hope that our Supreme Government, in its paternal solicitude, will not admit the desperate remedy now offered, persuaded that the social disorders which have been so long engendered among us are not to be suddenly cured. It may therefore be admitted, that, as slavery is a perpetual source of corruption for the people of Cuba, and the promoter of those distinctions which originate in the difference of colour, and that as it is the cause of the abandonment of all mechanical pursuits by young men of the white race, we cannot do less than deplore the conjuncture into which we have been driven by individual interests, reducing the Island of Cuba to the alarming crisis in which it is now involved. We ought therefore to raise our feeble voice to the superior Government, beseeching it for the future to increase its vigilance, in order that the existing Treaties may be rigorously fulfilled by all Her Catholic Majesty's subjects, as good faith and strict justice require. A short period would be sufficient to show that we were in earnest in the performance of what we had promised, and in the mean time we could be giving a favourable inclination to the vital question in which we are now engaged, preparing by slow degrees for the absolute abolition of slavery, in conformity with the philanthropic opinions which now exercise in Europe such a powerful influence on the masses and on Governments. But this is a benefit which ought to be the work of time, and of a maturely considered conviction, without the intervention of foreign Governments, which may possibly have an interest in our ruin, without the sudden loss of our property, and with that perfect security for our persons which we naturally demand for our defence. This Society is of opinion that the intelligent proprietors of the soil, in their desire for the welfare of the country, will dismiss all selfish consideration, and will readily make the prudent and reasonable sacrifice of a portion of their property, in order to secure the moral welfare of their children, and, let us add also, for the purpose of saving the rest.

Such are the views and wishes of this Corporation, which, in now giving them expression in all frankness and sincerity, has no other motive or object but the dignity of the nation and the good of the country, at whose altars it is our duty to sacrifice everything.

Fifth Enclosure in No. 182.

Paragraphs rejected by the General Meeting of the Patriotic Society, from the Report of Don Martinez Serrano; in place of which, on the Motion of Don Felipe Poey, were substituted those beginning with the words "In sum of all that has been said."

If England were an unknown people, whose opinions and ideas were strange

to us, and if her political calculations were not understood by other nations, we might have been induced to believe what is stated in the note of the British minister,—that sentiments of philanthropy and hatred of slavery were the only inducements for entering into the Treaties of 1817 and 1835, and for demanding that which is now proposed; instead of which, this profession of faith is in perpetual contradiction with that utilitarian principle which is recognised by the philosophers of the present day as the motive of all human action. And as all history proves that England aims at nothing less than the summit of power, and that she spares no effort to excel in every branch of industry in which she engages, or to attain the object she may have proposed, it must be admitted that the attack of this astute cabinet is not directed to the institution of slavery, but to the productions of our soil; and that, enjoying a preference in the markets of Europe, in virtue of the privilege which nature has conferred on us, she proposes in a violent manner to deprive us of the only means on which we can reckon of making our fertile fields productive; in which case the produce of the British colonies when thus freed from foreign rivalry, will enjoy a greater degree of relative estimation.

Another consideration which serves to prove that the illegal pretensions of England are not founded on philanthropy alone is, that if her sole object were the extinction of slavery, as opposed to humanity and the light of the age, why should she confine her protection to the slaves imported into Cuba since the 30th of October, 1820, and not extend it to all of the same servile condition. Why not apply the same principles of philanthropy to the slaves of North America, and of many other nations? And why not go to Africa and inspire the native inhabitants with similar sentiments, in order to induce them to abandon the barbarous practice of putting their prisoners to death, or selling them?

It can scarcely be said that the Convention now proposed is founded on those already existing, and that, as these have been in force since the year 1820, the demand is therefore confined to the liberation of the slaves introduced since that period. But this would not be a satisfactory reason, because the grounds on which the former Treaty was demanded by England were purely philanthropic, and if this be the cause of humanity it ought to have no limits or restrictions, but be impartially applied to every human being now groaning under the detestable yoke of slavery; to which it may be added, that the emancipation now proposed by the English Government has not been authorized by either of the two existing Treaties, and most certainly not in the ruinous and disorderly manner now suggested; so, that demand being illegal and exorbitant, it ought to be rejected in all its details; at least, if the nation desires to maintain its dignity and its dominion in the Island of Cuba unimpaired.

Sixth Enclosure in No. 182.

Report of the Majority of the Committee of the Royal Patriotic Society of Havana, rejected by the General Meeting, on the Convention proposed to Spain by Great Britain.

(Translation.)

MOST EXCELLENT SIR, AND GENTLEMEN,

HAVING been appointed by the Royal Patriotic Society to prepare the answer required by his Excellency the President, on the subject of the New Convention on Slave Trade proposed by the English Government, the documents relating to which have been transmitted by his Excellency, we are bound in all sincerity to confess that the affair is of a nature so serious and vital as to overwhelm us with apprehension, lest our best efforts should be insufficient to enable us to conduct the defence of our beautiful but unfortunate country.

The future fate of the island may possibly depend on the answer now to be given to his Highness the Regent of the kingdom, and on the object of our rivals, the English, being clearly demonstrated, as well as the astuteness they employ to accomplish their ends. For this reason it is necessary that the parties interested should meditate deeply on what they are about to say; and, throwing off the weakness of reserve, that they should raise their voice to the throne of Isabel II., and speak with all that frankness of language which it becomes free Spaniards to

utter. This sacred duty we shall endeavour to fulfil, having no other view but the welfare of our country and the good of the Spanish nation.

His Excellency the President and Captain-General has stated, in his Despatch to the Royal Patriotic Society, that the question ought to be considered—first, in a legal point of view; second, in its economical aspect; third, as it regards the national dignity, and in every other respect which, with reference to the true interests of the country, may lead to a better understanding of the subject in question.

But before proceeding to the necessary analysis in the order prescribed, let us tear off the mask from this phantom of philanthropy so unreasonably extolled, and let us be permitted to present a few of the facts and antecedents of this famous affair, such as may serve to arrest the attention of the Government, and expose the crooked manœuvres of the Cabinet of St. James's, so constantly directed to the advancement of its mercantile system and its political aggrandisement.

It was an Englishman named Sir John Hawkins who at the beginning of the sixteenth century was the first to engage in the Slave Trade; and in this he was imitated by his countrymen with so much ardour, that from the year 1680 to 1700 there were removed from Africa about 300,000 slaves; and from 1700 to 1780, 610,000 were brought to Jamaica alone; and if those carried to other English colonies be added, the number may be stated at 1,000,000 of slaves. And why was it not admitted at that time that this trade was unjust? How does it happen that the zeal, now so ardently exhibited, was not sooner displayed? If the traffic is indefensible now, it was equally so then; and it is ridiculous to pretend that an interval of 61 years can have produced such a change in the nature of things. But it never was, and is not now, a sentiment of humanity which impels Great Britain to make such efforts for the suppression of the Slave Trade and the abolition of slavery. It arises from an apprehension of the immense productiveness of the Island of Cuba on the one hand, and the fear on the other lest a power, which, with only half a century of existence, already displays itself, should one day occupy this important province.

In order to establish this assertion we may be allowed here to record what has been stated by Mr. Turnbull, a corresponding member of this Society, who repays us for the honour we have done him in the following manner:—

“Independent of the dry details of statistical tables, the advance of the island to a high degree of agricultural and commercial prosperity is obvious at a glance, and need not, therefore, be made a subject of discussion. The causes of that prosperity, however, deserve to be inquired into; and as it exists to an equal degree in no other tropical country, unless we except the sister island of Porto Rico and the vast empire of the Brazils, we are irresistibly driven to the conclusion, that, as in these countries alone the Slave Trade is resorted to as the sure means of obtaining cheap labour, their common prosperity must be referred to a source which they are still suffered to enjoy exclusively and in common.

“Although, therefore, the Slave Trade inferred no outrage on the feelings, and no violation of the rights, of humanity, the sordid laws of self-interest ought of themselves to provoke the interposition of all the other nations of the earth, producers of sugar, in putting down a traffic so incompatible with their interests; England, France, Holland, Denmark, and the United States of America, have all in this point of view a clear interest in its suppression. Nay, the countries into which the production of sugar from the beet-root is so rapidly extending have, if possible, a still more lively interest in putting down a competition, which, backed and supported as it is by the bright sun of the tropics, they can hardly be expected to be able successfully to contend against. Let Russia and Poland, therefore, where beet-root sugar is manufactured so extensively, let Austria and Prussia, whose chemists and agriculturists have lately brought the process of sugar-making to a high degree of perfection, and let Turkey and the Italian states, where privileges and monopolies have been created in its favour, combine together to crush and extirpate their hideous rival; and in the name of self-interest lend their united aid to combat and destroy the bloodiest foe of the human race.”—*Travels in the West, Cuba, &c.*, by David Turnbull, Corresponding Member of the Royal Academy of History at Madrid, and of the Royal Patriotic and Economical Society at the Havana,” pp. 130-131.

It requires no more than we have said to prove that English philanthropy is a mere mask, under cover of which to promote its own designs; although there are Anglo-maniacs among us so deeply imbued with their absurd ideas as to

declare and proclaim that, in the question of abolition, the only end of England is to promote the interests of humanity, so shamefully violated.

To disabuse them of this idea we shall here quote a paragraph from the "Weekly Herald," of New York, dated the 3rd of July of the present year.

After describing the steps which had been taken, with reference to the President of the United States, by one Sturge, the principal agent of the English Abolition Society, whose efforts to promote the complete emancipation of the slaves of that country are incessant, the journalist proceeds to publish the extract of a Report presented to the British Parliament, on the Condition of the Manufacturing Classes, and the treatment they receive in the Factories. In the mills for spinning cotton, it is said, children of both sexes are employed, whose duty it is to be on foot from five o'clock in the morning till eight at night, with only the interruption of forty minutes for dinner. As it is not possible for any human being to support this torture, the managers of these factories or hells make use of the following means to compel these unfortunates to perform their tasks. They are forbidden to speak; and if they chance to fall asleep they are either awakened by the use of the lash, or they are taken by the feet and thrown head-foremost into a tank of cold water, leaving them in their wet clothes until their task is completed. For the slightest neglect their mouths are gagged with tow, they are tied to an iron bar, and whipped. Others are compelled for ten or twelve hours at a time to stand in an inclined position. From all which it follows that when they leave the factory they leave it in a state of deformity and with a thousand dreadful disorders.

And it is the nation where all this happens which talks so much of humanity and philanthropy. On which of our estates do we compel a child, or even a man, to remain in the same posture for twelve consecutive hours? When was a negro ever chastised because he left his work for a moment to sleep? If the abolitionists would be consistent, they ought to begin by employing their zeal in favour of those poor little victims of the miserable ambition of these hardened manufacturers, before engaging their sympathies so deeply in behalf of the Africans.

The British and Foreign Anti-Slavery Society proposes by its rules the abolition of slavery in all places and by all means; and we have already seen their emissaries here scattering about their proclamations, prints, and catechisms, in order to excite our slaves to insurrection; and we may be assured that such attempts will never cease, unless our Government shall send a few of the perpetrators to the scaffold, a punishment which we emphatically demand.

After the paragraph already quoted from the work of Mr. Consul Turnbull, it would be superfluous to add anything further in support of our opinion. But the political views which we ascribe to England are of so much importance, that it is our duty to point them out.

It has always been the system of England to make herself mistress of those points which by their geographical and maritime position might give her the command of great gulfs, in order that her squadrons, protected from unforeseen dangers, might nevertheless be ready to fall upon the enemy. It is for this reason that we have seen her seizing on Gibraltar, Malta, the Ionian Islands, the Cape of Good Hope, and recently St. John of Acre, which it will be a miracle if she ever returns either to the Turks or the Egyptians.

The Havana, in regard to position, capacity, and other qualities, is the first port in the world. England could not take it by violence, because she would not have Spain alone to contend with, but also the United States and France, who probably would not be willing to become the mere spectators of such an act of aggression. And the desire of England to possess this point might be stimulated by the fear that the United States would seize on such an immense basis of operations from which to obtain the command of the Gulf of Mexico.

In view of this danger, and considering on the other hand that there are two millions of slaves in the southern states of the North American Union, it has been calculated, that, by producing a movement among the negro population of these islands, two advantages would arise: first, the chief rival of England in the production of sugar would be ruined, and the Havana would fall into friendly, or, at least, powerless hands; second, the political existence of the United States would be endangered, and a power so rapidly on the increase would be weakened. We are of opinion that the attention of the Government should be called to these reflections, which have already been made by men of distinguished attainments. It is fit, also, to record in this place a fact of recent occurrence, well calculated to place

in a clear point of view the true spirit of the policy of England, who at the very time when she is proposing a new Convention to Spain for the suppression of the Slave Trade, has just signed a contract with a certain Mr. Clay, for the transportation to Jamaica of 20,000 negroes, who under the specious pretext of an apprenticeship, are to serve their masters for 14 years. What next?

History has recorded in characters of blood what deserves to be signalled of the Protestant philanthropy of England; Catholic Ireland almost annually decimated could tell the tale; the sovereign princes of India dethroned, and many of them murdered, afford excellent evidence of English benevolence. The city of Washington, burnt in the last war, has proved it also in a palpable manner. And, finally, our dear Allies, in the course of the war of independence, exercised on us an infinity of vexations, and completed their work by sacking and burning the city of St. Sebastian. There would be no end to the task, if we undertook to enumerate all the exploits of English humanity, so deeply engraved on the memory since the year when this city was captured; the record of which is to be found in our municipal archives.

But why should we speak of what was done against an enemy, when now, even now, in order to prove to us the high consideration and esteem in which we are held, the immense contraband trade, carried on in the Peninsula, is protected by open force, as we have seen at Carthage and Algeiras.

It is true that the nation was aided during the civil war, which inflicted on our country such a serious injury. But after this it was to be expected that the heroism which Spain had displayed, and the misfortunes she had suffered, would have deserved some consideration; instead of which this Convention is presented, by means of which the English Government, deeply penetrated with the terrible consequences it is calculated to produce, expects to prevail on an imprudent minister to consent to our ruin, telling him at the same time, ironically, that great glory will accrue to the nation, if he only consented to the destruction of the richest of its provinces.

But political calculations are not always realised; and, confining ourselves for the present to the question submitted to our consideration, let us analyse with becoming severity the draft of the Convention, which, under the specious pretext of bringing the Slave Trade to a close, and of accomplishing the stipulations of the Treaty of 1817, has in fact no other real object but the immediate and complete ruin of the Island of Cuba.

The British Ambassador, in the note he addressed to his Excellency the Secretary of State, observes, that although the Slave Trade, under the Spanish flag, has considerably diminished in consequence of the Treaty of June, 1835, yet that, nevertheless, the slave-dealers had resorted to other flags, by which means new importations had taken place, for the purpose of providing the Island of Cuba with negroes from Africa. But it was expected that these abuses might be prevented by conferring on the Mixed Court, established at the Havana, the power of investigating the cases of the negroes existing there in slavery, and of declaring whether they had been imported into the island before or after the 30th of October, 1820; and whether those negroes ought, or ought not, to be entitled to their liberty.

If the Treaty of the 23rd of September, 1817, had been explicit, there would be now no necessity for the proposal of this New Convention, since it is clear that the Mixed Court might ever since that period have declared all negroes introduced into the territory of Cuba to be free; and if this declaration did not take place, as in point of fact has actually happened, a retroactive effect is not now to be given to the law by means of a new power conferred on these Commissioners, for the purpose of verifying facts which occurred 20 years ago.

Nor is there anything in the Treaty of 1817, which empowers the Mixed Court to investigate the purchases of negroes already existing in the island, because this would have been to rob the ordinary tribunals of their functions, and to introduce a total change in our legislation. The very fact that the enlargement of the powers of the Court of Mixed Commission is now proposed by the English Government, is an evident proof that no such authority had previously existed. The Slave Trade on the coast of Africa was prohibited by the Treaty of 1817; but although the English have frequently asserted the right of pursuing on land the cargoes introduced, this, in point of fact, has never been permitted, from which it is clear that neither of the high contracting parties is

desirous of entering on that troublesome question. The mode of proceeding, besides, which the First Article would establish, would have a tendency to involve the whole island in a general conflagration, opening the door to denunciations, and exalting the minds of the whole of our slave population, who would verily believe that the period of their complete emancipation had arrived. The cunning Englishman had well foreseen this objection when he took occasion in his note to observe to our minister that this contingency could not occur, because the Treaty was not applicable to the Creole population, but only to the slaves imported from Africa since the 30th of October, 1820; as if they had not both the same claim to their freedom, and as if the passions of one class would not be excited if they saw the emancipation of another.

To prove this assertion it may be added, that during the whole time that the Mixed Court has existed at the Havana, not a single complaint of the Captain-General has been made.

The Mixed Commission confines itself to the performance of its duties, and not passing beyond that line gives no ground of open complaint, although private complaints may possibly have been made of them by their Excellencies the Captains-General. But as soon as new powers are given to this tribunal (which ought never to have existed in the Spanish dominions), for the purpose of inquiring into the condition of the slaves existing in the Island, we may reckon with certainty on the discontent, alarm, and exaltation of the slaves, whom it will not be possible to restrain. For the masses never reason, especially when they imagine that their own welfare is in question. It would be just as reasonable to expect that the man who had been told that he had gained the capital prize in the lottery would have the patience to wait for its confirmation, because what he had been told might possibly turn out to be false. The other observation of the English Ambassador is equally without solidity; and, moreover, does not appear to have proceeded from a very able diplomatist, when he says, that as the proceedings for the declaration of freedom will take place one by one, and not by cargoes, they will not occasion any alarm. The mere fact of the announcement of the New Convention in the public journals of this capital, will be more than sufficient to engender the most serious discontent, and the liveliest effervescence; and with regard to the individual mode of adjudication, the statement is either made ironically, or it is a very great error to suppose that this form of proceeding would not occasion any disturbance, since it would clearly be very easy for the Mixed Commission to hear and determine the fate of 200 individuals daily, especially as all the ordinary forms of judicial proceeding are to be abridged according to the provisions of the Articles of the proposed Convention.

