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Class D.

CORRESPONDENCE

WITH

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

NOT PARTIES TO CONVENTIONS,

GIVING RIGHT OF SEARCH OF VESSELS SUSPECTED OF

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

1842.

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF CHEMISTRY
58 CHEMISTRY BUILDING
CHICAGO, ILLINOIS 60637

RECEIVED

NOV 15 1964

PROFESSOR J. H. GOLDSTEIN
UNIVERSITY OF CHICAGO
58 CHEMISTRY BUILDING
CHICAGO, ILLINOIS 60637

Dear Professor Goldstein:

I have received your letter of October 28, 1964, regarding the

loan of the NMR spectrometer to your laboratory.

I am sorry that I cannot return your letter more quickly.

The spectrometer is currently being used by the

Department of Chemistry and is being used for the

study of the structure of the nucleus of the

University of Chicago.

I am sure that you will understand the situation.

Very truly yours,
J. H. Goldstein

Class D.

CORRESPONDENCE

WITH

FOREIGN POWERS,

NOT PARTIES TO CONVENTIONS,

GIVING RIGHT OF SEARCH OF VESSELS SUSPECTED OF

THE SLAVE TRADE.

From January 1st to December 31st, 1842, inclusive.

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

1843.

LONDON:

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

1843.

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Class D.—1842.

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	One Enclosure			

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	1842	1842		
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	One Enclosure			

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	1842	1842		
4.	Mr. Morier to the Earl of Aberdeen Feb. 9	Feb. 18	No Laws in Switzerland respecting Slave Trade	4
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10.	Colonel Barnett to the Earl of Aberdeen April 21	May 4	Receipt of Treaty between the Five Powers	11
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20.	Mr. Hay to the Earl of Aberdeen	Jan. 29	Feb. 13			Has made application for Laws on Slave Trade	15
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22.	Mr. Hay to the Earl of Aberdeen	March 27	April 11			Letter from the Sultan respecting Slave Trade	20
23.	Mr. Hay to the Earl of Aberdeen	April 9	Aug. 25			Receipt of Treaty between the Five Powers	21
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26.	Mr. Hay to the Earl of Aberdeen	Aug. 13	Aug. 30			Receipt of Treaty with Bolivia	22
27.	Mr. Hay to the Earl of Aberdeen	Aug. 27	Sept. 13			Receipt of Treaty with Texas	22
28.	Mr. Hay to the Earl of Aberdeen	Sept. 22	Oct. 10			Receipt of Treaty with Mexico	23
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Class D.—1842.

CORRESPONDENCE

WITH

FOREIGN POWERS,

NOT PARTIES TO CONVENTIONS.

BELGIUM.

No. 1.

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

Brussels, January 25, 1842.

(Received January 27.)

MY LORD,

IN obedience to the orders contained in your Lordship's Circular Despatch of the 27th ultimo, I immediately addressed a Note to the Minister of Foreign Affairs, requesting His Excellency to furnish me with authentic copies of all the laws and acts either general or local which might have been passed by the Belgian Legislature or other authorities for the purpose of regulating, restraining, or preventing the traffic in slaves.

Comte de Briez has answered my Note by an official Letter, (a copy and translation of which are herewith enclosed,) in which he acquaints me that the researches made amongst the Belgian archives establish the point of no laws or acts of the kind above mentioned having been passed in Belgium.

His Excellency refers, however, in his Note to several laws and orders which were promulgated by the Netherland Government before the separation of Belgium and Holland, copies of which will of course be found in the collection which will be sent to your Lordship from Her Majesty's mission at the Hague.

I have, &c.,

(Signed) G. H. SEYMOUR.

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

First Enclosure in No. 1.

Count de Briez to Sir G. H. Seymour.

MONSIEUR LE CHEVALIER,

Bruxelles, le 22 Janvier, 1842.

EN réponse à la Note que vous avez bien voulu m'adresser le 31 Décembre dernier, j'ai l'honneur de vous informer qu'il résulte des recherches faites que nos archives ne renferment aucun acte relatif à la Traite des Nègres.

La Législature et le Gouvernement n'ont pas eu à s'occuper de cet objet depuis l'établissement de la Belgique comme puissance indépendante.

Quoiqu'il en soit, pour mieux répondre au désir de votre Excellence, je crois devoir indiquer ici les lois et arrêtés portés sous le Gouvernement des Pays Bas.

Indépendamment des stipulations des Traités de 1814 et 1815 on peut citer les documens suivans:—

1°. Loi du 20 Novembre, 1818. Journal Officiel, tome 13, N°. 39.

2°. Arrêté du 16 Avril, 1821. Idem, tome 16, N°. 1.

CLASS D.

3°. Loi du 23 Décembre, 1824. Idem, tome 19, N°. 75.

Deux autres arrêtés n'ont pas été insérés au Journal Officiel savoir.

1°. Arrêté du 15 Juin, 1814.

2°. Arrêté du 6 Juillet, 1826.

Ils se trouvent dans le recueil intitulé " Passinomie," tome 8, page 292.

Je saisis, &c.,

(Signé)

COMTE DE BRIEZ.

Son Excellence M. le Chevalier Seymour,
 &c. &c. &c.

Second Enclosure in No. 1.

(Translation.)

Count de Briez to Sir G. H. Seymour.

MONSIEUR LE CHEVALIER.

Brussels, January 22, 1842.

IN answer to the Note which you addressed to me on the 31st December last, I have the honour to inform you that it results from the researches that have been made that our archives contain no act relating to the Slave Trade.

The Government and Legislature have not been called upon to take this subject into consideration since the establishment of Belgium as an independant State.

More completely, however, to meet your Excellency's wishes, I think it right to point out to you the laws or orders passed on that subject under the Netherlands Government.

Independently of the Treaties of 1814-15, the following documents may be cited.

1st. Law of November 20, 1818. Official Journal, vol. 13, No. 39.

2nd. Order of April 16, 1821. Idem, vol. 16, No. 1.

3rd. Law of December 23, 1824. Idem, vol. 19, No. 75.

Two other orders have not been inserted in the Official Journal, namely—

1st. Order of June 15, 1814.

2nd. Order of July 6, 1826.

They are to be found in the collection entitled " Passinomie," vol. 8, page 292.

I have, &c.,

(Signed)

COMTE DE BRIEZ.

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

HANOVER.

No. 2.

Mr. Edgcumbe to the Earl of Aberdeen.

Hanover, January 6, 1842.

(Received January 11.)

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatches addressed to Mr. Bligh, and dated October 30, and December 27, 1841.

With regard to the latter Despatch, I have taken the necessary steps for procuring the information required by Her Majesty's Government respecting the laws that have been passed by the Hanoverian Government for preventing the Traffic in Slaves.

I have, &c.

(Signed) GEORGE EDGCUMBE.

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

No. 3.

Mr. Edgcumbe to the Earl of Aberdeen.

Hanover, January 19, 1842.

(Received January 29.)

MY LORD,

I HAVE the honour to transmit to your Lordship a copy of the Note I have received from his Excellency the Baron Schele, in answer to the one which I addressed to him, according to the directions conveyed to me in your Lordship's Despatch of the 27th of December, 1841.

By this it appears that no laws exist in this kingdom respecting the Slave Trade, nor any documents except the Circular, which was addressed to their consular agents, in consequence of Mr. Bligh's Note to Baron Schele, of the 19th of May, 1841.

I have, &c.

(Signed) GEORGE EDGCUMBE.

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

Enclosure in No. 3.

The Baron de Schele to Mr. Edgcumbe.

Hanovre, ce 10 Janvier, 1842.

LE Soussigné, Ministre d'Etat, du Cabinet et des Affaires Etrangères, a l'honneur de prévenir Monsieur Edgcumbe, Chargé d'Affaires de Sa Majesté Britannique, en réponse à sa Note honorée du 5 du courant, qu'il n'existe pas de lois sur la Traite des Nègres dans le royaume de Hanovre, et qu'il n'y est émané à cet égard d'autre ordonnance que celle dont il est fait mention dans l'office adressé à Monsieur le Ministre de la Grande Bretagne sous date du 25 Juin dernier.

Le Soussigné saisit, &c.,

(Signed) BARON DE SCHELE.

A Monsieur Edgcumbe,
 &c. &c.

SWITZERLAND.

No. 4.

Mr. Morier to the Earl of Aberdeen.

Thun, February 9, 1842.

(Extract.)

(Received February 18.)

ON the receipt of Viscount Palmerston's Despatch of August 30th last, I did not fail, in execution of the instructions therein contained, to address a note to the Federal Directory. I have now the honour to transmit to your Lordship a copy of the Federal Circular to the Swiss Consuls, issued in compliance with Viscount Palmerston's Despatch of May 11th, 1841.

I have, &c.

(Signed)

D. R. MORIER.

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

&c.

&c.

&c.

Enclosure in No. 4.

Copie d'une Circulaire adressée aux Consuls de Commerce Suisse, dans les Pays d'outre-mer, du 14 Août, 1841.

MONSIEUR LE CONSUL,

Ensuite des demandes faites par le Gouvernement Royal de Grande-Bretagne dans l'intention d'abolir l'esclavage des noirs, nous devons vous engager à vous abstenir en votre qualité de Consul de Commerce Suisse, de toute intervention propre à protéger la Traite des Noirs, aussi contraire aux tendances humanitaires de notre siècle.

Recevez, Monsieur, l'assurance, &c.,

Pour Copie conforme,

Le Chancelier de la Confédération.

(Signé)

AM RHYN.

ALBANIA.—(Consular).

No. 5.

Mr. Saunders to the Earl of Aberdeen.

British Consulate in Albania,

Prevesa, July 5, 1842.

(Received September 6.)

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Circular Despatch, dated the 12th May last, transmitting to be placed among the archives of this Consulate, the copy of a Memoir drawn up by Mr. Bandinel, of the Foreign Office, containing an account of the steps taken by the British Government towards effecting the extinction of the Trade in Slaves from Africa.

I have, &c.

(Signed) SIDNEY SMITH SAUNDERS.

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

No. 6.

Mr. Saunders to the Earl of Aberdeen.

British Consulate in Albania,

Prevesa, August 5, 1842.

(Received September 6.)

MY LORD,

WITH reference to the Circular Instructions from the Foreign Office, dated 13th July, 1832, and 6th October, 1835, respecting the transport of Turkish Slaves in British and Maltese vessels; I have the honour to acquaint your Lordship, that a few days back, an Ionian boat from Candia, conveyed here three female slaves for sale, belonging to some Turkish passengers; and I beg leave to submit to your Lordship the enclosed papers, showing the steps which I took in connexion with this matter, and the result thereof.

I have, &c.

(Signed) SIDNEY SMITH SAUNDERS.

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

First Enclosure in No. 6.

Mr. Saunders to Mr. Fraser.

British Consulate in Albania,

Prevesa, July 31, 1842.

SIR,

I HAVE the honour to acquaint you, that the Ionian boat "*Madonna Mirtiotissa*," of Cerigo, Padron Nicolo Pasto, has this day arrived from Candia, having on board six Turkish passengers, and three female slaves.

The transport of Turkish slaves under the British and Maltese flags is prohibited under heavy penalties; and not long since, the Greek Government was prevailed upon to adopt severe measures to prevent Greek vessels from transporting slaves; and Her Majesty's Consuls were particularly requested, in the absence of

Hellenic functionaries, to co-operate for the effectual execution of this desirable object.

Although not furnished with any precise instructions as regards the Ionian flag, I cannot doubt that the masters of Ionian vessels are equally liable to heavy penalties for receiving slaves on board.

The boat in question will be detained in quarantine with her passengers until Friday morning next, the 5th of August, and as I have no means of preventing the disembarkation of the slaves at that time, I would beg to suggest that measures should be adopted for sending some small armed vessel immediately to Prevesa, to escort the boat to Corfu previously to the landing of the passengers.

I have, &c.

(Signed) SIDNEY SMITH SAUNDERS.

John Fraser, Esq.
&c. &c.

Second Enclosure in No. 6.

Mr. Fraser to Mr. Saunders.

SIR, *Lord High Commissioner's Office, Corfu, August 3, 1842.*

LATE yesterday evening I had the honour to receive your letter of the 31st July, informing me of the arrival of the Ionian boat "*Madonna Mirtiotissa*" of Cerigo, having on board six Turkish passengers, and three female slaves; also suggesting, that as the transporting of slaves is contrary to the Ionian laws, a small armed vessel may be sent to Prevesa to escort the boat to Corfu, previously to the landing of the passengers.

Having laid this Despatch before the Lord High Commissioner, I am directed to send to you a small armed vessel of which the Commander has been instructed to place himself under your orders; to transmit to you at the same time a copy of the Act of the Ionian Parliament* upon the subject, and to request that you will have the goodness to proceed according to its provisions, and the instructions received from Her Majesty's Government, and this office.

I have, &c.

(Signed) J. FRASER,
Secretary to the Lord High Commissioner.

S. S. Saunders, Esq.,
&c. &c.

Third Enclosure in No. 6.

Mr. Saunders to Mr. Fraser.

British Consulate in Albania,

Prevesa, August 4, 1842.

SIR,

I HAVE had the honour to receive your letter of the 3d instant, and in accordance with the provisions of the Ionian law of 1823 for suppressing the trade in slaves, and the transport thereof in Ionian vessels, I have placed under arrest Nicolo Pasto, master of the Ionian boat "*Madonna Mirtiotissa*," of Cerigo, together with his boat and crew, for having taken on board at Candia, and conveyed to Prevesa three female slaves, destined for sale in this province, as proved by the fact that certain Turkish passengers who came from Candia by the same opportunity, have been treating for the sale of such slaves subsequently to their arrival.

I have in consequence made over the said boat and crew to the custody of the gun-boat "*Leucadia*," for conveyance to Corfu to be judged by the competent tribunals.

I think it necessary to add, in justification of the master aforesaid, that immediately upon his arrival here he made a declaration to this office, stating that three of his passengers were slaves; and that it does not appear from his papers (which I herewith transmit to you) that he was cognizant of the fact previously to their embarkation in Candia.

* Corfu, 17th May, 1823.

The Turkish passengers, to whom the Ionian law would not seem to apply, have remained here, but their effects have not been disembarked. The three slaves also remain on board.

I have, &c.,

(Signed) SIDNEY SMITH SAUNDERS.

John Fraser, Esq.,
&c. &c.

No. 7.

Mr. Saunders to the Earl of Aberdeen.

British Consulate in Albania,

Prevesa, September 30, 1842.

(Received November 7.)

MY LORD,

WITH reference to my Despatch of the 5th ultimo, respecting the case of an Ionian vessel, which brought three female slaves to Prevesa for sale, the same having been embarked at Candia by a Turkish passenger, I have the honour to transmit to your Lordship herewith, translation of a letter addressed to me upon the subject by the vizier Osman Pasha, and of my reply thereto.

With regard to the supposed irregularity of the seizure of this vessel in a Turkish port without communication with the local authorities, it may be sufficient to refer to the Enclosure No. 3 in my former Despatch, from which it will be observed that no such seizure was made by the Ionian gun-boat; but that the vessel and crew were regularly placed under arrest by authority of this consulate, in accordance with the forms usually practised on the like occasions, and the judicial rights appertaining to Her Majesty's Consuls in the Levant; and that she was subsequently given over in charge to the gun-boat, to be escorted to Corfu, in order that the case might be duly adjudicated there by the competent tribunals.

I have, &c.

(Signed) SIDNEY SMITH SAUNDERS.

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

First Enclosure in No. 7.

(Translation.)

Mouchir Osman Nouri Pasha to Mr. Saunders.

SIR,

Yanina, { July 29, } 1842.
{ August 10, }

THE object of this friendly communication is to inform you that a certain Moullah, Mustafa of Vrachoni, residing at Arta, having come to this place, has presented a petition in the form of a protest, complaining as follows: That he as a merchant arrived a few days ago from Candia on board a passage vessel sailing under the British flag, with five or six other Turks, having also with him three Arabian slaves; and after the captain of the vessel (Nicolo Pasto, of the island of Cerigo) had performed quarantine according to custom, for some days in the port of Prevesa, a gun-boat suddenly arrived from Corfu, which, after disembarkation, of the merchant passengers, took the said vessel, with her cargo and arms, together with the slaves, and went off with her direct to Corfu the same afternoon, without giving any notice to the Governor of the place, our deputy, Elimaz Effendi; and as it is our bounden duty to inquire with respect to this affair, and learn your account of the transaction in question, and then endeavour to arrange the matter; therefore we await the necessary reply, and precise information on your part, explaining what has been the reason of this occurrence; who sent this armed vessel, and what brought her here, and to whom inquiry should be addressed upon the subject; and in the event of it being requisite to indemnify the parties according to their protest, from whom such compensation should be sought; and while it is well known, Sir, to you how much the friendship and harmony existing between our respective Governments have become extended, it is at the same time the duty of our office to inquire into such matters, and com-

municate them to His Imperial Majesty, and act in accordance with the Treaties between the two Governments which are known, Sir, to you in all their extent: and in conformity with the particular friendship subsisting between ourselves, you will favour us with the requisite answer as soon as possible.

Accept the assurances of our highest esteem, with which we subscribe ourselves,

Your sincere friend

(L. S.)

MOUCHIR OSMAN NOURI PASHA.

S. S. Saunders, Esq.,

&c. &c.

(Translation.)

Enclosure in No. 7.

Mr. Saunders to the Mouchir Nouri Osman Pasha.

British Consulate in Albania,

Prevesa, August 27, 1842.

EXCELLENCY,

BY reason of the absence from Prevesa of the Governor Elimaz Effendi, I only received last night your Excellency's friendly letter, bearing date {29th July, } calling upon me for certain explanations respecting the arrest of {10th August, } the captain and crew of an Ionian vessel with slaves on board, which was escorted from hence to Corfu, by one of the gunboats placed at the disposal of his Excellency the Lord High Commissioner; and although this is a matter appertaining exclusively to the British Consular jurisdiction in these parts over the subjects of Her Britannic Majesty, and over vessels sailing under the British flag, nevertheless in a friendly way, I have much pleasure in acquainting your Excellency with the nature of this affair, more especially with a view to enable your Excellency to give the requisite answers to those Ottoman subjects who came from Candia in the aforesaid vessel, and who claim your Excellency's intervention for the restoration of certain property which, as they state, was left on board.

In the first place, I cannot doubt that your Excellency is perfectly well aware of the immense and unceasing exertions made by Her Britannic Majesty's Government during a long series of years, with the view to suppress that unnatural traffic in human flesh, which is now prohibited under the severest penalties by almost every nation of the world; nor is it at all necessary to make known to your Excellency, that in accordance with the determination of Her Majesty my august Sovereign and Padishah, to prevent British subjects and the British flag from having any connection, direct or indirect, with transactions of this nature; all the officers of the British Navy, as well as all the representatives of Great Britain in foreign countries, are expressly required to be vigilant in observing that the existing laws upon this subject be rigidly enforced.

The Captain of the Cerigo vessel, Nicolo Pasto, having acted contrary to law, by receiving three slaves on board for conveyance to Prevesa, was placed under arrest and sent to Corfu, together with his vessel, and all those who were on board, excepting the mere ordinary passengers, to be there brought to trial before the competent tribunals.

But your Excellency asks me from whence that gunboat was sent; what brought her here, and from whom explanations upon the subject should be sought, and why no notice was given thereon to the Governor of Prevesa?

In a friendly way I reply to your Excellency, that it would be just the same to give notice to the Governor on many other matters which in nowise depend upon his jurisdiction and authority; and most certainly whosoever brought the Government vessel, and whosoever ordered her to come, had full authority so to do without communicating with anybody.

With respect to the passenger's effects, I believe your Excellency is already aware that so soon as a list was presented to me of the articles existing on board, I did not fail to write to his Excellency the Lord High Commissioner in order that the said effects might be given up; and I daily await the reply, assuring myself that the restoration of these effects will take place without delay; but as to the so-called slaves, no such merchandise is known under the British flag, nor has such an article ever been observed in the Custom House tariffs of the

Ottoman Empire, although it appears that the passengers assert in their memorial to your Excellency that they had paid the Customs duty upon these human beings, and have the regular receipts in their possession.

With regard to the petition in form of protest which was presented to your Excellency, and the question put to me upon the subject, namely, in the event of it being requisite to indemnify the claimants according to their protest, from whom such indemnification should be claimed; I unhesitatingly reply, that whoso will have to decide the first point, whether compensation should be made, may also find means to determine from whence such compensation should be obtained.

Having now answered in detail all the points referred to me, besides having also previously instructed the British Vice Consul, Mr. T. Damaschino, to relate the history of the case to your Excellency in friendly communication, I avail myself of this opportunity to transmit to the aforesaid Mr. Damaschino the printed Ionian law which has been in force for the last twenty years respecting the traffic in slaves, in order that he may afford your Excellency every additional information upon the subject; and I feel assured that your Excellency will not fail to recognize from so many proofs, my friendly disposition to comply with your Excellency's wishes, and my desire to enter into the details of this and every other affair with that openness and sincerity, which are in accordance with the perfect harmony and intimate relations of amity so long existing, and daily on the increase, between our respective Courts.

Assuring your Excellency of the sentiments of my highest esteem and distinguished consideration,

I subscribe myself, &c.

(Signed) SIDNEY SMITH SAUNDERS.

His Excellency the Mouchir Nouri Osman Pasha,
 &c. &c. &c.

EGYPT.—(Consular).

No. 8.

Colonel Barnett to the Earl of Aberdeen.

Alexandria, March 12, 1842.

(Received April 5.)

MY LORD,

WITH reference to your Lordship's Circular of the 27th December last, I have the honour herewith to transmit to you translated copies of two letters addressed to the Governor of Soudan by the Pacha of Egypt, in the years 1838 and 1841.

These are the only orders, as I am informed, that have been issued by the Pacha on the subject of your Lordship's Circular.

I have, &c.

(Signed)

C. J. BARNETT.

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

First Enclosure in No. 8.

Translation of a Letter from Mehemet Ali to the Governor-General of Soudan.

ENGLISH travellers arrived here have reported to our friend Colonel Campbell, the British Consul-General residing here, that in Sennaar the soldiers are paid their arrears with slaves, males and females, instead of money. This was also told me by Dr. Bowring, lately arrived from England: and as this traffic is in their country prohibited and severely punished, and considering the great friendship that exists between me and that Government, it is expedient that I should prevent the continuance thereof: and I command that, for the future, care shall be taken that no slaves, either male or female, shall be given by way of payment to the troops. If this has been done merely for the interest of my treasury, I desire that it shall not be done any more for the future: if I am the loser by it, be it so, I do not mind it.

I command that from henceforward this practice shall not be continued. This is my will.

In the year 1253 (1838).

Second Enclosure in No. 8.

Translation of a Letter from the Divan of the Pacha to the Governor-General of Soudan.

IN your letter No. 54, of 3rd Gilhedgi, 1256, you inquire whether you may be permitted to go into the Desert of Soudan to seize black savages, who, you say, are in their present state neither fit to serve God nor men; and that you would, from amongst those you seize, pick out for the troops such as are fit to be made soldiers of, and sell away the others.

This your letter has been read to his Highness; and it appears that discussions have long since arisen about this affair of *seizing men*, which practice is strongly prohibited; and it is the express command of his Highness that it shall not henceforth be continued.

Let this be your warning.

In the year 1257 (1841.)

No. 9.

*Colonel Barnett to the Earl of Aberdeen.**Alexandria, April 17, 1842.**(Received May 4.)*

MY LORD,

A FEW months ago a body of troops, under the command of Halil Pacha, was sent by Mehemet Ali to Siwa, to enforce the payment of certain arrears of tribute due to him from the people of that country.

After meeting with considerable resistance from the natives, Halil Pacha succeeded in bringing away in money and treasure about 200,000 piastres, 30 sheikhs, who are now in prison in the citadel of Cairo, and 150 negro slaves, who have been publicly sold by auction, for the account of the Pacha, in the presence of Ali Bey, the acting Governor of Cairo.

On a late occasion, when, in obedience to your Lordship's instructions, I applied to the Pacha for copies of any orders which had been issued by him relative to the Slave Trade, I took an opportunity of telling Artin Bey that it would be very agreeable to the European Powers, who were making such strenuous exertions for the abolition of slavery, to learn that his Highness was disposed gradually to suppress the importation of slaves into Egypt.

Artin Bey then stated to me, in proof of the Pacha's views on the subject, that a measure was under the consideration of the Divan at that moment for increasing the duty on slaves brought from Nubia and Abyssinia, with a view to render the sale of them in Egypt more difficult.

I was at the time disposed to give the Pacha credit for having taken the first step towards the abolition of the Traffic in Slaves; but what has lately happened in Cairo, forces me to look upon the increased duty rather as a financial measure, than as one dictated by humanity, or a desire to put an end to the trade which is annually carried on to so great an extent in Egypt.

I have, &c.

(Signed)

C. J. BARNETT.

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

No. 10.

*Colonel Barnett to the Earl of Aberdeen.**Alexandria, April 21, 1842.**(Received May 4.)*

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Circular Despatch of the 23rd March, inclosing a printed copy of a Treaty for the suppression of Slave Trade.

I have, &c.

C. J. BARNETT.

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

No. 11.

*The Earl of Aberdeen to Colonel Barnett.**Foreign Office, June 2, 1842.*

SIR,

I REGRET to learn by your Despatch of the 17th April last, that the conduct of the Pacha, in respect to the abolition of the Slave Trade, is little in accordance with the assurances given by His Highness, from time to time, to your predecessor and yourself, that he will put down, so far as he can, this barbarous traffic.

I have to desire that you will lose no opportunity of intimating to His Highness, that Her Majesty's Government continue to look with interest upon his

proceedings in this matter, and trust that they will be in accordance with the assurances which he has given to Her Majesty's Government.

I am, &c.
(Signed) ABERDEEN.

Lieut.-Col. Barnett,
&c. &c. &c.

No. 12.

Colonel Barnett to the Earl of Aberdeen.

Alexandria, June 19, 1842.

MY LORD,

(*Received July 4.*)

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 1st June, and of a case of meteorological instruments for the use of Dr. Laidlaw.

I shall take an early opportunity of communicating to the Pacha the contents of your Lordship's Despatch of the 2nd June instant.

I have, &c.
(Signed) C. J. BARNETT.

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

No. 13.

Colonel Barnett to the Earl of Aberdeen.

Alexandria, July 12, 1842.

MY LORD,

(*Received August 4.*)

AT a late interview I had with the Pacha, I communicated to him, in obedience to your Lordship's instructions, the substance of your Despatch of the 2nd June ultimo.

I told His Highness the British Government deeply regretted to find that his conduct on a late occasion so little accorded with the promise he had made to Colonel Campbell three years ago.

The Pacha did not deny the sale in Cairo of the slaves taken at Siwa, but said that they were given in part payment of the tribute due to him from the people of that country.

The promise he had made to Colonel Campbell was, he said, to put an end to the slave hunts by his soldiers, and he added "You may assure your Government that I have kept my word."

On the general question of the importation of slaves into Egypt, the Pacha said that the practice was in conformity with the Mahometan law, and that he could not with safety to himself abolish it.

I quoted to him the example of the Bey of Tunis, who likewise ruled over a Mussulman population, and asked him whether Mehemet Ali was less powerful in Egypt than the Bey in Tunis.

To this remark the Pacha only replied, that the Bey of Tunis, in what he had done, had acted hastily, and without reflection, but that it was too dangerous an experiment for him, Mehemet Ali, to make at present.

I have, &c.
(Signed) C. J. BARNETT.

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

No. 14.

Mr. Stoddart to the Earl of Aberdeen.

Her Britannic Majesty's Consulate,

Alexandria, August 19, 1842.

MY LORD,

(*Received September 9.*)

I HAVE the honour to acknowledge your Lordship's Circular Despatch of

the 12th May, accompanying the work of Mr. Bandinel on the Extinction of the Trade in Slaves from Africa, which work has been deposited in the archives of this Consulate, according to your instructions.

I have, &c.

(Signed)

J. L. STODDART.

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

No. 15.

Colonel Barnett to the Earl of Aberdeen.

Alexandria, September 19, 1842.

(*Received October 8.*)

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Circular Despatches, dated 5th, 15th, 16th, and 31st ultimo, with their several inclosures.

I have, &c.

(Signed)

C. J. BARNETT.

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

GREECE.—(Consular).

No. 16.

Mr. Crowe to the Earl of Aberdeen.

British Consulate, Patras, March 16, 1842.

MY LORD,

(Received April 11.)

I have this day received a report from Her Majesty's Vice-Consul at Navarino, stating that there had lately arrived in that port a ship, under Ottoman colours, having slaves on board for sale; and that on the 9th instant another vessel, under the flag of Samos, anchored, and was still lying there on the 12th, detained by contrary winds, on board of which were 42 slaves, intended for sale.

I have directed the Vice-Consul to ascertain and report to me the place where the slaves were embarked, and their ultimate destination, together with all other information he can obtain on the subject.

In the meantime I have communicated the circumstance to Sir Edmund Lyons.

I have, &c.,
(Signed) G. W. CROWE.

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

No. 17.

Mr. Crowe to the Earl of Aberdeen.

British Consulate, Patras, April 13, 1842.

MY LORD,

(Received May 11.)

WITH reference to my Despatch of the 16th March, I have the honour to acquaint your Lordship that Her Majesty's Vice-Consul at Navarino reports to me, that the Turkish ship, which anchored in that port on the 3rd of January last, with 17 slaves on board, men, women, and children, was a Trebisond vessel of 250 tons, the master's name George Casensoglon, and had come from Tripoli in Barbary, bound to Constantinople.

The other vessel, with 42 slaves on board, was also from Tripoli, bound to Mitylene. She was a brig, under the flag of Samos, the master, Panajotti Calafatti, of Spezzia, and the slaves were manifested as passengers.

I have, &c.,
(Signed) G. W. CROWE.

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

No. 18.

Mr. Crowe to the Earl of Aberdeen.

British Consulate, Patras, August 8, 1842.

MY LORD,

(Received September 6.)

I HAVE the honour to acknowledge the receipt of your Lordship's Circular of the 12th May, together with a copy of Mr. Bandinel's Memoir, containing an account of steps taken by the British Government towards effecting the extinction of the trade in slaves from Africa.

I have, &c.,
(Signed) G. W. CROWE.

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

MOROCCO.—(Consular).

No. 19.

Mr. Drummond Hay to the Earl of Aberdeen.

Tangier, December 27, 1841.

(Received January 11.)

MY LORD,

I HAVE the honour to acknowledge my receipt, the day before yesterday, of your Lordship's Despatch of the 30th of October, together with a copy of a series of papers relating to the Slave Trade, which were presented to the two Houses of Parliament during the late Session.

I have, &c.,

(Signed)

E. W. A. DRUMMOND HAY.

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

&c.

&c.

&c.

No. 20.

Mr. Drummond Hay to the Earl of Aberdeen.

Tangier, January 29, 1842.

(Received February 13.)

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Circular of the 27th ultimo, as soon as possible after my receipt of which, I addressed an application to the Sultan of Morocco, requesting this potentate to be pleased to direct that I be furnished, for information of Her Majesty's Government, as recently called for, with authenticated copies of all such documents as are indicated in that Circular.

I am also in course of correspondence with Her Majesty's Vice-Consuls at the out-ports of Morocco, and with such other persons as I have thought likely to obtain any further information desired by your Lordship in the same Despatch.

I have, &c.,

(Signed)

E. W. A. DRUMMOND HAY.

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

&c.

&c.

&c.

No. 21.

Mr. Drummond Hay to the Earl of Aberdeen.

Tangier, March 12, 1842.

(Received March 30.)

MY LORD,

HAVING made application to the Sultan of Morocco, in pursuance of the directions in your Lordship's Circular of the 27th last December, as mentioned in my Despatch of the 29th January, I received an answer from the potentate, of which, and my own letter to which it replies, I do myself the honour of presenting herewith the English versions.

The Sultan's answer being far from satisfactory, and His Majesty having distinctly asked for information on the subject of my communication,—whereon as regarding other nations than his own he appeared entirely ignorant,—I considered the occasion convenient for transmitting to this potentate (so soon as the sickness

of our interpreter permitted him to prepare the Arabic translation), a second letter, and this in considerable detail: that translation was completed and despatched yesterday to the Sultan, who is now at Meknas,—and thereof also I beg leave to present herewith my English original.

If much time had not elapsed since receipt of your Lordship's instructions, I would yet wait the Moorish Sultan's reply to my second letter; but, as that may not arrive till after the departure of several mails, I am unwilling to lay any longer under the possible imputation of not having used my best efforts to forward the views of your Lordship, by endeavouring to obtain, as promptly as possible, the desired information regarding the Slave Trade in this country.

Having addressed myself on the subject to Her Majesty's Vice-Consuls at the out-ports of Morocco, I have not collected from their replies a single fact worthy relation: the little that I have myself been able to obtain, through another channel, of matter illustrative in some degree of laws and regulations respecting slavery and the Slave Trade in this country, is presented herewith to your Lordship, in the original Arabic, with accurate translations.

The mere circumstance of the Thaleb, from whom I obtained the documents in the Enclosure No. 4, having assured me, that his head would be endangered if I made known to any one in this country that I had gotten from him such documents, will show (though I believe he greatly exaggerated his pretended fear) how difficult it is to obtain authentic information in Morocco on any subject wherein an inquirer may be suspected of trenching on the religious prejudices of its most bigoted people.

It will be agreeable for your Lordship to know that the slaves in this country are not numerous, and, according to all my own observation, and every report, are kindly treated by their masters, who, at their decease, frequently emancipate their slaves.

During nearly thirteen years of residence in Morocco, I do not remember a single instance of slaves having been exported from this country; and the last case of the kind of which I have information, occurred about 24 years ago, when 500 black men were purchased by the late Algerine Consul Hadj Abd-al-crim Ben-Thaleb for the Dey of Algiers, to which place they were sent by sea, and were formed, as I am told, into a body-guard of the Dey.

I have, &c.,

(Signed)

E. W. A. DRUMMOND HAY.

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

First Enclosure in No. 21.

Mr. Drummond Hay to the Sultan of Morocco.

To His Imperial Majesty Mulai Abd Errachman Ben Heesham, Sultan of Morocco, &c., Her Britannic Majesty's Agent and Consul-General Drummond Hay, with profound respect.

IN consequence of instructions from the principal Secretary of State for Foreign Affairs of the Queen, my gracious Sovereign, I do myself the high honour of requesting your Imperial Majesty to be pleased to cause me to be informed if any laws or any administrative acts have emanated from your Majesty or your Majesty's royal predecessors, or from any governors of districts, or from any municipal officers under the Imperial authority, for the purpose of regulating, restraining, or preventing the traffic in slaves; and, if there have been any such acts or laws promulgated, I am to beg of your Majesty to be pleased to direct that I be furnished with authenticated copies of all such Documents, whether they may have been of a temporary or of a permanent character.

I would add, in exemplification of this application to your Imperial Majesty, that it is desirable that your Majesty may be pleased to cause me to be instructed if there be any law or regulation in any part of your Majesty's Dominions whereby the traffic in slaves, if not wholly prohibited, is in any degree moderated or kept within certain bounds; as, for example, if there be prohibition against any merchant purchasing man, woman, or child of any colour whatever, for

exportation as slaves, and if they can or cannot be legally exported from out your Majesty's dominions by land or sea.

Dated at Tangier the 22d of January in the year of Jesus Christ the Messiah, 1842.

(Signed) E. W. A. DRUMMOND HAY.

Second Enclosure in No. 21.

Translation of the Sultan's Answer to the foregoing Letter.

N.B. Although this Letter (which appears a production of great haste) is addressed on the face of it to "The Consul of the French," it was on the Envelope addressed to "The Consul of the English."

In the name of the Most Merciful God!

There is no power or strength but in God, the High and Almighty.

(L. S.)

To the Employed who manifests in our Sheriffian Service attention and solicitude, Drummond Hay, Consul of the French Nation, residing at Tangier.

Which premised:—

WE have received the letter you have addressed to our presence exalted of God, wherein you state that the Minister for Foreign Affairs of the Queen of your nation has called upon you to make inquiry regarding the trade in slaves, if it be lawful by our beloved law or no.

Be it known to you, that the traffic in slaves is a matter on which all sects and nations have agreed from the time of the sons of Adam, on whom be the peace of God, up to this day; and we are not aware of its being prohibited by the laws of any sect, and no one need ask this question, the same being manifest to both high and low, and requires no more demonstration than the light of day. But if there be any peculiar event which has occurred, inform us about it particularly, in order that the answer may be apposite to the question.

Ended the 23rd Doolhedja, 1257 (February 4, 1842).

(True Copies.)

(Signed) HENRY JOHN MURRAY, *Vice-Consul*.

Third Enclosure in No. 21.

Mr. Drummond Hay to the Sultan of Morocco.

To the noble Prince exalted of the Lord Mulai Abd Errachman Ben Heesham, Sultan of Morocco, &c. &c. Her Britannic Majesty's Agent and Consul General, E. W. A. Drummond Hay, with profound respect.

I HAVE had the honour to receive your Imperial Majesty's Letter, dated the 23d Doolhedja, purporting to be an answer to that addressed by me to your Majesty on the subject of the Slave Trade; but, it would appear from some expressions in your Majesty's Letter, that your Majesty has not clearly apprehended the sense of the application made therein, on the part of the Government of Her Majesty, my gracious Sovereign.

That wise and enlightened government is fully aware that slavery and trading in slaves are not prohibited by the law of Islam any more than by the more ancient law of the tribes of Israel; nay, indeed, slavery and the Slave Trade were not, until a comparatively very recent period, prohibited by the laws of even any Christian state.

Your Imperial Majesty having deigned to express a desire, that if any peculiar event have occurred, I should inform your Majesty about it particularly, in order that the answer may be apposite to the question, I now do myself the honour of presenting to your Imperial Majesty, in as short a form as so large a subject may admit, a general view of the progress made, within some thirty-four years past, in favour of suffering humanity, with regard to slavery and the Slave Trade; which will clearly show that many nations, and these of various religious persuasions, have disapproved, and have modified, and some have entirely abolished the traffic in slaves.

CLASS D.

The Government of Great Britain had the high honour of taking the lead in Europe for this righteous work of charity, in abolishing the traffic by British subjects in slaves; of whom it is computed that, for a long course of years, upwards of 300,000 in all have been carried off annually by various nations from the coasts of Africa, conveyed thence in frightful bondage across the ocean, and sold as slaves in numerous distant lands.

Ultimately, between six and seven years ago, the British Government abolished also slavery itself throughout the vast extent of its Empire, at the cost of 20,000,000*l.*, or about 100,000,000 dollars, for indemnification of all British subjects possessors of slaves; thus emancipating more than 750,000 of our fellow men from slavery; and it is not unworthy the contemplation of your Imperial Majesty's exalted mind, that, while this glorious work of charity was performed by the British Government on a scale of munificence never heard of before in the history of mankind the said vast sum of treasure, paid in such compensation, presents the most admirably striking instance of a liberal and just resolution to vindicate and maintain the rights of property.

Upon this grand event in British legislation, it was enacted, that any subject of the British Crown, or any individual residing in any part of the British dominions, who shall engage in the Slave Trade or in the conveyance of slaves upon the sea, shall be held guilty of the crime of piracy, involving the punishment of death; and that any one who shall knowingly embark capital or lend other aid of any kind to the traffic, although not personally engaged in it, shall be held guilty of felony, the punishment whereof is exile to a penal settlement.

More than 26 years ago the efforts of Great Britain, in combination with corresponding efforts on the part of her allies, had already succeeded so far as to have induced the representatives of eight of the greatest powers of Europe, assembled in congress at Vienna, to declare unanimously, after a solemn deliberation, that the Slave Trade is repugnant to the principles of humanity and universal morality, and that it was the earnest desire of their Sovereigns to put an end to a scourge which has so long afflicted humanity, degraded those European nations which have exercised that traffic, and desolated Africa.

Subsequently almost all the powers of Europe have given practical effect to the humane principles proclaimed in that memorable declaration, by their Legislative enactments, and by treaty engagements; and in the same generous purpose have concurred a very large portion of the great States of America, both North and South.

But it is with yet additional pleasure I acquaint your Imperial Majesty that, according to information I have recently received, which, although not official, seems to be perfectly authentic; the rulers of several Mooslem States, those namely of Muscat, of Egypt, and of Tunis, have already exhibited a generous disposition to follow the Christian Governments in the same march of beneficence. Circumstances indeed are understood to have, for the present, delayed fulfilment by the Pacha Mohamed Ali of his purpose in this matter, as expressed some time since to agents of the British Government; but the Prince Imaum of Muscat, who, as your Majesty is doubtless aware, rules over important possessions on the east coast of Africa, as well as over a large territory in South Arabia, has abolished the external Slave Trade of his dominions; and the Bay of Tunis has, within a few months past, taken measures for abolishing the Slave Trade within his Regency.

There may be also other Mooslem Princes who have entered the same glorious career for alleviating the afflictions of our fellow men; but I have not at present further notices regarding them for your Majesty's information on this most interesting subject: there do yet, however, remain circumstances in the present history of the world that cannot fail to be highly gratifying to the benevolent mind of your Imperial Majesty—namely, that a Convention was just half a year since entered into with the British Government by the King of Bonny, one of the southern regions of Soodàn, not only to abolish the Slave Trade totally within his dominions, but, as that potentate's realm occupies some extent of sea-coast, the stipulation is added, that no slaves shall ever again be permitted to pass through or be exported from his dominions. The value of this Convention to the common cause of charity will be better appreciated when it is considered that, until lately, no less than 20,000 slaves were annually exported from the kingdom of Bonny alone.

About the same time, also, Treaties were concluded by officers of the Queen, my

Gracious Sovereign, for the total abolition of the Slave Trade within their dominions by the Kings of Eboe and of Iddah—regions also of Soodàn through which the great river Quorra runs to the north of Bonny, where it joins the ocean. The kingdoms of Eboe and Iddah have, as did Bonny, afforded, for ages hitherto, vast markets for the dealers in slaves.

Having made these statements in order to comply to the best of my power at present with your Majesty's desire, I would beg leave to observe to your Imperial Majesty, that, although the prophets and other legislators of ancient nations had not, on account of the uncultivated times wherein they lived, held it expedient to frame any laws for the prohibition of the traffic in Slaves, yet in no age nor in any country of the world (except in cases indicated as punishment for the wicked) has the enslaving of human beings been prescribed as a praiseworthy usage, or as one that can be grateful to the One All-benificent God; but it appears to have been merely a practice permitted as arising out of rude habits.

In conclusion, I crave your Majesty's condescending attention, while I repeat that I am commissioned, as agent near your Majesty for the Queen, my Gracious Sovereign, to inquire if (although the law of Islam has not prohibited the trading in Slaves) there have been put forth at any time by your Majesty or by any of your Majesty's predecessors, or by any officers under your own or their imperial authority, any ordinance or regulation whereby that traffic was or is in any degree limited or modified; and, if there have been any such ordinances or regulations promulgated, I am to request your Majesty to be pleased to cause me to be supplied with authenticated copies of the same.

I rely on your Majesty's respect for the Queen my Sovereign and for the great empire, with the care of which Her Majesty is intrusted by the Divine Grace, to accept this communication in the same spirit of friendliness with which it is addressed to your Imperial Majesty for a more mature consideration.

The Queen's Government, I may be allowed to add, feel so great anxiety to see the Slave Trade extinguished in every part of the world that they are unwilling to let pass any occasion which offers a hope of being able to mitigate that evil in any country where it continues to exist; and the present appeared a favourable period for this inquiry with regard to the institutions, usage, and regulations in force and affecting slavery and the Slave Trade in West Barbary; while this fine country is happily under the government of a Prince so enlightened as your Majesty, and one whose rule over his dominions exhibits your Imperial Majesty as the kind father of a grateful people.

Dated at Tangier this 26th day of February, in the year of Jesus Christ the Messiah 1842 (16th Mohanem, the first month of the year 1258).

(Signed)

E. W. A. DRUMMOND HAY,
Her Britannic Majesty's Agent and
Consul-General in Morocco.

Fourth Enclosure in No. 21.

Translation of Arabic Documents received by Consul-General Drummond Hay at Tangier, 2nd March, 1842, from the Thaleb of that place.

No. 1.

Praise to the One God!

INASMUCH as the Consul-General Agent for the Queen of the English nation, at this present time in Tangier, has asked me what are the ordinances of the law regarding slaves or bond-servants,* and if there be anything in our law which alleviates their condition of bondage: I replied in the words of the Shehk, the Imaum, the most learned Seeyed Mohamed Ben Ismael Al Bokhàry, in his book entitled *Jamea E' Sahèh*:—

“The Apostle of God, upon whom be the blessing of God, said—(a class of) your brethren are given to you for doing service; God has set them beneath you: to him whom God has placed beneath his brother, let the same meat and drink be given of which he partakes himself, and let the same clothing be given as that

* And the traffic in slaves, the Thaleb should have added.—E. W. A. Drummond Hay.

with which he himself is clothed, let him (the master) fear God in respect to him (the slave), and not force him to do more than he can." Peace.

No. 2.

Praise to the One God!

Be it known to you that, as to the question regarding the sale of slaves or bond-servants, no Sultan of the Gharb, nor any other authority, has enacted any ordinance respecting them, except that which is ordained by the religion of the Apostle of God, on whom be the blessing of God, since he was in life now 1258 years, as said the Shehk, the Imaum, the most learned Aboo Abd Allah Seeyed Mohamed Ben Ismael Al Bokhâry, in his book entitled *Jamea E' Sahèh* :—

"The Apostle of God, on whom be the blessing and the peace of God, hath said,—Whosoever sets any person free, God will set his soul free from the fire" (of hell).

No. 3.

Extracts from the Work of Shehk Khalil wuld Isaac, called "Moktassar Khalil," or Khalil's compendium.

The Shehk Khalil, to whom God be propitious, states the following in his abridgment, in the chapter regarding sales :—

"It has been prohibited to sell a Mooslem, the sacred *misshâf* and a young person to a disbeliever; that is to say, to any who do not profess the faith of Islam, whether Christian, Jew, or Majoosy: to make a present (of the same) or to give as in alms is held in the same light as a sale."

Praise to the One God!

The said Shehk Khalil states, in his aforesaid compendium, in a section of the chapter regarding Emancipation, that,—

"(A slave) is emancipated by the law, if ill treated: that is to say, if he (the master) intends to ill treat the slave, or actually does so, whether he (the slave) can take with him what he may possess of property or no, is a matter yet undecided by the doctors of the law." Peace!

True translation from the said Arabic documents as certified to me.

E. W. A. DRUMMOND HAY,
Her Majesty's Agent and Consul-General in Morocco.

No. 22.

Mr. Drummond Hay to the Earl of Aberdeen.

Tangier, March 27, 1842.

(Received April 11.)

MY LORD,

I HAVE the honour to enclose a translation of a letter I have received from the Sultan of Morocco, in reply to that I despatched upon the 11th instant, to this potentate, on the subject of slavery and the Slave Trade; of which my letter I sent your Lordship the English version in a Despatch dated the 12th instant.

I have, &c.

(Signed)

E. W. A. DRUMMOND HAY.

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

&c.

&c.

&c.

Enclosure in No. 22.

Translation of a Letter received from the Sultan of Morocco on 23rd March, 1842, in reply to the last of Consul-General Drummond Hay, respecting Slavery and the Slave Trade.

In the name of the Most Merciful God!

There is no strength or power but in God the High and Almighty.

(L. S.)

To the Employed who has in our Sheriffian service diligence and solicitude, Drummond Hay, Consul for the English Nation, residing in Tangier, the Protected.

Which premised:—

WE have received your Letter explaining the object of the Minister of the Potentate* of your Nation, with reference to his inquiries respecting Slaves; and we have made ourselves acquainted with the proceedings had in that matter, as well as with the expenditure incurred in the purchase from their masters of all those in your dominions; (we learn) also that, in Soodàn and other parts that example has been followed.

Be it known to you, that the religion of Islam—may God exalt it!—has a solid foundation, of which the corner stones are well secured, and the perfection whereof has been made known to us by God, to whom belongs all praise, in his book the *Forkan*,† which admits not either of addition or diminution.

As to what regards the making of slaves and trading therewith, it is confirmed by our book, as also by the *Sumna*‡ of our Prophet, on whom be the blessing and the peace of God; and furthermore there is not any controversy between the *Oolamma* on that subject, and no one can allow what is prohibited or prohibit that which is made lawful.

By whomsoever innovation be attempted contrary to it (the law), the same shall be rejected, inasmuch as our sacred religion is not regulated by men's counsel or deliberation, for it proceeds out of inspiration from the Lord of all creatures, through the tongue of our Faithful Prophet, on whom be the Peace and the blessing of God! Ended the 5th Safar, 1258 (18th March, 1842).

True translation, as certified to me,

E. W. A. DRUMMOND HAY.

No. 23.

Mr. Drummond Hay to the Earl of Aberdeen.

Her Majesty's Agency and Consulate General,

Tangier, April 9, 1842.

MY LORD,

(Received April 25.)

I HAVE the honour to acknowledge the receipt yesterday of your Lordship's Circular Despatch, dated 23rd March, containing a copy of the Treaty for suppression of that trade, signed on 20th December, 1841, on the part of Her Majesty, with the Plenipotentiaries of Austria, France, Prussia, and Russia, whereof the ratifications on the parts of Austria, Prussia and Russia were exchanged against those of Her Majesty on the 19th of last February.

I have, &c.,

(Signed) E. W. A. DRUMMOND HAY.

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

* *Adim*, in the original Arabic.

† An epithet applied to the Koràn, as the *distinctive* code of Islam.

‡ The collection of writings, called *the Sumna*, comprises the account of deeds, sayings, and traditions regarding the so-called Prophet Mohammed; which, although not narrated in the Koràn, are held sacred by the Mooslemeen.—E. W. A. Drummond Hay.

No. 24.

*Mr. Drummond Hay to the Earl of Aberdeen.**British Agency and Consulate General,
Tangier, June 4, 1842.*

MY LORD,

(Received June 21.)

I HAVE the honour to acknowledge receipt of your Lordship's Circular, dated the 12th ultimo, accompanying a copy of the Memoir drawn up by Mr. Bandinel of the Foreign Office, containing an account of steps taken by the British Government towards effecting the extinction of the trade in slaves from Africa.

I have, &c.,

(Signed) E. W. A. DRUMMOND HAY.

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

No. 25.

*Mr. Drummond Hay to the Earl of Aberdeen.**Her Majesty's Agency and Consulate General,
Tangier, August 4, 1842.*

MY LORD,

(Received August 23.)

I HAVE the honour to acknowledge receipt of your Lordship's Circular, dated 5th ultimo, enclosing two copies of a Treaty concluded at Monte Video on the 13th July, 1839, between Her Majesty and the Oriental Republic of the Uruguay, for abolition of the Traffic in Slaves.

I shall not fail to circulate a copy of the Treaty throughout the stations of the British Vice-Consuls and Consular Agents in the out-ports of Morocco, and

I have, &c.,

(Signed) E. W. A. DRUMMOND HAY.

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

No. 26.

*Mr. Drummond Hay to the Earl of Aberdeen.**Her Majesty's Agency and Consulate General,
Tangier, August 13, 1842.*

MY LORD,

(Received August 30.)

I HAVE the honour to acknowledge receipt of your Lordship's Circular, dated the 14th ultimo, enclosing two copies of a Treaty concluded at Sucre on the 25th September, 1840, between Her Majesty and the Republic of Bolivia for the abolition of the Traffic in Slaves.

I shall have care to circulate a copy of this Treaty through the stations of the British Vice-Consuls and Consular Agents in the out-ports of Morocco.

I have, &c.,

(Signed) E. W. A. DRUMMOND HAY.

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

No. 27.

*Mr. Drummond Hay to the Earl of Aberdeen.**Her Majesty's Agency and Consulate General,
Tangier, August 27, 1842.*

MY LORD,

(Received September 13.)

I HAVE the honour to acknowledge receipt of your Lordship's Circular, dated the 5th instant, enclosing two copies of a Treaty between Her Majesty and the Republic of Texas, for the Suppression of the African Slave Trade.

I shall have care to circulate a copy of this Treaty through the stations of British Vice-Consuls and Consular Agents in the out-ports of Morocco.

I have, &c.

(Signed) E. W. A. DRUMMOND HAY.

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

No. 28.

Mr. Drummond Hay to the Earl of Aberdeen.

Her Majesty's Agency and Consulate General,
Tangier, September 22, 1842.

(Received October 10.)

MY LORD,

I HAVE the honour to acknowledge receipt of your Lordship's Circular, dated the 31st ultimo, and enclosing two copies of a Treaty between Her Majesty and the Mexican Republic for the Abolition of the Traffic in Slaves.

I shall have care to circulate a copy of this Treaty through the stations of British Vice-Consuls and Consular Agents in the out-ports of Morocco.

I have, &c.

(Signed) E. W. A. DRUMMOND HAY.

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

No. 29.

Mr. Drummond Hay to the Earl of Aberdeen.

Her Majesty's Agency and Consulate General,
Tangier, November 14, 1842.

(Received December 6.)

MY LORD,

I HAVE the honour to acknowledge receipt on the 10th instant of your Lordship's Circular, dated the 15th of last August, enclosing two copies of a Treaty between Her Majesty and the Queen of Portugal for Suppression of the Traffic in Slaves.

I shall have care to circulate a copy of this Treaty through the stations of British Vice-Consuls and Consular Agents in the out-ports of Morocco.

I have, &c.

(Signed) E. W. A. DRUMMOND HAY.

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

PERSIA.

No. 30.

Colonel Sheil to the Earl of Aberdeen.

Camp, near Tehran, September 1, 1842.

MY LORD,

(Received November 19.)

WITH reference to Viscount Palmerston's Despatch, dated the 9th of July, 1841, I have the honour to enclose for your Lordship's information, a copy of a letter, with its enclosures, which I have received from the resident in Bushire, giving details relative to the Slave Trade in the Persian Gulf.

I have, &c.

(Signed) JUSTIN SHEIL.

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

First Enclosure in No. 30.

Colonel Robertson to Lieut.-Colonel Sheil.

SIR,

Karrak, July 9, 1842.

I HAVE the honour to acknowledge the receipt of your letter, dated 3rd June, requesting information respecting the Importation of Slaves into Persia, and to furnish you with a copy of a report on that subject, which my assistant Lieutenant Kemball has drawn up for you.

I also enclose some extracts from some of my own letters to Government about the Suppression of the Slave Trade, which, although they do not go directly to answer your questions, you may consider as having a tendency to elucidate the general question.

Mr. Kemball thinks from the inquiries which he has just been making, that my estimate of the Importation of Slaves into the Gulf of Persia is much over-rated, and I hope sincerely it may turn out to be so, when a more strict scrutiny is made, and really correct and precise information is required.

I have, &c.

(Signed) H. D. ROBERTSON,
Officiating Resident, Persian Gulf.

P.S.—I submit copies of another letter from Mr. Kemball, and of its two enclosures.

Major Wilson, in his letter, adverted to by Mr. Kemball, reckons the imports of slaves from Africa direct into Muscat, to be from 1400 to 1700.

Say they were	1550
Ditto into Ras el Khyma at	30
Ditto into Bahrein at	31

Estimate of total importation in 1831	1611
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Major Wilson reckons the number of slaves annually required for Bahrein in 1831 (including the 31 imported direct) at	300
Mr. Kemball reckons the number required at present in all the ports of Persia at	1080
Number actually ascertained to have gone to the head of the Gulf for Bussorah, &c., as per Enclosure No. 1 of my letter, dated the 4th March, 1842, No. 35, Political Department	1217

2597

This estimate of the demand of the Gulf alone exceeds by nearly 1000, the whole importation of the Gulf, Scinde, &c., as above estimated by Major Wilson; showing the estimates to be wrong, or the trade to have greatly increased; but, on the one side, Major Wilson does not estimate at all the trade of Soor, either because he could not ascertain it, or because it was then insignificant, as compared with that of other places; and, on the other side, the estimate of demand does not include many places; all the coasts of Oman and Scinde, El Katif, Grane, &c., and allows nothing for boats having slaves on board, which go to the Euphrates without touching at Karrak. That the import trade has either greatly increased, or to some extent gone into other hands, since Major Wilson wrote, is obvious, if we trust to Major Wilson's information of the imports from Africa direct to Ras-el-Khyma and Sharga, and contrast it with Moollah Hoossein's avowment in his letter submitted to Government with my Despatch, No. 51, Secret Department, dated the 5th instant, for Major Wilson, in the 20th paragraph of his letter, dated 28th of January, 1831, estimates the importations direct from Africa to these two ports, at that time, to have been only 30 slaves per annum; while Moollah Hoossein states them to have been, in the month of May, 1842, nearly ten times that number, viz., 290. Other boats of these places not returned from the slave coast, will further increase the discrepancy per annum; and the whole trade of Oojman and Camoolgavein would also form a considerable addition.