If the British Government had any shadow of consideration for Spain, in saying by their Ambassador that the object of the new Treaty, as stated in the preamble, is merely to put a stop to future expeditions to Africa, the exercise of the new powers proposed to be conferred on the Mixed Court would have been reserved for a future period. But this note was not dictated by any principle of humanity, but by the vehement desire to rob the nation of this rich jewel; and certainly the plenipotentiary was not at much pains in dissembling his intentions, or concealing his designs, when he stated that the census of the slave population of the Island afforded evidence of the fact of importations having taken place.

Of two things one. Either England calculates that the number of negroes introduced since October 30, 1820, has not been great, and in that case, for the sake of 200 or 300 negroes it would not have been worth while to propose the negotiation of a new Treaty; or else it has been calculated that the importation has amounted to many thousands, in which case it was impossible to pretend ignorance that such a general emancipation would involve the complete ruin of the proprietors, and consequently that of the whole Island.

If Great Britain had entertained the slightest consideration for Spain, and if her spirit had been that of humanity, she would have demanded from the beginning, with firmness and inflexibility the complete fulfilment of the Treaty which she now exacts, and then the demand would not have been unreasonable. But at the end of 20 years, when the negroes introduced into the island have passed from the first into the second, third, fourth, fifth, or sixth hands, it is the extreme of bad faith to pretend that such a measure would produce no commotion.

But setting aside the nullities we have already pointed out, there is another of greater force than all the rest, which is, that a Treaty like this, not approved of by the Cortes, cannot be valid, when we see the terrible discussion which took place in the year 1835, in order to determine whether the Guebbard Loan, which had been entered into without the sanction of the Cortes, was effectual.

As the fundamental laws of the kingdom were affected by the Treaty of 1817, and as the establishment of a foreign tribunal exercising supreme jurisdiction was illegal, the Treaty under this point of view was not admissible. But on this question we shall not enter, because it appears to us that the maintenance of this doctrine is the province of the Government.

The new Convention proposed by the English Government is therefore illegal; it is not founded on any previous concession, and consequently it is not admissible as a demand, having any foundation in an international right. Let us now consider the economical consequences it would bring with it, if adopted.

If the Government decide on approving the Convention, it may be assumed as a certainty that the loss of such a considerable number of hands for the cultivation of the soil, its produce, and the prosperity of the island which at present is incalculable, will completely disappear; and it is necessary to add, that if the Treaties of 1817 and 1835 were now to be fulfilled, the same result would follow, although more slowly.

If the annual mortality, and the numbers of the present slave population be compared, it may be inferred that 200,000 negroes have been introduced since 1817; and assuming this number as a term of comparison, what, we ask, will be the consequence of the adoption of this convention?

That in two or three years a mass of 200,000 negroes will be free; wandering like vagabonds over the territory of the island of Cuba; without the means of subsistence; and falling into the hands of a few chiefs, who would undoubtedly raise the standard of rebellion, they would strike a blow at the cities; and then, who is able to foretell what may follow? Fire, robbery, and murder, and the most frightful devastation, leaving no vestiges of present condition, but here and there an inscription in letters of blood, bearing the words:—

“**FILANTROPIA INGLESA!**”

It is not possible to reflect in cold blood, or to write of our parents and our children, our wives, our friends, and our countrymen, all involved in this abyss of misery, without emotion, and without stigmatising these Protestant fanatics, whose whole object is to exterminate the Catholics.

If they are animated with so much zeal in favour of the negro race, how does it happen that they have not a spark of charity for the whites? why not intercede with the Emperor of Russia for the freedom of 4,000,000 or 5,000,000 of white men held in slavery in his dominions? why not prevent in time the traffic in white slaves by the Moors?

It required the chivalry of France to free the world of that blemish; and but for her we should still see thousands of Christians in slavery in Algiers. If our slaves were free, our situation would be worse than that of Jamaica; and the Island of Cuba, which now produces a revenue of 11,000,000 of dollars, and whose mercantile transactions amount to 50,000,000 dollars a-year, will no longer produce sufficient for her own subsistence; because it is well known that we purchase from foreigners articles of the first necessity, to the value of 2,000,000 or 3,000,000, which will no longer be given to us when we shall have nothing to offer in exchange: a necessary consequence of the deplorable condition of our agriculture, and of other causes which it would be too tedious to explain.

It is generally believed that the proprietors of the Island of Cuba are all wealthy; but this is far from the case. There are forty or fifty individuals free from debt or mortgage; but it is not so with the rest; and it is only by dint of labour and economy that they succeed in bringing their expenditure within the limits of their income; because the prices of the articles consumed on our estates have risen considerably; while the interest of money is from one to two per cent. *a month*; so that when a negro is taken from a proprietor under mortgage, the injury he sustains is immense, and is not capable of compensation. It is useless to occupy ourselves another instant in proving what is so obvious, viz., that this Convention will produce the complete, the inevitable destruction of the Island.

When the English, in their fever of philanthropy and in their far seen plans of

aggrandisement, exacted from our Government the cessation of the Slave Trade, they inserted an article in the Treaty of 1817, establishing certain Mixed Tribunals, unique of their kind in the history of diplomacy. *Unique*, we say, because no power was ever known to acknowledge the principle, that a foreigner, in the name of foreign Government, should exercise jurisdiction within its territory. To this fatal concession we now owe the present exaggerated demand of Her Britannic Majesty's Government.

The Portuguese and ourselves alone submitted to this cursed and unworthy concession. France, Denmark, and the United States have forbidden the traffic, but not one of them has permitted the establishment of Courts of Mixed Commission; not one of them has consented to such a stain on its national dignity as this disreputable institution. It is yet time to put an end to this opprobrium. Spain in 1841 is not the Spain of 1817. Spain is a nation just risen in its elasticity from the depression of a terrible civil war; possessing an army of 100,000 brave and seasoned troops, who to whichever side they may incline will give victory.

If a weak and incapable minister were willing to endure the disgrace, the Regent of the kingdom would never consent to the existence of this tribunal, which brings with it the greatest evils. Far from increasing its powers, it is necessary to get rid of it altogether; and, if possible, to blot out from our archives the fact of its having ever existed, so that a trace might not be left of the nation having ever submitted to such a degrading concession.

But perhaps our tribunals were not then, and are not now, sufficient to determine the cases provided for in the Treaties. When was it that our magistrates gave reason for distrust in their probity and discernment? If England feared that the decisions of our tribunals were unjust, she had her consuls or other agents who could have appealed to the Council of State in Madrid; and there these questions, like many others of importance, might have been disposed of. But it suited England better to have judges of her own, because it was a more direct mode of accomplishing her ulterior designs. It suited her to keep these colonies in constant alarm. It suited her to retain this arm for a fit opportunity, as, for instance, the present. Here we attack the institution, but not its members, who have only done their duty.

As Spaniards, jealous of their national dignity, and as sons of this happy soil, we now claim of the Government, that it shall insist on the abolition of the Court of Mixed Commission, or at least on its removal to some other point. Let the hulk which reminds us of these English, and their prisoners, disappear from our port; the presence of which gave occasion to His Excellency Don Miguel Tacon to threaten that he would have any of the negro soldiers shot who should dare to set foot on our soil, as was at one time proposed.

By the 12th Article of the Treaty, the high contracting parties reserve to themselves the right of changing the place of residence of these Commissioners at pleasure; so that it would be very easy for the Government to require its removal to Porto Rico, or to any other suitable point.

The reporters would here close their task if they did not perceive that this question was connected with another, the solution of which is urgently required by existing circumstances. They allude to the increase of the white population of the Island, to which the Government ought to pay the greatest attention, in order to increase its disposable strength, and prepare for future events, but especially for the increase of our agricultural labourers. Let the Government look at our geographical position; let it consider the course of political events; and let it estimate the designs of foreign ambition, with reference to the importance which the island has acquired during the last few years. This is not the time either for groundless suspicion, or for plans without foresight. It is demonstrated by all experience that the will of the people leads to just, legal, and beneficial results; and brute force, and measures of restriction, have no other tendency but that of loosening all social ties. The loyal inhabitants of Cuba, their loyalty being the sober result of reasoning and reflection, cherish no sentiments but those of generosity; and it would therefore be exceedingly impolitic to resist the increase of the white population on account of a mere dream of independence.

We ask for reforms, it is true; but only such as are gradual and consistent at once with the elements of our society, and with the circumspection of men who have been taught the lessons of experience.

The friends who subscribe this report are of opinion that they would not have adequately performed the task assigned to them if they did not demand the removal of the English Consul, Don David Turnbull; who has repaid the honour which this Society had conferred on him in naming him its corresponding member, by the publication of a work, the principles and tendency of which may be inferred from the paragraphs already quoted, predicting the total destruction of an island in whose hospitable bosom this man yet lives in tranquillity, thinking of nothing but reducing its inhabitants to misery. Whatever the duties of this Englishman may be, with reference to his own country, we do not believe that they can extend to the excitement among us of a state of anarchy, and the most frightful revolution. But since he has done so, it is reasonable that he should expect the fit reward for such conduct. Thus we conclude our task, not doubting that it will meet the approbation of the Royal Patriotic Society; if, as we believe, we have fulfilled all the requisites pointed out to us.

(Signed) JOZE MARIA CALVO.
FRANCISCO CHACON.

Havana, 26th October, 1841.

Seventh Enclosure in No. 182.

Extract from the Courrier des Etats Unis, (New York, 2d November, 1841,) a paper widely circulated at the Havana, where it maintains a regular agency for its distribution.

“CETTE île de Cuba, le siège principal de cette monstruosité appelée l'esclavage, qui sert de texte aux déclamations de tant de philanthropie à vue basse; cette île offre le spectacle aussi merveilleux que nouveau d'une colonie soutenant et entretenant presque à elle seule sa métropole! C'est que d'un côté il y a union et travail, deux faits productifs, et que de l'autre il n'y a qu'inactivité, discorde, et des théories infécondes. Pourquoi faut il qu'en retour des secours utiles qu'il en reçoit, le Gouvernement de Madrid ne sache pas protéger cette poule aux œufs d'or contre les intrigues de l'Anglais qui médite sa perte? Chaque jour les mains Britanniques répandent les semences de révolte dans la classe noire. Une lettre du 16 Octobre, qui nous parvient par la voie de Charleston, mentionne une mutinerie sanglante, éclatée au centre même de la Havane, et que la clameur publique, avec sa seconde vue, attribue aux sourdes menées du Consul Anglais, *Thornbull*, connu par son fanatisme abolitionniste.

“Samedi,” nous écrit-on “des nègres que *M. Aldama* avait fait venir de ses habitations à la Havane, pour travailler à une maison grandiose qu'il fait construire sur la place d'armes ou Champs de Mars, se sont mutinés en criant “*Mort aux blancs!*” Et ils ont commis cinq meurtres. La troupe, immédiatement appelée, n'a réduit les revoltés qu'en en tuant sept ou huit. Le reste a été arrêté pour être jugé! On entendait dans la foule des malédictions contre les Anglais, et des voix descendaient, “Que n'avons nous des preuves contre ce *Thornbull* pour pouvoir le pendre?”

Eighth Enclosure in No. 182.

Extract from a Letter addressed to Mr. Turnbull, dated Havana, November 15, 1841.

(Translation.)

“I MIGHT enlarge very much on this subject, (the Slave Trade,) and make you acquainted with certain fraudulent proceedings of the Government for the continuation of this barbarous traffic, but I am prevented by want of the time required to enter on the necessary details. The day will come when you shall know me, and that shall be when I perceive that my notices serve to obstruct this vile commerce, and that you are persuaded of their truth. In the mean time, you may perfectly rely on what I say. If there be a man in this world who possesses your sentiments, and loves you on account of a common sympathy and

e
 quality of sentiment, it is I. The man is not wanting who has paid for the knife of the assassin to take away your life, and I therefore adjure you to be on your guard. Another intimation from me will tell you who the coward is who has done this. In the mean time, proceed with caution, and believe in this, that you have a friend who observes you more closely than you imagine."

No. 183.

Mr. Turnbull to Earl of Aberdeen.

Havana, November 25, 1841.
 (*Received December 28.*)

MY LORD,

I HAVE been expecting for several months to receive some further instructions on the subject of the unhappy class of the emancipados, in whose favour I was led to believe that a decisive measure was about to be taken by Her Majesty's Government. The case of Gavino having led to no result, I have been persevering most assiduously in the collection of evidence on the subject, in order to be prepared to enter on the investigation which I was in hopes was about to be authorised by the Supreme Government at Madrid; and I have already accumulated a great mass of details, with the view of turning them to useful account when the expected instructions should arrive. While this collection was in progress a case has been communicated to me of such unrivalled atrocity, that I resolved on appealing to the Captain-General on the subject.

Your Lordship will find it fully detailed in the Enclosure No. 1. It is that of an emancipado woman, named Matilda, imported 14 years ago, reduced to a state of slavery, and ever since retained in the lowest state of degradation.

Having given birth to a daughter, Marina, whose condition is liable to be determined by that of the mother, she withdrew the child from her master's house, and was in consequence subjected to unheard of tortures, in order to compel her to disclose the place of her daughter's concealment. In the hope that this extraordinary case might induce the Captain-General to relax the inflexibility of his rule under which he treats all my communications on the infraction of the Slave Trade treaties with neglect, I resolved on bringing it thus formally under his notice; and having waited for eight days without receiving any answer, I renewed the subject by my letter No. 2, which immediately produced the two answers Nos. 3 and 4, from which your Lordship will perceive that his Excellency, while he persists in refusing to recognise my right to interfere in such matters in my Consular capacity, has almost promised to accede to my request.

This case, when represented to the Spanish Government, will, I trust, have the effect of awakening its attention to the extreme injustice and barbarity of retaining these emancipados in their present abject condition, so as to bring about the realisation of that measure of relief which I had the honour to propose to Her Majesty's Government soon after my arrival at the Havana.

I have, &c.,

The Earl of Aberdeen, K. T.,
 &c. &c. &c.

D. TURNBULL.

First Enclosure in No. 183.

Mr. Turnbull to the Captain-General.

MOST EXCELLENT SIR,

Havana, November 17, 1841.

ALTHOUGH your Excellency perseveres in treating the denunciations I address to you, from time to time, of the violation of the existing Conventions between Spain and Great Britain, for the suppression of the Slave Trade, with silence and neglect, I am persuaded that the case I am now about to submit to your Excellency's attention will meet with that prompt consideration, which its extraordinary circumstances so urgently require.

There is now living in this island an African woman bearing the name of Matilda, who belongs to the unhappy class of the emancipados. She is of the

Second Enclosure in No. 183.

Mr. Turnbull to the Captain-General.

MOST EXCELLENT SIR,

Havana, November 25, 1841.

BEFORE addressing the Court of Mixed Commission in favour of the unfortunate emancipado woman Matilda, and her daughter Marina, whose hard case I had the honour of submitting to your Excellency in my Despatch of the 17th instant, I take the liberty of inquiring whether your Excellency is disposed to assert and uphold their undoubted right to their freedom, and to restore to each other the mother and daughter thus remorselessly separated?

If there ever was a fit occasion for the intervention of the "practical philanthropy" which is the guide of your Excellency's conduct, and of the unlimited power you undoubtedly possess, it is surely to be found in this grievous case of oppression.

I wait your Excellency's answer with much anxiety,

And have, &c.,

(Signed)

D. TURNBULL.

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

 Third Enclosure in No. 183.

(Translation.)

*The Captain-General to Mr. Turnbull.**Havana, November 25, 1841.*

HAVING taken into consideration your communication of the 17th instant with reference to the mal-treatment of the emancipado woman Matilda, belonging to the cargo of the schooner "*Xerxes*," who had been consigned to Donna Maria del Carmen Carrillo, I have to state to you that, although I have thought it convenient (*literally*, granted what I have thought right), in consequence of the information contained in your Letter, as I should equally have done if the communication had been made by any Spanish subject, or by the subject of any other country, as a mere private individual, on any other occasion that you may address me as Consul, I shall disregard all communications of yours with regard to the fulfilment of the Treaties which have been concluded on the subject of the Slave Trade, because I cannot legally recognise in you the power to make representations on such subject in the name of the British Government, but only in the subjects of that kingdom who are members of the Mixed Court of Justice, as I have already repeatedly stated.

God grant you many years,

(Signed)

GERONIMO VALDES.

To the British Consul,
&c. &c.

(Translation.)

Fourth Enclosure in No. 183.

*The Captain-General to Mr. Turnbull.**Havana, November 25, 1841.*

IN the case of the emancipated negro woman Matilda, and her daughter Marina, which you have communicated to me, and to which I have this day given a suitable answer, I have not neglected to act according to the principles of justice I have always professed, and which have been dictated by my feelings, so that proceedings are now in progress with all activity for the recovery of the negress, in order to restore her to her daughter, and verify the circumstances of which she complains, with a view to a suitable decision; but although my wish is that the various steps of the process should be accelerated, it is not in my power to transgress the limits of the law, and there will, therefore, have to be some short delay very much against my will.

This does not prevent me, however, from stating to you at this present moment, that at the close of this investigation the before-mentioned Matilda will be put in possession of her daughter, and her letter of emancipation, in order that she may live by her labour in tranquillity, and I avail myself of this occasion to state to you that, constant in my principles, I cannot charge myself with having ever sent away a single person in misfortune, who did not receive all the consolation which my position enabled me to dispense.

This I state to you in answer to your Despatch of this date; and in order to prove to you that, if the necessary steps of procedure should cause any delay in the communication, as has taken place with regard to my other communication of this date, I do not on this account neglect to act on this principle of rectitude and justice, on which I flatter myself I have always acted.

God grant you many years,

(Signed)

GERONIMO VALDES.

D. Turnbull, Esq.,
&c. &c.

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

No. 184.