(Signed) H. D. ROBERTSON,
Officiating Resident, Persian Gulf.

Lieut-Colonel Shiel,
&c. &c. &c.

Second Enclosure in No. 30.

Mr. Kemball to Colonel Robertson.

SIR,

Karrak, July 8, 1842.

AGREEABLY to your wishes that I should frame full answers to the questions, on the subject of slaves, conveyed in Colonel Sheil's letter, dated June 3rd, I beg now to offer the result of my endeavours in collecting the required information.

Before entering respectively into the answers to each question, it may be as well to premise,—

1. That slaves imported into the south of Persia are of two kinds—Sedee, or African, from the coast of Zanzibar, principally the territory of the Imam of Muscat; and Hubshee or Abyssinian, from the shores of the Red Sea.
2. That slaves are seldom kidnapped by the crews of boats or by the slave-merchants, but by men employed for that purpose in the interior. A proportion are prisoners made in their petty wars.
3. That Muscat and Soor are the principal, if not only, primary ports to which all slaves, from whencesoever shipped, whether Zanzibar or the Red Sea, are brought; and whence they are eventually carried into Turkey, Persia, Scinde, the Arab States, and even our own territories, the Western Coast of India, by boats belonging chiefly to the Eastern Coast of Arabia, which are not bound for any particular ports, but make coasting voyages, selling as they touch. Of the above countries, Turkey consumes by far the greater proportion; Bussora and Bagdad being the largest marts: none of the Persian ports send vessels direct to Zanzibar, with the exception of Singah, whence three or four boats are annually despatched, each returning with about 70 slaves.

The season for the Gulf traffic in slaves is from the 1st August to 1st December.

In Bushire and the other Persian ports there are no places established as markets or days fixed for the sale of slaves. But, on the arrival of a boat, the owner takes his cargo to a hired dwelling, where they are either sold privately, or whence they are taken and publicly exposed for sale at one of the caravansaries, of which there are several. Should the market be overstocked, and thus the owner be unable expeditiously to gain his profits, they are re-shipped and taken either to Bussorah, Mohemmera, or Bagdad, at any of which places there is a certainty of a ready sale.

The answers to the first and second questions must of necessity be somewhat

CLASS D.

vague, from the want of time and opportunity for making a reference to the custom-house registers of the several ports on the Persian coast of the Gulf. The statements of those, the best informed, with whom I have been able to communicate, agree pretty nearly, differing in no material points. The conclusions from them are as follows:—

Average number of African slaves sold annually at

	Bushire	. . . . .	250
	Singah	. . . . .	350
	Gambroon or Bunder Abbas	. . . . .	300
	Congoon	. . . . .	150
Of Hubshee, at	Bushire	. . . . .	25
	Singah	. . . . .	15
	Congoon	. . . . .	10
	Bunder-abbass	. . . . .	20

Allowing an importation of 100 or 150 of the former, and 10 of the latter to Asseloo, and the other numerous small ports, would give a total of 1080 respectively annually imported into Persia, through the ports in the Gulf; but this by no means forms the whole number that find their way into the interior of that country from the south, for Bussorah and Bagdad are the largest marts, whence by far the greater proportion is carried; the actual number from which places, however, I have been unable to ascertain or even to form a guess at.

The large number of pilgrims that go annually from Persia to Mecca and Kerbella, &c., return with slaves, averaging, rich and poor, one to each pilgrim.

Of African slaves imported, the number of males bears somewhat a greater proportion to the females—six to five.

Of Hubushees, by far the greater number are females—two to one.

Price of Africans at Zanzibar.

Boys from 7 to 10 years of age	. . . . .	7 to 15 dollars.
„ 10 to 20	„	15 to 30 „
Full-grown men	. . . . .	17 to 20 „

The females are somewhat more valued than the males: a good stout lass will sell for 35 dollars. The profit on the above at Muscat is 20 per cent., and at Bussorah and Bushire never less than 50 per cent.

The Hubshee females are much prized for their beauty and symmetry of figure. Their value from 300 to 1000 keroonees, or indeed to any amount. The males also are much valued; their price from 200 to 600, and upwards.

After 20, the slaves of both sexes, whether Hubshee or Africans, deteriorate much in value from their being at that mature age less tractable, and taking less kindly to the language, religion, and customs of their masters.

The treatment of the slaves is at no time either severe or cruel, but they are most compelled to rough it during the sea-voyage, when they are very scantily clothed and supplied with but sufficient food, and that coarse, to keep them alive. From the moment of purchase at their eventual destination, however, their condition is materially changed for the better (the purchasers in general feeding and treating them almost as kindly as the members of their own families; they in return work hard, willingly and well, and appear to be happy and contented) unless, indeed, they become the property of other slave-merchants from the interior, when their condition remains much the same. In travelling from one place to another they are supplied with mules. In the boats they are not bound or manacled.

The men are employed in hard and out-door work; the women in cooking, bringing water, &c., and, but very rarely, as concubines, except by the poorer and lower classes.

Children born in bondage are free, but are, nevertheless, provided for by the owners of their parents, and with them entitled to the same rights and privileges.

The Hubshee slaves of both sexes are at all times much cared for, well clothed, and well fed. The males are early sent to school, and, having learned to read and write, are employed in the performance of house duties as peishkhidmuts, &c. &c., and very frequently, if intelligent, in the most trustworthy situations, as supercargos of ships, stewards, and superintendents.

The females are most generally retained as concubines, or employed in the lightest duties, as attendants in harems, bringing caleons, &c. The intelli-

gence and honesty of Hubshee slaves are almost proverbial. The children by these concubines are heirs equally to the estate of the father with their legitimate offspring.

Nubian and Hubshee eunuchs are very high priced, and only to be seen in the service of the king, nobles, and very rich merchants.

In forwarding the above account, I trust it may not be considered an act of supererogation my giving the accompanying short statement of the policy which has been hitherto pursued, and a summary of those portions of the several Treaties that have been entered into with the Imam of Muscat and the principal Arab tribes, with regard to the traffic in slaves; as a knowledge of our political powers by Treaty in this quarter may tend to elucidate the subject and facilitate the attainment of so great an end as the suppression of a traffic so contrary to the best feelings of humanity.

A Treaty was first entered into with the Imam of Muscat in 1822, by which a right of search was granted to British cruisers, of all vessels belonging to the subjects of his Highness suspected of having slaves on board intended for sale, rendering the same liable to confiscation and conviction if found eastward of a line drawn from Cape Delgado, passing 60 miles to seaward of the island of Socotra, and ending at Dien Head, unless they should happen to have been driven beyond the line by stress of weather.

In December, 1839, three articles were framed in supercession to the above, and agreed to by the Imam. By the two first of which, all vessels belonging to his subjects are liable to search and seizure, &c., &c., if found eastward of a line drawn from Cape Belgado, passing two degrees seaward of Socotra to Pusseemor, on the Mekran coast, with a reservation that the vessels have not been driven beyond the line by stress of weather or other case of necessity. The 3rd article provides that the sale of any individual of the Soomalee tribe (inhabiting the country opposite to Aden, and bordering on Abyssinia) who are considered Hoor or free, shall be considered as piracy, and that those who may be convicted in such an act shall be treated as pirates. In the same year these said three articles formed the Treaty which was entered into with all the Arab Sheikhs, except those of Bahrein and Koweit. This Treaty greatly extended our right of search, &c, and prohibits the importation of slaves, under any circumstances, into Scinde, Cutch, &c.

In 1820 a Treaty was entered into with all the Chiefs on the Arabian coast, except the Imam of Muscat and the Sheikh of Koweit, an article of which prohibits *the carrying off* of slaves, and renders any vessels having such on board liable to be treated as pirates.

In 1838 an agreement was entered into with all the Chiefs on the Arabian coast, with the exception of the Sheikhs of Koweit and Bahrein, which authorizes the Government cruisers to detain and search any vessels belonging to those Chiefs or their subjects suspected of having any individuals whom the crews may have *kidnapped on board*, and renders them liable to be confiscated on conviction. Whatever may have been the intention in framing these two articles (the latter being merely a modification of the former at the expiration of nearly twenty years), certain it is that not a single seizure has been made, for their meaning has not hitherto been held to preclude those (parties to them) from purchasing slaves from others, although they may have been kidnapped, and carrying them on board their vessels with the intention of selling them.

I have, &c.

(Signed) A. B. KEMBALL,
Assistant Resident, Persian Gulf.

Colonel Robertson,
&c. &c.

Third Enclosure in No. 30.

Extracts and Enclosure No. 2 from letter No. 35, Political Department, dated Karrak, March 4, 1842, to J. P. Willoughby, Esq., Secretary to Government, Bombay.

"2. Colonel Davies having had the means, as commanding officer here, of preparing the return, of which I enclose a copy, I take the opportunity of replying to your Despatch, to request you will have the goodness to lay it before Government.

“ 3. It will be remarked, from Enclosure 2, that the boats which have brought these slaves to the head of the Gulf of Persia, belong chiefly to the eastern* coast of Arabia, to the Arab port of Singah, in Persia, and to Ras-el-Khyma, within the Gulf, on the north-eastern corner of Arabia. The importation commenced, Colonel Davies thinks, about a month before he took notes, that is, in June, and it extended to the beginning of December; but the season, so far as concerns this island, and the head of the Gulf, may be reckoned to last for three months, from the 1st of August to the 1st November. Almost the whole of these slaves were eventually intended for the Bussorah market, that is, as many as would reach that mart as could not be disposed of at Grane or Mohemmera. All the vessels in which they were made coasting voyages, and it is impossible to guess how many slaves may be disposed of at Kongoon, Bushire, Bahrein, El Katif, and smaller ports on the Persian and Arabian coasts, before the boats come to Karrak to procure pilots for Bussorah.

“ 4. A dealer in slaves, with whom I had an interview here, when on his way to Bussorah, informed me that the annual importation of slaves to Muscat and Soor is never under 20,000, and is more often near 30,000 souls. Of these many, he said, are carried into the interior; but the greater proportion are re-exported in all kinds of vessels, and by all manner of purchasers, chiefly, however by regular slave-dealers like himself, who frequent these towns on purpose to speculate.

“ 5. If we estimated the amount of all other importations of slaves on the eastern coast of Arabia, and to the Persian Gulf, at 4000, we shall have an aggregate of about 30,000 per annum; and taking the average value of each slave† to be 50 Bombay rupees (or 5*l.* sterling) at the port of his ultimate destination, the amount paid for the whole number will be 15 lacs of rupees, or 150,000*l.* sterling.

Enclosure No. 2.

ABSTRACT STATEMENT, derived from No. 1, showing the Number of Boats belonging to particular Ports arrived at Karrak in August, September, and October, 1841, having Slaves on Board.

Number of Vessels belonging to each Port.	Greatest Number in One Boat.	Least Number in One Boat.	Number of Slaves.			Average of Slaves per Boat.
			Males.	Females.	Total.	
6 to Karrak	40	5	38	65	103	17
36 to Soor	28	2	212	143	355	10
16 to Muscat	42	1	92	74	166	10½
1 to Island of Hunna	12	12	2	10	12	12
2 to Khaboory	5	2	6	1	7	3½
6 to Sohar	44	4	33	54	87	14½
20 to Singah	27	1	72	122	194	9¾
1 to Maharreg	40	40	20	20	40	40
1 to Charrack	23	23	6	17	23	23
15 to Ras-el-Khyma	26	1	62	81	143	9½
1 to Aboothabee	1	1	..	1	1	1
1 to Bahrein	1	1	..	1	1	1
2 to Maghoo	1	1	1	1	2	1
1 to Kishm	2	2	..	2	2	2
1 to Yemen	11	11	6	5	11	11
1 to Amulgavine	2	2	2	..	2	2
111 Boats . . . . .	..	..	552	597	1,151	..
6 other Places . . . . .	..	..	26	42	68	22½
117 Boats	44	1	578	639	1,217	10½

Remarks.—Of these boats there were 5 bound for Koweit (or Grane), and 112 (or all the rest) for Bussorah. The boats in general appear to have set out from the ports to which they belong.

Residency in the Persian Gulf,
Karrak, 4th March, 1842.

(Signed) H. D. ROBERTSON,
Officiating Resident, Persian Gulf.

* The number of Soor vessels which carry slaves from Africa to Soor is said to be at least 100; reckoning 100 slaves for each boat, these would carry about 10,000 souls.

† Female Abyssinian slaves are much prized by the Persians, who admit them as concubines. Their value, if pretty, is from 100 to 150 Company's rupees.

" 15. Captain Hennell's plan, submitted in the same Despatch for enlisting the Imam of Muscat in our attempt to hinder the Arab chiefs from trading in slaves, appears to me to be merely calculated to throw the trade into the Imam's hands, or into those of Arab Sheikhs and merchants, with whom we may have made no treaties. From all I can learn, I consider the Imam and his relatives and Sheikhs in power on the Arabian and Persian coast, to be by far the greatest traders in slaves on these seas; and indeed Captain Hennell states that he thinks the Arab chiefs with whom we have treaties do not carry more than one-seventh part of all the slaves exported from the African ports. To put down the Slave Trade, therefore, it is useless to check the carriers of one-seventh part of the trade, while the carriers of the other six-sevenths are not checked. It is obvious indeed that such a check would only transfer the other seventh to the hands and enterprise of other persons, and that the trade itself would not be diminished.

" 16. Whatever measure, therefore, we adopt to put down this trade, ought to have a general application and bearing. A check on one individual, and not on all traders, should be deemed no check at all.

" 21. Under the views I have thus adopted on the information before me, I shall consider it my duty to suspend for the present any negotiations with the maritime Arab chief, such as have been ordered by your Despatch under reply, for as their share in the Slave Trade is much less than that of others, I should deem it inexpedient to furnish them with so good a cause of discontent, as requiring them to be the first to abandon it. On all accounts it would be wiser to let these Arab Sheikhs follow rather than be put in the van in any great and general measure of slave reform; and without a very general measure, I am clearly of opinion that they ought not to be challenged at all."

Extracts from Letter No. 38, Political Department, dated Karrak, March 10, 1842, to J. P. Willoughby, Secretary to Government, Bombay.

" 11. If we have a right of seizing these Kishin boats, wherever we may discover them henceforward, the question assumes another form, and with sharp local agents, and good information, we might succeed in preventing the Imam's subjects and boats from carrying on this trade. But I am of opinion that we have not yet acquired the right of seizure after the slaves are disembarked, nor indeed do I think such a right would be worth much, unless we should acquire a similar right with respect to the traders and boats of Soor, Sinde, and many other places. Insulated efforts and arrangements with regard to this trade appear to my judgment, like damming a stream in one channel so as merely to force its waters into another.

" 12. It would be far better to abstain from entering into treaties respecting the Slave Trade, the provisions of which we are not fully prepared to enforce. The mere existence of such treaties, and the possession by us of a latent power to act up to them, are not enough to check the enterprize of cupidity. We ought at once to enforce them with vigour. For the British Government not to do so indeed is a promulgation of impotence."

True Extracts.

(Signed)

A. B. KEMBALL,

Assistant Resident, Persian Gulf.

Fourth Enclosure in No. 30.

Lieut. Kemball to Colonel Robertson.

*Residency in the Persian Gulf,
Karrak, July 13, 1842.*

SIR,

ADVERTING to my letter, dated the 8th ultimo, on the subject of Slaves, I beg now to forward a copy of extracts of a letter on the same subject, though treating of the *traffic generally* throughout the Persian Gulf, dated January 28, 1831, from the resident, Major Wilson, to Government. By a comparison of the above, it appears that the state of the traffic in slaves has remained materially the same during the past 11 years.

At the time of writing my report I was not aware that any such letter as the accompanying existed among the records of this office (now at Bushire). It was

sent to me by the accountant, as an accompaniment to his answers (which gives additional proof of the correctness of what I have stated in my report) on my requesting him to make local inquiries, and send me any general information he could collect on the subject of slaves.

I have, &c.,

(Signed)

A. B. KEMBALL,
Assistant Resident, Persian Gulf.

Colonel H. D. Robertson,
&c. &c.

Fifth Enclosure in No. 30.

Replies by Mr. Edwards to Questions by Lieutenant Kemball.

Lieut. Kemball's Questions.

From what parts are slaves imported into Bushire?

What number of each sex are annually imported?

Their price?

Their treatment on their passage?

What is their treatment after sale, whether to private individuals or merchants, for the purpose of being taken into the interior?

Whether Bushire is the only port, or what others there may be, whence they are taken for sale to Shiraz, Isphahan, &c. &c.?

Mr. Edwards's Answers.

Slaves are generally seized by the people of Berbera (a port on the coast of Africa), about a month's journey in the interior, and are sold to traders visiting their port, whence they are imported to several ports in the Red Sea, such as Hodeida, Judda, and Mocha, from which last place, as well as from Zanzibar and Berberah, the slaves are brought to Muscat and Soor. Thence they are brought to the Persian ports of Bunder Abbas, Singah, Congoon, and Bushire.

About 3,000 slaves of both sexes arrive at Bushire annually; estimated at two-thirds male and one-third female, of which not more than 200 or 300 are Abyssinians. Of all these only about 170 or 180 are sold at Bushire; they seldom amount to 200. The rest are taken to Mohammera and Bussorah.

The price of an Abyssinian female slave averages 75 German crowns, and a male 70; but it has been known for a pretty Abyssinian female slave to be sold for 100, 150, or 200 German crowns; but girls of so dear a value are very scarce; probably one or two may occasionally be brought. Coast of Zanzibar, male for 35, and female for 40 German crowns; and a Mombassee male for 20, and female for 25 German crowns.

They are treated on their passage in the same manner as free passengers, without any restraint, except that the females are lodged in the cabin, and seldom come out of their own accord. They are fed with dates, fish, and rice, as much as they require. The dress for the negroes is only a piece of coarse cloth round the middle, but the Abyssinian slaves are properly clothed.

Individuals or merchants who purchase slaves to forward to the interior always clothe them decently, and take them by fours on a mule, each slave being seated in a creel. They are all well treated and fed. Certainly some obstinate slave may now and then receive a slap or two; but in general they are treated most kindly.

The only ports of Persia, as before mentioned, where slaves are imported are Bunder Abbas, Singah, and Congoon. In the first port, the numbers sold are about one-fourth of those sold in Bushire. Very few are taken into the interior, and those that are are conveyed to Kerman and Kermanshah, as it has constant communication with those places by caravans. Into the two latter ports very few are imported, and they are purchased generally for the use of the inhabitants.

Lieut. Kemball's Questions.

How many of the slaves sold at Bushire are taken into the interior?

What occupation or employment is generally allotted to either sex of each caste, Dedee and Hubshee?

What tax is levied at Bushire on each slave?

What is the principal disease with which they are afflicted?

What is their general food at Bushire?

Mr. Edwards's Answers.

Of the number sold at Bushire, one-third, if not more, are purchased for the use of the inhabitants; as much, or more, are dispersed in the Gurmaseer, such as Dashty, Tungasoon, Dalakee, Borazgoon, Bunder Dillum, Bunder Rig, &c. Not more than 20 or 30 are taken further in the interior, *i. e.*, to Cazeroun, Shiraz, Ispahan, &c.

The Sowahil and Mombassa female slaves cook the food, wash clothes, sweep the house, grind flour, take care of the children, and other household work within their province. The males bring and draw water, go to market to purchase food, break wood, and other duties assigned to them as servants. The Abyssinian female slaves, when young, attend on their mistress as upper female servants; but when they arrive at the age of puberty, and have connexion with their masters (for which purpose they are generally purchased), they are treated and act more like wives than servants. The male Abyssinian slaves are always treated like upper and confidential servants, and are respected by the whole of the household.

At Bushire a tax is levied by Government of two Mahomed Shah rupees upon every slave sold at this port, which is paid by the disposer; the same sum is paid by the purchaser to the broker through whom they are disposed of. The Government tax at Bus-sorah is three Eyne piastres on each. At Bunder Abbass, half a German crown; the same at Muscat and the ports of the Red Sea.

The principal disease with which the slaves are attacked is the small-pox. The great dread of the purchaser is on account of this disease. If the slaves escape it, their health is generally very good. But the climate of the interior agrees better with them than even that of Bushire, should they survive the first and second year.

This is according to the circumstances of their master. In a rich man's house they are fed with pillaw and mutton; whereas, in a poor man's house, they must be satisfied with dates and bread. It has been known for persons to purchase slaves, send them to work, and receive their earnings for the master's benefit; but there are very few of this description.

[The two last questions are additional ones of Mr. Edwards's.]

SIR,

Bushire, July 9, 1842.

ACCORDING to your directions of the 30th, I have instituted inquiries of several brokers through whom slaves are disposed of at Bushire, and also of the individual at the Custom-house who registers and receives a tax on the number sold at Bushire. I wanted to get from the last man the exact number disposed of last year. He tells me that it is impossible for him to comply with my request, as it would occupy him more than two months to make out such a statement, as the mode of his registering is daily to make out a statement of the duties paid at Bushire on all description of property landed at the Bunder, when he gives a fair copy of it to the Governor and keeps the draft himself; so that it would require him to examine all the transactions of one whole year, simply for the purpose of picking out the number of slaves for whom duty has been received.

I beg to enclose an extract of a letter written by Major Wilson in the begin-

ning of 1831, reporting upon the Slave Trade in the Persian Gulf, and the answers to the questions put by you.

I remain, &c.

(Signed)

JAMES EDWARDS,
Accountant to the Residency.

Lieutenant Kembell,
&c. &c. &c.

Sixth Enclosure in No. 30.

Extract of a Letter from Major Wilson, Resident in the Persian Gulf, to Government, dated January 28, 1831.

THE information which I am now about to submit has been obtained chiefly through the Government native agents at Muscat, Sheergah, and Ras-ool-Kheyma, Linga, and Bahrein, the first native assistant in this office and others. The Governor in Council will be aware that the natives of the east generally, and of Persia and Arabia particularly, are not in the habit of either thinking, or expressing themselves with any great degree of precision on any subject whatsoever, and will therefore be aware that information collected from them can be looked upon in its minuter parts only as an approximation to correctness, still it may be sufficiently near the truth to afford the means of coming to accurate general conclusions, which can hardly be influenced by trifling errors of detail. With this taint and disadvantage the information now communicated is of course chargeable, but none of the agents would seem to have any interest in misrepresenting facts, and therefore I am inclined to believe that they have not intentionally misstated anything, even although it may be considered that the information be scanty and otherwise defective.

Slave Trade at Muscat.

7th. From 1400 to 1700 male and female slaves are in general annually imported into Muscat. There are two seasons of the year called Mookhoor and Demany, during the period of both these seasons of last year, about 900 slaves were openly imported, and paid customs of two German crowns each, and about 250 or 300 more were smuggled in without having paid any duty.

8th. About three-fourths of the slaves imported are brought by sea from Sowahil or the coast of Africa, the remaining fourth are Abyssinians, brought lastly by sea from the Province of Yemen in Arabia.

9th. The proportion of the female slaves imported is generally three-fourths greater than the male, and both sexes are brought at from 10 to 14 years of age; very few indeed are so old as 30 years.

10th. From 10 to 15 eunuchs are brought annually to Muscat, but no slaves are so mutilated there, as they are made eunuchs either in their own countries or in some parts of Yemen.

11th. The slaves which come from Sowahil or the Coast of Africa sell lower than the others. Females of that race usually are sold at from 25 to 45 German crowns. Males from 20 to 35, whilst female Abyssinians sell from 35 to 150 German crowns, and males of the same nation from 35 to 100. Eunuchs are sold at 80 to 300 crowns, and there are some of them who have been instructed to read and write a little. On the first sale of the slaves the importer may probably realize a profit of from 20 to 30 per cent.

12th. The slaves are chiefly brought to Muscat by the subjects of that state, but they are brought also by the people of the Province of Yemen in Arabia, viz. Mocha and Theufar of Mukullah, a place in the province of Hudramut, Coast of Arabia, and Shehir, a place near Mukullah.

13th. The mortality on board of the vessels which convey these slaves is sometimes very considerable, and sometimes less; but when the small-pox breaks out, it is always very great.

14th. The most of the slaves are taken prisoners during the wars which arise among the tribes in the countries from which they are originally brought, but some also are kidnapped and sold along with the others.

15th. No slaves are brought to Muscat through the interior of Arabia, on account of the badness of the roads.

16th. The people of Soor who are subject to Muscat import slaves from the Coast of Africa, and from Yemen also; and they smuggle a few of them into

Muscat, but they send the greater number to Bushire, Bussorah, and other places.

17th. The slaves which are imported into Muscat are subsequently sent to various places in the Province of Oman itself (in which Muscat is), to the ports of Persia, to the Island of Bahrein, to Katif and Kowet, on the Arabian coast of this Gulf, to the Coasts of Mekran and Sinde, to Asiatic Turkey and other countries.

18th. The next places I shall proceed to mention as connected with the Slave Trade, are Ras-ool-Khymah, and Shargah, they being on the same line of the Arabian coast as Muscat, but situated within the Persian Gulf and belonging to an Arabian state to which Sir William Keir Grant's treaty extends.

REMARKS BY COLONEL ROBERTSON, OFFICIATING RESIDENT, PERSIAN GULF.

Extract from a Letter from Moollah Hoossein, Government Agent at Shargah, Dated June 8, 1842.

The vessels of Ras-ool-Khymah and Shargah have returned from Africa, India, &c. having made great profits on their trade, and have brought, the one of Shargah, 90 slaves, male and female; and I hear also that the two vessels belonging to Ras-ool-Khymah, each carried 100 slaves, male and female. The Linga vessels also have returned.

(Signed) H. D. ROBERTSON, *Officiating Resident.*

Brought from the Coast of Africa in 1831	30 slaves.
Ditto in 1842	290

Increase of trade in these places	260
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Exclusive of the number there may be in boats not yet come back from Africa this season.

(Signed) H. D. R.

Slave Trade at Ras-ool-Khymah and Shargah..

19th. The average number of slaves imported annually into Ras-ool-Khymah may be 50 of both sexes; into Shargah 120, and about 40 more to the other Joasmee dependencies. Total 210, male and female in about equal proportions.

20th. Last year Sheikh Sultan Ben Sagger's own Bugolon brought from the Coast of Africa 30 slaves to Ras-ool-Khymah, but this is a rare occurrence, vessels seldom going there from the Joasmee States; 180 slaves, the balance of 210 above estimated, were brought from Muscat; but of the numbers thus imported a portion only were sold on the spot, the rest were exported to the Island of Bahrein and the Province of Fars, in Persia.

21st. The slaves above mentioned are generally natives of the Coast of Africa; Nubians or Abyssinians are rare in this state; the people do not like them, and their use is confined to princes and men of rank in Persia.

23rd. The price of a good slave from the Coast of Africa, at from 14 to 22 years of age, averages from 40 to 50 German crowns, male or female. The value of a fine Nubian female is 100 to 150 crowns; the males, however, of this nation bear still higher price.

24th. The slaves are brought by sea, none coming from the Province of Nedjd or elsewhere inland, but they could be brought from Muscat by land, along the coast, with great facility, if at any time there were impediments by sea.

Slave Trade at the Island of Bahrein.

25th. Sir William Keir Grant's Treaty extends also to the island of Bahrein, one of the largest and most fruitful in the Persian Gulf.

26th. The average number of slaves imported into Bahrein annually is about 300, in nearly equal proportions of male and female; but during the year just past, there came about 210 Africans from the Coast of Muscat and elsewhere; and 31 Abyssinians were brought direct from Barbara, on the Coast of Abyssinia. There were also a few Nubians brought; these two last races are particularly prized by the chiefs at Bahrein, as they consider them excellent soldiers; and the chiefs at Bahrein have from 400 to 500 of them whom they employ during war.

27th. Eunuchs are not brought to Bahrein, the chief men there do not keep such persons.

28th. The price of a slave from Mombasa on the Coast of Africa, is, at Bahrein, from 30 to 40 German crowns; Abyssinians from 50 to 150 crowns, the females selling higher than the males; Nubian males from 40 to 80 crowns.

29th. Many of the Africans from Mombasa or their descendants are pearl-divers or fishermen; but they are not all slaves. Only about two-thirds of the men originally of Mombasa are slaves, the other third are free, and receive a share of the pearls that may be found. Of the fishermen, about one-third are slaves, whose masters are poor people, who fish along with them; the other two-thirds are free, and fish or perform other work for their own benefit. Perhaps one-half of the population of Bahrein may, in some measure, be considered slaves, having been descended from people who certainly were so, but they now assume the name of Ultoobee, the tribe of their masters, and they seem to have greater consideration and power than the original Bahreinees, whom they aid the Ultoobees to oppress.

Slave Trade at Bushire, in Persia.

30th. During the year just past about 245 slaves, among which there was a greater proportion of females than males, were imported into Bushire; but about 55 of these belonged to pilgrims proceeding to Mocca, and were brought by them from the interior of Persia; the remainder came from Muscat, and of the above total the slave-brokers state that only 120 were actually sold in Bushire; the rest were re-exported to Bussorah, &c. The duty paid on each slave is two rupees. During the last year the importation of slaves was greater than during the two or three former years, and they were almost all brought from Muscat or Soor, excepting a few direct from Mocca and Judda.

31st. From five to ten Eunuchs are annually imported into Bushire, generally from Mocca or Judda: no persons are so mutilated here.

32nd. The price of a slave from Mombasa, on the Coast of Africa, is from 30 to 45 German crowns; Abyssinians from 60 to 120 crowns; but a superior Abyssinian female, perhaps, may be at 300 crowns. Nubians are seldom brought, and sell at little higher prices than the people of Mombasa. Eunuchs still at from 100 to 300 crowns.

33rd. The other parts in Persia, such as Bunder Abbass, Linga, Cocrgoon, &c.; of Turkish Arabia, as Bussorah, &c., the ports also on the Arabian shore of this Gulf, not before mentioned, as Abothabee, Keteef, Grain, &c. &c. seem all to draw their supplies of slaves, particularly those of the Coast of Africa, almost entirely from Muscat, or its dependency Soor, any direct communication with the Coast of Africa being very rare.

(True Copy.)

(Signed)

A. B. KEMBALL.

Assistant Resident, Persian Gulf.

SYRIA.—(Consular).

No. 31.

Mr. Hugh Rose to the Earl of Aberdeen.

Beyrout, October 21, 1842.

(Received December 6.)

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatches, as follows:—

1. Slave Trade Circular, July 5, 1842, with a copy of a Treaty between Her Majesty and the Republic of the Uruguay.
2. Slave Trade Circular, July 14, 1842, with two copies of a Treaty between Her Majesty and the Republic of Bolivia.
3. Slave Trade Circular, August 5th, 1842, with two copies of a Treaty between Her Majesty and the Republic of Texas.
4. Slave Trade Circular, August 15, 1842, with two copies of a Treaty between Her Majesty and the Queen of Portugal.
5. Slave Trade Circular, August 31, 1842, with two copies of a Treaty between Her Majesty and the Mexican Republic.

I have the honour to say that I have not received Slave Trade No. 1 Circular.

I have, &c.

(Signed) HUGH ROSE.

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

TURKEY.

No. 32.

The Earl of Aberdeen to Sir Stratford Canning.

SIR,

Foreign Office, May 25, 1842.

I HEREWITH transmit to your Excellency a copy of a Despatch from Sir Thomas Reade, Her Majesty's Consul-General at Tunis, and a copy of the Answer which I have returned thereto; and I have to desire that you will use your influence with the Sultan to induce his Highness to view favourably the proceedings of the Bey of Tunis in abolishing the trade in slaves and slavery throughout the provinces under his authority.

I am, &c.,

(Signed) ABERDEEN.

His Excellency Sir Stratford Canning,
 &c. &c. &c.

Enclosures in No. 32.

1. *Sir Thomas Reade to the Earl of Aberdeen, March 24, 1842.*
2. *The Earl of Aberdeen to Sir Thomas Reade, May 25, 1842.*

(See Nos. 74 and 75, pages 60 and 62.)

TURKEY.—(Consular).

No. 33.

Mr. Brant to the Earl of Aberdeen.

Erzeroom, November 28, 1841.

(Received January 15.)

MY LORD,

I HAVE the honour to enclose a copy of a Despatch I received from Mr. Vice-Consul Guarracino, of Batoom, respecting the Slave Trade carried on with Abazah and Georgia.

I have, &c.

(Signed)

JAMES BRANT.

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

Enclosure in No. 33.

Mr. Guarracino to Mr. James Brant.

Batoom, November 10, 1841.

(Received January 15.)

SIR,

I HAVE the honour to acknowledge the receipt of your Despatch, transmitting me a copy of a Memorial addressed to Viscount Palmerston, by the General Anti-Slavery Convention. I beg to state in answer to the purport of the Despatch, that no British subject, or other European has, to my knowledge, ever had anything to do with the owning or hiring of Slaves.

An extensive Slave Trade was formerly carried on between this coast and Abazah, and Georgia by the natives. This trade still exists, but it has of late greatly decreased, owing to the surveillance of the Russian cruizers on the coast of Abazah, and the authorities on the Georgian frontier. The trade would be entirely done away with, were the Turkish authorities to co-operate with the Russians, and prohibit the slaves from being landed on this coast, but many of the Ayans are themselves engaged in the trade, and afford every facility to the persons who carry it on.

The principal pursuit of the natives of a village on the coast, called Aboo-Islak, eight hours distant from this, and only one hour from where the Musselim resides, is a Slave Trade, and the people are considered the richest on this coast. I am informed that there are at present no less than 70 slaves, males and females, belonging to the natives of Aboo-Islak, intended for sale. The greater part of these slaves are Abaziots. The people find it much easier to evade the Russian cruizers, and get the slaves away from the coast of Abazah than to deceive the Russian authorities on the Georgian frontier. The Georgian slaves are more esteemed by the Turks. The manner in which the Abazah slaves are carried away is this:—Boats from this coast go over to Sokoom-Kaleh, and after having performed quarantine, obtain a permit to load Indian corn, or other produce at some place on the coast, where there is not a Russian station. With this permit the boats are not molested by the cruizers. The owner of the boat has his agent in Abazah, who purchases the slaves from the natives, and conveys them to the place where the boat is loading. When the slaves are embarked, advantage is taken of the first fair wind, or of night, and the boat leaves the coast for this place or Aboo-Islak. After the slaves are landed, the boats depart immediately for Abazah. If they are met at sea by any Russian cruiser, the owners say they are going to perform quarantine at Sokoom-Kaleh; if not met, they proceed to the

same place where they before loaded, and, if necessary, make use of the permit they obtained at Sokoom-Kaleh on the first voyage, to cover the second. I am told that boats have often performed five or six trips without renewing their permit. The Abazah slaves are generally very pleased to be purchased by the Turks, as they are brought up from their infancy with the idea that they are finally to be sold, and think that when in Turkey they are in the way of becoming great people. The same is not the case with the Georgian slaves, who are for the most part kidnapped. They used formerly to be carried away by the Choorooksoolees, and natives of this district, who made regular excursions into the Guriel for the purpose, and sometimes surprised villages in the day, and slaughtered the natives who attempted to resist them. At that time the Georgians used also to retaliate on the people on this side the frontier, but since the establishment of the Russian power in Georgia, there are a set of Georgians who kidnap young females, and make them over to Choorooksoolees, with whom they have an agreement, and who sell the slaves, and divide the money with the kidnappers.

The Slave Trade between this coast and Abazah will never be totally abolished while the Turkish authorities countenance it as they do now. Even Osman, Pacha of Trebizond, who has on one or two occasions, for the sake of form, made over to the Russian Consul at Trebizond, to be returned to their native places, Georgian and Abazah slaves, has on others, especially when the slaves were sent to him as presents, kept them. This took place only a few weeks ago, when Abdi, Bey of Adjarah, sent a present to the Pacha, of a Georgian, or of an Abazah slave.

I have, &c.

(Signed)

FREDERICK GUARRACINO.

Mr. James Brant,
&c. &c.

No. 34.

Mr. Brant to the Earl of Aberdeen.

Erzeroom, November 15, 1841.

(Received January 19, 1842.)

MY LORD,

I HAVE the honour to inform your Lordship, that with respect to the Memorial from the Anti-Slavery Convention, which I forwarded to the Vice-Consuls under my jurisdiction, I have received the following replies:—

Mr. Vice-Consul Suter, of Trebizond, states, that he has never heard of any British authority, or British resident in Turkey, being engaged in the owning or hiring of slaves, nor does he know that any Europeans whatever in this country have been concerned in such a traffic.

Mr. Vice-Consul R. W. Stevens, of Samsoun, says, that he does not know of any instances in which any Europeans have ever been concerned in the traffic, or in the hiring of slaves.

Mr. Vice-Consul Rassam replies, that at Moossul no Europeans deal in slaves. The natives, however, not only are engaged in the sale of negro and Yezidee slaves, but often buy Christian and Mohamedan children from their parents, who are forced to sell them on account of their extreme poverty.

At Batoom, a very active trade is carried on by slave merchants, who buy Georgian children from their parents, and sell them in Turkey. The Russians have been long endeavouring to put a stop to this trade, and have succeeded in rendering it less easy. I have desired Mr. Vice-Consul Guarracino to draw up as detailed an account as possible of the nature and extent of this traffic, for which he is collecting data.

I have, &c.

(Signed)

JAMES BRANT.

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

No. 35.

*Mr. Ongley to the Earl of Aberdeen.**Canea, in Crete, November 2, 1841.**(Received January 19, 1842.)*

MY LORD,

I HAVE the honour to acknowledge the receipt of Despatch of the 8th May, acquainting me that Her Majesty's Government think it unfitting that any officer, holding an appointment under the British Crown, be interested in slave property.

I have, &c.

(Signed) H. S. ONGLEY.

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

No. 36.

*Mr. Ongley to the Earl of Aberdeen.**Canea, in Crete, November 22, 1841.**(Received January 19, 1842.)*

MY LORD,

I HAVE the honour to acknowledge the receipt of Viscount Palmerston's Despatch of the 31st July, relative to the law promulgated by the King of Greece, prohibiting the trade in Slaves. I shall not fail to attend to the instructions conveyed to me in this Despatch.

I have, &c.

(Signed) H. S. ONGLEY.

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

No. 37.

*Mr. Brant to Mr. Bidwell.**British Consulate, Smyrna, January 31, 1842.**(Received March 21.)*

SIR,

I HAVE the honour to acknowledge the receipt of Lord Palmerston's Despatch of the 31st July last (which did not reach my hands till the 29th instant), transmitting to me various communications relative to a law promulgated on the 13th March last by the King of Greece, prohibiting the trade in Slaves, as well as a translation of that law, and desiring me to give my best assistance towards carrying the same into effect.

I shall not fail to comply with this instruction whenever an opportunity of doing so shall present itself; and I have transmitted a set of the papers enclosed with Lord Palmerston's Despatch to the Vice-Consul at Scio, with suitable instructions, in obedience to the orders it contains.

I have, &c.

(Signed) R. W. BRANT, *Consul.*

John Bidwell, Esq.
&c. &c.

No. 38.

*Mr. Blunt to the Earl of Aberdeen.**Salonica, February 24, 1842.**(Received March 21.)*

MY LORD,

ON the 23rd instant I had the honour to receive Viscount Palmerston's Despatch of the 31st July last, transmitting me the copy of a letter from the Greek Minister to the Court of St. James, together with the copy of a law promulgated by the King of Greece on the 31st March, 1841, prohibiting the

trade in slaves; also a copy of a Despatch, and its enclosures, from Her Majesty's minister in Greece, upon the same subject, and directing me to give my best assistance towards carrying into effect the desire expressed by the Greek Government, as stated in the above-mentioned papers.

I have, &c.

(Signed)

CHARLES BLUNT.

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

No. 39.

Mr. Stevens to the Earl of Aberdeen.

Trebizond, February 10, 1842.

(Received March 21.)

MY LORD,

I HAVE the honour to acknowledge the receipt of Viscount Palmerston's Despatch, addressed to Mr. Vice-Consul Suter, dated the 31st of July of the past year, transmitting the copy of a letter from the Greek Minister in England, with a translation of a law promulgated by the King of Greece on the 13th March, 1841, prohibiting the trade in slaves; and also a copy of a Despatch, and of its enclosures, from Her Majesty's Minister in Greece, upon the same subject, and conveying a request that the best assistance be given towards carrying that law into effect.

I beg to state to your Lordship that there is a Greek agent resident in this city; but that I will, nevertheless, afford my best assistance should an occasion present itself of meeting the desire expressed by the Greek Government in the papers aforesaid.

I have, &c.

(Signed)

F. J. STEVENS, *Vice-Consul.*

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

No. 40.

Mr. Kerr to the Earl of Aberdeen.

Adrianople, March 4, 1842.

(Received May 16.)

MY LORD,

By some strange error, it was only a week ago that I had the honour of receiving Viscount Palmerston's Despatch of the 31st July, 1841, transmitting to me a copy of a letter from the Greek Minister in London, together with a translation of a law promulgated by the King of Greece on the 13th March, 1841, prohibiting the Trade in Slaves, and also a copy of a Despatch with enclosures from Her Majesty's Minister in Greece, on the same subject, and directing me, in conformity with the desire expressed by the Greek Government, to give my best assistance towards carrying that law into effect.

In assuring your Lordship of my strict attention to this instruction, I have further the honour to state that I lost no time in transmitting the duplicate set of papers enclosed me, with the necessary instructions to the British Consular Agent at Enos.

I have, &c.

(Signed)

JOHN KERR.

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

No. 41.

Mr. Cartwright to the Earl of Aberdeen.

Constantinople, July 11, 1842.

(Received August 17.)

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Circular Despatch of the 12th May last, accompanying a copy of a Memoir, drawn

up by Mr. Bandinel, on the steps taken by the British Government for effecting the extinction of the Trade in Slaves from Africa, which has been placed among the archives of this consulate.

I have, &c.
JOHN CARTWRIGHT.

(Signed)

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

No. 42.

Mr. Brant to the Earl of Aberdeen.

Smyrna, July 22, 1842.

(Received August 17.)

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Circular Despatch of the 12th May, wherewith your Lordship was pleased to transmit to me a copy of a Memoir drawn up by Mr. Bandinel, containing an account of steps taken towards effecting the extinction of the Trade in Slaves from Africa, and I shall not fail, in obedience to your Lordship's commands, to preserve the same among the archives of this consulate.

I have, &c.

(Signed) R. W. BRANT.

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

No. 43.

Mr. Cartwright to the Earl of Aberdeen.

Constantinople, August 31, 1842.

(Received September 21.)

MY LORD,

I HAVE the honour to acknowledge the receipt of the Circular Despatch of the 5th July, 1842, with which your Lordship was pleased to transmit to me a copy of a Treaty concluded at Montevideo on the 13th July, 1839, between Her Majesty and the Oriental Republic of the Uruguay, for the abolition of the Traffic in Slaves.

I have, &c.

(Signed) JOHN CARTWRIGHT.

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

No. 44.

Mr. Cartwright to the Earl of Aberdeen.

Constantinople, August 31, 1842.

(Received September 21.)

MY LORD,

I HAVE the honour to acknowledge the receipt of the Despatch Circular of the 5th July, 1842, with which your Lordship was pleased to transmit to me a copy of a Treaty concluded at Sucre on the 23rd September, 1840, between Her Majesty and the Republic of Bolivia, for the abolition of the Traffic in Slaves.

I have, &c.,

(Signed) JOHN CARTWRIGHT.

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

No. 45.

*Mr. Brant to the Earl of Aberdeen.**Erzerroom, August 1, 1842.*

MY LORD,

(Received October 8.)

I HAVE the honour to acknowledge the receipt of your Lordship's Circular of the 12th May, transmitting a copy of a Memoir drawn up by Mr. Bandinel of the Foreign Office, respecting the steps taken by the British Government towards effecting the extinction of the trade in slaves from Africa. In compliance with your Lordship's instructions, I have placed this work among the archives of this Consulate.

I have, &c.,

(Signed) JAMES BRANT.

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

No. 46.

*Mr. Cartwright to the Earl of Aberdeen.**Constantinople, September 26, 1842.*

MY LORD,

(Received October 24.)

I HAVE the honour to acknowledge the receipt of the Despatch Circular of the 5th August, 1842, with which your Lordship was pleased to transmit to me a copy of a Treaty between Her Majesty and the Republic of Texas, for the suppression of the African Slave Trade, signed at London on the 16th November, 1840.

I have, &c.,

(Signed) JOHN CARTWRIGHT,

*Consul-General.**The Right Hon. the Earl of Aberdeen, K.T.,**&c. &c. &c.*

No. 47.

*Mr. Cartwright to the Earl of Aberdeen.**Constantinople, September 26, 1842.*

MY LORD,

(Received October 24.)

I HAVE the honour to acknowledge the receipt of the Despatch Circular of the 15th August, 1842, with which your Lordship was pleased to transmit to me a copy of a Treaty between Her Majesty and the Queen of Portugal, for the suppression of the Traffic in Slaves, signed at Lisbon on the 3rd July, 1842.

I have, &c.,

(Signed) JOHN CARTWRIGHT,

*Consul-General.**The Right Hon. the Earl of Aberdeen, K.T.,**&c. &c. &c.*

No. 48.

*Mr. Cartwright to the Earl of Aberdeen.**Constantinople, October 26, 1842.*

MY LORD,

(Received November 18.)

I HAVE the honour to acknowledge the receipt of the Despatch Circular, dated 31st August last, with which your Lordship was pleased to transmit to me a copy of a Treaty between Her Majesty and the Mexican Republic, for the abolition of the Traffic in Slaves, the ratifications of which were exchanged on the 29th July, 1842.

I have, &c.,

(Signed) JOHN CARTWRIGHT,

*Consul-General.**The Right Hon. the Earl of Aberdeen, K.T.,**&c. &c. &c.*

TRIPOLI.

No. 49.

Colonel Warrington to Mr. Bidwell.

Tripoli, December 5, 1841.

(Received January 11, 1842.)

SIR,

I AM sorry to inform you, that of late numbers of Turkish vessels have left this port with cargoes of black slaves.

It has occurred to me, that if I were to address a letter to the Sovereigns, Shiekhs, and people of this Regency, and of the Interior, it may have a good tendency; and if the Earl of Aberdeen should approve of No. 1, probably you could get a few hundred printed in the Arabic language, and sent to me to be distributed.

I propose writing in my own name, because it is so well known in the Interior, and be assured any alterations you are pleased to make I will subscribe to.

I have, &c.,

(Signed)

HANMER WARRINGTON.

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

Enclosure in No. 49.

To the Sovereigns and Great Sheikhs of the Interior of Africa.

THE benevolent and humane feeling of the people of England to better the condition of the black tribes of the interior of Africa, and the anxious desire of my august mistress, the Queen of England, to abolish the revolting traffic in the flesh and blood of our fellow-creatures, induces me to address these few lines to all good men.

The object of this traffic is gain, and habit has reconciled it to traders, without considering the enormity of the crime, of taking by force the infant from the arms of the mother, or separating the husband and wife, and by dragging the victim over the burning sand of the Desert (where they often expire under the lash of the slave driver) towards the coast, there to be exhibited in the public bazaar, sold and transported to a foreign land, to gratify the avarice or the passions of man.

One great God rules over all, both black and white; and can we bring our minds to believe that he can sanction such acts to our fellow-creatures.

Believe me—no: His mercy, His forgiveness, His benevolence and justice, extend to all, both black and white.

It is clear the object is gain; I, therefore, call your attention to a more honourable pursuit in commerce, where the advantages and profit will be tenfold.

Look to the natural resources of the interior, where the following articles invite you to trade in: gold-dust, ivory, ostrich feathers, gum, skins, indigo, senna, &c. &c. &c. Abolish the revolting traffic; open a communication with the natives of the interior; assure them they can traffic in perfect security of life and property through those territories under your immediate control; and do not allow the few regular traders in that traffic to pass your country. You will then have done a charitable act, which God will approve of, by diffusing happiness to millions of our fellow-creatures. Your own consciences will tell you you have done well. You will become rich and happy by com-

mercial intercourse with the interior, and you will obtain the permanent friendship of England, who will not be unmindful of the noble and great act of abolishing slavery, and promoting commerce and civilization with the interior of Africa.

These objects are the cherished wish of my heart, and to see the Regency of Tripoli the land of justice, prosperity, happiness, and riches, is my fervent prayer.

(Signed) H. WARRINGTON,
Her Majesty's Agent and Consul-General.

Tripoli, 1841.

No. 50.

Viscount Canning to Colonel Warrington.

SIR,

Foreign Office, February 3, 1842.

I HAVE laid before the Earl of Aberdeen your letter of the 5th December last, addressed to Mr. John Bidwell, in which you express a wish to be permitted to address to certain native chiefs of Africa, both within and without the Regency of Tripoli, a letter, a copy of which you enclose, and which you think is calculated to induce those chiefs, and the people under their sway, to abandon the Slave Trade; and Lord Aberdeen desires me to state to you in reply, that he sees no objection to your doing as you propose.

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

Colonel Warrington,
&c. &c.

No. 51.

Colonel Warrington to Mr. Bidwell.

Tripoli, December 25, 1841.

(Received February 9, 1842.)

SIR,

I HAVE the honour to inform you that a Turkish schooner leaves this port to-day for Smyrna, with a very large cargo of black slaves; and as that is now the only flag which carries on the traffic, I sincerely hope the feelings of humanity may induce the Sultan to abolish the horrid trade.

I have, &c.,
(Signed) H. WARRINGTON.

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

No. 52.

Colonel Warrington to the Earl of Aberdeen.

Tripoli, January 26, 1842.

(Received March 6.)

MY LORD,

I HAVE the honour to acknowledge your Lordship's Despatch of the 30th October last. I have also received the series of papers relating to the Slave Trade, presented to Parliament by Her Majesty's command.

I am sorry to say there is another Turkish vessel preparing to take a cargo of slaves to the Levant.

Permit me, my Lord, to bring under your consideration a novel species of slavery. A short time since the Turkish army was sent against two districts, Tarhona and Gharian. Numbers of white Arab children were brought down and sold in the slave-market here, not, however, allowing any Tripoline to purchase, for fear they might be restored to their parents. I have known a number of poor black slaves who, by good conduct, or by the death of their master or mistress, obtain their freedom, but were afterwards seized on by the

Government and exported: in my opinion, both cases of great injustice and of mistaken policy.

I have, &c.,

(Signed) H. WARRINGTON.

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

P.S. 30th January.—I have just received a letter from Abgelleel, dated Mourzouk, saying that he is coming down towards this, and will be happy to see me if I name the place.

H. W.

No. 53.

Colonel Warrington to the Earl of Aberdeen.

Tripoli, January 30, 1842.

(Received March 6.)

MY LORD,

I HAVE the honour to acknowledge your Despatch of the 27th ultimo. In obedience to your Lordship's orders, I have made official application to the Government of Tripoli for the information required, which your Lordship will see by reference to Enclosure No. 1, addressed to the Pacha, as head of the Government.

Enclosure No. 2 is the answer of the Pacha, which does not surprise me, considering he is so decidedly an enemy to the abolition, and derives such wealth by the infernal traffic. Had his Highness been disposed to comply with the request, I apprehend he could not have produced any legislative Act to warrant, in any shape, the revolting trade.

They assume a privilege over the liberty and lives of our fellow-creatures in the same way as the hunter does over the wild animals of the forest; and if custom has led to the enormous crime, we may hope that, in this enlightened age, justice will be shown to the suffering race.

Strictly speaking, I believe there is a law that every Mussulman is free, and the capture is only justified by the supposition that the blacks are not of the same religion; but if that be the law, it is not respected at the present time, as Mohammedism in no way affords protection.

Permit me to say no one dare give information without the permission of the Pacha, but I will endeavour secretly to gain what may exist.

I have, &c.,

(Signed) H. WARRINGTON.

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

First Enclosure in No. 53.

Colonel Warrington to Askar Ali Pacha.

YOUR HIGHNESS,

Tripoli, January 20, 1842.

I HAVE the honour to inform you that I am instructed to say—"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, therefore, to request that you Highness, as the head of the Government of Tripoli, will be pleased to furnish me with an authentic copy 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 the Government of Tripoli, or by its municipal or colonial authorities.

I should be greatly indebted to your Highness if you will, as early as possible,

furnish me with the required information, so that I may transmit it without delay to Her Majesty's Government.

I have, &c.,

(Signed)

H. WARRINGTON.

His Highness Askar Ali Pacha,
&c. &c. &c.

Second Enclosure in No. 53.

Askar Ali Pacha to Colonel Warrington.

ILLMO SIG^o.,

Tripoli, January 28, 1842.

ACCUSIAMO ricevuta della di lei Lettera, ed avendo rilevato il suo contenuto, in risposta dobbiamo dirle che come questo è un affare di Stato, non possiamo aderire alle di lei brame; e se abbiamo tardato a risponderle, lo dovete attribuire alle nostre occupazioni di nostra Pasqua.

E nel riverirla distintamente abbiamo l'onore di essere.

Il Governatore Gen. di questo Stato di Tripoli di Ponente.

(Signed)

ASKAR ALI PACHA.

All' Illmo Sig.

(L. S.)

Colonel Warrington,
&c. &c.

(Translation.)

SIR,

Tripoli, January 28, 1842.

WE acknowledge receipt of your Letter, and having read its contents, in answer we have to say, that as this is an affair of State, we cannot adhere to your wishes, and if we have delayed in giving you an answer, you must attribute it to the occupations of our Easter.

We have, &c.,

(Signed)

ASKAR ALI PACHA.

Colonel Warrington,
&c. &c.

(L. S.)

No. 54.

Colonel Warrington to Mr. Bidwell.

Tripoli, March 2, 1842.

SIR,

(Received April 11.)

I HAVE the honour to inform you that a Greek Rajah vessel, under the Ottoman flag, is taking a cargo of black slaves for the Levant, being from 60 to 100 in number.

I have, &c.,

(Signed)

H. WARRINGTON.

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

No. 55.

Colonel Warrington to Mr. Bidwell.

Tripoli, March 15, 1842.

SIR,

(Received May 9.)

IN the month of November last Her Majesty's brig "Savage" was sent to convey me to the Syrtis, to communicate with Abgelleel, on the subject of abolishing slavery, but as he was then at Mourzouk, 700 miles from this, I did not go.

No. 1 is a translation of a letter from Sheikh Abgelleel, and No. 2 from his brother, Sheikh Safe Il Nerser, by which it will appear he is now near the Syrtis.

Should the Earl of Aberdeen wish me to proceed on that mission, I shall be most happy, but I should wish to have some specific instructions.

The abolition of slavery, commercial intercourse with, and measures for the civilization of the interior, appear the chief object.

I think it very probable that Abgelleel will say—"If I accede to these measures, what will England do for me? Will she use her good offices at Constantinople to restore peace and tranquillity? Can we have communication with the coast with safety, both with life and property, and a fixed tribute be established? and will the Turkish Pacha at Tripoli conform to the tariff?"

It is natural to suppose that will be the reply of Abgelleel.

Askar Ali openly declares the Sultan never will abolish slavery; and as he (Askar Ali) is so hostile to the abolition, and such an enemy to all improvement, political or commercial, every obstacle must be expected from him.

Permit me again to say, that Abgelleel may be turned to the best purposes on the score of humanity and commerce, and I can safely say the Turkish occupation is the only obstacle to the abolition of slavery and bettering the condition of the suffering people of the interior.

If I have expressed myself too warmly, I trust his Lordship will allow the cause to plead my excuse.

I have, &c.,

(Signed) HANMER WARRINGTON.

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

First Enclosure in No. 55.

Sheikh Abgelleel to Colonel Warrington.

January 29, 1842.

(Translation.)

To our friend the English Consul-General.

Saluting, &c.

WE have received your letter sent through our brother, and have read it, and understood its contents, and you ask when we can see each other, and in what place, and we sent you a letter about two months since in which we informed you everything.

Before we had great disturbances, but, thank God, they are now all over, and we are content, and have nothing to think on.

At this moment we are preparing to come nearer to you, and we hope when we meet we shall be satisfied with each other, and everything you want we will do, because we are friends, and we hope always to be so. Many compliments to our friend Frederick.

Saluting, from the servant of God.

(Signed) ABGELLEEL.

Seal.

Colonel Warrington,
&c. &c.

Second Enclosure in No. 55.

Safe Il Nerser to Colonel Warrington.

February 28, 1842.

(Translation.)

To our friend the English Consul.

Saluting, &c.

IN the first place we sent your letters from our brother, and one from ourself, which we hope you received, and the person who carried these letters to you

said on his return that he had lost yours to us. We hope for the best. Now, when you receive this letter, you will send a courier to us, and let us know all the news; and we have to inform you, that our brother is arrived at Sockna, and will soon be with us. We beg again of you to send a person with all the news, because we are very anxious to hear from you.