Viscount Palmerston to Mr. Clarke.

SIR,

Foreign Office, March 3, 1841.

WITH reference to previous correspondence respecting a British negro named Wellington, who was detained in slavery at St. Jago de Cuba, I herewith transmit to you copies of two Despatches from Her Majesty's Consul at the Havana.

From these papers you will perceive that the Captain-General of Cuba, in answer to an application from Mr. Turnbull respecting the negro in question, stated, on the 4th January last, that the negro Wellington had been several months ago delivered up to Her Majesty's Consul at St. Jago de Cuba.

I have to desire that you will inform me whether the negro in question has been delivered up to you or your predecessor, and if so what has been done with him.

I am, &c.

Charles Clarke, Esq.
&c. &c. &c.

(Signed)

PALMERSTON.

First Enclosure in No. 184.

Mr. Turnbull to Viscount Palmerston.

The Havana, January 3, 1841.

(See No. 126.)

Second Enclosure in No. 184.

Mr. Turnbull to Viscount Palmerston.

The Havana, January 4, 1841.

(See No. 130.)

No. 185.

Viscount Palmerston to Mr. Clarke.

Foreign Office, April 15, 1841.

Circular sending Treaty with the Argentine Confederation.

(See No. 32.)

No. 186.

Viscount Palmerston to Mr. Clarke.

Foreign Office, April 22, 1841.

Circular sending Convention with Hayti.

(See No. 36.)

No. 187.

*Mr. Clarke to Viscount Palmerston.**British Consulate, St. Jago de Cuba, 5th April, 1841.**(Received June 1.)*

MY LORD,

I BEG leave to acquaint your Lordship that the Spanish polacca schooner "*Corina*," Felix Galindes, master, with a crew of six men and three passengers, entered this port upon the 28th of March, after having landed 190 Africans of all ages in the Bay of Juragua, a little to windward of this city.

There is no slaver fitting out here at this moment, but there sailed last month the Portuguese schooner "*Aurelia*," Manuel de Silva, master, with 16 men, for Bisao, and the Spanish pilot-boat "*Amalia*," Cabrera, master, with about 25 men, for the Canaries, Cape Verdes, and Goree, each loaded with sugar, coffee, and spirits; and I have had information that their ultimate destination is the purchase of slave cargoes.

I have, &c.

(Signed) CHARLES CLARKE.

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

&c.

&c.

&c.

No. 188.

*Mr. Clarke to Viscount Palmerston.**British Consulate, St. Jago de Cuba, 5th April, 1841.**(Received June 1.)*

MY LORD,

IN the archives of this Consulate I have found an unanswered Despatch of your Lordship's, dated August 24th 1840, transmitting a copy of a memorial from the general Anti-Slavery Convention, and stating 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.

In reply, I beg to acquaint your Lordship that I neither hold any slave, nor am I interested in any way in slave property, beyond the fact of my being, in conjunction with the American Consul at this port, at the head of the Consolidated Cobre Mining Association of London, to which our united attention is solely directed, with the exception of the time taken up by our consular duties; we are both merely salaried agents, neither of us being shareholders in the mines.

I have, &c.

(Signed) CHARLES CLARKE.

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

&c.

&c.

&c.

No. 189.

*Mr. Clarke to Viscount Palmerston.**British Consulate, St. Jago de Cuba, 10th May, 1841.**(Received June 22.)*

MY LORD,

I HAVE had the honour to receive your Lordship's Despatch of the 3rd March, 1841, in which you direct me to inform you whether a negro boy, named Wellington, has been delivered up to myself or to my predecessor, and, if not, to make that fact known to the British Consul at the Havana.

In reply, I beg to enclose the copy of a Despatch addressed by my predecessor, Mr. Acting-Consul Wright, on the 27th January, 1841, to Mr. Turnbull, and I may also add that Mr. Wright has more than once begged Sir Charles Metcalfe to forward to him any additional evidence which might be elicited in Jamaica, tending to give a clue to the discovery of the said Wellington, as without some farther information it appears that his discovery must be deemed hopeless.

I shall forward to Mr. Turnbull a copy of Mr. Wright's Despatch, although I have no doubt but that he received it in the usual course, after having addressed your Lordship on this subject.

I have, &c,

(Signed) CHARLES CLARKE.

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

&c. &c. &c.

Enclosure in No. 189.

Mr. James I. Wright to Her Majesty's Consul at Havana.

SIR,

British Consulate, St. Jago de Cuba, 27th January, 1841.

I BEG to inform you, in reply to your Despatch of the 11th instant, that I received in June 1839, from the authorities of this province, three negro lads, one of whom was supposed to be Wellington, as he in fact answered to that name; that these lads were sent over by me to Jamaica in Her Majesty's steamer "Tartarus;" that I was afterwards informed by Lieutenant-General Sir Lionel Smith that the boy supposed to be Wellington proved to be another boy.

A correspondence ensued then between the Governor of the province and this Consulate on the subject, and I finally forwarded to Sir Charles Metcalfe, in a Despatch dated 13th February, 1840, copies of all the proceedings against the supposed kidnappers of Wellington, as to whose whereabouts it has been impossible to find a clue.

Your Despatch to Commodore Douglas was forwarded on the 23rd instant, by the steamer arrived on that day with the middle December mail.

I have, &c.

(Signed) JAMES J. WRIGHT.

Her Majesty's Consul, Havana.

No. 190.

Mr. Clarke to Viscount Palmerston.

British Consulate, St. Jago de Cuba, May 17, 1841.

(Received June 22.)

MY LORD,

By the Spanish steam-boat "*Cisne*," which arrived upon the 12th of this month from Batabano, I had the honour to receive your Lordship's Despatch of 13th August, 1840, accompanying one copy of two series of Papers, which were presented to Parliament during the past session of 1840.

I have, &c.

(Signed) CHARLES CLARKE.

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

&c. &c. &c.

No. 191.

*Mr. Clarke to Viscount Palmerston.**British Consulate, St. Jago de Cuba, July 14, 1841.*
(Received August 16.)

MY LORD,

I HAVE had the honour to receive your Lordship's Despatch of the 15th April, 1841, enclosing a copy of a treaty concluded at Buenos Ayres between Her Majesty and the Argentine Confederation for the abolition of the Slave Trade.

I have, &c.

(Signed) CHARLES CLARKE, *Consul.*

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

No. 192.

*Mr. Clarke to Viscount Palmerston.**British Consulate, St Jago de Cuba, July 14, 1841.*
(Received August 16.)

MY LORD,

I have had the honour to receive your Lordship's Despatch of the 22nd April, 1841, enclosing a copy of a convention concluded at Port au Prince on the 23rd December, 1839, for the suppression of the Slave Trade.

I have, &c.

(Signed) CHARLES CLARKE.

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

No. 193.

*Mr. Clarke to Viscount Palmerston.**British Consulate, St. Jago de Cuba, July 27, 1841.*
(Received September, 2.)

MY LORD,

I HAVE the honour to acquaint your Lordship that, during my absence in the Havana, on the 19th of June last, the Portuguese schooner "*Aurelia Felix*," Manuel de Silva, master, landed a cargo of 240 negroes of all ages in or near Cumberland Harbour, a bay about sixty miles to windward of this city.

The same vessel has since been refitted here, and sailed on the 25th of this month with produce of this island for Bisao, with a crew of fourteen men and four passengers, and without doubt for another cargo of slaves.

I have, &c.

(Signed) CHARLES CLARKE.

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

No. 194.

*The Earl of Aberdeen to Mr Clarke.**Foreign Office, October 30, 1841.**Circular sending Papers presented to Parliament.*

(See No. 113.)

No. 195.

*Mr. Clarke to the Earl of Aberdeen.**British Consulate, Santiago de Cuba, October 25, 1841.**(Received December 4.)*

MY LORD,

I HAVE the honour to inform your Lordship that a cargo of Africans, about 210 in number, of all ages and both sexes, was lately landed upon the northern coast of this island, at a port called Mayarí, from whence about 110 were conducted by land to this city.

I have been informed that this is the identical cargo intended originally for the Spanish pilot-boat "*Amalia*," whose departure from this port I announced to Viscount Palmerston in my Despatch of the 5th of April, 1840. The "*Amalia*" is said to be taken on the African coast by a British cruiser.

On the 25th instant the Spanish schooner "*Deseada*," — master, came into this port; and I am informed that she is the vessel which landed the 210 Africans at Mayarí.

I have, &c.

(Signed)

CHARLES CLARKE.

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

&c.

&c.

&c.

SPAIN. (*Consular*)—*Bilbao.*

No. 196.

Viscount Palmerston to Mr. Clark.

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 or indirectly, hold, or be interested in, slave property.

I am, &c.

(Signed) PALMERSTON.

John Clark, Esq.
 &c. &c.

Enclosure in No. 196.

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 Hon. 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,"—that 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.

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. 197.

Viscount Palmerston to Mr. Clark.

SIR,

Foreign Office, August 26, 1841.

It has been suggested to Her Majesty's Government that the rigorous execution of the Royal Order, which was issued several years ago, prohibiting the transfer of foreign-built vessels to the Spanish flag, would have a good effect in embarrassing the proceedings of slave-dealers, by compelling them, if they sailed under the Spanish flag, to confine themselves to Spanish-built vessels; and it has been stated that the ship-builders of the Peninsula might easily be induced to address the Government at Madrid on this subject.

I have, therefore, to desire that you will take measures for bringing this subject before the notice of the ship-builders of Bilbao.

I am, &c.

John Clark, Esq.
&c. &c.

(Signed) PALMERSTON.

SPAIN. (*Consular*)—*Corunna.*

No. 198.

Viscount Palmerston to Mr. Crispin.

Foreign Office, May 8, 1841.

Circular against holding or being interested in Slave Property.

(See No. 196.)

No. 199.

Viscount Palmerston to Mr. Crispin.

Foreign Office, August 26, 1841.

Circular on the Transfer of Vessels to the Spanish Flag.

(See No. 197.)

SPAIN. (*Consular*)—*Cadiz.*

No. 200.

Viscount Palmerston to Mr. Brackenbury.

Foreign Office, April 15, 1841.

Circular sending Treaty with the Argentine Confederation.

(See No. 32.)

No. 201.

Viscount Palmerston to Mr. Brackenbury.

Foreign Office, April 22, 1841.

Circular sending Convention with Hayti.

(See No. 36.)

No. 202.

Viscount Palmerston to Mr. Brackenbury.

Foreign office, May 8, 1841.

Circular against holding, or being interested in, Slave Property.

(See No. 196.)

No. 203.

Mr. Brackenbury to Viscount Palmerston.

MY LORD,

British Consulate, Cadiz, May 3, 1841.

I HAVE the honour to acknowledge your Lordship's Despatches of the 15th and 22nd ultimo, the former enclosing copy of the Treaty between Her Majesty and the Argentine Confederation for the abolition of the Slave Trade: the latter enclosing copy of the Convention between Her Majesty and the Republic of Hayti, for the suppression of the Slave Trade.

I have, &c.

(Signed) J. M. BRACKENBURY.

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

&c.

&c.

&c.

No. 204.

*Viscount Palmerston to Mr Brackenbury.**Foreign Office, August 26, 1841.**Circular on the Transfer of Vessels to the Spanish Flag.*

(See No. 197.)

No. 205.

*Mr. Brackenbury to Viscount Palmerston.**Cadiz, September 6, 1841.**(Received September 20.)*

MY LORD,

I HAVE the honour to acknowledge your Lordship's Despatch of the 8th of May, with one enclosure, and also your Lordship's Circular of the 28th of August.

The foreign-built vessels that have been transferred at Cadiz to the Spanish flag, for the use of the slave dealers who reside in this city, have been American and English, mostly of the latter build.

Although there are no vessels of a similar class constructed here, I will, in obedience to your Lordship's instructions, take measures for bringing the subject of your Lordship's Despatch before the notice of the ship-builders of Cadiz.

I have, &c.

(Signed) I. M. BRACKENBURY.

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

No. 206.

*Viscount Palmerston to Mr. Brackenbury.**Foreign Office, October 30, 1841.**Circular sending Papers presented to Parliament.*

(See No. 113.)

SPAIN. (*Consular*)—*San Lucar.*

No. 207.

Viscount Palmerston to Mr. Philippe.

Foreign Office, August 26, 1841.

Circular on the Transfer of Vessels to the Spanish Flag.

(See No. 196.)

No. 208.

Mr. Philippe to Viscount Palmerston.

British Vice Consulate, San Lucar,
September 15, 1841.

(Received September 29.)

MY LORD,

IN acknowledgment of the receipt of your circular, bearing date the 26th of August, and well informed as to the subject of its contents, I have the honour to state in answer thereto, that I will take the most energetic measures, that the orders with which you are pleased to entrust me, respecting the ship-builders, may meet with an exact and punctual fulfilment in the part which to me corresponds.

I have, &c.

(Signed)

CHARLES PHILIPPE.

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

&c.

&c.

&c.

SPAIN. (*Consular*)—*Malaga.*

No. 209.

Viscount Palmerston to Mr. Mark.

Foreign Office, May 8, 1841.

Circular against holding or being interested in Slave Property.

(See No. 196.)

No. 210.

Viscount Palmerston to Mr. Mark.

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 13th 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.

I am, &c.

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

(Signed) PALMERSTON.

Enclosures in No. 210.

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

(See Class D.)

No. 211.

Mr. Mark to Viscount Palmerston.

British Consulate, Malaga, July 15, 1841.
(Received August 17.)

MY LORD,

I HAVE the honour to acknowledge the receipt of Foreign Office Despatch of the 6th of May, transmitting copy of a Memorial from the General Anti-Slavery Convention, and expressing the opinion of Her Majesty's Government relative to the sentiments therein contained, and beg to assure your Lordship

that neither myself nor the Vice-Consuls within this consular jurisdiction, are in any way interested in slave property.

I have, &c.

(Signed) W. P. MARK.

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

No. 212.

Viscount Palmerston to Mr. Mark.

Foreign Office, August 26, 1841.

Circular on the Transfer of Vessels to the Spanish Flag.

(See No. 197.)

No. 213.

Mr. Mark to Viscount Palmerston.

British Consulate, Malaga, August 24, 1841.

(Received September 15.)

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 31st of July last, transmitting a letter from the Greek Minister at the Court of St. James's, together with a translation of a law promulgated by the King of Greece on the 31st March, 1841, prohibiting the trade in Slaves, and assigning penalties for the offences committed in contravention of that law, also a copy of a Despatch and its Enclosure from Her Majesty's Minister in Greece upon the same subject, and desiring I would give my best assistance towards carrying that law into effect.

I have, &c.

(Signed) W. P. MARK.

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

SPAIN. (*Consular*)—*Carthagera.*

No. 214.

Lieutenant-Colonel Fitzgerald to Viscount Palmerston.

British Consulate, Carthagera, June 8, 1841.

(Received June 21.)

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, dated 20th June, 1840, with its Enclosure.

I have, &c.

(Signed)

C. FITZGERALD.

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

&c. &c. &c.

No. 215.

Viscount Palmerston to Her Majesty's Consul.

Foreign Office, July 31, 1841.

Circular on the Greek Law against Slave Trade.

(See No. 210.)

No. 216.

Viscount Palmerston to Her Majesty's Consul.

Foreign Office, August 26, 1841.

Circular on the Transfer of Vessels to the Spanish Flag.

(See No. 197.)

SPAIN. (*Consular*)—*Alicant.*

No. 217.

Viscount Palmerston to Mr. Waring.

Foreign Office, May 8, 1841.

Circular against his holding or being interested in Slave Property.

(See No. 196.)

No. 218.

Mr. Waring to Viscount Palmerston.

*British Consulate Province of Valencia,
Alicant, May 25, 1841.
(Received June 5.)*

My LORD,

I HAVE this day received your Lordship's Despatch of the 8th instant, with a copy of a Memorial from the General Anti-Slavery Convention.

In conformity with the concurrence of Her Majesty's Government to the sentiments detailed in that Memorial, I shall abstain either directly or indirectly to hold or be interested in Slave Trade.

I have, &c.

(Signed)

JASPER WARING.

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

No. 219.

Viscount Palmerston to Mr. Waring.

Foreign Office, July 31, 1841.

Circular on Greek Law against the Slave Trade.

(See No. 210.)

No. 220.

Viscount Palmerston to Mr. Waring.

Foreign Office, August 26, 1841.

Circular on Transfer of Vessels to the Spanish Flag.

(See No. 197.)

No. 221.

J. Waring, Esq. to Viscount Palmerston.

*British Consulate, Province of Valencia, Alicant.
August 21, 1841.*

(Received September 2.)

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's De-

spatch of the 31st ultimo, enclosing a copy of a letter from the Greek Minister at London, together with a translation of a law promulgated by the King of Greece on the 13th March, 1841, for the suppression of Slavery; also a copy of a Despatch and of its Enclosures from Her Majesty's Minister in Greece upon the same subject. And I shall give my best assistance towards carrying that law into effect.

I have, &c.

(Signed)

JASPER WARING.

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

No. 222.

Mr. Waring to Viscount Palmerston.

British Consulate, Province of Valencia,
Alicant, September 11, 1841.

(*Received September 27.*)

MY LORD,

I have the honour to acknowledge the receipt of your Lordship's Circular Despatch of the 26th ultimo, to which I pay due attention, and shall, as your Lordship desires, give notice to the ship builders of Alicante.

I have, &c.

(Signed)

JASPER WARING, *Consul.*

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

SPAIN. (*Consular*)—*Barcelona.*

No. 223.

Viscount Palmerston to Mr. Penleaze.

Foreign Office, May 8, 1841.

Circular against holding or being interested in Slave Property.

(See No. 196.)

No. 224.

Viscount Palmerston to Mr. Penleaze.

Foreign Office, July 31, 1841.

Circular on Greek Law against the Slave Trade.

(See No. 210.)

No. 225.

Viscount Palmerston to Mr. Penleaze.