We send you the sailors of the English vessel, and we hope they will arrive safe. We have done our duty, and treated them well, as they will inform you.

If you want anything let us know.

Saluting, &c.,

(Signed)

SAFE IL NERSER.

Seal.

Colonel Warrington,
&c. &c.

No. 56.

Colonel Warrington to Viscount Canning.

Tripoli, March 26, 1842.

(Received May 9.)

MY LORD,

I HAVE the honour to acknowledge your Lordship's Despatch of the 3rd ultimo, and in consequence I shall address the influential persons within and without this Regency, conformable to the letter sent for the approbation of the Earl of Aberdeen.

Permit me to say, my Lord, that much may be done towards abolishing slavery, opening commerce with the interior, and bettering the condition of the suffering tribes, by the medium of this Regency, provided this Turkish Pacha, Askar Ali, can only be brought to view the subject in its true light, and it is clear that good policy, wealth, and humanity would be the result.

As Abgelleel is now in the Syrtis, I have written to the admiral on this station, to ascertain if his Excellency can send a vessel to take me there, as probably it will be better to go now than to await the specific instructions requested in my Despatch of the 15th instant.

I have, &c.,

(Signed)

H. WARRINGTON.

Viscount Canning,
&c. &c.

No. 57.

Colonel Warrington to Viscount Canning.

Tripoli, March 31, 1842.

(Received May 9.)

MY LORD,

I HAVE the honour to inform your Lordship, that a schooner under the Turkish Flag is embarking from 40 to 50 slaves for the Levant.

Permit me, my Lord, to say, that all lawful commerce appears to be abolished by this Pacha, and the greatest facility and encouragement given to the Slave Traffic.

A great quantity of the produce of the interior is now stored in Mourzouk, as it cannot be sent with safety to the coast, owing to Askar Ali; on the other hand, the Black Trade is daily on the increase, as no molestation or difficulty attends it.

I have, &c.,

(Signed)

H. WARRINGTON.

Viscount Canning,
&c. &c.

No. 58.

The Earl of Aberdeen to Colonel Warrington.

Foreign Office, May 25, 1842.

SIR,

I HAVE received your Despatches up to that of the 31st March last. In this correspondence you represent the Shiekh Abgelleel, of Mourzouk, to be

a chieftain of great power; you state, that his disposition is friendly towards England; and that he is of a liberal and enlightened mind, and inclined to adopt measures for the tranquillity and civilization of the interior of Africa.

You express your confident belief that, by an interview with that chieftain, you would be enabled to further very considerably the abolition of Slave Trade and of Slavery; objects which the Government and people of this country have warmly at heart.

I observe that, already on the 18th May, 1841, you were instructed to urge the Sheikh Abgelleel to put an end to the trade in slaves.

But you now state further, that it is probable, that the Sheikh will require some good offices on the part of England in return for any measures which he may take for the abolition of Slave Trade and Slavery, and for the promotion of innocent commerce. You mention, that the object which the Sheikh has most at heart is a free communication with the sea coast, whether by the possession of a sea-port or otherwise. You express your belief that Abgelleel may say, "If I accede to these measures proposed to me by England, what will England do for me in return? Will she use her good offices at Constantinople to restore peace and tranquillity? Can we have communication with the coast with safety, both to life and property? And will the Turkish Pacha at Tripoli conform to the Tariff?"

And you request specific instructions on these points.

I have to state to you in answer, that Her Majesty's Government will learn with sincere satisfaction the accomplishments of measures, tending to the abolition of slavery, to the promotion of innocent commercial intercourse, and to the furtherance of civilization among the natives of the interior of Africa. And if any arrangement can be concluded by you with the chief Abgelleel, by which these objects can be secured in the districts within his influence, you will tell that chieftain, that for such considerations England will cheerfully use her good offices with the Sultan, for the restoration of peace and tranquillity between those districts and the provinces with which the chief is in immediate contact; and that Her Majesty's Government will give directions to the British Ambassador at Constantinople to assist the agents of the Shiekh in endeavouring to secure to him a free communication with the coast, subject to due tribute to the Porte; and to use his influence that orders may be given to the Pacha of Tripoli, to conform strictly to the regulations established by the Porte.

I am, &c.

Colonel Warrington,
&c. &c.

(Signed) ABERDEEN.

No. 59.

Colonel Warrington to the Earl of Aberdeen.

Tripoli, April 26, 1842.

(Received June 6.)

MY LORD,

I HAVE the honour to inform your Lordship, that as Vice-Admiral Sir Edward Owen sent Her Majesty's ship "Locust" to convey me to the Syrtis, I proceeded accordingly, and on Thursday, the 14th instant, myself, Captain Lunn, and Mr. Frederick Warrington landed at Zaffran, and we were happy to find that Abgelleel was in the neighbourhood.

We saw his brother, the Safe el Nesser, and numerous Shieks, who received us with marked hospitality and friendship, and by their expressions appeared devoted to England. They assured us, that whatever we required should be granted. Without entering directly on the object, it was easily to be seen that success would attend it,—peace, tranquillity, and commerce appeared the unanimous wish.

Safe el Nesser sent a courier to his brother, desiring him to name a place to meet us, and on the 16th instant, we proceeded 30 miles in the Interior, but by some mistake Abgelleel came down to the coast.

We returned on Sunday, and had immediate audience.

We told Abgelleel the express object of the mission, namely, the abolition of slavery, the promotion of commerce, and bettering the condition, or civilizing the Black Tribes of the Interior. He replied with frankness that he would comply

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with the request, and that he would be answerable that numerous Sovereigns and Sheikhs of the Interior would agree to the same.

He deplored the blind policy and great cruelty of Askar Ali Pacha, by which this fine country was brought to the last stage of ruin,—the cultivation of the land neglected,—and all commerce abolished, excepting in Black Slavery; that we could give an outlet for commerce, and that he had the key to the Interior, and that by a mutual understanding the grand object would be accomplished. He made a beautiful simile:—"The tree which had been long planted was now budding, and the fruit, if not gathered, will be your fault, not mine." That he did not require one dollar, as he had ample, and that all his magazines were full in Mourzouk; and all he required was to be able to bring the commerce to the coast with safety, as to life and property, but with an established duty. He said, the night before a courier had arrived from Askar Ali, desiring the Shiekhs not to abolish Slavery, and to defeat our object, whatever it might be. Having clearly understood, he said he would commit his sentiments to paper, and No. 1 is the translation. No. 2, is his letter to the Sultan, which he requested might be sent to the British Ambassador, and left to his discretion, whether to be delivered or not.

It is useless to recapitulate the assurances of friendship and goodwill towards England, and it now will rest with the superior consideration and better judgment of Her Majesty's Government if anything can be done.

If the Tariff and Commercial Convention were only in force, the object would be accomplished. I can prove the Porte would derive a great increase of revenue, that this poor devoted country would at last be rich and happy, and that the allegiance of the population would be restored to the Sultan, and millions of our fellow-creatures would be free men.

I have already said, that the grand object can be effected by the medium of Tripoli, and I rejoice that my anticipations are realized to a certain extent. Abgelleel particularly requested me to obtain an answer with as little delay as possible, whether the British Government would enter into a Convention, as his future operations depended upon it.

He said further, that if England could obtain a safe outlet for commerce, that he would pay annually a sum towards the liquidation of the British claims. If this arrangement can be made, he will release 5000 slaves immediately, as a proof of his sincerity. I gave Abgelleel a circular letter, which I sent in Despatch, No. 11, of the 5th December, and he acknowledged that Slavery was contrary to the Mohammedan religion. Permit me to say, that nearly all the Turkish vessels carrying slaves navigate without papers, and are as liable to capture as a pirate. This idea I did not mention to Abgelleel, but I naturally thought that at some future period a cargo of slaves might be carried into Malta, and in that case it might embarrass Her Majesty's Government how to dispose of them; I, therefore, asked Abgelleel, that in case freedom was given to any number of slaves, whether he would send them in safety to their friends, which he promised to do.

The assistance I have experienced from Commander Lunn and Mr. Frederick Warrington, and their zeal and co-operation, entitle them to my best thanks.

I have, &c.

(Signed) H. WARRINGTON.

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

First Enclosure in No. 59.

The Shiekh Abgelleel's Declaration.

(Translation.)

(L.S.)

WARRINGTON, the English Consul-General, came to us, and he reported to us what was the wish and desire of the English nation, to assist and do every-thing in our power to prevent the buying and selling of slaves in the Interior, and to promote commerce in every part; and we hope the people may be safe; and at the present moment the chief commerce is the Black Traffic here and elsewhere. Even as it is now, in consideration of the great friendship and esteem we have

for the English nation, we promise to do all in our power to stop it; and when Gagliuffi arrives at Fezzan, we shall do everything to assist him as well as our people. We ourselves have no port to embark our merchandise and property, owing to the present war between us and Askar Ali Pacha, which has been carried on without any reason on his part; and we asked for peace time after time, through the English Consul and others, but he (Askar Ali) would not listen to it: and if this peace took place there would be an increase of trade, and the people would be safe. At the present time all our magazines have been filled for the last five years, and there is no trade going on, owing to the present war: and now should you wish us to come forward and do this, we wish you to give us the harbour of Bengazi, being so near to us; and if the Sultan would give us that port he would not be the loser, and you be our guarantee and assist us; and, what is to be done had better be done without loss of time; and if you do this, by the help of God, we will do all you wish, and this will be the means of accomplishing those things—the first to prevent the war; the second is the happiness of all the regency; and the third the port of Bengazi; and, should anything be done, let it be without loss of time. Firstly, we are under God; secondly, under the Sultan; and every Pacha who has been sent to Tripoli never made a just report to the Grand Seignior, and you being our friend, we request you will make known all this to the Sultan; and we have told you all our wishes.

With best compliments, from the slave of God,

ABGELLEEL,
The Sovereign of Fezzan.

April 20, 1842.

Second Enclosure in No. 59.

Translation of a Letter from the Shiekh Abgelleel to the Sultan.

AFTER the exalted compliments which are difficult to translate. To the greatest of all Sultans, Abd El Megid. May God protect him! Compliments, respects, &c. &c.

This comes for your information, that we are always under you for ever without change. The numerous Pachas who have arrived here we have always served and given them whatever they demanded, and we never have done wrong, but good towards them. And now, our master, a great deal has happened to this Regency, owing to the misery and war carried on; and time after time we proposed to make peace and extinguish the fire of war, and we have not been fortunate enough to accomplish it; and now we send this memorial to our Great Sultan, hoping you will have mercy on us, and for you to know the great misery and wretchedness of this Regency, and we hope that all Mussulmen may be in peace and friendship, and not as they now are: and we remain always under God, the Prophet, and the Sultan: and now, our Great Master, we want you to appoint some one to investigate the great misery under which we now suffer, and we are Mussulmen who believe in God and the Prophet; and we are saints; and believe in the Koran; and, as you confer good on all the world, you have not looked on us with a favourable eye, but have forgotten us, and we think this arises from your want of knowledge of our actual situation, and now we only wait for the mercy of God and you towards all the people to put out these fires and to establish peace and tranquillity; and this is your duty, as the Prophet says that every shepherd ought to watch over his flock, and that all of us are under your victorious protection; and now we wait the mercy of God and yourself to do away our misery, and again we are subjects of God, the Prophet, and yourself.

Saluting you, and may God protect you, and give you victory over all your enemies, from your subject and slave,

(L.S.) ABGELLEEL.

April 22, 1842.

No. 60.

*Colonel Warrington to the Earl of Aberdeen.**Tripoli, May 6, 1842.**(Received June 7.)*

MY LORD,

I HAVE the honour to acknowledge your Lordship's Despatch of the 23rd March, with the copy of a Treaty for the suppression of the Slave Trade.

It is, indeed, a glorious and Godlike act of the Five Great Powers of Europe; and I trust the poor and suffering tribes of the Interior will, ere long, be fully acquainted with the holy work, and that they will find the shackles of slavery broken, and feel that they are advancing in the path of the more civilized man.

Permit me, my Lord, to mention a circumstance which not unfrequently occurs on this coast. An individual wishes to embark his personal slaves, goes to a Consulate or Vice-Consulate, and there grants their freedom, which is registered; and under that deception they obtain a passage; and, on landing, they are as much in slavery as if no such act had been done, and are as liable to be sold as before. In some instances I fear the evasion extends much further than to the personal slave attendants.

I have, &c.

(Signed)

H. WARRINGTON.

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

No. 61.

*Colonel Warrington to Viscount Canning.**Tripoli, April 30, 1842.**(Received June 8.)*

MY LORD,

I HAVE the honour to inform your Lordship of the effects of my Circular in Tripoli.

The price of slaves was reduced 50 per cent. in 24 hours. The merchants of Ghadames have ordered no more slaves to be sent down at present.

Those who purchased slaves lately, wished to return them, but were prevented by the threat of Askar Ali to bastinado them.

A large ship transport is about to sail with 250 poor slaves.

Permit me again to say, my Lord, there is more to be done by the medium of this Regency in the cause of humanity and commerce than has been generally thought of. I am sorry to add that Askar Ali is the chief supporter of the Slave Trade here.

I have, &c.

(Signed)

H. WARRINGTON.

Viscount Canning,
&c. &c.

No. 62.

*Colonel Warrington to the Earl of Aberdeen.**Tripoli, June 1, 1842.**(Received July 11.)*

MY LORD,

I HAVE the honour to refer your Lordship to No. 1, being a circular sent to the Christian Consuls. Discharges of cannon and rejoicings occupied the day. This morning, four flags of the Caramanly family, under which the Arabs always fought, were displayed on the castle walls, as trophies of victory; and, shortly after, the heads of Abgelleel and Safe el Nerser were carried on a board through the public streets, followed by bands of music, and, after, the heads were pickled, to be sent to Constantinople.

These men, my Lord, I saw but a few weeks since. They were brave, generous, and humane; and if they can be termed rebels for having with constancy fought for the banner under which they were born—that was their crime.

My Despatch of the 26th April will show how readily they adopted the feelings of England to abolish the horrid traffic, to promote commerce, and to better the condition of the suffering slave.

Since that event, Askar Ali has made every exertion, both in money and force, to subdue them; and they have fallen by the hand of treachery, as two tribes were bribed and turned against them: the blacks, however, remained faithful to the last. What advantages would have arisen to this country and to the Sultan, had their proffered allegiance, often made, with large tribute, been accepted! It appears lately to have been favourably received by the Turkish Ministers, but it is now too late.

We shall see what line the family of Abgelleel will now take; but I fear this event will plunge the country in anarchy.

A slaver left with cargo two days since, and another will go in a few days.

My circular has done infinite good, as the slave-traders are backward in their purchases, and Askar Ali, taking advantage, buys nearly all on his own private account.

I have, &c.

(Signed)

H. WARRINGTON.

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

5th June.—It appears, from good authority, that Abgelleel was betrayed in the following way: he was invited to a Conference, to treat for the preliminaries of peace, on solemn assurances of safety, which were disregarded, and he was slain.

H. W.

Enclosure in No. 62.

Circolare.

(L. S.)

SUA Altezza Askar Ali Pascia, Governatore di questo Stato di Tripoli di Ponente, ha l'onore d'informare questi Illmi. Signori Consoli Generali, Incaricati e Rappresentanti le Nazioni Amiche Estere, che dietro le ultime notizie vittoriose ricevute oggi dal nostro campo abbiamo inteso con piacere che il ribelle Scieck Abegelid e suo fratello Sif Nasser le fu tagliata la testa, e fatti prigionieri tutti i capi ribelli col loro campo intiero. Or perciò di ora innanzi il commercio col Fezan sarà aperto, e vedremo con piacere risorgere il commercio con quelle parti, come li scorsi anni.

Tripoli di Ponente, 31 Maggio, 1842.

*Illmi. Signori Consoli Generali Incaricati e Rappresentanti
 le Nazioni Estere in questa di Tripoli di Ponente.*

(Translation.)

Circular.

(L.S.)

HIS Highness Askar Ali Pacha, Governor-General of this state of Tripoli, has the honour to inform the Consuls-General, Chargés and Representatives of the friendly Foreign Nations, that, by the late victorious news, received to-day from our camp, we have heard with pleasure that the rebel Scieck Abegelid and his brother Sif Nasser had their heads cut off, and all the rebel chiefs made prisoners, with their whole camp. Henceforward, therefore, the commerce with Fezan shall be open, and we shall see with pleasure commerce re-established with those parts, as in former years.

Tripoli in the West, 31st May, 1842.

*To the Consuls General, Chargés and Representatives
 of the Foreign Nations in Tripoli in the West.*

No. 63.

*Colonel Warrington to the Earl of Aberdeen.**Tripoli, June 24, 1842.**(Received August 22.)*

MY LORD,

I HAVE the honour to inform your Lordship that a Tripoline slaver will sail in a few days for Constantinople with 120 Black Slaves, the property of Askar Ali Pacha.

On the 1st instant I had the honour to inform your Lordship of the fate of Abgelleel and his brother, since which Askar Ali's troops have returned with 50 or 60 prisoners.

I understand peace had been made, and, in consequence, the brothers and their small party were taken.

The son of the Aga of Mesurata, Meride Sheikh of Tarhoona, and his two sons, had been long with Abgelleel, fighting against the Turks.

Askar Ali bribed these men to decoy the brothers, on the assurance of peace being made with Bellasi, the Turkish Tripoline General.

The first act on the arrival of the four traitors at Tripoli was an order from Askar Ali to cut their throats, and they presented a disgusting sight to the spectators; but no one regretted their fate.

Askar Ali sent a courier to order the three children of Safe el Nerser, and one of Abgelleel (the eldest, say 14 years, the youngest 7), to have their throats cut, and which was done two days' journey from this.

Sorrow and commiseration has been generally evinced by the murder of these innocent children. The knife is still at work, and will be till every prisoner is no more.

This scene of blood has had the effect of throwing the Interior in a state of anarchy and confusion, as I understand that Sheikh Sadi, and Abgelleel's successors, have prohibited commerce or even communication to be held with Tripoli.

No event, my Lord, could have been so unfortunate for the abolition of slavery, opening of commerce, and civilizing the Black Tribes.

On the arrival of the new Pacha we shall see if his policy is more enlightened and conciliatory.

I have, &c.

(Signed) H. WARRINGTON.

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

&c. &c. &c.

No. 64.

*Colonel Warrington to the Earl of Aberdeen.**Tripoli, June 29, 1842.**(Received August 22, 1842.)*

MY LORD,

I HAVE the honour to acknowledge your Lordship's Despatch of the 25th ultimo. The specific instructions are particularly gratifying, because I am inclined to believe your Lordship will be satisfied with my acts during the personal communication I had with the Sheikh Abgelleel.

However untoward and horrible the events which have subsequently taken place, still I believe that your Lordship would not approve that my efforts in the noble cause of humanity should in consequence be paralysed, particularly as I well know the acts of the brave, the generous, the humane Abgelleel will be confirmed by his son, his brother, and Sheikh Sady.

I have always represented Abgelleel as a most powerful chieftain, and his having been betrayed by the basest treachery by no means alters the case.

His successors, with that revenge so strongly marked in the Arab character, will carry their hatred to the Turks beyond all bounds, as already Sheikh Sady has exterminated the tribe of Bossief, who were in favour of the Turks, but pardoned by Abgelleel.

We anxiously wait the arrival of the new Pacha; and if he adopts a more liberal and enlightened policy I hope still matters will work well.

I have asserted that the abolition of slavery, opening commerce, and bettering the condition of the Black Tribes can be effected by the medium of this Regency ; and, although our main-spring, by the death of Abgelleel, is broken, still it can be repaired by his successors so as to keep at work the noble and great machine of humanity.

I have, &c.

(Signed)

H. WARRINGTON.

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

No. 65.

Colonel Warrington to the Earl of Aberdeen.

Tripoli, June 30, 1842.

(Received August 22.)

MY LORD,

I HAVE the honour to acknowledge your Lordship's Circular Despatch of the 12th ultimo, with a copy of Memoir drawn up by Mr. Bandinel, of the steps taken by the British Government towards effecting the extinction of the Trade in Slaves from Africa.

The same shall be placed in the archives of this consulate, and will be read by me with great interest.

I have, &c.,

(Signed)

H. WARRINGTON.

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

No. 66.

Colonel Warrington to the Earl of Aberdeen.

Tripoli, July 29, 1842.

(Received September 6.)

MY LORD,

I HAVE the honour to inform your Lordship that a small Tripoline schooner sailed yesterday with a cargo of Black Slaves, in number from 80 to 90, chiefly taken in the affair of Abgelleel. The cries of these poor people on being sent on board was heartrending.

A caravan arrived from Ghadames yesterday with slaves, ivory, and senna.

I have, &c.,

(Signed)

H. WARRINGTON.

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

No. 67.

Colonel Warrington to the Earl of Aberdeen.

Tripoli, September 7, 1842.

(Received October 12.)

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Circular Despatch of the 5th of July, with two copies of a Treaty concluded at Montevideo between Her Majesty and the Oriental Republic for the abolition of the Traffic in Slaves.

The same shall be deposited with the archives in this Consular Office.

I have, &c.,

(Signed)

H. WARRINGTON.

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

No. 68.

*Colonel Warrington to the Earl of Aberdeen.**Tripoli, September 7, 1842.**(Received October 12.)*

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Circular Despatch of the 14th July, with two copies of a Treaty between Her Majesty and the Republic of Bolivia for the abolition of the Traffic in Slaves.

The same shall be placed with the archives of this Consular Office.

I have, &c.

(Signed)

H. WARRINGTON.

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

&c.

&c.

&c.

No. 69.

*Colonel Warrington to the Earl of Aberdeen.**Tripoli, September 7, 1842.**(Received October 12.)*

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Circular Despatch of the 5th ultimo, with two copies of a Treaty with the Republic of Texas for the suppression of Slavery.

The same shall be placed with the archives in this Consular Office.

I have, &c.

(Signed)

H. WARRINGTON.

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

&c.

&c.

&c.

No. 70.

*Colonel Warrington to the Earl of Aberdeen.**Tripoli, October 3, 1842.**(Received November 7.)*

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Circular Despatch of the 15th August, enclosing two copies of a Treaty between Her Majesty and the Queen of Portugal, for the suppression of the Traffic in Slaves, signed at Lisbon on the 3rd July, 1842.

I have, &c.

(Signed)

H. WARRINGTON.

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

&c.

&c.

&c.

No. 71.

*Colonel Warrington to the Earl of Aberdeen.**Tripoli, October 3, 1842.**(Received November 7.)*

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Circular Despatch of the 31st August, with two copies of a Treaty with the Mexican Republic for the abolition of the Traffic in Slaves, signed at Mexico on the 24th February, 1841, and the ratifications exchanged at London on the 19th July, 1842.

I have, &c.

(Signed)

H. WARRINGTON.

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

&c.

&c.

&c.

No. 72.

*Colonel Warrington to the Earl of Aberdeen.**Tripoli, November 30, 1842.**(Received December 31.)*

MY LORD,

I HAVE the honour to inform your Lordship that a Turkish brig, "*Messaud*", commanded by Solomon Rais, sailed this morning with 125 black slaves.

These poor creatures may be considered the property of Aska Ali Pacha, as he was instrumental in their captivity.

I have witnessed, with much pleasure, that Mehamet Pacha by no means encourages that traffic; and I trust his sense and wise policy will direct him in the pursuit of a more honourable and profitable commerce.

I have, &c.

(Signed)

H. WARRINGTON.

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

&c.

&c.

&c.

TUNIS.—(*Consular*).

No. 73.

Sir Thomas Reade to the Earl of Aberdeen.

Tunis, February 8, 1842.

(*Received March 15.*)

MY LORD,

THE British residents of Malta, Gozo, Gibraltar, Leghorn, Florence, Smyrna, Naples, and Tripoli, having forwarded an Address to the Bey, as a testimonial of the high sense they entertain of his Highness, in having adopted the measures which he has lately done for the suppression of slavery in this Regency, and having entrusted these Addresses to the care of Mr. Richardson, I have the honour to inform your Lordship of the arrival of that gentleman here, and of my having presented him to his Highness; and I have the satisfaction to enclose a copy of the Address (marked No. 1) of the residents of the places above mentioned; copy (marked No. 2) of the answer of his Highness; also the copy (marked No. 3) of the address of Mr. Richardson to his Highness, upon presenting the Address, together with the Bey's answer to that gentleman, marked (No. 4.)

His Highness received these Addresses in the most gracious manner, and appeared to be highly gratified, and I have no doubt that the ultimate intentions of his Highness are to suppress slavery altogether in his dominions effectually, as he intimates in the latter part of his letters; and I feel further satisfied that he would have already effected this immense object had it been in his power, but he has had to contend with, even in the measures he has already undertaken, the greatest opposition on the part of the owners of the slave property.

I have, &c.,

THOMAS READE.

(Signed)

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

First Enclosure in No. 73.

A Testimonial of Gratitude to His Highness the Bashaw Bey of Tunis, for his philanthropic and most noble resolution to abolish the inhuman and horrible traffic in Slaves throughout his extensive and very important African Dominions.

WE, the Undersigned British Residents, officers and merchants of _____, having heard of your Highness' philanthropic and noble intention and resolution to abolish the inhuman traffic in black slaves throughout your territories, and that your Highness has in completion of so solemn and humane a design actually taken the *preliminary steps*, by suppressing all the public places or markets for the sale of negroes; forseeing the vast consequences of good to humanity in the regions of Northern and Central Africa which must inevitably follow from this your Highness' conduct, so full of enlightened and princely philanthropy. Recognizing in this spontaneous determination of your Highness a manifest and all-impressive example to the Mahomedan and Christian sovereigns of neighbouring states, inciting them to imitate such an effective effort for the amelioration of the blacks of Africa, a large but most degraded and suffering portion of the human race; and remembering the immense sacrifices which our own country has made, and continues to make, in blood and treasure to extinguish the foul crime of trafficking in the souls and bodies of men in every part of the world; feeling, likewise, that, as in our breasts, your Highness' noble philanthropy will excite joy and thankfulness in the minds of our countrymen at home; we

come forward most anxiously to express our ardent admiration of your Highness anti-slavery measures, and to offer you our most cordial thanks and acknowledgements, wishing you, at the same time, all prosperity in your administration of the important Regency of Tunis, as also every happiness in your personal and domestic privacy in this world, and in the life to come, a full reward for this great act of mercy to the forlorn and desolate children of Africa.

Second Enclosure in No. 73.

Translation from the Arabic.

Praise be to God!

(L. S.)

FROM the Servant of God, the Mushir Ahmed Bashaw Bey, Sovereign Prince of the Dominions of Tunis. To the perfectly honoured Englishmen, united together for the amelioration of the Human Race in the City or Country of . . . May God honour them!

We have received the letter which you have forwarded to us by the honoured and revered Richardson, congratulating us upon the measures which we have adopted for the glory of mankind, and to distinguish them from the brute creation. Your letter has filled us with joy and satisfaction. May God aid us in our efforts, enable us to accomplish the object of our hopes, and accept this our work! May you live continually under the protection of God Almighty!

Written 26 Dy Elhojjah, 1257.
7th February, 1842.

Third Enclosure in No. 73.

Address to the Bey on the presentation of the Testimonial.

I PRESENT to your Highness, in the name of that God whom all Christians and Musulmen worship, an address or testimonial of gratitude, signed by the British officers, merchants, and residents of Malta and Gozo, Gibraltar, Florence, Leghorn, Naples, Smyrna, and Tripoli, thanking your Highness for those *preliminary steps* which your Highness has taken for the abolition of slavery in your dominions.

Among the names attached to this testimonial, your Highness will find some, nay, many British gentlemen of the greatest talent and the most eminent rank, who have spontaneously come forward to testify their gratitude and admiration of the noble and philanthropic conduct of your Highness to relieve suffering humanity, and build up again the fortunes of Northern Africa.

We are convinced that your Highness has achieved more honour by the act for the abolition of slavery than any Musulman Prince ever has done by war or conquest, or the promotion of the arts and sciences; and we feel persuaded that, if your Highness continues to complete this great work of emancipation for Africa, your Highness' name will descend, covered with glory, to the latest periods of the world.

Our countrymen are lively sensible of the great merit of the representative of their sovereign at the court of your Highness, who has humbly but unceasingly represented to your Highness the great good which your Highness would accomplish by this measure, and the transcendant reputation which your Highness would acquire thereby throughout Europe and the world.

We are happy to hear likewise, that enlightened and philanthropic Frenchmen have congratulated your Highness on your noble determination to extinguish slavery; for, in this immense measure of humanity, national rivalries can never enter.

Fourth Enclosure in No. 73.

Translation from the Arabic.

(L. S.)

Praise be to God!

FROM the Servant of God the Mushir Ahmed Bassa Bey, Sovereign Prince of the Dominions of Tunis. To the honoured and revered Richardson the Englishman.

We have received your letter, congratulating us on some measures which we have adopted for the amelioration of the human race. You brought us likewise letters from several Englishmen, united together for that same object of benefitting mankind.

We have experienced great joy and satisfaction on the reception of those letters.

You will receive our various letters, answers to those, which we beg you to forward to your countrymen.

May God grant them the greatest recompense; may He aid us in our efforts to benefit his creatures; and may you live always under his divine protection!

Written the 26th Dy Elhojjah, 1257.

7 February, 1842.

No. 74.

*Sir Thomas Reade to the Earl of Aberdeen.**Tunis, March 24, 1842.**(Received May 11.)*

MY LORD,

SINCE my Despatch of the 10th instant, I have had another conversation with the Chevalier Raffo; and he has mentioned to me, that as it has been the custom upon all former occasions, when presents were sent to Constantinople, to accompany them with a certain number of slaves, in all probability the envoy who is gone in charge of the present, which left this on the 8th instant, might be asked why he had not brought slaves upon this occasion; in which case the Bey directed him to inform the Minister of the Ottoman Porte of the particular measures he had already taken in regard to slavery; and at the same time to state, that his Highness had come to the fixed resolution of putting a total end to it in his dominions as soon as circumstances would permit him to do so.

The Chevalier Raffo added, that his Highness had directed him to request me to state this to your Lordship; and he trusted, that if he should experience any difficulty with the Ottoman Porte upon the question, he would have the influence and support of the British Government in sustaining his views; and I take this opportunity of enclosing to your Lordship the copy of a letter which I have addressed to Sir Stratford Canning, Her Majesty's Ambassador at Constantinople.

I feel great satisfaction in being able likewise to inform your Lordship that 16 slaves belonging to Sidy Mohammed Benayad, the head of the first family in the Regency, have a few days since received their freedom at the particular request of the Bey for having conducted themselves in a praiseworthy manner in a situation in which they had been employed for some time past; and, I rejoice to add, that Sidy Mohammed Benayad, had some time previous to this given freedom to all the married blacks belonging to him, and apportioned to each a certain quantity of land for their sustenance.

These examples, I hope, will have the best effect upon other influential families; and I am persuaded that the Bey, notwithstanding many difficulties opposed to him, will encourage them as much as possible.

I have, &c.

(Signed)

THOMAS READE.

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

&c.

&c.

&c.

Enclosure in No. 74.

(Extract.) *Sir Thomas Reade to Sir Stratford Canning.**Tunis, March 23, 1842.*

I HAVE the honour to acknowledge the receipt of your Excellency's circular letter, dated the 27th January last, and I shall not fail to keep you informed from time to time of every interesting circumstance that may regard this Regency.

It is a great satisfaction to me to be enabled to state to your Excellency that our relations with the Tunisian Government at the present moment are on the best possible footing.

I have no doubt that your Excellency would have been informed previous to your leaving England, that the Bey had sent last year his intimate Minister to communicate with Lord Aberdeen upon certain points in regard to the actual position in which this Regency stands towards the Ottoman Porte. Upon that occasion Lord Aberdeen recommended in the strongest manner that the Bey should not give any real cause for the Ottoman Porte to complain of him; and in this respect I am of opinion that his Highness has not hitherto afforded any occasion for complaint.

His Highness some time since requested me to state particularly to Lord Aberdeen that he would not fail to follow most rigidly the advice which his Lordship had been pleased to offer him; and to give his Lordship a proof of this he had determined to send to Constantinople a present as rich as the state of his finances would permit.

This present left Tunis for Constantinople on the 8th instant; and I beg leave to enclose a translation from the Arabic, specifying all the articles of the present, by which your Excellency will perceive that the gross amount is upwards of a million six hundred thousand piastres, the value of each piastre being in English eight pence.

I am myself surprised at the exertions which the Bey has made to collect so very considerable a present, because I know that the actual state of his treasury for the last four or five years has been at so low an ebb as to furnish with difficulty the current expenses of the government, owing chiefly to a total failure of the crops of every description.

Your Excellency will naturally have been informed of the steps taken during the course of last year by the Bey for the abolition of slavery in this Regency, and I have no doubt that his Highness has in view to adopt very soon such additional regulations as to do away altogether as much as he possibly can the entire system of slavery; and I take this opportunity of informing your Excellency that he has instructed his envoy, who is gone to Constantinople in charge of the presents, to declare, in case any question should be asked why he had not brought slaves as formerly had been the custom, that his Highness had come to the resolution to abolish slavery as quickly as he could in the Regency.

This circumstance the Bey informed me of himself, and requested I would not fail to mention it to your Excellency, hoping that your Excellency would be pleased to afford him all the support in your power should the Ottoman Porte make any serious objections upon this head.

I hope I may be excused the liberty I take in recommending in the strongest possible manner the Bey, not only upon this particular question of slavery, but upon all other points touching his interest to the favourable consideration of your Excellency, being fully convinced that his conduct and proceedings generally in regard to British interests are favourable in the extreme, and consequently merit such consideration.

I have, &c.

(Signed) THOMAS READE.

A true copy.

T. READE.

*His Excellency Sir Stratford Canning, G.C.B.,**&c. &c. &c.*

No. 75.

The Earl of Aberdeen to Sir Thomas Reade.

SIR,

Foreign Office, May 25, 1842.

I HAVE received your Despatch of the 24th March last, and I have to instruct you to assure the Bey of Tunis that Her Majesty's Government appreciate highly the efforts which his Highness is making to eradicate the evil of slavery from the territory under his rule; and the British Ambassador at Constantinople has been instructed to state to the Porte the cause of the Bey's failing to send the customary present of slaves as a portion of the tribute from His Highness to the Sultan. And the Bey of Tunis may be assured that Her Majesty's Government will use their good offices to the end that his acquiescence in the wishes of the English nation for the abolition of Slave Trade and of slavery may not have an unfavourable effect on the relations of his Highness with the Sultan.

I am, &c.

Sir Thomas Reade,
&c. &c.

(Signed) ABERDEEN.

No. 76.

Sir Thomas Reade to the Earl of Aberdeen.

MY LORD,

Tunis, April 28, 1842.

I HAVE not been enabled hitherto to reply to your Lordship's Circular Letter of the 27th December last, not having received a decisive answer from the Bey upon the subject it alludes to until yesterday, when his Highness informed me that he had directed the archives to be examined, and that no regulation or document whatever in regard to the question of slavery could be found.

It is a great satisfaction to me, however, to report to your Lordship that the Bey, faithful to the promises made in his former letters, delivered to me, at my interview with him yesterday, another, a copy of which I beg leave to enclose, by which your Lordship will perceive that his Highness has issued an order to all the governors of the various posts and stations upon the frontiers of his Regency, prohibiting the further importation of slaves from the Interior; and that in case any black persons should in any manner whatever find their way into his dominions, from that moment they should be considered absolutely and *bonâ fide* free.

I am fully aware of the fact which his Highness alludes to in his letter, that he has had immense difficulties to encounter from the first in the march he determined to take to put an end to slavery by every means in his power. These difficulties have arisen principally on the part of the old members of the divan, with whom it is necessary to consult before any step which the Bey may be desirous to take can be established as law. A number of these members of the divan are great fanatics, and it requires the utmost management and care to obtain their consent to establish new regulations of any description.

I feel persuaded, however, from my knowledge of the Bey, that his Highness will not fail to seize every favourable opportunity that may occur for carrying into full effect his views upon this question.

The present regulation goes very far, indeed, to destroy slavery, and I am in hopes, when I can lay hold of a favourable opportunity, to persuade his Highness to issue a further order, declaring that after a certain date every child born of black slaves in the Regency should be free; and although this is a point upon which I fear the Bey will experience the greatest opposition, from the circumstance of all the members of the divan being holders of slave property to an immense amount, still I feel confident that I shall have the satisfaction of obtaining my wishes in respect to it, when it will only remain for me to turn my individual attention to the slaves actually existing in the Regency.

I rejoice to state to your Lordship likewise that his Highness never fails, when opportunities occur, of using his influence with the richer part of the community to persuade them to give freedom to their slaves, as often as may be in their power; and I am happy to add that numbers have been liberated.

As I have before had the honour to remark in former Despatches that the Bey has been guided in the steps he has taken upon the question of slavery solely from a sincere regard which he holds for the British nation and Government, it only now remains upon this occasion for me to confirm these remarks, hoping that the humane and philanthropic conduct of his Highness may be fully appreciated, when this additional and important regulation, which his Highness has now established, becomes publicly known in England.

Some time since I received a letter from the Anti-Slavery Society, in which they transmitted an Address to the Bey, signed on their part by Mr. Clarkson, which I duly presented to his Highness; and I take the liberty of enclosing the Bey's answer, which I request your Lordship will be pleased to forward to the Society, and which I leave open for your Lordship's information.

I have, &c.

(Signed) T. READE.

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

Enclosure in No. 76.

(Traduction.)

DE la part du Serviteur de Dieu de Gloire, celui qui en espère pardon et miséricorde, qui confie dans son appui, qui lui réfère toutes ses affaires, le Mushir Ahmed Bassa Bey, Prince des Domaines Tunisiens, que Dieu lui soit propice dans l'atteignement de ses désirs, et lui soit en aide dans le commandement qu'il lui a confié!

A notre allié le Chevalier Thomas Reade, Consul-Général du Gouvernement Anglais à Tunis.

Ce que nous avons à vous annoncer, c'est d'avoir écrit à tous nos gouverneurs des lieux de passage aux Ghadamsia et marchands d'esclaves, en leur ordonnant de n'en laisser passer aucun sur notre territoire; et que si après cet avertissement ils ne s'y conformaient pas, et entraient dans nôtre Régence, tous leurs esclaves se trouveraient affranchis à l'instant même, et deviendraient libres. Nous persévérons toujours à l'accomplissement de cet œuvre, avec les ménagemens qui s'accordent avec l'état actuel des choses, et vous ne pouvez assez considérer combien nous sommes ténus d'en avoir.

Que Dieu tout puissant nous aide à atteindre notre but, qui est celui du bien du genre humain.

Ecrivez 17 Rehib 1^r 1258.

27th April, 1842.

No. 77.

The Earl of Aberdeen to Sir Thomas Reade.

SIR,

Foreign Office, June 16, 1842.

I HAVE received your Despatch of the 28th April, 1842, together with its Enclosures, containing a notification that the Bey of Tunis had issued an order to all the commanding officers on the frontiers of the Regency to prevent all further importation of slaves into the territory of his Highness, and to declare that if any slaves should after that prohibition be introduced into the Regency, they should, from the moment of importation, be considered absolutely and entirely free.

I have to desire that you will take a formal opportunity to express to his Highness the great satisfaction with which Her Majesty's Government has received this intimation, evincing the liberal and enlightened views of the Bey of Tunis. You will assure the Bey that the several steps which his Highness has taken for putting down Slave Trade and slavery are viewed with much interest, and are duly appreciated by Her Majesty's Government.

I am, &c.

Sir Thomas Reade,
&c. &c.

(Signed) ABERDEEN.

No. 78.

Sir Thomas Reade to the Earl of Aberdeen.

(Extract.)

Tunis, June 20, 1842.

(Received July 8.)

I HAVE the honour to inform your Lordship of the arrival at this place of a Danish frigate, named "*The Thetis*," having on board the Prince Frederick of Hesse Cassel.

She does not take pratique here, and the object of her visit was to return a Royal salute, which was fired upon the occasion of the accession of the present King of Denmark to the Throne.

I have, &c.,

(Signed) T. READE.

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

No. 79.

Sir T. Reade to the Earl of Aberdeen.

(Extract.)

Tunis, August 1, 1842.

(Received September 9.)

I HAVE the honour to transmit for your Lordship's information, copy of a Letter which I have received from my agent at the Goletta, regarding four white female Georgian slaves, who had been brought from Tripoli on an Austrian brig named "*Febo*," Captain Niccolo Zaar. This circumstance having come to the Bey's knowledge, his Highness sent two public notaries to Mr. Gaspary's office, who is the agent for the Austrian Consulate at the Goletta, to request his presence on board the ship; and, having there repaired together in consequence, the notaries notified to those slaves, in the name of the Bey, that, on their being disembarked, they were to consider themselves as absolutely free; and, furnishing each with a public act, signed by the Bey himself, to that effect, they withdrew from the ship.

In reporting to your Lordship this decisive step taken by the Bey, I beg leave to observe how much it is conducive to the cause of the abolition of slavery; and, knowing the interest I would take in the circumstance, his Highness sent expressly to communicate it to me, in preference to any other Consul.

The four slaves were transported from Tripoli by sea, in consequence of the officers commanding the frontiers having notified the orders of the Bey, prohibiting the importation of any slaves by land, as reported to your Lordship in my Despatch of the 28th April last; and I trust that, impeded by land and prevented by sea, any introduction of slaves of any description will henceforward be an impossibility.

I have, &c.,

(Signed) T. READE.

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

Enclosure in No. 79.

The British Agent at Goletta to Sir T. Reade.

ILLMO. SIGNORE,

Goletta, Luglio 23, 1842.

IL Governatore mi ha incaricato di parteciparle, che il giorno primo Luglio corrente, essendo giunto da Tripoli il brig Austriaco "*Febo*," Capt. Niccolo Zaar, oggi spirava la sua quarantina.

Che essendovi abbordo quattro donne Giorgiane bianche, ed il Bey non volendo assolutamente ricevere qualunque specie di schiavi, egli ha spedito due notari all' ufficio del Signor Gaspary per invitarlo ad accompagnarli abordo.

E che essendosi cola' tutti insieme trasferiti, i notari dichiararono alle donne, che toccando il suolo di Tunis, doverano considerarsi assolutamente libere.

Dietro questa dichiarazione, i notari munirono le donne di una carta di libertà firmata dal Bey medesimo. Sembra che si voglia adottare la via del mare, per importare schiavi, giacche quella di terra e' preclusa.

Il Governatore mi disse che le fa questa partecipazione per ordine espresso del Bey, il quale conosce quanto ella prende interesse in casi simili.

Suo dev^o. obb^o. Serv^o.

(Firm^o) G. B. STELLINI.

True copy,

T. READE.

Sir T. Reade,
&c. &c.

(Translation.)

SIR,

Goletta, July 23, 1842.

THE Governor has directed me to acquaint you that, on the 1st of July instant, the Austrian brig "*Febo*," Captain Niccolo Zaar, arrived from Tripoli, and this day completed her quarantine.

That there being on board four white Georgian ladies, and the Bey being absolutely resolved not to receive any species of slaves whatsoever, despatched two notaries to the office of Signor Gaspary, to invite him to accompany them on board.

And that, being all there assembled, the notaries stated to the ladies that, on touching the soil of Tunis, they were to consider themselves absolutely free.

After this declaration the notaries furnished the ladies with a certificate of freedom signed by the Bey himself. It appears to be intended to adopt the passage by sea, for importing slaves, now that the passage by land is closed.

The Governor stated to me that he makes this communication to you by the express orders of the Bey, who knows what an interest you take in such cases.

Your most obedient servant,

(Signed) G. B. STELLINI.

No. 80.

Sir Thomas Reade to the Earl of Aberdeen.

Tunis, November 8, 1842.

(Received December 9.)

MY LORD,

IN reference to Sir E. C. Disbrowe's Despatch, dated the Hague, 8th December 1840, to Viscount Palmerston, and inserted in Class B of the correspondence relative to Slave Trade, under No. 228, wherein he states, with respect to my allegation, that Mr. Nyssen furnished the necessary papers to Ottoman ships departing from the Goletta, "That under these circumstances, considering that Her Majesty's Consul-General did not make his statement as a positive fact, but only stated that 'he was informed' such to be the case, I venture to request your Lordship for further instructions before I transmit a Copy of Colonel Reade's Despatch to Baron Verstolk." I beg leave to transmit for your Lordship's information translation of a Letter which I have only lately received from his Highness the Bey, in answer to one I had addressed to him long time since upon the subject.

By it your Lordship will observe, what indeed is a notorious fact here, that Mr. Nyssen does furnish such papers to the Ottoman ships.

Such being the case, he is to be blamed if any vessel of that, or any other nation for which he acts as consul, carries on Slave Trade under the safeguard of the papers he furnished them; and the fact that Russian, Tuscan, and Ottoman ships for which he undertakes to act as consul, are principally those which have carried on this traffic, confirms my former assertions regarding the miserable fee of one piastra per head.

He may, indeed, as he did on a former occasion, allege ignorance of the fact, and screen himself under the plea that he, being at Tunis, it was Mr. Gaspary's

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duty to see that no slaves were embarked, and refer to the papers furnished to show that he did not enter the slaves as passengers.

How frivolous must seem such an excuse I leave to your Lordship's consideration to decide; both being functionaries of the same Government, it is evident that both are equally responsible for whatever part they may have had in the transaction;—Mr. Nyssen for having furnished the papers, and Mr. Gasparry for not impeding the embarkation of the slaves which was made almost publicly. And if the allegation which Mr. Nyssen has put forth, that he did not enter the slaves on the papers, were valid, there would be an end to every regulation for checking the traffic in slaves; for notwithstanding they were not placed upon the ship's paper, still no exertions were used either by Mr. Nyssen or his deputy, Mr Gasparry, to prevent their actually going on board.

I have, &c.,

(Signed)

T. READE.

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

MUSCAT.

No. 81.

The Imam of Muscat to the Earl of Aberdeen.

(Translation.)

In the name of the Most High God!

To his Excellency of great renown, of high distinction, under the special protection of the true God, the august vizier, the highest of nobles, the Right Honourable the Earl of Aberdeen, may his prosperity and glory be perpetual, and salutations the most sincere and friendly, and fervent prayers reach and be acceptable to the fullest (that the whole world may be filled), and constantly renewed as the return of day and night, for his gracious Excellency, the chief of great viziers, the most illustrious amongst those of great renown, the principal eye of the state, the glory of nobles, unequalled in this age, the first noble in dignity and greatness; may the Almighty preserve his sun from the eclipse, and keep the new moon (Hilda) of his prosperity from the wane (Mohok) and from the eclipse, until he obtains all his wishes, and the height of dignity, through the favour of God!

Afterwards know that the reason for writing this letter of friendship is, first, to inquire after your circumstances, for your intentions are good; may the Lord of both worlds preserve you! and should you feel inclined to know how I am, know then that, through the mercy of God, I am quite well, and I trust and hope in God that, on the receipt of this letter, you may be in the enjoyment of every blessing. Now at the present time came to me, his Honour Captain Hamerton, and he showed me a letter sent from (by order) Her Gracious Majesty, that the traffic in slaves by sea should cease, and not continue. Now I am in obedience to Her Majesty; I will hear and obey her words (or orders), but I now inform your Excellency that these countries will be totally and entirely ruined, and no revenue nor any income, saving and excepting a trifle, will remain for me, the loss of the whole world (the people of the world) is as one shore; while to the people of these countries the loss will be as ten shores; my hopes and expectations were, that should loss or oppression happen to me from any other tribe (nation), I could look to Her Gracious Majesty and Government for refuge and protection. Now the thing your friend hopes for, without troubling you, and not as a matter of right, is that you would take my case into consideration, and do what may be for my benefit.

I have sent to the presence of Her Majesty my trusty and well-beloved Governor Ali Bin Nasir, that he may explain certain matters to Her Majesty, and I hope you will assist me and intercede for me with Her Majesty and with Government. I am unable to excuse myself to Her Majesty; I am not opposed to the wishes of Her Majesty, but I have hopes you will consider my situation, so that I may be able to subsist; to pass my time—I entertain hopes, very *great hopes, from you*; please God whatever you require of me, much or little, the sign rests with you, peace be on you.

From the confiding slave of God,

(Signed) SAEED BEN SULTAN.

Written at Zanzibar, 39th day of Zilhaj, 1357.

(11th day of February, 1842.)

No. 82.

Captain Hamerton to the Earl of Aberdeen.

Bombay, May 21, 1842.

(Extract.)

(Received July 4.)

I HAVE the honour to acknowledge the receipt of your Lordship's Letter of the 14th of last December, together with Her Most Gracious Majesty's Commission, appointing me Her Majesty's Consul in the dominions of the Imaum of Muscat, and to inform your Lordship that I received orders on the 5th of last March to proceed from Zanzibar to Muscat; and on my arrival here, Mr. Secretary Willoughby informed me that a reference had been made to the Government of India relative to my returning to Zanzibar or proceeding to Muscat.

I have the honour to inform your Lordship, that his Highness the Imaum is in the greatest possible alarm, and all his people, in consequence of the wishes of the British Government to suppress the Slave Trade on the Coast of Africa, subject to his Highness' control. The chief part of the Imaum's revenue is derived from the sale of slaves, and indeed the wealth of his subjects also. There are sold every year from 11,000 to 15,000 slaves from the Imam's African possessions. All the revenue he receives from Muscat is 150,000 dollars yearly; the articles with which the slaves are bought are imported into Zanzibar by the Americans.

I have, with much satisfaction, to inform your Lordship that I have succeeded in counteracting the bad feeling on the part of the Imaum's authorities towards English merchants at Zanzibar, and induced his Highness to break up and put a stop to a monopoly of the trade to the exclusion of our merchants, which was in full force when I first arrived at Zanzibar.

I have, &c.,

(Signed)

ATKINS HAMERTON, *Captain,**Her Majesty's Consul in the Dominions of the Imaum of Muscat.**The Right Hon. the Earl of Aberdeen, K. T.,*

&c.

&c.

&c.

No. 83.

The Earl of Aberdeen to Saeed Ali Bin Nasir.

THE Undersigned has the honour to acknowledge the receipt of a letter from his Highness the Imaum of Muscat, which has been presented to him by Saeed Ali Bin Nasir, Envoy on a special mission from his Highness.

Her Majesty's Government have learnt with regret that financial difficulties are likely to interfere with the enlightened views of his Highness the Imaum, and to check him in the humane and liberal course upon which he has entered with regard to the Slave Trade.

Her Majesty's Government acknowledge with pleasure the readiness with which his Highness has already co-operated with Her Britannic Majesty by Treaty for the suppression of that trade; and it will be their duty, and their constant care, by means of Her Majesty's forces in the Indian Seas, to carry out the object of the engagements to which Her Majesty is a party, and effectually to suppress the traffic in those waters, and under those flags over which Treaties have given her authority.

But neither the duty of Her Majesty's Government, nor the feelings of the British nation will allow them to rest satisfied with an imperfect execution of this great work.

His Highness is aware that it is the object of Her Majesty's Government to extend the measures for the suppression of the Slave Trade to the seas immediately adjoining the African and Arabian Coasts.

For this purpose it is most desirable that Her Majesty should receive the co-operation of his Highness: and although at first sight there may appear to be difficulties in the way of the Imaum's accession to such measures, Her Majesty's Government feel confident that, upon a closer view, these difficulties will be found to be temporary and insignificant; and that if, in the first instance, some sacrifice of revenue should be necessary, the loss will speedily be compensated by the establishment of a legitimate commerce, far more profitable to the revenue and

beneficial to the population of his Highness' dominions than the inhuman one which now occupies its place.

Under this conviction Her Majesty's Government would be willing to assist the Imaum in meeting the first deficiency which may arise from the loss of duties hitherto levied upon the Slave Trade; and they invite his Highness to communicate to them without delay the terms upon which he would be willing to take a share in the proposed measures, both as regards the amount of the payment to be made to his Highness and the time during which it is to continue.

Her Majesty's Government make this proposal in the full persuasion that his Highness will acknowledge the friendly interest by which it is dictated; and in the hope that it will be met with a determination to come to such an agreement as shall be at once consistent with the dignity of his Highness as an independent Sovereign, and efficient for the object which Her Majesty and Her Majesty's subjects have most at heart; and for the attainment of which Great Britain will never cease to employ all the means which the possession of great maritime power has put into her hands.

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

Foreign Office, July 12, 1842.

No. 84.

The Earl of Aberdeen to Saeed Ali Bin Nasir.

THE Undersigned, &c. has the honour to inform Saeed Ali Bin Nasir, &c., that Her Majesty's Government have recently received information that slaves are continually carried to Kurachee and Deevil from places in the dominions of the Imaum of Muscat: and the Undersigned will now proceed to give to Saeed Ali Ben Nasser the particulars of several cases of this nature, and which the Undersigned requests may be brought to the knowledge of his Highness the Imaum, in the hope that he will use his endeavours to put an end to practices so much at variance with the letter and spirit of the articles which, by the consent of his Highness the Imaum, were added, on the 17th December, 1839, to the Treaty concluded with his Highness by Captain Moresby, on the 29th August, 1822.

In the first of the cases above referred to, a boat belonging to the people of Kurachee, with a Kuranee named Nadeer Allee Lootijan, carried from Muscat to Kurachee 18 slaves, seven of whom belonged to Nadeer Allee Lootijan, four to a Muscat Banian merchant named Kokeel, agent of Asso, and seven to Kankoo, a Banian, residing at Kurachee.

Secondly; on the 16th of January, 1842, a bugla, belonging to Mahomet Ben Sooleman, of Kisheen, proceeded to Kurachee with an inhabitant of Hyderabad and 13 slaves. Nine of these slaves were Abyssinians, and four of them Negroes. These slaves had been purchased by Mahomet Ben Sooleman.

Thirdly; on the 20th January, 1842, a bugla, belonging to Ally Causim of Kisheen, sailed to Kurachee with three Scindians and 35 slaves. These slaves were partly Abyssinians and partly Negroes, and had been purchased by the Scindians, for whose account they were put on board the bugla.

Her Majesty's Government regret to have to observe that these acts are in direct contravention of the engagements of the Imaum; for, by the additional articles of the 17th December, 1839, the Imaum empowered British Government cruisers to seize and confiscate vessels belonging to his subjects found engaged in Slave Trade beyond a direct line drawn from Cape Delgado, passing two degrees seaward of the Island of Socotra, and ending at Passein.

Now, in all the cases above cited, the slaves were purchased in Muscat, and were carried from thence to a place beyond the prescribed limits.

It is true, that in the first mentioned case, the transport was effected in a boat of Kurachee, yet the subjects of the Imaum were implicated in the transaction; and in the two cases last cited the vessels in which the slaves were transported actually belonged to subjects of his Highness residing at Kisheen.

Now although, as stated by the Undersigned in his note to Saeed Ali Ben Nasser of the 12th ult., Her Majesty's Government would, on the extinction of the Slave Trade of Muscat, be willing to assist the Imaum in meeting the first

deficiency which may arise from the loss of duties hitherto levied on that Slave Trade, the Undersigned begs that Saeed Ali Ben Nasser will distinctly understand that such assistance can be given only on condition that the export trade in slaves from the dominions of his Highness, whether to Christian or Pagan countries, shall be entirely prohibited; and that the Imaum will, in addition to the power which he has conferred upon British cruisers, exert his own authority in punishing those of his subjects who may be found carrying on the Slave Trade in places beyond the dominions of his Highness.

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

Foreign Office, August 6, 1842.

No. 85.

Saeed Ali Bin Nasir to the Earl of Aberdeen.

London, Portland Hotel, November 3, 1842.

MY LORD,

(Received November 3.)

THE repair and outfit of the ship "*Sultana*" being now, by your Lordship's favour and liberality, fully completed, I am anxious, with your Lordship's permission, to take my departure for Zanzibar, to lay before my sovereign, the Imaum of Muscat, the result of my mission to England.

I was about to reply to your Lordship's friendly note of the 12th July, when I received with concern your Lordship's further note of the 6th August, corresponding so much with Lord Palmerston's communication of the 8th June, 1841, through Lord Leveson to the Governor-General of India, which gave his Highness so much uneasiness, and caused so much alarm in his mind, that he immediately ordered me to proceed to this country, without having time to furnish me copies of that and various other documents necessary for my guidance, which, however, I have since received from Zanzibar; and by your Lordship's permission, I have had access to Captain Moorsby's Treaty on the subject of the Slave Trade, of August, 1822, which I am instructed by his Highness to say, has been strictly adhered to on his part; but whether it has been so on the part of the British Government will hereafter appear.

I have no knowledge of any other Treaty, or of the alteration of the Moorsby Treaty, as stated in your Lordship's note of the 6th of August, to have taken place with his Highness' sanction, in December, 1839.