Foreign Office, August 26, 1841.

Circular on Transfer of Vessels to the Spanish Flag.

(See No. 197.)

No. 226.

Mr. Penleaze to the Earl of Aberdeen.

Barcelona, September 18, 1841.

(Received October 4.)

MY LORD,

ON receiving the Despatch dated August 26, 1841, which reached me *viâ* Madrid, on the 6th of September instant, I took measures for bringing the subject before the notice of the ship-builders at Barcelona. I beg leave to remark that there is at present a strong prejudice, amounting almost to excitement, against the English, particularly in Catalonia, instigated, I believe, in a great measure by the French party, and based on the introduction by contraband of our cotton manufactures, so that had there been an organised body of ship-builders at this place, even in their own interest, it would have been difficult to have induced them to memorialise their Government, they fully believing we are actuated solely by mercenary, and not at all by humane views; but the fact is, there are only two ship-builders here, who are of no importance and possessing no capital. The ships belonging to this province are built at three or four small towns along the coast, and I fear it will be impossible to bring the builders together, so as to address conjointly any memorial likely to be attended to by the Spanish Government.

I have, &c.

(Signed) JOHN STORY PENLEAZE.

The Earl of Aberdeen,
&c. &c. &c.

SPAIN. (*Consular*)—*Port Mahon.*

No. 227.

Viscount Palmerston to Mr. Dalzell.

Foreign Office, May 8, 1841.

Circular against holding or being interested in Slave Property.

(See No. 196.)

No. 228.

R. A. Dalzell to Viscount Palmerston.

British Consulate, Port Mahon, June 11, 1841.

(Received June, 25.)

MY LORD,

I HAVE had the honour to receive this morning your Lordship's Despatch of the 8th ultimo, inclosing a copy of a memorial from the General Anti-Slavery Convention, and acquainting me with 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 Trade Property.

I have paragraph XXVI. of the Code of General Instructions, article "*Slave Trade*," open before me; although I have heard it said that various individuals natives of this place have been owners of, or sharers in, vessels which had sometimes been fitted up at Port Mahon, suspected for the purpose of Slave Trade; no instance of the kind has occurred during the six months of my residence here; I have not heard it whispered that any British subject connected with, or resident within, the Balearic Islands ever engaged or had capital embarked, directly or indirectly, in the detestable Slave Trade; but if unhappily any suspicious case hereafter arises of this kind (which God forbid), I shall not fail promptly to report the same for your Lordship's and for the information of His Majesty's Minister at Madrid.

I have, &c.

(Signed) R. A. DALZELL.

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

No. 229.

Viscount Palmerston to Mr. Dalzell.

Foreign Office, July 31, 1841.

Circular on Greek Law relative to the Slave Trade.

(See No. 210.)

No. 230.

Mr. Dalzell to Mr. Bidwell.

British Consulate, Mahon, September 25, 1841.

(Received October 23.)

SIR,

I HAVE had the honour to receive only a few days ago Viscount Palmerston's Despatch, Slave Trade, under date 31st July, by which His Lordship forwards copy of a letter from the Greek Minister at the British Court, and copy of a law promulgated by the King of Greece on the 13th March, 1841, for abolition of Slave Trading, as also copy of a Despatch, and of its enclosures, from Her Majesty's Ministers in Greece on the same subject.

His Lordship directs me to give, in conformity with the desire expressed by the Greek Government, as stated in these papers, my best assistance towards carrying that law into effect. I have accordingly laid the above-mentioned papers before my colleague, Mr. Michael Ulher, the Greek Consul resident at Mahon, and have had communications with him on the subject of them.

I have, &c.,

(Signed) R. A. DALZELL.

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

SPAIN. (*Consular*)—*Teneriffe.*

No. 231.

Mr. Bartlett to Viscount Palmerston.

Santa Cruz, February 24, 1841.
(*Received March 29.*)

MY LORD,

WITH reference to my Despatch dated June 30, 1840, I have the honour to inform your Lordship, that it is publicly reported here (the intelligence received by a vessel arrived at Port Orotava from the Havana), that the brig "*Constancia*," ("*Two Friends*") had arrived at Cuba with 476 negroes, and 124 besides had died on the passage; and also that the vessel was fitting again for another voyage. It is stated that the "*Constancia*" was chased by one of Her Majesty's ships, or by a tender to one, and escaped, after injuring the spars or rigging of the ship of war by firing cannon.

All I can learn tends to confirm the truth of my report, that some of the small vessels of these islands are employed in the Slave Trade. The plan adopted by them is to go on the coast with cargoes of salt fish, onions, &c., make arrangements to receive slaves, return to the Canaries for water, and then again to the coast to embark the negroes. It is likely that some of them had gone directly to the coast prepared to embark slaves.

I have, &c.

(Signed) RICHARD BARTLETT, *Consul.*

P. S. The "*Two Friends*" sailed from this under the name of the "*Constancia*," but I believe is called, on the coast of Africa, "*Gabrielle*."

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

No. 232.

Mr. Bartlett to Viscount Palmerston.

Santa Cruz, February 24, 1841.
(*Received March 29.*)

MY LORD,

I HESITATE to delate a person by name on mere hearsay, because, if evidence is asked for, I can offer none; but the facts I am about to relate, if true, are important, since, from the character of the person concerned, an impulse may be given to the trade in slaves.

I am informed that Jozé Miguel Totasau, who acted as mate of the *Constancia*, has been selected by some wealthy individuals of the Havana to reside at Gallinas on the coast of Africa as agent or factor to procure and embark negroes, and that he has already sailed from Cuba for that place. He is an astute and clever man. He was educated for a "piloto," that is, to navigate ships scientifically, without being required to interfere in the working of them. He held the office of secretary to the police until the system was abolished, and subsequently was assistant to the Marine Legal adviser here. In my opinion it would be difficult to find a man more fit for the employment of slave factor.

I have, &c.

(Signed) RICHARD BARTLETT.

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

No. 233.

*Mr. Bartlett to Viscount Palmerston.**Santa Cruz, March 1, 1841.**(Received March 29.)*

MY LORD,

ON the 26th ultimo, a brig under Portuguese colours, called "*Victorioso*," Captain Domingo Costa Lefe, sailed from hence for Bisau on the coast of Africa. This brig arrived from the same place about a fortnight before, and brought a trifling cargo of rice and firewood. There were put on board here 19 pipes of rum, 88 of wine, 50 garafones (large basket-bottles) of brandy, six boxes with wine, and some other trifling articles, and besides, I am informed, a large quantity of water as ballast. I suspect that this brig will embark slaves when opportunity offers. It is difficult to believe that the trifling cargo brought here, or that taken, will pay the cost of navigation; the latter also may have chosen to lull suspicion if visited. An accidental circumstance that happened tends to indicate something secret in the proceedings of this brig. Some one belonging to the ship lost a pocket-book. In it were some notes from which might be inferred that an American residing in Illinois was concerned in the ship, and also the following memorandum:—

"Signal at the Havana,

"Ensign at the starboard foretop-gallant-yard, Union out."

I have, &c.

(Signed) RICHARD BARTLETT, *Consul*.

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

No. 234.

*Viscount Palmerston to Mr. Bartlett.**Foreign Office, April 15, 1841.**Circular sending Treaty with Argentine Confederation.*

(See No. 36.)

No. 235.

*Viscount Palmerstone to Mr. Bartlett.**Foreign Office, April 22, 1841.**Circular sending Convention with Hayti.*

(See No. 36.)

No. 236.

*Viscount Palmerston to Mr. Bartlett.**Foreign Office, May 8, 1841.**Circular against holding or being interested in Slave Property.*

(See No. 196.)

No. 237.

*Mr. Bartlett to Viscount Palmerston.**Santa Cruz, May 18, 1841.**(Received June 9.)*

MY LORD,

I HAVE the honour to inform your Lordship, that Her Majesty's Ship

“Bonetta” anchored in this Bay on Thursday, the 13th inst. The Commander, Lieut. Austen, had been directed by the Lords Commissioners of the Admiralty to communicate with me, to obtain information respecting the Slave Trade. I told him all I knew, and which I have already communicated to your Lordship.

There is no doubt that the arrival of Her Majesty’s Cruizers at these Islands will check the disposition of the inhabitants to enter into slave-trade speculations; and the more Islands they visit, the greater will be the effect. The “Bonetta” sailed on the 14th for the coast of Africa.

I have, &c.

(Signed) RICHARD BARTLETT, *Consul*.

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

No. 238.

Mr. Bartlett to Viscount Palmerston.

Santa Cruz, June 5, 1841.

(Received July 3.)

MY LORD,

I HAVE the honour to inform your Lordship, that intelligence has been received by a vessel arrived at Port Orotava, that the ship “*Constancia*,” had succeeded (for the second time) in conveying from the coast of Africa to the Havana a full cargo of Slaves; also that Jozé Miguel Totasau (described in my Despatch of the 24th February), died three days after his arrival at Gallinas.

I have, &c.

(Signed) RICHARD BARTLETT, *Consul*.

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

No. 239.

Mr. Bartlett to Viscount Palmerston.

Santa Cruz, July 1, 1841.

(Received August 7.)

MY LORD,

I HAVE the honour to acknowledge the receipt of a Despatch dated May 8th last, with Memorial from the General Anti-Slavery Convention, stating that Her Majesty’s Government concur in the sentiments expressed in the Memorial, as to the impropriety of officers under the British Crown being interested in slave-trade property.

I have the honour to be, with great respect,

(Signed) RICHARD BARTLETT, *Consul*.

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

No. 240.

Mr. Bartlett to Viscount Palmerston.

Santa Cruz, July 7, 1841.

(Received August 7.)

MY LORD,

In my Despatch of the 30th of June, 1840, and of the 24th of February last, I informed your Lordship that some of the vessels of these Islands had been employed in the slave trade. From their smallness, being mere coasting schooners, they are not likely to be suspected of having slaves on board. That which I am about to relate, if true, and I believe it to be so, shews that this kind of craft should be strictly searched, when found near any shores where the slave trade is carried on. One of these schooners succeeded in taking on board more than 200 negroes on the coast of Africa, and arrived with them off the Island of

Cuba, and there suddenly fell in with a British ship of war. To have attempted to change the course, or to make more sail, would have excited suspicion, and rendered escape hopeless. Should the schooner be boarded by a boat from the cruizer, capture and condemnation were certain. The Spanish master therefore very adroitly ordered his boat to be hoisted out, put an empty water-cask into it, took his papers in his pocket (which probably described the vessel as loaded with potatoes and onions, or some other produce of these Islands), and rowed straight for the man-of-war; said that he was from the Canaries, bound to the Havana, had had a long passage, and was almost without water. The British commander, after looking over his papers, kindly gave an order that the empty water-cask should be filled, and dismissed the boat. The Spaniard, within a few hours, landed the negroes on the coast of Cuba.

I have, &c.

(Signed) RICHARD BARTLETT, *Consul*.

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

No. 241.

The Earl of Aberdeen to Mr. Bartlett.

Foreign Office, October 30, 1841.

(*Circular sending Papers presented to Parliament.*)

(See No. 113.)

No. 242.

Viscount Canning to Mr. Bartlett.

SIR,

Foreign Office, November 24, 1841.

WITH reference to your Despatch of the 7th of July last, relative to the traffic in slaves, supposed to be carried on by small vessels belonging to the Canary Islands, I herewith transmit to you, for your information, the accompanying copy of a Letter and of its Enclosure, which has been received at this office from the Admiralty, containing a statement upon the subject, from Commander Nepean, of Her Majesty's Sloop "Comus."

I am, &c.

(Signed) CANNING.

R. Bartlett, Esq.,
&c. &c.

First Enclosure in No. 242.

Sir John Barrow to Viscount Canning.

MY LORD,

Admiralty, November 4, 1841.

WITH reference to Lord Leveson's letter of the 10th of August last, transmitting a copy of a Despatch from Her Majesty's Consul at Teneriffe, containing information as to slave-trade carried on by small vessels belonging to the Canary Islands, I am commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of the Earl of Aberdeen, a copy of a letter from Commander Nepean, of the "Comus," dated the 26th of September last, on the subject.

I am, &c.

JOHN BARROW.

The Right Hon. Viscount Canning,
&c. &c. &c.

Second Enclosure in No. 242.

*Commander Nepean to Sir John Barrow.**Her Majesty's Sloop "Comus."
Jamaica, September 26, 1841.*

SIR,

BEING Senior Officer at Port Royal, I opened the Despatches which came by the 15th of August mail, and, amongst other papers, Mr. Bartlett's letter (our Consul at Santa Cruz) to Viscount Palmerston, stating that several small vessels belonging to the Canary Islands were trafficking in slaves, and explaining the methods they took to deceive our cruisers when they found they could not get away from them: I believe, sir, I can throw some light on this subject, for the information of their Lordships and Viscount Palmerston.

On my passage to Barbadoes, on the 28th of August last, in latitude 24° 22' N. long. 64° 12' W. I fell in with a vessel which showed Spanish colours, of this description, which I thought suspicious-looking. I therefore endeavoured to close her; but, from the wind falling light, I could only get to within four or five miles of my object: I then lowered a boat, for the purpose of boarding her, when the man at the mast-head reported that a boat had also left the brig, steering towards us: I waited till she came alongside, when a Spanish officer came on board, making precisely the same demand as stated by Mr. Bartlett, namely, that she wanted water, having a great many passengers on board, and that the vessel was laden with potatoes and onions.

I made no difficulty in complying with his request, and filled eight small casks: but, while this was in progress, a slight air brought me much nearer the vessel; I then sent my own boat to board the stranger, under the command of my Senior Lieutenant, Mr. Woolridge, with strict orders most carefully to examine every thing—a duty, I am quite certain, was performed to the letter by that officer. It proved that the statement that had already been made by the Spaniards, still remaining with us, was quite correct, that she had 133 white people on board, natives of the Canaries, who were going as emigrants to Cuba, the vessel's name being "*Dos de Augusto*," and Roderique master, consigned to a house at the Havará.

I think it very probable, therefore, that Mr. Bartlett might have been deceived, and that it was the natives of the Canaries, and not negroes, that are now being imported into Cuba as labourers, since the slave-trade has become so unprofitable a speculation, owing to the numerous captures made by our cruisers. These were the words of the captain of the "*Dos de Augusto*" to Lieut. Woolridge. I thought, therefore, this communication worth laying before my Lords Commissioners.

I have, &c.

(Signed)

EVAN NEPEAN,
Commander and Senior Officer.

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

PORTUGAL.

No. 243.

Baron Moncorvo to Lord Leveson.

37, Upper Seymour Street, January 9, 1841.
(Received January 9.)

BARON DE MONCORVO presents his compliments to Lord Leveson, and in returning the papers relating to the 26 slave ships sent * to the Baron by command and goodness of Lord Palmerston, the Baron has the pleasure to return them with his best thanks.

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

No. 244.

Lord Howard de Walden to Viscount Palmerston.

Lisbon, January 4, 1841.
(Received January 11.)

MY LORD,

I have the honour to acknowledge the receipt of your Lordship's Despatches of last year, to the that of the 23rd December inclusive.

I have, &c.

(Signed) HOWARD DE WALDEN.

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

No. 245.

Baron Moncorvo to Viscount Palmerston.

Londres, 12 Janeiro, 1841.
(Received January 13.)

O ABAIXO assignado, Enviado Extraordinario e Ministro Plenipotenciario de sua Magestade Fidelissima junto a Sua Magestade Britannica, teve a honra de receber no dia 8 do corrente mez a nota datada a 30 de Dezembro proximo passado, que lhe foi dirigida por Sua Excellencia Milord Visconde Palmerston, Principal Secretario de Estado de Sua Magestade Britannica na Repartição dos negocios Extrangeiros, para responder á que o abaixo assignado tinha enviado a Sua Excellencia em data de 2 de Dezembro de 1840.

Tanto o contendo da nota de Sua Excellencia de 30 de Dezembro como o da de 22 do dito mez, e que versava sobre o mesmo assumto, levou o abaixo assignado ao conhecimento do seo governo, cujas ulteriores ordens o abaixo assignado fica esperando. No entanto contendo a nota de Sua Excellencia de 30 de Dezembro expressoens que parecem indicar intensoens taõ designadamente dirigidas contra o abaixo assignado, naõ lhe he por isso possivel guardar silencio acerca das mesmas; nem taõ pouco deixar de reclamar quanto antes contra algumas asserçoens que se lhe

* See Class B, 1840, page 136.

attribuem na sobredita nota de Sua Excellencia de 30 de Dezembro; e para as quaes elle não deo motivo na nota a que Sua Excellencia lhe responde.

Declara por tanto o abaixo assignado que nem agora, nem em tempo algum, elle jamais attribuiu a Sua Excellencia promessas, sejaõ ellas quas forem senaõ aquellas que por escrito elle tem recebido de Sua Excellencia; e se na parte final da nota que o abaixo assignado teve a honra de dirigir a Sua Excellencia a 2 de Dezembro, elle allude a promessas cuja execuçaõ até agora se não tinhaõ verificado, o abaixo assignado teve o mais escrupuloso cuidado de citar as notas de Sua Excellencia nas quaes se achaõ lançadas as mesmas promessas: Huma unica dessas promessas (mas todavia do mesmo genero), não se acha lançada por escrito; mas Sua Excellencia a fez verbalmente na conferencia que o abaixo assignado teve com Sua Excellencia no Foreign Office a 6 de maio de 1840. Nessa occasiaõ testemunhou o abaixo assignado a Sua Excellencia os desejos que o Governo Portuguez tinha de obter as provas sob as quaes Sua Excellencia havia declarado na sua nota do 1.^o de Fevereiro de 1840, que os navios metidos a pique nas agoas do Zaire eraõ Brazileiros e não Portuguezes. A esta proposta Sua Excellencia prontamente annuo; e prometteo apresentar os documentos em que se fundava; porem esta promessa nunca teve effeito até agora: O abaixo assignado não duvida accrescentar que isso procedesse talvez de esquecimento involuntario, e não de falta de vontade. Entretanto he facto positivo que ella ainda se não executou; e em quanto á existencia da dita promessa o abaixo assignado se persuade que revolvendo Sua Excellencia a sua memoria, elle se recordará de todas as circumstancias de a ter feito.