But even admitting the alteration of that Treaty, by substituting the limit from Socotra to *Passena*, instead of from Socotra to *Diu Head*, it does not appear that any infringement of the Treaty, in letter or spirit, can attach to his Highness or his Government, as will appear by the annexed memorandum, explanatory of the cases set forth in your Lordship's note of the 6th August.

Her Majesty's cruisers, and those of the East India Company, had the right of search, and enforcing the penalty of confiscation if called for,—a right which it would seem had not been scrupulously exercised, seeing that a vessel belonging to one of the Imaum's subjects, carrying his own flag, was boarded and searched, without opposition, in his harbour of Zanzibar, by one of Her Majesty's cruisers, at the suggestion, it is understood, of the British Consul, in violation of the Treaty. Nor is this the only instance of disrespect offered to his Highness by the British authorities, to his degradation in the eyes of his subjects, and his extreme mortification, considering the friendly relations which have subsisted between the two Governments for so long a period, and which it has been his Highness' anxious wish should continue to exist, as heretofore, and for ever.

His Highness is well aware of the strength of the British Government, by sea and land, and that when exercised in the cause of justice and humanity, its power must, under God, be irresistible; but he confidently trusts that it will not be put forth to oppress the weak and unoffending.

With regard to the proposals contained in your Lordship's notes, I can only say that, on my arrival at Zanzibar, I shall lay them before his Highness for

consideration, and he will no doubt communicate with your Lordship thereon. But, in the meantime, it may be satisfactory to your Lordship to be put in possession of the accompanying extract for his Highness' instructions to me, as setting forth his distress of mind under the treatment he has recently met with; but at the same time evincing his firm attachment and devotion to the British Government, and his confidence in its friendship.

In further proof of the sincerity of these sentiments on the part of his Highness, I beg to lay before your Lordship a letter lately received from him to your address, asking your advice upon a subject of importance to the interests of both Governments, but which his Highness will not move in without your Lordship's concurrence.

I cannot conclude this letter without expressing my high sense of gratitude for the kind attention and liberal consideration bestowed upon me by your Lordship during my stay in England, and which it will be my pleasing duty to report to my Sovereign on my return to Arabia.

I have, &c.

(Signed) ALI BIN NASIR.

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

Enclosure 1 in No. 85.

Memorandum explanatory of the cases cited by the Right Honourable the Earl of Aberdeen, in his Note to Ali Bin Nasir, dated August 6, 1842, wherein it is inferred that his Highness the Imaum of Muscat has not adhered to his engagements with the British Government, under the Moresby Treaty of 1822; and certain additional articles said to have been agreed to by his Highness, in December, 1839.

Cases cited by the Right Hon. the Earl of Aberdeen.

"In the first of the cases above referred to, a boat belonging to the people of Kurachee, with a Kuranee named Nader Alee Soolijan, carried from Muscat to Kurachee eighteen slaves, seven of whom belonged to Nader Alee Soolijan, four to a Muscat Banian merchant, named Kokeel, agent of Assoo, and seven to Kancho, a Banian residing at Kurachee."

Explanations by Ali Bin Nasir.

Kurachee was taken possession of by Admiral Maitland in February, 1839, and has since remained under British control, consequently the transit of slaves from Muscat to that place involved a risk that would in itself prevent the probability of such an occurrence, inasmuch as the parties exposed their vessel and slaves to the chances of seizure by both the Governments of Great Britain and Muscat; and on reaching Kurachee, the slaves would become free on landing, and the parties would be subject to the consequences of their illicit traffic. The detail of the case, however, being so minutely stated, leaves but little doubt that it did take place; and Ali Bin Nasir can only assure Lord Aberdeen that it is at all times a matter of great solicitude with his Sovereign to adhere to, and enforce in letter and spirit, his Treaties with the British Government, and that he will punish any of his subjects who may be detected in the infraction of them.

"Secondly.—On the 6th January, 1842, a bugla belonging to Mahomed Ben Sooleman of Kisheen, proceeded to Kurachee with an inhabitant of

In this instance, it is not stated that the bugla sailed from Muscat to Kurachee, but that she belonged to Kisheen, and may have taken the slaves from

Hyderabad and thirteen slaves; nine of these slaves were Abyssinians, and four of them Negroes. The slaves had been purchased by Mahomed Ben Sooleman."

"Thirdly.—On the 30th of January, 1842, a bugla, belonging to Ally Causim of Kisheen, sailed to Kurachee with three Scindians and thirty-five slaves. These slaves were partly Abyssinians and partly Negroes, and had been purchased by the Scindians, for whose account they were put on board the bugla."

that place to Kurachee. Kisheen is a town situated about 400 miles to the north-east of Aden, on the Arabian coast, and has not for many years been subject to the immediate control of the Muscat Government; consequently, his Highness the Imaum cannot be compromised in this transaction.

The foregoing reasoning will equally apply in this instance. But here it is necessary to observe that, although the people on the Coast of Arabia, from Muscat southward to Maculla, inclusive, recognised for many years the sovereignty of Muscat, yet for some time past that control has become gradually weakened, whilst the direct communications held, on various occasions by the British Government, with several petty chieftains on this part of the coast, has virtually confirmed their independence, and consequently rendered the Muscat Government irresponsible for their acts. Ali Bin Nasir can only again assure the Earl of Aberdeen of his Sovereign's anxiety to meet the wishes of the British nation on all occasions, consistently with the independence of his Government and the welfare of his subjects; and that he will zealously co-operate in giving effect to such arrangements as he may have duly entered into with the British Governments.

ALI BIN NASIR.

Second Enclosure in No. 85.

Extract from the Instructions of His Highness the Imaum of Muscat to Ali Bin Nasir, Envoy on a Special Mission to Her Majesty the Queen of Great Britain, dated at Zanzibar in the month of February, 1842.

In the name of God!

WE command our friend Ali Bin Nasir as follows:—Let him proceed to the presence of the Illustrious Vizier Lord Aberdeen, (may God Most High protect him!) and say to him thus:—

Sáeed has desired me to say to you,—“Has there appeared any breach on our part of the agreements which passed between us through *Captain Moresby* as to the prohibition of the selling of slaves to all sects of Christians?”

If they say, “There has not,” then tell them Sáeed says,—“From the time when an agreement was formed between us and you, through the Governor of Bombay, *Duncan*, in the 1223d year of Hejrah (1808), being now nearly 34 years ago, we do not think we have opposed you in anything which you desired of us; nor did we indeed experience on your part anything but perfect honour and respect, during 22 years of that time.

But during the last 12 years, we bear witness to having received treatment the reverse of what it was before, and we are not aware of any fault on our part, nor are we conscious of any blame. Neither do we know that any one has reported to you anything concerning us, which we did not do.

And, in return, we expect from you such friendship as formerly existed, unless indeed some fault has been committed by us, such as should give occasion for such treatment, and that we deserve it.

And further, as to the prohibition of slaves being shipped; if you ordered us

to quit the country, we would quit it. But then it is necessary that you should consider our condition, at present, and for the future. Now, if slaves be prohibited, the whole of the inhabitants of the country will be injured, and the revenue will entirely disappear.

First. They bring down ivory from the country of Quilwah and the coast, and they bring down the ivory and slaves together. So that if you prohibit people from dealing in slaves, you will prohibit them from coming down, and selling ivory.

Secondly. They bring beads from the quarters of Yemen and India. But if the bringing down of ivory and the dealing in slaves be forbidden, they will cease to bring those articles.

Thirdly. They come from Oman and from the upper country, and in this way most of them will cease to come, and there will no longer remain any purchasers for the goods which come from Europe, such as cotton, cloth, &c., for the people of Zanzibar are satisfied with little: and if this takes place there will no longer be any revenue at all.

We mention this, by no means out of any unwillingness to proclaim the wishes of the Great Queen and her people; but it is necessary that we should inform you of our condition, and it is requisite that you should yourselves reflect on our state.

And, in the letter of the Great Queen to the "Lord-General" of Calcutta last year, it is said, that you will assist us every year with *two thousand pounds* for three years, in compensation for our losses: but if we knew that our losses and deficiency of revenue would only amount annually to *ten thousand pounds*, we would not have mentioned this.

It is also stated in the Great Queen's letter, that it is your wish they should search vessels; therefore, those which go from Zanzibar and the quarters of Oman and Yemen shall be searched on suspicion—fear it not. But, as to those which go to India, it is certain that they do not carry slaves; and it is well known that those coming from Oman and Yemen do not bring slaves. And it is necessary that the captains should be prohibited from giving trouble or annoyance to the crews of vessels not carrying slaves.

And if the Great Vizier says to you,—“What will satisfy Sáeed with regard to the loss which will come upon him?” say to him, “Sáeed cannot say anything on this subject which personally concerns himself. The decision as to this rests with you; but, if it be possible, and if it be not disagreeable to you, retake possession for him of his Island of *Bahrein*, and let the defence of it, against the sects of Islam particularly, be upon you. I think Sáeed will be satisfied with this, as compensation for his loss.”

Also, Sáeed has desired me to tell you, that if you are satisfied with respect to him, then he hopes from you, that those persons who are stationed on your part, whether in Zanzibar or in Muscat, shall be people of discretion, who shall treat us kindly, and not with harshness and annoyance; for we are certain that you will not approve of what we experience at present from your agents, unless we had done anything wrong that we should deserve it.

It is also necessary that you enjoin him who shall be stationed with us on our part, that he do not listen to the idle talk of the Arabs, or others, in any respect whatever.

If he should say,—“What has taken place on the part of our agents?” say to him: “If we were to detail it, a month would not suffice.”

Also, that we wish of the Great Vizier, that he would strengthen and improve our relations with the Government of India. And if he says,—“For what reason?” say to him: “I cannot explain more than this, lest there should happen to us more than has happened: and our thoughts towards you (please God!) are altogether good.

Mention also to the Grand Vizier with regard to the French, and what we know of them with respect to the Island of Nosbey.

And now the French have made us their enemies; and there is no doubt that when they are able to do anything to hurt us they will not delay it.

But let the whole injury which may happen to us from the French be upon the English Government. And if this be disagreeable to you, and you abandon us, then we will repair our condition with the French in the best way we can. But this shall be by your consent.

(True Extracts.)

(Signed)

ALI BIN NASIR.

Third Enclosure in No. 85.

Translation of the substance of a Letter from His Highness Saeed Saeed Bin Sultan, Imaum of Muscat, to the Right Honourable the Earl of Aberdeen, Her Britannic Majesty's Principal Secretary of State for Foreign Affairs, Zanzibar, 19th June, 1842.

After Compliments.

It is some time since we did ourselves the honour of writing to your Excellency by our ship the "*Sultana*," which letter, by the grace of God, you have received.

The news in our dominions is peace.

We think it right to bring under your Excellency's notice, that the territories bequeathed to us by our ancestors on East Africa extend a great distance along those shores; but from Hafoon (Cape Guardafui) to Burbera, there is no controlling authority on the coast, nor is there protection for its inhabitants.

These things have been a subject of serious consideration with us, and have suggested the idea of extending our Government along that coast to Burbera.

By doing this we would give protection to those who require it, and we would open the road to commerce into the interior of that extensive country to those who wish to engage in it; and we think such proceedings might be agreeable to Her Majesty's Government.

If, however, Her Majesty's Government does not approve of our intentions in respect to this matter, we trust your Excellency will have the kindness to inform us at your earliest convenience.

Zanzibar, 9th Iamadell Owal, 1258.

Corresponding with 19th June, 1842.

No. 86.

The Earl of Aberdeen to Saeed Saeed Bin Sultan, the Imaum of Muscat.

SIR, YOUR HIGHNESS,

Foreign Office, November 9, 1842.

I HAVE had the honour to receive the letter which your Highness wrote to me from Zanzibar on the 19th June, 1842.

Her Majesty's Government have considered its contents, with an earnest desire for the prosperity of your Highness, and for the welfare of your dominions; and, in that view, Her Majesty's Government can have no objection to your Highness taking the proper steps for extending your Government, as you propose in your letter of the 19th June, along all that part of the Eastern Coast of Africa which comprises the territory bequeathed to your Highness by your ancestors.

I am, &c.

(Signed) ABERDEEN.

His Highness Saeed Saeed Bin Sultan,
&c. &c. &c.

No. 87.

The Earl of Aberdeen to Ali Bin Nasir.

Foreign Office, November 9, 1842.

THE Undersigned, &c. has received the note which Ali Bin Nasir, charged with a mission from His Highness the Imaum of Muscat to Her Majesty the Queen, addressed to him on the 3rd instant, together with the several enclosures annexed to that communication.

The Undersigned herewith transmits to Ali Bin Nasir, for delivery to His Highness the Imaum, the answer which he has felt it a pleasing duty to return to the letter which His Highness did the Undersigned the honour to address to him on the 19th June, 1842.

The Undersigned trusts, confidently, that this answer will be satisfactory to His Highness, as being in unison with those sentiments of friendship and

that good understanding which happily exist between His Highness and Her Majesty.

The Undersigned is commanded by Her Majesty to request that Ali Bin Nasir will express to His Highness a just expectation on the part of Her Majesty's Government that His Highness will himself faithfully observe, and will cause to be observed by his subjects, and by all within the dominions of His Highness, the several stipulations entered into on the part of Her Majesty's Government with His Highness for the suppression of the Slave Trade.

There is a continual, an increasing, and a most earnest desire in Her Majesty, in the Government, and in the people of this country, for the total extinction of this odious traffic—the daily occasion of incalculable misery to the human race.

His Highness has shown a benevolent wish to cultivate the enlightened arts of peace, to interchange kindly offices, to promote good-will wherever his influence extends or his arms have penetrated; and it is the special duty of the Undersigned, in the name of Her Majesty's Government, to desire, that Ali Bin Nasir will impress upon His Highness the Imaum of Muscat the fact, that nothing can so tend to exalt the opinion of His Highness in this country, or to rivet the bonds of friendship which exist between the sovereign and subjects of Great Britain and of Muscat, as an unwearied endeavour of His Highness, by every means within his power, to extinguish the revolting custom of Slave Trade.

The Undersigned, &c.

(Signed)

ABERDEEN.

His Excellency Ali Bin Nasir,
&c. &c. &c.

No. 88.

Ali Bin Nasir to the Earl of Aberdeen.

London, Portland Hotel, November 23, 1842.

MY LORD,

(Received November 24.)

I HAVE had the honour to receive your Lordship's friendly letter of the 9th instant, enclosing a sealed packet to the address of the Imaum of Muscat, which shall be carefully delivered to His Highness.

Your Lordship has afforded great relief to my mind upon the principal object of my mission to Her Majesty the Queen; and I doubt not the letter which your Lordship has addressed to the Imaum will be most satisfactory to His Highness, as being in unison with those sentiments of friendship and that good understanding which happily exist between Her Majesty and His Highness.

I can assure your Lordship that, in fulfilment of the expectation of Her Majesty's Government, His Highness the Imaum will himself faithfully observe, and will also, to the utmost of his power, cause to be observed by his subjects, and by all within his dominions, the stipulations entered into with Her Majesty's Government for the limitation and discouragement of the Slave Trade—such stipulations being comprised in the Treaty with Captain Moresby of 1822, defining certain limits—said to have been altered by articles agreed to by His Highness in 1839; and I shall not fail to impress upon His Highness the earnest desire of Her Majesty, of the Government, and of the people of this country, for the total extinction of that traffic.

The concluding part of your Lordship's letter cannot but prove very gratifying to His Highness the Imaum, who is most anxious, by every means in his power, consistently with the independence of his Government, to rivet the bonds of friendship which exist between the sovereigns and subjects of Great Britain and Muscat.

Whilst thus expressing the gratification afforded me by your Lordship's letter, I cannot but feel rather disappointed that it is silent on some points of minor importance, although I trust they are not overlooked by your Lordship.

His Highness, as stated in his instructions to me, which I have had the honour of laying before your Lordship, has great cause of complaint against the British Consul now at Zanzibar, who does not possess his confidence, and whose conduct, in more instances than one, has tended to lower His Highness in the estimation of his subjects, and to retard rather than to promote the views of Her Majesty's Government.

His Highness has also had reason to regret the want of confidence and consideration manifested towards him by the East India Company's Government in India, with which he has always been desirous of maintaining the most friendly relations; but for many years past he has not met with a reciprocal feeling.

I have, &c.

(Signed) ALI BIN NASIR.

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

No. 89.

Ali Bin Nasir to the Earl of Aberdeen.

London, Portland Hotel, November 26, 1842.

MY LORD,

(Received November 26.)

BEING anxious to convey to my Sovereign with all possible dispatch the pleasing result of my mission to this country, my health being delicate from the effect of climate, and suffering, as I always do, on ship-board, I purpose availing myself of the choice graciously given to me by His Highness the Imaum of Muscat of returning to Zanzibar *via* Egypt.

Under these circumstances, I am anxious, with your Lordship's permission, to leave England on the 1st of December by the packet steamer for Alexandria, being the route by which I returned to Zanzibar after my mission to England in 1838.

On that occasion I received great attention and assistance through introductions from your Lordship's predecessor to the British Consul-General in Egypt, the commander of the India steamer at Suez, and the political agent at Aden. I trust, therefore, that I may be pardoned for trespassing on your Lordship's kindness for similar letters to these functionaries in the present instance.

I have, &c.

(Signed) ALI BIN NASIR.

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

CHILE.

No. 90.

The Hon. John Walpole to Viscount Palmerston.

Santiago, August 31, 1841.

(Received January 6, 1842.)

MY LORD,

I HAVE this day had the honour to receive Despatches dated 15th and 22nd April last, severally covering copies of Treaties for the abolition of the Slave Trade, celebrated between Her Majesty's Government and those of Buenos Ayres and Hayti.

With regard to those contained in the last-mentioned Despatch, for the Vice-Consuls at Coquimbo and Concepcion, your Lordship's directions shall be executed.

I have, &c.

(Signed)

JOHN WALPOLE.

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

No. 91.

The Hon. John Walpole to Viscount Palmerston.

Santiago, September 21, 1841.

(Received January 17, 1842.)

MY LORD,

HAVING received last night the note from his Excellency the Minister for Foreign Affairs, of which I enclose a copy of Enclosure No. 2, in reply to that which I had addressed to him, I take a hasty advantage of the departure of the steam-vessel for Panamá to-morrow morning to communicate to your Lordship the copy and translation of a Convention recently entered into with this Government, in confirmation and explanation of a certain part of the Treaty for the abolition of the Slave Trade, signed here on the 19th of January, 1839, and in lieu of that which has been already conveyed to your Lordship in my Despatch of the 26th December of last year.

My Despatch of the 15th May last will have explained my proceedings in this matter, and the sanguine hopes which my interview with the late Minister for Foreign Affairs, Don José Miguel Irarrázaval, had revived, of completing the negotiation as we each desired. These hopes were not diminished during my first conference with his successor and brother, Don Ramon Luis Irarrázaval, but it was with regret that I heard him state during our subsequent meeting that, on consultation with those whose opinions must have an influence on the fate of the measure, he found an insuperable opposition to his own views; and that, although the limits in point of time might be removed, that some others must, in order to ensure the favourable decision of the Congress, be imposed. He thought that those of space, within which the right of search should alone be exercised, and which had been acceded to in other instances by the British Government, might be successfully substituted, and he instanced those designated in the 5th article of the Venezuelan Treaty.

While I expressed my disappointment at his altered view with respect to the successful termination of the Treaty, unattended by a limitation clause, I also expressed my conviction of the unhesitating rejection by my Government of the limits proposed, as by no means of sufficient extent; that in the case of Venezuela

they had only been provisionally admitted, and that other questions connected with the very different geographical position of the two countries, though they might render eligible the acceptance of such terms from the one, must act to their rejection when offered by the other, as essentially destructive of the object of the Treaty.

M. Irarrázaval expressed his conviction of no other alternative then existing, but that of awaiting the renewal of the Legislature, and any favourable change which that occurrence might occasion.

Such a postponement, which would act probably to exclude the conclusion of any Treaty until the middle or end of the year 1844, was, I considered, an evil which should be avoided even at some sacrifice, provided that the main object of the Treaty was not lost sight of; and I accordingly, while I announced my little expectation of their acceptance by my Government, proposed to submit to its consideration the terms of the Venezuelan Treaty, with an extension as regarded the coast of Africa, corresponding with those specified in the 3rd article of the Counter Project of the New Granada Government, mentioned in Mr. Adams's Despatch of August 29th, 1839.

My Lord, I was not ignorant of the British rejection of a Treaty with such a stipulation attached, but I considered myself justified in regarding it as one of a very different nature when accompanied with a permitted right of search within the other districts mentioned in the Venezuelan Treaty, and which was omitted in the proposal of the New Granada Government.

To such terms, however, M. Irarrázaval appeared strongly opposed, principally as leaving no free passage for Chilian vessels to Europe. I endeavoured to convince his Excellency of the little inconvenience to which such a stipulation could subject shipping lawfully navigating under the Chilian flag. I pressed on him the example of Buenos Ayres and Montevideo—two countries in which slavery is recognised, and whose flag must consequently become an object of more serious suspicion, as proofs of little apprehension of molestation from British cruizers entertained at least by those Powers: but all my efforts were in vain, and I found myself compelled to capitulate on the point of longitude; but on that of latitude, which I viewed as the more important matter, I was prepared to make a positive stand: and, after some discussion, we came to an agreement on terms contained in the 2nd article of the enclosed Convention, which embody those of the Venezuelan Treaty, with an extension of limits, touching the coast of Africa, from 25 north latitude to 40 south, which district includes the Cape Verd Islands to 5 degrees south of the Cape of Good Hope, which, I understand, will afford sufficient means of intercepting slave-vessels from Mozambique, &c.

The Convention was signed on the 7th of August, and only on the 17th instant, after four days' discussion in the Chamber of Deputies, did it pass unaltered through the Congress.

It remains for me now only to express my sincere hope that its stipulations will meet with the favourable consideration of Her Majesty's Government.

Enclosed is a copy and translation of the full powers granted to M. Irarrázaval.

I have, &c.

(Signed)

JOHN WALPOLE.

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

&c.

&c.

&c.

Your Lordship's Despatch, with its Enclosures, dated March 16th, was received on the 4th instant.

First Enclosure in No. 91.

The Hon. John Walpole to M. de Irarrázaval.

Santiago, September 20, 1841.

THE Undersigned has received information of the approbation of the Legislative Chambers having been given to the Convention annexed to the Treaty concluded with Her Britannic Majesty's Government for the abolition of the Slave Trade, and which was signed on the 7th of August last.

The Undersigned is naturally desirous of availing himself of the most rapid means of communication with his Government, which now offers by the steam vessel for the Port of Panamá.

It is in consequence and in perfect knowledge of the difficulties which may be interposed for some days by incidental circumstances to the further formal progress of this matter to its final stage, that the Undersigned hopes that his Excellency the Minister for Foreign Affairs will pardon his impatient desire to learn if the actual state of the case in regard to the Convention is as above stated, and, presuming it to be so, whether his Excellency would feel himself authorized to give an assurance of its being formally ratified by the President of the Republic.

The Undersigned relies on the kind consideration of his Excellency for his excuse for an intrusion originating in an anxiety to profit of every circumstance which may assist in shortening a voyage, for the performance of which scarcely more than a sufficient period actually remains.

The Undersigned has the honour to reiterate to his Excellency his sentiments of the highest consideration.

I have, &c.

(Signed) JOHN WALPOLE,
Her Britannic Majesty's Consul-General.

His Excellency the Minister of State for Foreign Affairs,
&c. &c. &c.

Second Enclosure in No. 91.

M. de Irarrázaval to the Hon. John Walpole.

(Translation.)

Santiago, September 20, 1841.

IN reply to your note of this date, in which you seek from me information in regard to the result which the additional and explanatory Convention of the Treaty between Chile and Great Britain for the abolition of the traffic in slaves, celebrated on the 7th of August last, had obtained in the National Congress, I make known to you that the said Convention has been approved in both the Chambers without alteration, and that so soon as their official notification of their approbation shall be made, (a step which, no doubt, will be taken by the respective Chambers when re-assembled after the present civic feasts,) the Government will proceed to ratify the Treaty and Convention alluded to.

I reiterate the sentiments of the high and distinguished consideration with which

I am, &c.

(Signed) R. L. IRARRAZAVAL.

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

Third and Fourth Enclosures in No. 91.

Copy and Translation of additional Convention.

Fifth Enclosure in No. 91.

(Translation.)

Full Powers granted to M. de Irarrázaval.

The President of the Republic of Chile, to all to whom these presents shall come, health.

THE Treaty between this Republic and Great Britain, celebrated on the 19th of January, 1839, for the abolition of the Traffic in Slaves, not having been exchanged within the proper time; and the Government being desirous that it should have due effect by means of a Convention which may give full force and power, in all which shall not be expressly altered by it, to the stipulations contained in the said Treaty, I have conferred, as by these presents I do confer, upon the Minister of State for the Departments of the Interior and Foreign Rela-

tions, Don Ramon Luis Irrarázaval (of whose aptitude and other qualities which may be required I am satisfied) full powers, that in the name and as the Representative of the Government of Chile, he may negotiate, agree to, and sign with the Plenipotentiary of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland the said Convention for the objects indicated; the which being concluded and signed, the said Plenipotentiary shall submit to the Government, in order that it may proceed to its ratification according to the law of the case; in faith of which I have given these presents, signed with my hand, sealed with the Arms of the Republic, and countersigned by the Minister of State for the Department of War.

Given in the Government Chamber in Santiago de Chile the twenty-second day of July, in the year of our Lord one thousand eight hundred and forty-one.

(Signed) JOAQUIN PRIETO
(Countersigned) MANUEL MOULT.
(Signed) MANUEL MOULT.

No. 92.

The Hon. John Walpole to Viscount Palmerston.

Santiago, September 24, 1841.

(Received January 17, 1842.)

MY LORD,

I HAVE the honour to transmit a duplicate of my Despatch, dated the 21st instant, the original of which was forwarded to your Lordship a few days ago by way of Panamá.

I have, &c.

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

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

&c.

&c.

&c.

No. 93.

The Earl of Aberdeen to the Hon. John Walpole.

SIR,

Foreign Office, February 15, 1842.

I HAVE received your Despatch of the 24th September last, enclosing a duplicate of the Convention signed by you with the Chilian Plenipotentiary, on the 7th August, 1841, additional to, and explanatory of the Treaty signed on the 19th January, 1839, for the suppression of the Slave Trade.

Her Majesty's Government approve the efforts you have made to bring this long-pending negotiation to a satisfactory conclusion. And Her Majesty's ratification of the Convention will be transmitted to you by the packet which takes out this Despatch.

I have at the same time to state to you that Her Majesty's Government observe with regret the narrow limits within which the exercise of the right of search is confined under this Convention.

The stipulations of the Treaty of the 19th June, 1841, with Chile, were taken almost entirely from that concluded between Great Britain and Spain in 1835, and the limits, within which by the Treaty with Spain of 1835, the right of search may be exercised, include both coasts of Africa, both coasts of South America, and the whole of the Atlantic Ocean, up to the 37° North Latitude.

Her Majesty's Government are of opinion, that for the due fulfilment of the objects of the Treaty with Chile, it would be very desirable that the limits within which the right of visitation and search is to be exercised under that Treaty should extend as far as those laid down in the Treaty with Spain.

And I have therefore to desire, that when you exchange Her Majesty's ratification of this Convention against the ratification of it by the Republic of Chile, you will deliver to the Chilean Minister a formal note, expressing the hope of Her Majesty's Government, that the Chilean Government will be induced to con-

clude an additional article, extending the limits within which the right of search may be exercised as far as those prescribed in the Treaty of 1835 with Spain.

If you shall find that the Government and Legislature of Chile cannot be induced to consent to limits so extended as those here referred to, you will press the Chilean Minister to include at least the eastern coast of Africa, where Slave Trade exists at present to a great extent; the Canary Islands, from which, by recent accounts, it appears that a considerable Slave Trade is carried on; and the coast of America, on the east side from the northern boundary of Brazil, downwards; and on the west side from the northern boundary of Chile downwards; and if you shall fail in this also, you will earnestly endeavour to induce the Chilean Government to consent that the right of search may be exercised along the coast of Brazil, the eastern coast of Africa, and on the coast of the Canary Islands to a distance of 20 leagues from the shore.

You will report to me, for the information of Her Majesty's Government, the progress you make in this negotiation.

I am, &c.

(Signed) ABERDEEN.

The Hon. John Walpole,
&c. &c. &c.

No. 94.

The Earl of Aberdeen to the Hon. John Walpole.