Saõ pois estas, e nenhuma das outras podiaõ ser, as promessas a que o abaixo assignado bem explicita e distinctamente se referia; não dando por isso o abaixo assignado occasiaõ, nem agora nem em tempo algum, a qualquer insinuaçaõ que contra elle possa ter em vista a energica declaraçãõ contenda no principio da nota de Sua Excellencia.

He igualmente destituida do menor fundamento a gratuita supposiçaõ attribuida ao abaixo assignado, de presumir elle que se achava suspensa a execuçaõ do bill passado na sessaõ do parlamento de 1839, contra navios e subditos Portuguezes porque nem directa nem indirectamente o abaixo assignado alludio a semelhante suspensaõ. O que o abaixo assignado entaõ disse, e agora repete, reduziase em suma, que tanto o Governo como toda a naçaõ Portugueza esperavaõ terse posto termo ao espirito nimamente hostil dos cruzadores Inglezes, e a muitos actos deshumanos que elles praticavaõ contra subditos Portuguezes, e que haviaõ dado causa a tantas e taõ repetidas queixas apresentadas por parte do Governo Portuguez. Fallando dessa esperanza não precizava o abaixo assignado alludir ao Bill e acto de Parlamento; porque taes procedimentos não eraõ por elle ordenados; nem o abaixo assignado teria a leveza de dirigir contra o Parlamento Britannico huma taõ injusta quam stulta accusaçãõ, quando elle está persuadido de que esses procedimentos saõ inteiramente obra ou do capricho ou da indole malfaseja daquelles que os praticaõ.

Pelo que respeita ao tratamento que tiveraõ os dous Portuguezes Somba e Vianna, nem na nota de Sua Excellencia, nem nos documentos que a acompanhavaõ encontra o abaixo assignado a menor justificaçaõ dos motivos porque se executaraõ as violencias de que se queixaõ estes dous homens. Taõ pouco não apparece razaõ sufficiente porque o pataxo "Treze de Junho" fora condemnado em Barbadas, sem se ouvir a parte interessada e accusada; para ao menos poder ella apresentar hum simulacrõ ou apparencia de defesa, evitandose por essa maneira a increpaçaõ feita ao tribunal de Barbadas, de proferir huma sentença condemnatoria sem ouvir a parte accusada; quando era notorio que elle se achava na Ilha ao seo alcance. Não podendo desvanecer essa increpaçaõ, nem sanar a illegalidade de hum tal passo, a resposta de Sua Excellencia, de que ás partes interessadas restava o recurso da appellaçaõ ao conselho de estado. Pois como haviaõ de essas partes interpor esse recurso se illas nunca foraõ ouvidas nem se lhes admittio defesa, porque não foraõ chamadas a juizo?

Finalmente o abaixo assignado roga a Sua Excellencia se digne attender ao documento legal que o abaixo assignado tem a honra de lhe enviar. Este documento he huma declaraçãõ feita debaixo de juramento solemne, e tal qual constitue huma prova de muito peso nos Tribunaes de Justiça da Gram Bretanha; nelles o depoimento destes Portuguezes firmado com hum juramento solemne mereceria por certo toda a contemplaçaõ, e não deixaria de ser cotejado com o daquellas pessoas que contra elles deposeraõ.

Não pode portanto o abaixo assignado deixar de repetir, que nem as respostas

que elle tem tido a honra de receber sobre este assumto, nem os documentos que lhe foraõ mandados com a nota de Sua Excellencia ainda explicaraõ os seguintes pontos.

1º Porque rasaõ foraõ os dous Portuguezes Lomba e Vianna violentamente levados presos para Barbadas?

2º Porque rasaõ achandose elles na quella ilha naõ foraõ ouvidos, nem se lhes permittio a menor ingerencia no processo em que foi condemnado o potaxo "Treze de Junho?"

3º Porque rasaõ sendo elles levados debaixo de prisaõ a Barbadas, alli se lhes declarou que estavaõ em plena liberdade, sem se lhes formar culpa que justificasse o acto violento de prisaõ e transporte a mesma ilha; donde (segundo agora se allega) elles foraõ conducidos para Portsmouth por mero acto de commiseraçãõ?

Tendo o abaixo assignado simplificado a tres perguntas as reclamaçoens por elle apresentadas por ordem do seo Governo, a bem destes dous Portuguezes, elle confia em que Sua Excellencia haverá por bem proceder a hum exame severo de todas as circumstancias do qual possa resultar huma resposta satisfactoria para o Governo Portuguez; para esse effeito reclama o abaixo assignado a mais seria atençaõ para os documentos juntos, dos quaes hum vai somente por copia, ficando em poder o abaixo assignado o recibo original passado pelo capitaõ Preston.

Approveitando mais esta occasiaõ, o abaixo assignado tem a honra de reiterar a Sua Excellencia Milord Visconde Palmerston os protestos do seo maior respeito e da sua muito destineta consideraçaõ.

(Signed) **BARON DA TORRE DE MONCORVO.**

A Sua Excellencia Milord Visconde Palmerston,
 &c. &c. &c.

(Translation.)

THE Undersigned, &c., had the honour to receive on the 8th inst. the note dated the 30th December last, addressed to him by Lord Viscount Palmerston, &c., in answer to that which the Undersigned wrote to his Lordship on the 2nd December, 1840.

The contents of his Lordship's note of the 30th December, as well as those of the 22nd of that month, which was on the same subject, have been transmitted by the Undersigned to his Government, whose further orders he expects. As, however, his Lordship's note of the 30th December contains expressions which seem to be intended expressly against the Undersigned, he cannot pass them over in silence, nor can he forbear complaining of some assertions ascribed to him in the above note of his Lordship of the 30th December, for which assertions he gave no motive in the note which his Lordship answers.

The Undersigned, therefore, declares that he neither at the present nor at any other time ever attributed to his Lordship promises of any kind, except those which he received from his Lordship in writing, and if, towards the end of the note which the Undersigned had the honour to address to his Lordship on the 2nd December, he alluded to promises as yet not fulfilled, the Undersigned scrupulously took care to quote his Lordship's notes in which those promises are made. Only one of those promises (but still of the same description) is not set down in writing; but his Lordship made it verbally in the conference which the Undersigned held with his Lordship at the Foreign Office on the 6th May, 1840. On that occasion, the Undersigned testified to his Lordship the desires of the Portuguese Government to obtain the proofs, on which his Lordship had declared in his note of the 1st of February, 1840, that the ships sunk in the waters of the Zaire were Brazilian and not Portuguese. To this proposal his Lordship immediately assented and promised to furnish the documents on which he grounded his conviction; but this promise has never been fulfilled up to this moment. The Undersigned does not hesitate to add, that this, perhaps, proceeded from involuntary forgetfulness, and not from want of inclination. It is, however, a positive fact, that the promise has not yet been accomplished, and as to the reality of the said promise, the Undersigned is convinced that if his Lordship will charge his memory he is sure to recollect all the circumstances of its being made.

Such are the promises, then, and there could be no others, to which the Undersigned distinctly and explicitly referred, so that he has afforded no occasion, either

now or at any former period, to any insinuation against him touching the energetic declaration contained in the beginning of his Lordship's note.

Neither is there the least ground for the gratuitous belief attributed to the Undersigned, of supposing that the Bill passed in the session of parliament 1839, against the Portuguese ships and subjects was suspended and not acted upon, as the Undersigned has not alluded either directly or indirectly to such suspension. What the Undersigned then said, and now repeats, amounted in substance to this, that the Portuguese Government and nation were in hopes that there was an end to the over hostile spirit of the English cruisers, and to the many inhuman acts practised by them against Portuguese subjects; acts which had occasioned so many and so repeated complaints on the part of the Portuguese Government. In mentioning this hope the Undersigned had no occasion to allude to the Bill and the act of Parliament, inasmuch as such proceedings were not ordered by it, nor would the Undersigned be so inconsiderate as to cast on the British Parliament an imputation alike unjust and insensate, when he is persuaded that those proceedings originate entirely either in the caprice or the mischievous disposition of the authors of them.

As respects the treatment experienced by the two Portuguese Lomba and Vianna, the Undersigned cannot find either in his Lordship's note or in the documents which accompanied it, any the least justification of the motives that prompted the acts of violence of which these two men complain, nor does there appear any sufficient reason for the Pataxo "Treze de Junho" being condemned at Barbadoes without hearing the interested and accused party, so as to enable it at least to present a semblance or appearance of defence, whereby would have been avoided the charge brought against the tribunal of Barbadoes, of having pronounced a sentence of condemnation without hearing the party accused, when it was notorious that the latter was in the island and within its reach. Not being able to do away with this charge or to justify the illegality of such a step, the answer of his Lordship observes, that it was open to the parties concerned to appeal to the Council of State. But how were these parties interested to avail themselves of this redress, if they were never either heard or admitted to plead, seeing that they were not at all called into court?

Finally, the Undersigned requests his Lordship to pay regard to the legal document which the Undersigned has the honour to inclose. This document is a declaration made on solemn oath, and such as constitutes a proof of much weight in the Courts of Justice of Great Britain. In them the document of these Portuguese, signed on solemn oath, would certainly meet with every attention, and would not fail being compared with that of the persons who deposed against them.

The Undersigned cannot, therefore, forbear repeating, that neither the answers which he has had the honour of receiving on this subject, nor the documents sent him along with the note of his Lordship, have yet explained the following points:—

1stly. For what reason were the two Portuguese, Lomba and Vianna, violently carried prisoners to Barbadoes?

2dly. For what reason, being in that island, were they neither heard, nor permitted any the least interference in the proceedings by which the Pataxo "Treze de Junho" was condemned?

3dly. Having been carried as prisoners to Barbadoes, for what reason was it intimated to them there that they were at full liberty, no charge being brought against them to justify the violent act of confinement, and of conveyance to that island, whence, as it now is alleged, they were conducted to Portsmouth from a mere act of commiseration.

The Undersigned having reduced to three queries the representations which he has made by order of his Government in behalf of these two Portuguese, he trusts that his Lordship will be pleased to direct a strict examination to be instituted into all the circumstances, which may lead to a satisfactory answer for the Portuguese Government; for which purpose the Undersigned prays the most serious attention to the inclosed documents, one of which is but a copy, the original receipt given by Captain Preston remaining in the custody of the Undersigned.

The Undersigned avails himself, &c. &c.

(Signed)

BARON DA TORRE DE MONCORVO.

First Enclosure in No. 245.

(Translation.)

Protest made according to the best forms of law at sea by Joze da Lomba, captain of the Portuguese pataxo, "Treze de Junho," which sailed from the port of Rio de Janeiro to Benguela.

WE the undersigned, captain, officers, and crew of the pataxo, "*Treze de Junho*," attest on oath taken on the Holy Gospels, that, on the 28th March, 1840, we sailed from the port of Rio de Janeiro, pursuing our voyage for the port of Benguela, with fifteen persons, who composed the crew and one passenger, carrying in the said pataxo between deck a dry and well conditioned cargo of pipes of brandy, merchandise, and various goods, all manifested and entered at the Custom-House of Rio de Janeiro; and having navigated till the 31st March without any accident worth recording, and being on that day in the estimated latitude of 23° 41' south, and of 42° 1' east longitude of London, we, at six o'clock in the morning, saw an English schooner of war under a large flag, which bore directly down upon us, till having reached the proper distance, she fired several shots at us, as a signal of her wishing to board us, and having already hoisted our Portuguese flag, I ordered my vessel to be brought to, which operation was not yet quite completed when they already despatched two launches from the said schooner, manned with a numerous crew and two officers, and having quickly boarded us, they immediately proceeded to a strict search, going into the cabin and mess-room of this vessel, and not passing by any cupboard, locker, or other receptacle without opening and examination. Hereupon, they broke through the cabin into the hold till they reached the mess-room in the fore-castle, which they effected by removing the different articles of the cargo from one side to the other, whereby some of them were damaged; and not paying any regard to what I told them as captain of the vessel, and as answerable for the whole cargo, they further proceeded to examine what water we had on board for our support, as well as the provisions and flour, which we had in bags as a substitute for biscuits, all for the purpose of being used during the voyage; and though I shewed and opened to them all the papers belonging to the ship and cargo, as well as the manifest, invoice, and other different certificates and documents, they paid no attention to them; on the contrary, hauling down our flag of the vessel, they tore it in two and trod it under foot before me and the whole crew. They then compelled me to go on board the schooner in order to show and hand to the captain all the ship's papers; but seeing in what confusion were the different articles of the cargo that had been moved out of their places, I ordered my mate, as second officer of this ship, to go with the papers on board the schooner into the presence of the commander, who possessed himself of the papers, and kept the mate as prisoner on board. At four P.M. that commander came in person on board our vessel and told me that he ordered her once more to follow him back to Rio de Janeiro; and, without paying any regard to me, he forthwith made the whole of my crew embark in boats, with no more clothes than they had on, and likewise the passenger, leaving to me only the cook. The moment they were arrived on board the schooner, there was sent from thence, as a crew for manning this pataxo, a party of Englishmen commanded by an officer, who instantly deprived me of every kind of authority, not suffering me to give my opinion on any subject. At five o'clock on the same afternoon they sent me my mate from the schooner, and at six the officer ordered this ship to make sail for Rio de Janeiro. For this reason I protest against the commander of the schooner, and against all the officers and sailors that came on board my pataxo. I further protest against the assurers and shippers as well as the consignees of the cargo, and against the persons in any way interested in the ship and her cargo; and against whom I have, or may come to have, a right, in order to obtain at the proper time and place all the losses and damages, expenses and prejudices, from whom I have, or may have, a right so to do; and, to the end that this may be held to be the real truth, I have caused to be made out this protocol of protest, which we have signed, engaging to depose to this effect in or out of court, whithersoever we shall for such purpose be summoned.

On board the pataxo, "Treze de Junho," under sail in south latitude 23° 41', and longitude 42° 1' east of the meridian of London, the 31st March, 1840.

And I, Joze Joaquim Gomez Vianna, Mate of this vessel, who drew this up in default of the ship's clerk, have signed it.

(Signed) JOZE DA LOMBA.
JOZE JOAQUIM GOMEZ VIANNA.

Sworn before me at the Mansion House, London, this 28th day of December, 1840.

(Signed) THOMAS JOHNSON, *Mayor*.

I declare that, on account of the crew of this vessel not being on board, there appear to the protocol of this Protest only the signatures of the captain and of myself, but I declare that all the remainder of the crew is ready to sign it, having taken their oath to that effect when they were transferred on board the schooner.

On board the pataxo, "Treze de Junho," under sail the 31st March, 1840.

(Signed) JOZE JOAQUIM GOMEZ VIANNA, *Mate*.

Sworn before me at the Mansion House this 28th day of December, 1840.

(Signed) THOMAS JOHNSON, *Mayor*.

I, Francis Ignace Van Zeller, Consul-General of Portugal in Great Britain for Her Most Faithful Majesty the Senhora Donna Maria II., whom God preserve, certify the preceding signatures are written with the own hand of Thomas Johnson, the Mayor of this city, to which is given entire faith and credit in and out of court. In faith of which I have ordered the present to be drawn up, which I sign, and which is sealed with the seal of the Consulate-General, London, the 28th December, 1840.

(Signed) FRANCIS IGNACE VAN ZELLER,
Consul-General.

(L. s.)

Second Enclosure in No. 245.

(Translation.)

Protest made by José da Lomba, Captain of the Portuguese pataxo "Treze de Junho," which sailed from the port of Rio de Janeiro for Benguela, with a cargo of pipes of brandy and merchandise, and which was captured by the English Schooner-of-war "Curaçoa," in south latitude 23° 41', and longitude 42° 1' east of the meridian of London, with the view of being presented to the first representative of the Portuguese nation in any of the dominions of Her Britannic Majesty, or where it may suit him, or where it may be necessary.

WE the undersigned Captain and Mate of the pataxo, "*Treze de Junho*," protest, on the oaths taken on the Holy Gospels, the following:—

1. That, having sailed from the port of Rio de Janeiro on the 28th of March, 1840, we were prosecuting our voyage for the port of Benguela, with a crew of 15 persons and one passenger, having on board the said pataxo, under deck, a dry and well-conditioned cargo of pipes of brandy, merchandise, and sundry goods, all constituting a lawful cargo, entered to that effect and manifested at the Custom-house of Rio de Janeiro; and having navigated, by God's favour, till the 31st of the said month of March without any incident worth mentioning, it so chanced that on that day we were taken by an English schooner of war, when being in the estimated south latitude 23° 41', and longitude 42° 1', east of the meridian of London, where, having proceeded to a rigorous search of the pataxo, and having torn and trampled upon our flag, they took from me all my crew, whom they transferred on board the schooner, leaving me only the cook for my companion; and having also carried off my Mate, with the ship's papers, manifests, and certificates, they suffered him to return about five in the afternoon, all the above papers having been kept by the Commander of the schooner. In the next place they put an English crew, with an officer, on board my vessel, and we set sail for Rio de Janeiro, where we arrived and came to an anchor on the 4th of April, about eight in the evening.

2. When the pataxo had come to an anchor the Mate and Cook were imme-

diately taken on board a "preziganga," and I remained alone in my vessel, guarded by the English crew, who were armed with pistols and cutlasses. Next day, the 5th of April, I wished to carry or send ashore my protocol of protest, which I had made at sea when we were captured, but I could obtain no permission for that, they would not allow me to write or speak to any one. Thus all the time I remained at that port I had no communication with any person, nor even with my crew, who were now all on board the preziganga.

3. That at Rio de Janeiro they were continually searching my vessel, moving the cargo forwards and backwards, and carrying it on deck from the hold. They even undid and opened the bales and examined the packages, making me go twice on board their man-of-war, though to this very day I cannot conceive why, since I was asked no question on board of them; indeed, I could have had nothing to answer, being deprived of all kind of authority on board the pataxo.

4. That on the 15th of April, on searching my cabin, they took a bag with gold and silver coins, the amount of which is set down both in the invoices signed by me at Rio de Janeiro, and in the manifest of the Custom-house. I carried this money to deliver it in the port of Benguela, to a person to whom it was consigned. On the following day, the 16th of April, they searched my trunk, and extracted from it seven watches, some of gold and others of silver, which were also to be delivered at the port of Benguela to different persons, who had sent their watches to be repaired at Rio de Janeiro. Both for the coins and the watches the Commander of the schooner gave me a receipt, which I have in my possession, though ignorant of its import, as I do not understand English. On the same day they sent ten pipes of brandy ashore, which I saw them take from the hold, but I am unable to say whither they went.

5. That on the 20th of April they brought my Mate from on board the preziganga for my company, and at six A.M. they ordered the pataxo to make sail, and they accompanied her outside the bar, with four boats manned by numerous crews, and three officers. There they left the pataxo and returned into the harbour, leaving on board of the pataxo for a crew eight Englishmen and an officer. The voyage commenced without my knowing whither we were bound; for the officer was not disposed to state anything certain on this head. I only heard him say, when visited by the police and the officers of the fortress, that he was going to the Cape of Good Hope. When we had cleared the bar, he informed me that he was sailing for the West India Islands, without particularising for which. He only said that he was at liberty to choose among three of them. Thus having for our object one of these islands we continued our voyage till the 1st of May, when we put into Bahia, a port in the Brazilian empire, whither our commanding officer sent four men of his crew, taking back four others in lieu of them. He took in also four casks of water, we not having a sufficiency of it for the voyage; so that we already had at different times supplied the want of it by making use of rain-water both for drinking and cooking.

6. That having quitted Bahia on the 3rd of May, we on the 8th ran the risk of being shipwrecked, for want either of caution or seamanship of the officer in command. He ever and anon applied to me and my Mate to assist him, saying that he was at a loss what to do or to order. I and the Mate, being aware of the danger to which our lives, our ship, and our cargo were reduced, exerted ourselves to the utmost, bidding the officer to be of good heart, till we brought off the vessel, which was near being stranded between Vaza Barrieco and Rio de San Francisco, to the north of Bahia, it blowing hard from W.N.W., and the sea going mountains high. Having escaped by dint of labour and in jeopardy of our lives, the officer in command entreated us to assist him in steering and working the vessel, as he always made great mistakes. At length, thanks to the directions which I and my Mate gave, we managed to arrive at Barbadoes, where he then declared it was the port we were bound to, a circumstance which we can prove, not only by the course we had been steering, but also by the evidence of the English crew, if they be willing, as they ought to be, to speak the truth.

7. That there having occurred on the 23rd of May a dispute between two men of the English crew, the Commander wished to put them in irons; but, as he could find none on board the pataxo that had been proper for that purpose, he ordered two rings to be taken from two anchors, and, fastening the two rings to an iron chain which he also found in the ship, he herewith confined the prisoners.

Thus we put into Barbadoes, where we cast anchor the 31st May at four in the afternoon. The officer there requested us to give him a statement as to

what had happened during the voyage, in regard to these two prisoners, and to give it on oath. This we did on the 6th of June, setting down merely what we had seen. He also applied for another declaration respecting the treatment we had experienced from him during the voyage. This declaration we wrote on the preceding statement, saying that up to that day we had no reason to complain of that officer's behaviour to us.

8. That ever since we left Rio de Janeiro up to our arrival at Barbadoes, we lived on our own provisions, the officer supporting also his crew with part of them. This enabled him to preserve untouched a barrel of salt meat that was intended for them, and which he either sold or gave away to a friend at this port. This was also the case with the remainder of our provisions, which were before our eyes either sold or bartered for the crew for various drinkables, which bum-boats brought from the shore. When I attempted to prohibit the sale or barter of those victuals, the sailors answered that they did so in compliance with orders from their officer, the consequence of which was that we ourselves were stinted, and short of food. Besides, the officer gave away and disposed of various spare articles of the ship, such as dyes, tar, pieces of sail-cloth, canvass, and rope-yarn, which he sent on board the steamers and other vessels, where he used to pass his time and dine, leaving me and the Mate always in the hands of the sailors, who arranged our commons as they pleased, and not till themselves had done dinner.

9. That on the 15th of June an Englishman came on board our ship to deliver to the commanding officer some English papers which he handed to me, saying that I should keep them, as they referred to me, though I was then, and *still am*, ignorant of what they contain. On my asking concerning their purport, the officer only repeated what he had just been saying. I was anxious to go or send on shore to a Consul or other representative of the Portuguese nation in that island, yet I never could get leave; on the contrary, I was still more strictly guarded by the armed crew. On the 24th of June a boat arrived from some frigate, and opening the hatch they began to take out some of the cargo, which they put into a launch and sent ashore. I inquired of the officer whither he was taking the goods, but the officer neither made any answer nor took any further notice of it. On the 25th of June my vessel was taken into dock, and all the merchandize was unloaded, so that only the pipes of brandy remained in the hold. On the 27th I asked the officer whereto he had sent the merchandize and goods. He said that it did not concern me, as both the pataxo and her cargo were already sold. This astonished me, for neither I nor my Mate had been summoned to appear in any court of justice, having day and night been guarded by the armed crew. I once more asked the officer why the pataxo and her cargo had been disposed of, without my having been heard? but the officer ordered a boat to be lowered, jumped into it, and went on shore.

10. On the 28th of June the pataxo lying alongside a quay, I directed the Mate to proceed on shore, and to take with him the two Protocols of protest; the first setting forth what occurred when we were captured, and the second the principal events since our departure from Rio de Janeiro to the 20th of June. Being instructed by me to endeavour to find out some representative of the Portuguese nation, he was told that there was only one Portuguese merchant settled in the island. He went to the house of this gentleman, and found in his possession all the papers and documents of our vessel, they having been sent to his house for a translation into English. He took charge of the two Protests handed him by the Mate; was a stranger to the motives for the selling the pataxo and her cargo; only said that the prize-officer had been heard to say that the pataxo carried a great deal of water and flour. The Mate stated to him that the pataxo had on board nothing but what was specified in the manifest. As to provisions, she had only the remainder of what was taken in to serve for our and the crew's sustenance during the voyage; and the water on board had been almost all used up during the passage from Rio de Janeiro to this port, though the officer not only had caused some casks to be replenished at Bahia, but had a second time filled some with rain-water on the voyage. The merchant took notes of all these particulars, keeping the two Protests. He also desired the Mate to return to his house next day at three in the afternoon.

11. On the 29th of June, the day when the Mate was to have returned to the Portuguese merchant's, it happened that two officers came on board from the frigate, producing to me and the Mate an order from the Commander of the frigate, to the effect that we were immediately to accompany them in the boat,

and that if we were not willing so to do, they had been directed by the Commander of the frigate to employ force. Thus, being made to go into the boat, we were carried on board an English transport, anchored in the port of Barbadoes. This was on the 29th of June, at four, P.M., the prize officer delivering us up to the Commander of the transport, who on the following day ordered to be served out to us half a pound of meat, and some biscuits; we also received daily some tea and sugar.

12. On board the transport, too, we were not allowed to communicate with any person, or suffered to go or send a letter ashore. Neither were we suffered to speak to persons that came on board. On the 7th of July the transport weighed anchor, and proceeded to Jamaica, where we arrived on the 13th of July. There, also, we had no permission to approach anybody, or set foot out of the transport. We left Jamaica on the 25th July, and on the 28th August arrived at the Bermudas, we always continuing in the same situation. On the 3rd September we set sail for England, and reached Portsmouth on the 17th October. That very day we were transferred on board some other ship, neither I nor the Mate being informed on what account. There they kept us till the 18th November, when the Commander of that ship gave us liberty to go ashore. I also declare that at Rio de Janeiro, on the evening of my departure for Benguela, the 27th March, I was obliged by the head of the post-office there to take charge of a letter-bag for the Post-office at Benguela, for which I signed a receipt in a book at the former post-office; of this letter-bag the Commander who captured us took possession.

We take our oaths on the Holy Gospels, as well as in the face of God and of the whole world, that we never were suffered to have communication with any one, and were to this effect always kept captives on board at Rio de Janeiro, as well as at Barbadoes; neither had we ever any notice given us as to what was passing at Barbadoes with regard to the pataxo and her cargo. We take our oaths on the Holy Evangelists that neither I nor my Mate were ever brought into Court, or before any Government, either at Rio de Janeiro or in the Island of Barbadoes, nor anywhere else, ever since we were considered prisoners, so that even at this day I am not yet cognizant of the reasons for which my ship was condemned, inasmuch as there was found in her only a lawful cargo, known from the manifest, and averred by vouchers of the best legal form, which I and my Mate always professed, under the rigour of arms and of violence in all quarters, ever since our pataxo had the English flag and pendant hoisted on her.

And for all these just reasons, which are set forth as the pure truth, we are ready in all parts to take our oaths on the Holy Gospels, where it may be necessary. Accordingly, I protest against the Commander of the schooner "*Curaçoa*," and against all the officers and sailors that came on board my ship, as also against the officers and the prize officer who sailed in the pataxo from Rio de Janeiro. I protest furthermore against those who condemned the pataxo, as well as against those who sold her and her cargo, and against the purchaser or purchasers. I protest against the assurers, and shippers, and receivers of the cargo, and against the persons in any way interested in the pataxo and her cargo, and against whom I have, or may come to have, a right, in order to have at the proper time and place, all the losses and damages, expenses, and prejudices, from whom I have, or may come to have, a right. And that all this is the real truth, I have caused to be made out this Protocol of Protest, which we have signed, undertaking thus to depose in and out of Court, whither we may have been summoned for such purpose. London, the 28th December, 1840, and I, Jozé Joaquim Gomes Vianna, Mate of the pataxo, who penned the present, have signed it.

(Signed)

JOZE DA LOMBA.

JOZE JOAQUIM GOMES VIANNA.

Sworn before me, at the Mansion House, London, the 28th day of December, 1840.

(Signed)

THOMAS JOHNSON, *Mayor*.

I, Francis Ignace Vanzeller, Consul-General of Portugal in Great Britain for Her Most Faithful Majesty the Senhora Donna Maria II., whom God preserve, certify that the preceding signature is written with the own hand of Thomas Johnson, Mayor of this city, to which is given entire faith and credit in

CLASS B.

and out of Court. In faith of which I have caused the present to be drawn up, which I sign, and which is sealed with the seal of this Consulate-General, London, 28th December, 1840.

(L. S.) (Signed) FRANCIS IGNACE VAN ZELLER,
Consul-General.

Third Enclosure in No. 245.

(Receipts.)

Received from José de Lomba, Master of the detained slave brigantine "*Thirteenth of June*" the undermentioned watches:—

	Reis.
A gold watch, marked José da Silva	6,000
A ditto ditto	4,000
A ditto Vidal	6,000
A small gold watch, marked Vauchez, à Paris, Garcia	4,000
One silver watch, marked Manoel Joaquim Teixeira ..	5,000
A silver watch, marked Afferia de la Conde	4,000
A watch marked Garcia	4,000

Her Majesty's ship "Curaçoa," Rio de Janeiro, April 19, 1840.

(Signed) WILLIAM PRESTON, *Acting Captain.*

Which will be returned if the vessel is not condemned.

True Copy. (Signed) WILLIAM PRESTON.
(Signed) MONCORVO.

Received from José da Lomba, Master of the detained slave brigantine, "*Thirteenth of June*," the under-mentioned treasure, which will be returned if the vessel is not condemned:—

Five hundred and twenty one Media dobroes, and six patacoons and a half.

Her Majesty's Ship "Curaçoa," Rio de Janeiro, April.

(Signed) WILLIAM PRESTON, *Acting Captain.*

Which will be returned if the vessel is not condemned.

True Copy. (Signed) WILLIAM PRESTON.
(Signed) MONCORVO.

No. 246.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, January 18, 1841.

WITH reference to my previous correspondence with your Lordship, respecting the reinstatement of Mr. Moreira as Portuguese Consul-General at Rio de Janeiro, I herewith transmit to your Lordship, for your information, a copy of a Despatch and of its Enclosure, which I have received from Her Majesty's Chargé d'Affaires at Rio de Janeiro upon that subject.

I am, &c.

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

(Signed) PALMERSTON.

Enclosure in No. 246.

Mr. Ouseley to Viscount Palmerston.

Rio de Janeiro, October 17, 1840.

No. 247.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, January 19, 1841.

I HEREWITH transmit to your Lordship a copy of a Letter from the Admiralty respecting the supplies which may be needed for Her Majesty's cruizers employed on the coast of Africa in putting down the Slave Trade; and I have to desire that your Lordship will apply to the Portuguese Government, for permission to be given to Her Majesty's Government to complete a pier, which appears to be already partly erected at West Bay, in Prince's Island, and also to form a coal depôt in that Bay, with a view of supplying more readily the wants of Her Majesty's cruizers on that coast.

I have, &c.

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

(Signed) PALMERSTON.

Enclosure in No. 247.

Sir John Barrow to Mr. Backhouse.

SIR,

Admiralty, January 9, 1841.

IT being the intention of my Lords Commissioners of the Admiralty to place Her Majesty's steam-vessel "Pluto" to cruize on the coast of Africa, for Slavers, I am commanded by their Lordships to acquaint you that my Lords are of opinion that a coal deposit should be formed at West Bay, Prince's Island, where the ships of the squadron employed on the coast are in the habit of proceeding for the purpose of procuring wood and water, and as the facilities for embarking coal would be greatly increased if a pier, which is already partly erected, were completed, and would be equally advantageous for watering the ships, I am to request that you will be pleased to move Viscount Palmerston to apply to the Portuguese Government, for permission to complete a pier, and erect a coal store at West Bay accordingly.

I am, &c.

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

(Signed) JOHN BARROW.

No. 248.

Lord Howard de Walden to Viscount Palmerston.

Lisbon, January 10, 1841.
(Received January 19.)

MY LORD,

I HAVE the honour to enclose a copy of a Note which, in fulfilment of your Lordship's instructions I have addressed to the Minister of Foreign Affairs, on the subject of the proceedings of the Portuguese authorities at Benguela, in facilitating for the vessel "Idalia" a Slave Trade voyage under the Portuguese flag, having changed its name to the "*Paquete de Benguela*."

I have, &c.

(Signed) HOWARD DE WALDEN.

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

Enclosure in No. 248.

*Lord Howard de Walden to M. Magalhaes.**Lisbon, January 5, 1841.*

THE Undersigned, &c. has received instructions from Her Majesty's Government to bring before the Government of Her Most Faithful Majesty the conduct of the Portuguese authorities at Benguela, in conniving at the Slave Trade, by giving a Slave vessel, the "*Paquete de Benguela*," documents which enabled her to pursue that unlawful traffic.

It appears that the vessel in question left Rio de Janeiro under the name of "Idalia," that her title to the Portuguese flag was so irregular, that the Vice-Consul endorsed the passport in such a manner as to render it useless for another

voyage to Brazil, but that, notwithstanding, the authorities at Benguela enabled her to make another voyage under the Portuguese flag, with a cargo of Slaves, under the name of "*Paquete de Benguela*."

The undersigned has the honour to enclose copies of two Despatches on the subject, the one from Her Majesty's Consul at Rio de Janeiro, to Her Majesty's Chargé d'Affaires at that Court, the other from Her Majesty's Consul at Rio de Janeiro to Viscount Palmerston, by which M. Magalhaes, will be more fully acquainted with the subject, in order that the Government of Her Most Faithful Majesty may take such proceedings as they may think proper to institute.

The Undersigned, &c.

(Signed) HOWARD DE WALDEN.

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

No. 249.

Viscount Palmerston to Baron Moncorvo.

Foreign Office, January 27, 1841.

THE Undersigned, &c., with reference to his Letter of the 9th December, 1840, to the Baron de Moncorvo, &c., respecting ships' papers of Portuguese Slave vessels, condemned at Sierra Leone, has now the honour to transmit to Baron Moncorvo for his perusal the ships' papers of the following vessels condemned in the mixed British and Portuguese Courts of Commission at Sierra Leone, in the year 1839; namely, the Schooner "*Violante*," schooner "*Gertrudes*," schooner "*Lavandeira*," schooner "*Passos*," schooner "*Liberal*," schooner "*Casualidade*," schooner "*Pomba d'Africa*," sloop "*Sedo ou Tarde*," schooner "*Andorinha*," and the launch "*Vencedora*."

The Undersigned has also the honour to transmit to the Baron de Moncorvo herewith the ship's papers of the Portuguese schooner "*Olympa*," condemned in the abovementioned court.

The Undersigned requests that the Baron de Moncorvo will have the goodness to return the originals of these papers to the Undersigned, after the Baron shall have taken notes of them for the information of his Government.

The Undersigned, &c.

(Signed) PALMERSTON.

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

No. 250.

Viscount Palmerston to Baron Moncorvo.

Foreign Office, January 27, 1841.

THE Undersigned, &c., having received from Her Majesty's Commissioners at Sierra Leone a statement of the case of the "*Felicidade*," a schooner recently condemned in the Mixed Court of Commission in that colony, upon a charge of Slave Trade, has the honour to acquaint the Baron de Moncorvo, &c., that on examination of the statement it appears, that the Portuguese passport under which this schooner was navigating when detained, was originally issued on the 7th February, 1833, by the Portuguese Consul-General at Rio de Janeiro, for a brigantine-rigged vessel bearing the same name; and that on the 2nd of June, 1839, the Portuguese Pro-Consul at the Havana, M. Pasqual Pluma, wrote upon that passport an endorsement, stating that he gave permission to the brigantine, for which the passport had been granted, to change her rig to that of a schooner.

According to that endorsement, therefore, it would follow that the "*Felicidade*" must have been nearly seven years old at the time of changing her rig. But by a Certificate from the Commissioner of Appraisement and Sale, at Sierra Leone, and by certificates from two experienced surveyors who examined the schooner, it appears that the vessel which navigated in 1839 and 1840 under the pass of 1833 was not, at the end of the year 1840, more than two years old at the utmost.

This vessel must therefore have been new at the time when M. Pluma made

the endorsement which purported that she was changing her rig, and the conclusion to be drawn from these premises is, that through the intervention of M. Pluma, the Portuguese passport, which had been granted in 1833 to the brig "*Felicidade*," was in 1839 fraudulently transferred to an entirely new and different vessel, to which the name of "*Felicidade*" was given in order to cover the deceit.

In support of this statement from Sierra Leone, the Undersigned has the honour to transmit herewith to the Baron de Moncorvo, first, the original passport granted in 1833 to the brig "*Felicidade*," and endorsed in 1839 to the schooner which then took that name; secondly, a certified copy of the Report made on the subject of the captured schooner by the Commissioner of Appraisalment and Sale at Sierra Leone; and thirdly, a certified copy of the Report also given in upon that subject by two surveyors, employed by the Mixed Court to examine the state of the said schooner.

The Undersigned requests that Baron de Moncorvo will communicate to his Court the facts stated in this note, together with the enclosed papers, in order that the Portuguese Government may take thereupon such steps as it shall deem proper.

The Undersigned, &c.

(Signed) PALMERSTON.

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

Enclosures in No. 250.

1. Original passport of the "*Felicidade*."
2. Report of Commissioners of Appraisalment and Sale.
3. Report of Surveyors.

(See Enclosures 2, 3, and 4, in Despatch from Sierra Leone Commissioner to
Viscount Palmerston, October 26, 1840.)

(Class A., No. 54, page 36.)

No. 251.

Lord Howard de Walden to Viscount Palmerston.

Lisbon, January 22, 1841.

(Received January 31.)

MY LORD,

I HAVE the honour to enclose the copy of a note which I have received from Senhor Magalhaes, in reply to the one which I addressed to him under date of the 5th instant relative to the conduct of the Portuguese authorities at Benguela; in which His Excellency states that orders have already been issued for an investigation of the case of the "*Paquete de Benguela*," and for the severe punishment of those authorities who may prove to have been implicated therein.

I have, &c.,

(Signed) HOWARD DE WALDEN.

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

Enclosure in No. 251.

M. Magalhaes to Lord Howard de Walden.

Office of Secretary of State for Foreign Affairs.

(Translation.)

January 11, 1841.

THE Undersigned, &c., in answer to the note of the 5th instant addressed to him by Lord Howard de Walden, &c. in which his Lordship by order of his Government, states that the authorities of Benguela have connived in an illicit traffic in slaves, carried on by the vessel "*Paquete de Ben-*

guella," has the honour to communicate to his Lordship, that under this date he has officially written to the Minister of Marine, that after proceeding to the necessary investigation into the case, he may cause the said authorities to be severely punished.

The Undersigned, &c.

(Signed)

RODRIGO FONSECA MAGALHAES.

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

No. 252.

Viscount Palmerston to Baron de Moncorvo.

Foreign Office, February 3, 1841.

THE Undersigned, &c., has had the honour to receive the note which the Baron de Moncorvo, &c. addressed to him under date of the 12th ultimo. in reply to the note which the Undersigned had addressed to the Baron on the 30th December 1840, respecting the Portuguese Slave Vessel "*Treze de Junho*."

The Baron de Moncorvo, in the beginning of his note of the 12th ultimo, requests that the Undersigned will transmit to him those documents on which the Undersigned had grounded the conviction, expressed in his note of February 1, 1840, that the ships sunk in the river Zaire were Brazilian property, and not Portuguese; and the Undersigned, therefore, herewith transmits to the Baron de Moncorvo copies of the papers in question.

The Baron de Moncorvo, after alluding to the subject of the vessels sunk in the Zaire, proceeded, in his note of the 12th ultimo, to refer to the observation which the Undersigned had made in his note of the 30th December 1840, that it was open to the parties concerned in the "*Treze de Junho*," to appeal to Her Majesty in Council; and the Baron de Moncorvo asked "how were the parties interested to avail themselves of this redress, seeing that they were not at all called into Court?" To this the Undersigned has to reply, that those parties were called into Court by a formal citation, a copy of which appears to have been left with them as required by law.

But Baron de Moncorvo proceeded in that note to reduce his representations respecting the "*Treze de Junho*" to the three following queries:—

1st. For what reason were the two Portuguese, Jozé da Lomba and Jozé Joaquim Gomez Vianna, violently carried prisoners to Barbadoes?

2nd. For what reason, being in that island, were they neither heard nor permitted any the least interference in the proceedings by which the "*Treze de Junho*" was condemned?

3rd. Having been carried as prisoners to Barbadoes, for what reason was it intimated to them that they were at full liberty, no charge being brought against them to justify the violent act of confinement and of conveyance to that island, whence, as it is now alledged, they were conducted to Portsmouth from a mere act of commiseration?

With respect to the first query, the Undersigned has to state to the Baron de Moncorvo, that it would appear to have been essential to the ends of justice, that the chief officer and one if not more of the crew of the captured vessel should be within reach of the Court at the trial of that vessel, in order that they might be ready to give evidence upon the subject if required.

With respect to the second question, the Undersigned has to refer the Baron to the citation, already quoted, from the Court of Vice Admiralty at Barbadoes, to the individual Jozé da Lomba, to appear before that Court, in order to allege and show cause why the vessel in which he was interested, and of which he had been master, should not be condemned, as forfeited, on the ground of having been equipped for Slave Trade.

With respect to the third query, the Undersigned has to state to the Baron de Moncorvo, that after the trial of the vessel had been ended, the special object, for which it appeared requisite that the individuals in question should have been ready to appear before the Court, no longer existed.

The Undersigned having thus answered the several queries to which the Baron de Moncorvo had reduced his representations on the "*Treze de Junho*" avails himself, &c.

(Signed) PALMERSTON.

To the Baron da Torre de Moncorvo,
&c. &c. &c.

First Enclosure in No. 252.

Extract of a Letter from Rear Admiral Elliot to Charles Wood, Esq., Admiralty, dated, Her Majesty's Ship Melville, November 2, 1839.

I HAVE the honour to enclose, for the information of the Lords Commissioners of the Admiralty, a letter from Commander Elliot of Her Majesty's brig "Columbine," detailing his proceedings at the Congo, and my answer thereto.

Their Lordships have recently been informed of three other instances of resistance to the boats of Her Majesty's cruisers on this station when sent in execution of their duty to examine Portuguese vessels (or rather vessels carrying the Portuguese flag), on the west coast of Africa, and unless instantaneous examples are made of such offenders, there can be no doubt but that the practice of resistance will gain ground, and lead to the shedding of much blood. In this case, as well as in the case of the "*Wolverine*," there was an opportunity of explaining fully that it was the resistance offered, and the attack made by the vessels themselves, or their boats and crews, that caused the destruction of the brig and schooner.

Second Enclosure in No. 252.

Extract from Lieutenant Kellett's Despatch, dated June 24, 1839.

I PROCEEDED to the Congo for information, and to land the prisoners, who were in a very sickly state. On the 21st June, I proceeded with the boats of the "*Brisk*," having Mr. Sutherland and the gunner in charge of the other boats (the former officer has been previously recommended to the Commander-in-Chief for his zealous conduct). At three A.M., on the morning of the 22nd, I surprised the brig "*Neptune*" under Portuguese colours, and papers dated Lisbon, in March last. I feel quite satisfied this vessel would have resisted, but from the circumstances above mentioned. I beg leave to call your attention to the case of this vessel, proving the scandalous dereliction of the duty of the officers of Her Most Faithful Majesty at the port of Lisbon. The "*Neptune*" cleared for Monte Video with a complete slave equipment on board, no guns mentioned in any public document, although seven guns and two swivels were mounted, with a large proportion of other arms. In the search for papers I found all the instructions from her owners at Maranham (clearly proving her Brazilian character), relative to getting papers at Lisbon, and for the voyage to the river Congo for slaves to be landed at Maranham. From thence the vessel was to proceed to Monte Video for the purpose of *apparently legalising* her voyage. In the roll of her crew only 22 men were mentioned, although 50 men were on board. I boarded four other vessels in the river under Portuguese flag, one of which, the "*Montanhaesa*," I would have seized as Spanish property had she not landed her slave equipment. The other vessels are referred to in the boarding list. I am satisfied was the Brazilian Slave Treaty assimilated to that of the Spanish, I would have had little difficulty in proving their proper character to be Brazilian.

(Signed) ARTHUR KELLETT,

Lieut. and Commander of Her Majesty's Brig "Brisk."

Third Enclosure in No. 252.

Extract of a Letter from Commander Elliot, dated Her Majesty's Sloop, Columbine, at Sea; September 24, 1839, to Rear Admiral Elliot, C.B.

I HAVE the honour to inform you of the proceedings of Her Majesty's sloop under my command, between the 11th September and the date hereof, which have led to my sinking this day at sea a Portuguese brig and schooner (both engaged in the traffic of slaves), in consequence of their having fired at our boats' crews while in the execution of their duty of searching the said vessels up the River Congo, and for having armed and otherwise incited the natives to join in the attack.

On the morning of the 11th I anchored off the mouth of the River Congo, where I found Her Majesty's brigantine "Bonetta" with three vessels she had just detained. Lieutenant Stoll informed me that there was a large Portuguese brig lying up the river, ready for shipping her slaves. From information I afterwards obtained I had reason to doubt her Portuguese nationality; but being desirous of taking her with her slaves on board, I despatched Lieutenant Tatham with the pinnace and gig to conceal themselves up the river for a week, in order to intercept the brig if she came down, and acquainted him that I would, at the end of that time, join him and proceed up the river.

On the 13th I chased and detained the Portuguese schooner "*Esperanza*," fitted for the Slave Trade. On the 14th I endeavoured with the whale-boat and cutter to enter the Cá Congo, but the boats could not get through the surf; and on hoisting English colours, the natives (amongst whom were some Portuguese) fired at us, showing every intention to oppose our landing had we been able to effect it.

On my return to the Congo on the 23rd, I found Lieutenant Tatham with the boats, and a Portuguese brig and schooner he had brought from Punta de Sanha, which is 13 leagues up the river.

The brig was the "*Neptuno*," built in America, having formerly sailed with the same name under American colours: she had Portuguese colours, papers, and crew, but was Brazilian property. She had four guns, 12-pounders, on board, and two on shore up the river, which had been directed against our men, and which I have no doubt she had previously landed for that purpose. She had a large quantity of arms of every description, powder and shot on board, and was fitted for slaves. She had 18 of her crew *on board*, two had died and two were in the boat taken by Lieutenant Tatham, when they had been sent to look out, and who afterwards took an active part in the fire.

The barracoon from which the fire was chiefly kept up belonged to the "*Neptuno*," where, as proved by a list I found among her papers, she had 25 blacks, who were kept for the work of the factory. These, no doubt, joined by the crew of the "*Neptuno's*" boat, and the crew who were on shore from the schooner, were the instigators of the attack.

The schooner was the "*Angerona*," under Portuguese colours, but Brazilian property (fitted for the Slave Trade), with a crew of 16 men, only four of whom were on board. These landed their arms to the remainder, who were on shore, and also fired themselves upon our men.

(Signed)

GEORGE ELLIOT, *Commander.*

No. 253.

Lord Howard de Walden to Viscount Palmerston.

Lisbon, January 29, 1841.

(Received February 15.)

MY LORD,

I HAVE the honour to enclose copy of a second Note, which I have received from M. Magalhaes, on the subject of the "*Paquete de Benguela*" Slaver, in which his Excellency states that in consequence of his communications to the Minister of Marine, the most positive orders have been sent to the Governor-General of the Province of Angola, to suspend the authorities of Benguela, and to bring them to trial if, on inquiry, they appear to have connived at the traffic

in slaves carried on by the "*Paquete de Benguela*," and also to displace the Governor and send him to this country.

M. de Magalhaes also, in the same Note, encloses to me a copy of a Notice published by the Consulate of Rio de Janeiro, respecting the legalisation of ships' papers, in order to prevent the abuse of the Portuguese flag.

I have, &c.

(Signed) HOWARD DE WALDEN.

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

(Translation.)

First Enclosure in No. 253.

M. de Magalhaes to Lord Howard de Walden.

Office of Foreign Affairs,
Lisbon, January 20, 1841.

MY LORD,

IN addition to the Note which I had the honour to address to your Lordship on the 11th instant, I hasten to inform your Lordship that in consequence of the representation I made to the Minister of Marine on the 16th, the most positive orders have been issued to the Governor-General of the Province of Angola, to take cognizance of the facts mentioned in your Lordship's Note of the 3rd of the same month, and to bring the authorities of Benguela to trial after being suspended from their places, if they should be found conniving with the transactions in slaves made by the ship "*Paquete de Benguela*," and at the same time to dismiss and send to this kingdom the respective Governor.

I have also the honour to remit to your Lordship on this occasion, for your Lordship's information, a copy of the Notice published at Rio de Janeiro by the Portuguese Vice Consul in charge of the General Consulate, in consequence of instructions he received from the Government of Her Majesty, respecting the legalisation of Despatches of Portuguese vessels, in conformity with the decrees of the 17th December, 1836, and 16th January, 1837, in order that the abuse of them may be avoided.

I avail, &c.

(Signed) RODRIGO DA FONSECA MAGALHAES.

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

Second Enclosure in No. 253.

Notice published by the Portuguese Vice Consul respecting the Legalisation of Portuguese Vessels.

(Translation.)

I, FRANCISCO JOAO MONIZ, charged with the General Consulate of Portugal at Rio de Janeiro, make it known to the owners, captains, consignees, and all other persons concerned in Portuguese ships or vessels, which may depend on this Consulate for the legalisation of their papers, that I cannot consider myself authorised to legalise ships papers to such ships or vessels not presenting them in a regular form according to the decrees of the 17th December, 1836, and 16th January, 1837, since sufficient time has elapsed from the publication of them to give the parties concerned room to obtain regular papers. Therefore the "*visé*" shall not be continued to be put, in this Consulate, as heretofore done, on passports of vessels not furnished with the said papers, which enabled them to make a return-voyage, with the declaration that the said passport should be considered useless, unless the regular papers should be then presented. And, as no attention has been paid to this Con-

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dition, there is sufficient reason to suspect that those vessels have not the necessary title to claim their nationality, as determined by the law. Desirous, however, to reconcile my responsibility for the exact observance of the law, and of the royal decrees, with that consideration which persons concerned in vessels of unquestionable nationality may deserve, as being employed in good faith, in a licit traffic, I do hereby declare that the cessation of the legislation of papers will admit of the following exception and prorogation:—

1st. That all vessels which may not be furnished with the papers in question, shall only receive, hereafter, despatch from this Consulate for such ports of the kingdom of Portugal as may have a Tribunal of Marine established, in order to examine the register and certificate (*Matricula*), in conformity with the above-mentioned decrees.

2nd. That a period of three months shall be assigned for national vessels carrying on a licit traffic between the ports of this empire, and those of Africa, they being solely admitted for a return voyage with the papers they may present; but after the expiration of the said period of three months, they shall only be admitted to despatch, in the same manner as those mentioned in the preceding article. And in order that the present notice may come to the knowledge of whom it may concern, I cause it to be published.

Given at the Consulate-General of Portugal, at Rio de Janeiro, September 12, 1840.

(Signed)

FRANCISCO JOAO MONIS,
Vice Consul.

No. 254.

Lord Howard de Walden to Viscount Palmerston.

Lisbon, February 8, 1841.

(Received February 15.)

MY LORD,

I HAVE the honour to acquaint your Lordship that from news arrived from Mozambique to the 11th October last, and published in the "*Diario do Governo*" of this day, it appears that three vessels, the "*Gloria*," "*Maria*," and "*Importador*," coming from Havana, and engaged in the traffic of slaves, have been captured by a corvette, the "*General Marinho*," armed and sent out for that purpose by the Governor-General of that province.

I have, &c.

(Signed)

HOWARD DE WALDEN.

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

No. 255.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, February 17, 1841.

I HEREWITH transmit to your Lordship a copy of a statement received at this office from the Admiralty respecting assistance which Commander John Adams, of Her Majesty's sloop "*Acorn*" recently afforded to the authorities of Her Most Faithful Majesty at Mozambique, in putting down Slave Trade at that place.

I also transmit to you a copy of the answer which, under my directions, has been returned to that statement; and I have to desire that your Lordship will communicate these papers to the Portuguese Government.

I am, &c.

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

(Signed)

PALMERSTON.

First Enclosure in No. 255.

Sir John Barrow to Mr. Backhouse.

SIR,

Admiralty, February 11, 1841.

I AM commanded by my Lords Commissioners of the Admiralty, to transmit to you, for the information of Viscount Palmerston, the enclosed copy of a Letter from Commander John Adams, of Her Majesty's sloop "Acorn," and of its Enclosures, reporting the assistance which he had afforded, at the request of the Governor-General of Mozambique, in preventing a revolt of certain Spanish subjects, being the crews of two Spanish vessels which were captured for being engaged in the Slave Trade, by the Portuguese authorities.

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

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

Second Enclosure in No. 255.

Commander Adams to R. More O'Ferrall, Esq.

SIR,

Her Majesty's Sloop Acorn,
off Mozambique, October 5, 1840.

I HAVE the honour to transmit, for their Lordships' information, a copy of a Letter addressed by me to Captain Baynes, the senior officer at the Cape of Good Hope, relative to the position of affairs at Mozambique; but, as it is very uncertain when my communication may reach him, he being at present at the Mauritius, I have considered it advisable to take advantage of an English merchant ship proceeding to Bombay, to make their Lordships acquainted with the state of things here.

Since my Letter to Captain Baynes, nothing very material has occurred, except that on the 1st instant a notorious slave brig was discovered in the offing. I immediately weighed and commenced chase, and was nearly within gun-shot, when night coming on, we lost her in a fog. Her Majesty's ship under my command is anchored in a position so as to command the mouth of the harbour, and ready to afford the Governor immediate assistance.

I consider it my duty to make their Lordships acquainted with the very strong and energetic measures pursued by his Excellency General Marinho, for the suppression of the Slave Trade. He seizes all vessels employed in that traffic, and has published an edict to all the Governors of the Portuguese dominions in these seas, calling on them, on pain of punishment by Court Martial, to do all in their power to suppress it.

His Excellency is very grateful for the service which I feel happy in having it in my power to afford him, and has publicly given me his thanks; he has also notified to the Government at Lisbon the essential aid rendered him, and has avowed that the presence of Her Majesty's sloop under my command has alone saved the colony from rapine and ultimate ruin.

My provisions are getting short; but, as there are several Spanish slavers expected, I shall remain here as long as possible, trusting that my proceedings will meet their Lordships' approval.

I have, &c.
(Signed) JOHN ADAMS, *Commander.*

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

Enclosures—

- No. 1. Copy of a Requisition from the Governor of Mozambique, for aid.
- No. 2. Copy of Commander Adams's Reply.
- No. 3. Copy of Despatch to Captain Baynes.

Third Enclosure in No. 255.

(No. 1.)

(Translation.)

*Senhor Marinho to Captain Adams.**Head Quarters in the Palace of San Paulo
de Mozambique, August 10, 1840.*

SIR,

HAVING placed the three Spanish vessels named in the margin * under embargo, and in course of adjudication, both for irregularity in their papers and under a charge of being engaged in a traffic in slaves, and not having a military force sufficient to overcome the crews of these vessels, unless by having recourse to violent means, repugnant to the present civilised ideas of Europe, and to the political institutions and laws of Portugal; in addition to which, a further number of Spanish vessels, under like circumstances, are daily expected, increasing the disproportion between the several crews and the number of men at my disposal; I should feel much obliged by your doing me the favour to remain here until the final termination of the proceedings against these vessels, and the removal of the crews from this port. This appears to me the only means by which I may avoid being compelled to take violent and unusual measures of oppression; and more especially amidst a population whose sentiments are wholly opposed to ours, and to the exertions we make for the suppression of the foreign traffic in slaves.

Fully persuaded of your sincere and honourable feelings, I rely on your rendering the service to Her Most Faithful Majesty.

I am, &c.

(Signed) JOAQUIM PEREIRA MARINHO.

Captain Adams, Her Majesty's Brig "Acorn."

Fourth Enclosure in No. 255.

(No. 2.)

*Captain Adams to Senhor Marinho.**Her Britannic Majesty's Sloop "Acorn," off
Mozambique, August 13, 1840.*

SIR,

I HAVE the honour to acknowledge the receipt of your Excellency's Letter of the 10th instant, communicating to me the position in which you are placed, relative to the crews of three Spanish vessels, seized by your Excellency, for a violation of the Slave Treaty, and also stating that several other Spanish vessels are daily expected under similar circumstances, and calling upon me to render aid and assistance.

In reply, I beg to state to your Excellency, that, as we are mutually employed in the suppression of the traffic in slaves, I have great pleasure in acceding to your request, and any assistance in my power shall be readily afforded you, whenever required. I propose remaining at this anchorage to endeavour to intercept the expected vessels, and, in conclusion, beg to state that it will afford me the greatest satisfaction to act in concert with an officer of your Excellency's distinguished reputation, and who has evinced such friendly dispositions towards us.

I have, &c.

(Signed) JOHN ADAMS, *Commander.**His Excellency Don Joaquim Pereira Marinho,*
&c. &c. &c.

* Importador, Donna Maria II., Gloria.

Fifth Enclosure in No. 255.

(No. 3.)

*Commander Adams to Captain Baynes, Her Majesty's Ship Andromache,
Senior Officer, Cape of Good Hope.*

*Her Majesty's Sloop "Acorn" off Mozambique,
September 19, 1840.*

SIR,

I HAD the honour to address a letter in numerals to you on the 23d of August last, which I sent to Quillemane through the Governor-General of this province, who promised that it should be delivered in the event of your calling there. As you may not have received this letter, it will be necessary that I should detail to you my proceedings since my last of the 13th July by Curlen, and state my reasons for remaining so long off this port instead of proceeding as therein described.

On the 7th August I arrived at Mozambique and communicated with the Governor-General, who, in consequence of orders from his Government, I found actively employed in the suppression of the Slave Trade. He had seized a Spanish brig and two ships from the Havana under Portuguese colours, and the affair of these vessels was then before the competent courts for adjudication. Upwards of 200 Spaniards were in consequence landed in the town of Mozambique, and, as the force of the Portuguese was very inferior, the Governor-General was in hourly expectation of their rising and taking this place, which, he assured me, would have caused much bloodshed and eventually ruin the colony, at the same time earnestly entreating me to remain with Her Majesty's brig under my command, as that alone would save the colony from ruin and destruction. Under the circumstances I considered it my duty to remain and co-operate with his Excellency the Governor with all the means in my power. I also received information that two notorious slavers, called the "*Sard*" and "*Venus*" were daily expected from the Havana, whose united crews would amount to 150 men. Should these vessels succeed in entering the harbour, there is not the least doubt but that the place must fall into their hands, to prevent which I anchored Her Majesty's brig under my command off the Island of St. George, directly in the passage to the harbour, and at a convenient distance from the town, so as to afford prompt assistance to the Governor, and could stop all vessels going in or coming out. The Enclosure No. 1 is a copy of the requisition made to me by his Excellency for assistance and support, and No. 2 is my reply to the same. There have been several commotions in town, and one or two murders; and, had it not been for our cordial co-operation and assistance, the consequences might have proved fatal to the colony. The authorities here have caused us to be furnished with supplies at reasonable rates, and with water gratis, otherwise I could not have remained so long before this port.

The two Spanish ships and the brig before mentioned have been condemned as slavers, and their hulls and cargo confiscated to the Portuguese Government. The brig has hoisted a pendant, and been commissioned as a man of war. This has been a severe blow to the slave merchants, as there was ready in the immediate neighbourhood upwards of 2500 slaves, which were to have left the coast in these three vessels. His Excellency, by his vigorous and energetic measures, has greatly tended to put an end to the traffic altogether in these seas. He has superseded the Governor of Ibo, and is about to try him by court martial for not acting up to his orders; and he intends also to supersede the Governors of Quillimane and Delgoa Bay, for allowing slave vessels to visit their ports.

A report has reached this place that four French brigs of war had been cruising the other side Madagascar, and that they had taken possession of British Sound and Nos Bek; but I can scarcely give any credence to it. I am anxiously expecting the arrival of the "*Lily*" or "*Curlew*," when I shall cross over to Madagascar to ascertain the fact for your information, and then proceed to the Comoroo Islands and Zanzibar in the further execution of my orders.

It is my intention to send the "*Curlew*" to the Cape of Good Hope the early

part of next month with the quarterly returns, when I shall have the honour to communicate to you any further information I may have obtained.

(Signed) JOHN ADAMS, *Commander.*
P. L. Baynes, Esq., C.B.,
&c. &c. &c.

Sixth Enclosure in No. 255.

Lord Leveson to the Secretary of the Admiralty.

SIR,

Foreign Office, February 16, 1841.

I HAVE laid before Viscount Palmerston your letter of the 11th instant, and its Enclosures, respecting the assistance which Commander John Adams, of Her Majesty's sloop "Acorn," recently afforded to the Authorities of Her Most Faithful Majesty at Mozambique, in putting down Slave Trade at that place; and I am directed by Lord Palmerston to request you will state to the Lords Commissioners of the Admiralty that Her Majesty's Government are glad that Commander Adams acted with so much zeal and judgment on the occasion in question.

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

(Signed) I am, &c.
 LEVESON.

No. 256.

Baron Moncorvo to Lord Leveson.

57, Upper Seymour Street, February 25, 1841.
(Received February 26.)

BARON DE MONCORVO presents his compliments to Lord Leveson, and has the honour to return the eleven papers concerning the vessels engaged in the traffic of slaves, with which Lord Palmerston obliged the Baron with a perusal.

To Lord Leveson,
&c. &c. &c.

No. 257.

Lord Howard de Walden to Viscount Palmerston.

Lisbon, February 20, 1841.
(Received March 1.)

MY LORD,

I HAVE the honour to enclose a copy of a note which I addressed to Senhor Magalhaes, in furtherance of the object of your Lordship's instructions respecting a pier desired to be completed, and a warehouse to be erected at West Bay, Prince's Island for the supply of Her Majesty's vessels with water and fuel.

Senhor Magalhaes has informed me, that the delay which has occurred in returning an answer to my note has been occasioned by its being necessary to consult the Crown Advocate, as to the form in which the permission should be recorded, so as to protect the Government against any accusation of alienating any right of the Crown.

Senhor Magalhaes stated the Government had decided to grant the permission desired by the Admiralty, and that the form only required to be regulated by note.

As to the warehouse, I suggested that perhaps a lease of the ground required

for its construction at a nominal rent would be a sufficient guarantee, and the simplest form of agreement. He agreed with me in thinking this might be sufficient. In the meanwhile, perhaps your Lordship would furnish me with some particulars as to the exact position and extent of the warehouse proposed to be erected, and as to whether any ground would be required to be annexed to it; whether any other building, as a residence for a storekeeper or other purposes, is intended to be constructed, as also to the precise form of tenure by which it would be considered sufficient that the said building should be held, taking into consideration the principle desired to be strictly observed by the Portuguese Government, as against any appearance of permanent grant or alienation of right to a Foreign Power.

I have, &c.

(Signed) HOWARD DE WALDEN.

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

Enclosure in No. 257.

Lord Howard de Walden to M. Magalhaes.

MONSIEUR LE CONEILLER,

Lisbon, February 2, 1841.

CONSIDERABLE inconvenience being experienced by Her Majesty's vessels of war off the coast of Africa, from the difficulty of embarking supplies, water and fuel, I have been instructed by Her Majesty's Government to apply to the Government of Her Most Faithful Majesty for permission to complete a pier, which is already partly erected at West Bay, in Prince's Island, as also to erect a coal store at the same place for the supply of Her Majesty's vessels of war with fuel.

I need hardly add that such facilities as may thus be afforded to Her Majesty's naval service will be greatly appreciated by Her Majesty's Government.

I have, &c.

(Signed) HOWARD DE WALDEN.

His Excellency Senhor R. F. Magalhaes,
 &c. &c. &c.

No. 258.

Lord Howard de Walden to Viscount Palmerston.

Lisbon, February 28, 1841.

MY LORD,

(Received March 9.)

WITH reference to your Lordship's Despatch of the 17th ultimo, enclosing me copies of papers received from the Admiralty, relative to the assistance rendered by Commander Adams to the Governor of Mozambique, in co-operation with His Excellency for the suppression of the Slave Trade, I beg to acquaint your Lordship that the Portuguese Government, having received reports of a directly opposite character from those of Commodore Adams, respecting the tendency of Senhor Marinho's proceedings in regard to the Slave Trade, had dismissed that Governor, and had decided upon trying him, upon his return to this country, by a Court Martial.

Senhor Magalhaes has promised to communicate to me the circumstances which have led to Governor Marinho's recall. His Excellency was extremely surprised at receiving from me so different a report, and on such unquestionable authority as that of one of Her Majesty's Commanders, so highly eulogising Governor Marinho's conduct.

I submitted to Senhor Magalhaes the consideration whether the reports against Governor Marinho might not have been got up by his enemies among the Slave Traders. He seemed to think this could not be so; but he expressed his intention of looking into this business carefully, the contradictory character of these reports respecting Governor Marinho, entitling him to the utmost circumspection in the proceedings of the Government.

I have, &c.

(Signed) HOWARD DE WALDEN.

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

No. 259.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, March 20, 1841.

WITH reference to your Lordship's Despatch of the 13th of December, 1834, respecting the island of Bulama, I have to observe that you transmitted to this office translations only, and not the originals or copies, of the Note of the 24th of November, 1834, from Count de Villa Real to your Lordship, and of the Enclosures to that Note, referred to in the above-mentioned Despatch; and I have to desire that your Lordship will forward to this office, at your earliest convenience, the original of the Note in question, and of its Enclosures.

I have to remind your Lordship that it is essential that your Lordship should in all cases transmit to this office the original or certified copies of the several communications which you receive from the Portuguese Government, and also translations of the same.

I am, &c.

(Signed) PALMERSTON.

Lord Howard de Walden,
&c. &c.

No. 260.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, March 22, 1841.

I COMMUNICATED to the Board of Admiralty your Lordship's Despatch, Slave Trade, of February 20 last, respecting the proposed completion of a pier, and the formation of a coal depôt at Prince's Island, on the coast of Africa; and the Admiralty have addressed to this office, in answer, a letter of which I herewith transmit to you a copy, to be communicated to the Portuguese Government, containing a statement of the arrangements to which Her Majesty's Government requests the consent of the Portuguese Government, for the purposes in question.

I have, &c.,

(Signed) PALMERSTON.

Lord Howard de Walden,
&c. &c.

Enclosure in No. 260.

Sir John Barrow to Lord Leveson.

MY LORD,

Admiralty, March 17, 1841

HAVING laid before my Lords Commissioners of the Admiralty your letter of the 6th instant, transmitting a copy of a Despatch and of its Enclo-

sure received from Her Majesty's Envoy at Lisbon, respecting the proposed completion of a pier, and the formation of a coal depôt at Prince's Island, for the use of Her Majesty's vessels resorting there, I am commanded to acquaint your Lordship, for the information of Viscount Palmerston, that it is proposed that the Commander-in-Chief on the coast of Africa shall enter into an agreement with Madame Ferrara, who is stated to be the owner of the Land at West Bay, Prince's Island, for a site for the coal shed which it is desirable to erect, and for completing a pier which is partly built; the said site to be granted on lease at a nominal rent, or for such amount annually as may be considered reasonable, and the coal-shed to be of sufficient extent to receive 500 tons of coals, to be erected by the Commander-in-Chief, without any residence or ground being attached to it; and that it is to effect this arrangement that the mission of the Portuguese Government is required; and I am to request that you will move Lord Palmerston to cause the same to be communicated to Lord Howard de Walden.

I have, &c.

(Signed) JOHN BARROW.

To Lord Leveson,
&c. &c.

No. 261.

Lord Howard de Walden to Viscount Palmerston.

Lisbon, March 12, 1841.

(Extract.)

(Received March 22.)

I ENCLOSE a copy of a note which I have addressed to Senhor Magalhaes, in reply to a note which I have received from Senhor Magalhaes, conceding under certain conditions the permission desired by the Admiralty, to construct a warehouse at West Bay, Princes Island, for a depôt for coals, and to complete a pier which is in an unfinished state.

I also add a copy of an instruction which has been sent by the Minister of Marine to the Governor of Prince's Island, as preparatory to carrying into effect the engagement, as proposed to be contracted between the Government of Great Britain and of Portugal.

First Enclosure in No. 261.

Lord Howard de Walden to M. Magalhaes.

Lisbon, March 12, 1841.

THE Undersigned, &c., has the honour to acknowledge the receipt of the reply which Senhor Rodrigo de Fonseca Magalhaes, &c., has returned to the application made by the Undersigned under orders from his Government, for permission to construct a warehouse at West Bay, Prince's Island, for the supply of Her Majesty's vessels of war with water and fuel.

The Undersigned loses no time in assuring his Excellency that he has no doubt but that Her Majesty's Government will most readily accede to every condition annexed to the permission granted, which can be considered necessary to obviate the remotest suspicion, in any quarter, of any possible design to appropriate or constitute a permanent right to any part of Prince's Island, arising out of the temporary arrangement at present contemplated, for the service of Her Majesty's vessels of war.

The Undersigned will refer his Excellency's Note to Her Majesty's Government by this packet, with a view to obtain the full authority to enter

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into the further formal and detailed engagements to be required by the Portuguese Government.

The Undersigned, &c.

(Signed) HOWARD DE WALDEN.

His Excellency Senhor Rodrigo da Fonseca Magalhaes,
&c. &c. &c.

Second Enclosure in No. 261.

Royal Order to the Governor of St. Thomas and Prince's Island.

(Translation.)

Palace of the Necessidades, March 11, 1841.

It being necessary to establish on the western coast of Prince's Island a deposit of coals, Her Majesty the Queen orders, through the Department of Marine and Colonies, that the Governor of St. Thomas and Prince's Island proceed to have immediately measured and marked out on the said coast, and next to the quay begun to be built there, a space of ground belonging to the State 400 "braças" square, or 100 "braças" on each side, for the purpose of establishing the above-mentioned deposit, informing the Government, by the first opportunity, of having so done, and adding any observations he may have to make on the subject, having always in view that public convenience, or the interest of any private party, may not be prejudiced by it.

Her Majesty orders likewise the above-mentioned Governor to render all the assistance, and devote every good office in his power, to the British vessels of war that may touch those islands and stand in need of them.

(Signed) CONDE DE BOMFIN.

No. 262.

Lord Howard de Walden to Viscount Palmerston.

Lisbon, March 15, 1841.

(Received March 22.)

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatches marked "Slave Trade," to that of the 5th instant inclusive.

I have, &c.

(Signed) HOWARD DE WALDEN.

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

No. 263.

Lord Howard de Walden to Viscount Palmerston.

Lisbon, March 20, 1828.

(Received March 28.)

MY LORD,

I HAVE the honour to enclose a copy of a Note which I have addressed to the Minister of Foreign Affairs, communicating to His Excellency information which I have received respecting the vessels "*Minerva*," "*Dois Amigos*,"