SIR,

Foreign Office, March 2, 1842.

I TRANSMIT to you the Queen's ratification, under the Great Seal, of the additional and explanatory Convention for the suppression of the Slave Trade, which was signed by you and the Plenipotentiary of the Republic of Chile, on the 7th of August, 1841; and I am to desire that you will exchange the same against a similar instrument ratified by the President of the Republic of Chile at the same time that you exchange the ratifications of the Treaty of the 19th of January, 1839, on the same subject.

I also transmit a certificate, to be signed by you and the Chilian Plenipotentiary, on the exchange of the ratifications of the Convention. You will return it to me at the same time that you forward the Chilian ratification to this office.

I am, &c.

(Signed) ABERDEEN.

The Hon. John Walpole,
&c. &c. &c.

No. 95.

The Hon. John Walpole to Viscount Palmerston.

Santiago, November 12, 1841.

(Received March 14, 1842.)

MY LORD,

I HAVE had the honour to receive your Lordship's Despatch, dated 8th May last, covering the copy of a memorial from the General Anti-Slavery Convention, and expressing an opinion that no officer appointed under the British Crown should, either directly or indirectly, hold or be interested in slave property.

It is scarcely necessary to acquaint your Lordship that no property of that nature having existence in this country, my power and inclination to act in contradiction to the sentiment of Her Majesty's Government are equally circumscribed.

I have, &c.

(Signed) JOHN WALPOLE.

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

No. 96.

*The Hon. John Walpole to Viscount Palmerston.**Santiago, November 16, 1841.*

MY LORD,

(Received March 14, 1842.)

YOUR Lordship's Despatch, dated 11th May last, reached me on the 27th ultimo. I, in compliance with its directions, addressed a note to his Excellency Don Ramon Luis Irarrázaval, of which the enclosed is a copy, and I have now the honour to transmit the reply thereto, in which his Excellency, with the expression of a hope on the part of the President that its observance will correspond with the beneficent intentions of Her Britannic Majesty, communicates a Decree, of which are adjoined a copy and translation, prohibiting the diplomatic and consular agents of the Republic, being Chilians, from purchasing, hiring, or having any interest in slaves, even in those countries wherein slavery may be permitted by the laws.

I have, &c.

(Signed) JOHN WALPOLE.

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

&c.

&c.

&c.

First Enclosure in No. 96.

*The Hon. John Walpole to M. de Irarrázaval.**Santiago, October 31, 1841.*

THE Undersigned has received an instruction to state to his Excellency the Minister for Foreign Affairs, for the information of his Government, that Her Majesty's Government have learnt that persons appointed by European Governments to reside as Ministers or Consuls 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.

That it seems to Her Majesty's Government that by such practices the functionaries in question give an indirect sanction to slavery, and appear to countenance measures which tend to create a demand for slaves; that it, in consequence, has addressed to all British functionaries in slave-holding countries a circular letter, of which the Undersigned has the honour to enclose a copy.

That Her Majesty's Government think it very important that the opinion of the Chilian Government should be expressed on this subject in such a manner as to afford an additional discouragement to the Slave Trade; and that much good would be effected in this respect if the Chilian Government would direct an instruction to the same purport to its agents who may be similarly situated.

The Undersigned, relying on the sincerity of the desire, of which the Chilian Government has lately given so unequivocal a proof, to co-operate with the British Government for the effectual and permanent suppression of the Slave Trade, confidently invites it to concur in the suggestion thus submitted to its consideration, and thus to aid the further efforts of Great Britain in the accomplishment of the desired purpose.

The Undersigned has the honour to renew to his Excellency the expression of his sentiments of the most distinguished consideration.

(Signed) JOHN WALPOLE,

*Her Britannic Majesty's Consul-General.**His Excellency the Minister of State for Foreign Affairs,*

&c.

&c.

&c.

Second Enclosure in No. 96.

M. de Irarrázaval to the Hon. John Walpole.

(Translation.)

Santiago, November 9, 1841.

THE President, in consequence of your note of the 31st ultimo, in which you were pleased to express to me the desire manifested by the Government of

Her Britannic Majesty that the Chilean Government should prohibit its agents in foreign countries from holding property or any interest in slaves, or from employing them in their service, has ordered me to transmit to you, in reply, a copy of a Decree issued by his Excellency under this day's date, the which his Excellency hopes will correspond with the beneficent intentions of Her Britannic Majesty.

His Excellency has likewise ordered me to communicate this Decree to the Chilean agents who are actually residing in foreign countries where slavery is permitted by the civil law, and to add it to the instructions which may be given to all those who may hereafter be nominated by the Government of Chile for the said countries.

I have the honour to offer you the sentiments of the very distinguished consideration with which I am, &c.

(Signed) R. L. IRARRAZAVAL.

The Hon. John Walpole,
&c. &c.

(Translation.)

Decree.

Santiago, November 9, 1841.

CONSIDERING that, by the 132nd article of the Constitution, "in Chile there are no slaves, and whoever treads the territory is free ;"

That the Republic has agreed to a Treaty with Her Britannic Majesty for the abolition of the detestable traffic in slaves ;

That the purchasing or making use of slaves would give an indirect sanction and encouragement to slavery ;

That Chilean envoys and agents in foreign countries should conform their conduct strictly in this respect with the letter and spirit of the constitution, and should co-operate as much as possible for the attainment of the said object, and for the extinction of slavery in all parts of the globe ;

I have determined and do decree—

Art. 1. The diplomatic and consular officers of the Republic, who may be Chilean citizens, shall neither purchase nor have any interest in slaves, nor hire them, even though it should be to make use of them in countries where slavery is permitted by the civil law.

Art. 2. The present Decree shall be added to the instructions which may have been or hereafter shall be given to the said diplomatic and consular officers, and shall be published by the press.

(Signed) BULNES.

(Countersigned) R. L. IRARRAZAVAL.

A true copy. (Signed) A. BELLO.

No. 97.

The Earl of Aberdeen to the Hon. J. Walpole.

SIR,

Foreign Office, March 18, 1842.

I HAVE received your Despatch of the 16th December, 1841, enclosing a copy of a Decree issued by the President of Chile, forbidding the Diplomatic and Consular Officers of the Republic from having any interest in or hiring slaves ; and I have to instruct you to express to the President of Chile the sincere thanks of Her Majesty's Government for the readiness with which he has seconded the wishes of Her Majesty's Government in this respect.

I am, &c.

(Signed) ABERDEEN.

The Hon. John Walpole,
&c. &c. &c.

No. 98.

*The Hon. John Walpole to Viscount Palmerston.**Santiago, November 29, 1841.**(Received March 30, 1842.)*

MY LORD,

YOUR Lordship is aware that, according to the 82nd article of the Political Constitution of 1833, no Treaty or Convention of any nature can be ratified by the President of the Republic without the previous approbation of the Congress, and that the Sessions of that body commence only on the 1st June of each year.

On the 21st of September last I had the honour to forward to your Lordship a copy of a renewed Convention signed at the commencement of the previous August, embodying, I believe, the most favourable terms on which the consent of the Congress to sacrifice their favourite notion of a compact limited in point of time could be obtained.

I therein stated the insuperable difficulties which still were opposed to a Treaty of unlimited duration, and the grounds on which I ventured, uninstructed, to sign that Convention. I can entertain no doubt of the sincere desire entertained by the present Government of this State for a more strict alliance with that of Great Britain, and with that view to connect itself by Treaty, or by any other means that can tend to promote and to consolidate it, but, unfortunately, there are still comprised within the legislative bodies many individuals, who, as valuable members of society and upright men, carrying with them considerable influence, are tinctured with a predilection for the restrictions and prejudices of the institutions bestowed on them from Old Spain. It is this which has hitherto impeded the progressive march of extensive improvement, and which, though corrected by the public spirit of the actual Government, prevails to an injurious degree, and which will operate to prevent the adoption of the article enclosed in your Lordship's Despatch of the 8th June, 1841, as it did to the rejection of a former article of a similar nature.

It is in this conviction, and perceiving no benefit to be derived from a more early discussion with the Minister of the subject matter of the above-mentioned Despatch, that I request your Lordship's approbation of the resolution I have adopted to postpone the communication of its contents until the receipt of your Lordship's reply to my Despatch of September last shall have been received.

I have already conveyed, and I may be permitted to repeat my most earnest hopes that the Convention already sent home may meet with your approbation, and warrant its ratification by Her Majesty, but should it, to their destruction, and nevertheless be considered expedient to renew the negotiations for the acceptance of the newly-received article, I hope I need not assure your Lordship of the zeal and energy with which I shall attempt the fulfilment of your instructions and endeavour to induce the Chilian Minister to comply with the stipulation proposed.

I have, &c.

(Signed)

JOHN WALPOLE.

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

&c.

&c.

&c.

No. 99.

*The Hon. John Walpole to the Earl of Aberdeen.**Santiago, July 21, 1842.**(Received November 18.)*

MY LORD,

I HAVE this day had the honour to receive your Lordship's Despatch, marked Circular, and dated 23d March last, covering the printed copy of a Treaty signed by your Lordship on the 20th of December, 1841, on the part of Her Majesty with the Plenipotentiaries of Austria, France, Prussia, and Russia, for the suppression of the Slave Trade.

I have, &c.,

(Signed)

JOHN WALPOLE.

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

&c.

&c.

&c.

No. 100.

*The Hon. John Walpole to the Earl of Aberdeen.**Santiago, July 28, 1842.**(Received November 18.)*

MY LORD,

ENCLOSED I have the honour to forward a copy of a Note addressed by me to the Secretary of State for Foreign Affairs, conveying, in accordance with the directions contained in your Lordship's Despatch of March 18, the sincere thanks of Her Majesty's Government to the President of this State for the readiness with which he seconded the wishes of Her Majesty's Government in prohibiting the employment of slaves by the Chilian Diplomatic or Consular Agents.

I took occasion to repeat to his Excellency the President the sense of Her Majesty's Government on this matter during the interview of the 26th instant.

I have, &c.,

(Signed)

JOHN WALPOLE.

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

&c.

&c.

&c.

Enclosure in No. 100.

*The Hon. John Walpole to the Minister of State for Foreign Affairs of Chile.**Santiago, July 22, 1842.*

HER Britannic Majesty's Government having been put in possession of a copy of a Decree issued by the President of this Republic, forbidding its Diplomatic and Consular Agents from having any interest in, or from hiring, slaves even in countries where slavery is still permitted.

The Undersigned has the honour to announce to his Excellency the receipt of instructions to convey to the President (and the Undersigned requests his Excellency to become the organ of this communication) the sincere thanks of Her Britannic Majesty's Government for the readiness with which he has seconded the wishes of that Government, and has adopted this further measure in promotion of the final and total abolition of the Traffic in Slaves.

The Undersigned avails himself of this gratifying occasion to express to his Excellency the Minister of State his sentiments of the highest consideration.

I have, &c.,

(Signed)

JOHN WALPOLE.

His Excellency the Minister of State for Foreign Affairs.

&c.

&c.

&c.

No. 101.

*The Hon. John Walpole to the Earl of Aberdeen.**Santiago, August 22, 1842.**(Received December 1.)*

MY LORD,

THE ratifications of the Treaty for the abolition of the Slave Trade, signed on the 19th January, 1839, together with those of the Convention of August 7th, 1841, were exchanged with the Señor Don Ramon Rengifo, Provisional Minister for Foreign Affairs, on the 6th instant.

I regret that I have it not in my power to transmit to your Lordship the Chilian ratification at the present moment, owing to an omission on the part of the Department of Foreign Affairs, which I could not but consider as one of importance, namely, of the copy of the English version of the stipulation annexed to that in the Spanish language.

It appears that hitherto it has been the Chilian practice to affix the ratification of the President alone to that written in the national idiom; the Treaty with the United States of North America was produced as an example; and some reluctance to conform with my observation, that as the signatures of the plenipo-

tentiaries are affixed to the stipulations in both languages, so the ratification should also cover and confirm to their full extent the acts of those agents, was exhibited. It was, however, withdrawn by the Chilian Plenipotentiary, and I trust that no long delay will be interposed before the final delivery of this document.

The original certificate of the exchange I shall have the honour to convey, together with the ratification, though, for your Lordship's satisfaction, I have thought it advisable to enclose a copy thereof, as also of the powers given to Don Ramon Rengifo for this purpose.

I have also the honour to convey to your Lordship an assurance, on the part of Señor Don Ramon Irarrázaval, who has lately returned to his office, that, should the sessions of the Congress now assembled be sufficiently prorogued beyond the customary period (August 31st) the stipulations contained in the second article of the Treaty shall be carried into effect.

I have, &c.,

(Signed)

JOHN WALPOLE.

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

&c.

&c.

&c.

First Enclosure in No. 101.

Certificate of the Exchange of Ratifications.

THE Undersigned having met together for the purpose of exchanging the Ratification of a Treaty between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Republic of Chile, for the Suppression of the Traffic in Slaves, signed at Santiago de Chile, on the 19th of January, 1839, together with three forms of Instructions and Regulations, and two additional Articles thereunto annexed;—and the respective Ratifications of the said Instrument having been carefully perused, the said exchange took place this day in the usual form.

In witness whereof they have signed the present certificate of exchange, and have affixed thereto the Seals of their Arms.

Done at Santiago de Chile, the sixth day of August, 1842.

(L.S.)

(Signed)

JOHN WALPOLE.

(L.S.)

(Signed)

RAMON RENGIFO.

Second Enclosure in No. 101.

Certificate of the Exchange of Ratifications.

THE Undersigned having met together for the purpose of exchanging the Ratifications of a Convention between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Republic of Chile, additional to and explanatory of the Treaty for the Suppression of the Traffic in Slaves, concluded at Santiago on the 19th of January, 1839, which Convention was also signed at Santiago, on the 7th of August, 1841; and the respective Ratifications of the said Instrument having been carefully perused, the said exchange took place this day in the usual form.

In witness whereof they have signed the present certificate of exchange, and have affixed thereto the Seal of their Arms.

Done at Santiago de Chile the sixth day of August, 1842.

(L.S.)

(Signed)

JOHN WALPOLE.

(L.S.)

(Signed)

RAMON RENGIFO.

Third Enclosure in No. 101.

(Translation.) *Full Powers granted to Don Ramon Rengifo.*

The President of the Republic of Chile.

WHEREAS the Treaty of the 19th January, 1839, and the additional Convention of the 7th August, 1841, for the Abolition of the Traffic in Slaves

have been respectively ratified by me, with the previous approbation of the National Congress, and by the Queen of the United Kingdom of Great Britain and Ireland, and as the Ratifications are to be exchanged in this capital, according to the Articles 14 and 3 of the Convention; I authorize, name and depute, and by these presents confer full powers on the Provisional Minister for Foreign Affairs, Don Ramon Rengifo, in order that within the term stipulated in the 2nd of the said Articles, he may exchange in due form, and with the person authorized for the purpose by the Queen of the United Kingdom of Great Britain and Ireland, the Ratifications of this Government for those of the Queen of the United Kingdom of Great Britain and Ireland.

Given at the Hall of Government, at Santiago de Chile, this fourth day of the month of August, in the year of our Lord, Eighteen hundred and forty-two; signed by my hand, sealed with the Seal of the Arms of the Republic, and countersigned by the Minister for the Department of Justice.

There is a Seal

(Signed)

MANUEL BULNES.
MANUEL MONTT.

(True Copy.)

(Signed)

RAMON RENGIFO.

CHILE.—Consular.

No. 102.

Mr. Rouse to the Earl of Aberdeen.

Valparaiso, October 25, 1841.

(Received February 3, 1842.)

MY LORD,

I BEG leave to acknowledge the receipt of your Lordship's Despatch of the 8th May last, transmitting the 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; more 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.

It may be satisfactory to your Lordship to know that the individual who is honoured by the charge of this consulate has ever entertained similar ideas, and will in future bear in mind the opinion of Her Majesty's Government.

I have, &c.

(Signed)

H. W. ROUSE,

Her Majesty's Consul at Valparaiso.

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

&c.

&c.

&c.

EQUATOR.

No. 103.

Mr. Cope to Viscount Palmerston.

*British Consulate of the Equator,
Quito, July 1, 1841.*

(Received February 12, 1842.)

MY LORD,

I HAVE the honour to inform your Lordship that I have concluded and signed on the 24th of May, with the Plenipotentiary on the part of the Equatorian Government, a Treaty for the Abolition of the Slave Trade, according to Her Majesty's commands conveyed to me in your Lordship's Despatch, of August 28, 1839.

I shall now leave Quito as early as possible, bringing with me the British copy of the Treaty, which I shall transmit to your Lordship from Guayaquil by the first secure conveyance.

I have, &c.

(Signed) WALTER COPE.

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

No. 104.

Mr. Cope to Viscount Palmerston.

*British Consulate of the Equator,
Guayaquil, September 1, 1841.*

(Received February 12, 1842.)

MY LORD,

I HAVE had the honour to receive your Lordship's Circular Despatch, dated August 13, 1840, along with a copy of two series of papers relating to the Slave Trade, which had been presented to the two Houses of Parliament, during the session of that year.

Being so voluminous, they were not forwarded to me at Quito, but were retained here for my expected arrival, which is the reason why I have not acknowledged their receipt earlier.

I have, &c.

(Signed) WALTER COPE.

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

No. 105.

Mr. Cope to Viscount Palmerston.

*British Consulate of the Equator,
Guayaquil, September 20, 1841.*

(Received February 12, 1842.)

MY LORD,

I HAVE had the honour to receive your Lordship's Circular Despatch, dated April 15 of this year, together with a copy of the Treaty concluded at Buenos Ayres on the 24th of May, 1839, between Her Majesty and the Argentine Confederation for the Abolition of the Slave Trade.

I likewise take this occasion to acknowledge the receipt of your Lordship's Despatch, dated April 22, with the copy which accompanied it, of the Convention concluded at Port au Prince on the 23rd of December, 1839, between Her Majesty and the Republic of Hayti, for the more effectual suppression of the Slave Trade.

I have, &c.

(Signed) WALTER COPE.

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

No. 106.

Mr. Cope to Viscount Palmerston.

British Consulate of the Equator,
Guayaquil, September 20, 1841.

(Received February 12, 1842.)

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, dated May the 8th, accompanying a copy of a Memorial from the General Anti-Slavery Convention of June 20th, 1840.

I have &c.

(Signed) WALTER COPE.

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

No. 107.

Mr. Cope to Viscount Palmerston.

British Consulate of the Equator,
Guayaquil, October 9, 1841.

(Received February 12, 1842.)

MY LORD,

I HAVE the honour to transmit herewith the British copy of the Treaty for the abolition of the Slave Trade, which I concluded with the Government of the Equator on the 24th of May last.

I forward under separate cover my Despatch referring to the said Treaty, and

I have, &c.

(Signed) WALTER COPE.

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

No. 108.

Mr. Cope to Viscount Palmerston.

British Consulate of the Equator,
Guayaquil, October 9, 1841.

(Received February 12, 1842.)

MY LORD,

I HAVE the honour to transmit to your Lordship, under separate cover, a copy of the Treaty which I concluded with the Government of the Equator for the abolition of the Slave Trade.

The general principle of the draft which I was instructed to propose to the Equatorian Government has been strictly followed in the present Treaty; but in discussing the Articles separately with the Equatorian Plenipotentiary, it was found that the three first Articles of the Treaty between Her Majesty and the Republic of Venezuela for the abolition of the Slave Trade were more applicable to the circumstances of the Equator than those of the Treaty with Buenos Ayres, because here, as in Venezuela, the laws of Colombia are in force.

Those three Articles have, therefore, been followed in the present instance with the following variations, viz. :—

CLASS D.

In Article 2nd the expression of the law of the 18th of February, 1825, is omitted, because its provisions are partly modified by the law of the Equator of the 26th of September, 1830, which I will explain in treating on the additional Article which it has given rise to, and to Article 3rd, at the conclusion of the engagement of the Equator to promulgate every other legislative provision that may be deemed requisite for the complete extinction of the traffic in slaves; seeing that the same are *in harmony* with those which may be promulgated by Great Britain for the like object; there is added "and with the constitutional principles of the Republic."

In the Spanish version we have been guided by that of the Treaty between Great Britain and Spain of the 28th of June, 1835, published in Hertslet's Collection of Treaties (the draft sent to me being only in English, and the Government having no person about them capable of translating it), and this led to certain slight variations in the wording of some of the Articles, that the English and Spanish versions might be literally similar; and the 4th Article of the Spanish Treaty being urged with great tenacity by His Excellency Dr. Marcos, Minister for Foreign Affairs of the Equator, as so important to the full explanation of the spirit of the present Treaty and of the reciprocal right of search therein stipulated, it was inserted as the 4th Article of the Treaty which I have now the honour to submit to your Lordship, consequently Articles 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, thereof, correspond to Articles 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, of the copy of the Treaty with Buenos Ayres.

All the Articles of annex A remain unaltered; those of annex B also, except in what relates to the nomination of the authority to supply the place, in the event of a vacancy, of the Equatorian arbitrator expressed in paragraph 3 of Article 9, wherein the forms of the judicial institutions of the Equator have been consulted. The Articles of annex C are likewise unaltered. The two additional Articles which I was instructed to propose, in the event of objections being made by the Equatorian Government to appoint Commissioners on the part of the Republic to sit in the Mixed Courts of Justice to be established under the Treaty, are inserted verbatim. But in examining the laws of the Equator respecting slaves, it was found that the first Congress which met after the erection of the Equator into an independent state, passed a law on the 26th of September, 1830, (a copy and translation of which is enclosed,) authorizing the Government to grant special permissions for the introduction of slaves under certain circumstances.

This law was made to preserve in force the provisions of the 4th Article of the law of the 18th of February, 1825, which those of the 3rd Article of the same law might impede, in consequence of the separation of Colombia into three independent States, and to allow Equatorian proprietors of slaves in Barbacoas and Choco (New Granada), to bring them into this country, in the same manner as before the separation. The two above-mentioned Articles are as follows, viz. :—

"Article 3.—Every ship, national or foreign, which may be found on the Coasts of Colombia, within the waters of her jurisdiction, or in her ports, bays, roads, and rivers having slaves on board, not being assistants or private servants, whether they come from the West India Isles, or any other place not in Africa, shall be confiscated, together with all the cargo which belongs to the guilty person.

"The commander or master of the ship, or if the owner of it should be on board, or if not on board, should he be a Colombian and has destined her for the Slave Trade, the supercargo to whom the sale or purchase of the slaves has been entrusted, and the person on whose account he may have been employed in this trade, shall be condemned to ten years' imprisonment, with labour.

"Article 4.—The provisions of the preceding Article are not to be understood as prohibiting the traffic and introduction *from one port to another of Colombia*, of the slaves existing within her territory, whether for the purpose of sale or for any other, so as nothing is done contrary to the provision of the 5th Article of the law of 21st July, 1821."

The existence of the law of the 26th September, 1830, led his Excellency Dr. Marcos to insist on an additional Article to the Treaty to explain that its stipulations were not to obstruct the provisions of the said law; and in the various conferences we held on the subject, no practicable plan could be devised to overcome this difficulty.

The Congress which assembled on the 15th of January (its constitutional

period) dissolved without proceeding to the dispatch of business; and it is quite uncertain when it may be assembled again, as the objections made to the elections of some of its members (the cause of its dissolution) may hold good until 1845, and only by legislative enactment can the law in question be repealed, even were the Government disposed to recommend it; therefore nothing was left but to postpone the conclusion of the Treaty to an indefinite period, or to annex the Article insisted on, seeing that it expressed the real object of the law therein cited, which, far from encouraging the Slave Trade, is directly opposed to it, and is only intended to permit the introduction into the territory of the Equator of slaves brought from the adjoining Coast of the Pacific, as was the practice when it was under the same Government.

I likewise enclose a copy and translation of a note I addressed to the Equatorian Plenipotentiary, proposing to make the additional Article in discussion conditional, and his Excellency's reply to the same.

I have, &c.

(Signed) WALTER COPE.

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

First Enclosure in No. 108.

(Copy) *Law of the Republic of the Equator, of 26 September, 1830.*

ART. 1. Se prohíbe la importacion de Esclavos en el territorio del Estado y se declaran libres los que se introducen bajo cualquier pretexto contra el tenor de esta lei, quedando responsables los autoridades que omitan su cumplimiento.

Sec. unico. Se exceptuan de esta disposicion aquellos que se introduzcan para empresas agricolas y minerales, previo el permiso especial del Gobierno que de signará el numero.

ART. 2. La presente tendrá entero cumplimiento dos meses despues de su promulgacion.

Ejecutese.

Riobamba, de 26 de Septiembre 1830.

(Translation.)

ART. 1. The importation of Slaves into the territory of the State is prohibited; and those are declared free which are introduced under any pretext contrary to the tenor of this law, the authorities who fail in enforcing it being made responsible.

Sec. separate. Such as are introduced for agricultural and mining undertakings with the previous permission of the Government, which must express the number, are exempt from this disposition.

ART. 2. The present shall have full force two months after its promulgation. Let it be executed.

Riobamba, 26th September, 1830.

Second Enclosure in No. 108.

(Translation.)

Mr. Cope to Don Francisco Marcos.

SIR,

British Commission, Quito, May 17, 1841.

THE Undersigned, H. B. M. Consul and Plenipotentiary, referring to the various conferences which he has held with his Excellency the Minister for Foreign Affairs of the Equator, who he has the honour to address, relative to the additional Article which his Excellency proposes, to place the Treaty between Great Britain and the Equator for the abolition of the Slave Trade in harmony with the dispositions of the law of the Republic of the 26th of September, 1830, which permits the introduction into its territory of slaves brought from ports in the Pacific, is always under the difficulty which on every occasion he has explained to his Excellency the Minister, namely, that his instructions do not authorize such a departure from the draft of the Treaty which has been sent to him.

But to save the time which it would take to consult his Government thereon, the Undersigned thinks that the difficulty might in part be obviated by expressing the second part of the said Article in the following terms instead of the mode which his Excellency the Minister insists upon, viz. :—

ART. . This agreement shall be submitted to the approbation of Her Britannic Majesty, and in case it is approved and admitted by Her said Majesty, it shall then form an integral part of the original Treaty to which it refers, and shall have the same force and validity as if it were inserted word for word therein.

This is what the Undersigned has the honour to propose to his Excellency the Equatorian Minister, whose, &c.

(Signed) WALTER COPE.

*His Excellency Don Francisco Marcos,
Minister for Foreign Affairs.*

Third Enclosure in No. 108.

(Translation.)

Don Francisco Marcos to Mr. Cope.

*Republic of the Equator. Secretary of State's Office
for Foreign Affairs, Quito, May 19, 1841.*

SIR,

THE Undersigned, Minister for Foreign Affairs, has attentively considered the counter project, which on the 17th instant the British Plenipotentiary was pleased to propose for the wording of the second part of the additional Article which ought to be annexed to the Treaty which is under negotiation between the Equator and Great Britain for the abolition of the Slave Trade of the Coast of Africa; and it is with pain that the Undersigned finds himself obliged to insist on the following terms: Art. 2. that this agreement shall necessarily be approved and ratified by the two high contracting parties, in the same form and at the same time, as the Treaty to which it refers, that being an integral part thereof, it may have the same force and validity as if it were inserted word for word therein.

The separate paragraph of Art. 1 of the law of the 26th of September, 1830, contains a disposition beneficial to the Equator, as its text discovers, and therefore the instructions with which the Undersigned is furnished oppose in this case the desires of the British negociator.

The Undersigned, &c.

(Signed) FRANCISCO MARCOS.

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

No. 109.

The Earl of Aberdeen to Mr. Cope.

SIR,

Foreign Office, March 22, 1842.

I HAVE received your Despatches up to that of the 9th October, 1841, enclosing a duplicate original of the Treaty signed by you on the 24th May, 1841, with the Plenipotentiary of the Equatorial Government for the suppression of the Slave Trade.

Her Majesty's Government, under the explanation given by you in your Despatch of the 9th October, 1841, are disposed to admit all the variations from the draft originally sent out to you, with the exception of the "Agreement" forming additional Article No. 3 to the Treaty, which provides that the stipulations of the Treaty shall not extend to prevent the introduction of slaves into the Republic from any port of the Pacific.

Her Majesty's Government are of opinion that such a stipulation would give the means of evading the whole object of the Treaty. For slave-traders from Brazil and Africa, transporting in the first instance their slaves illegally to any port in the Pacific, might afterwards, under that stipulation, transfer them legally to the Republic of the Equator.

Under these views Her Majesty's Government cannot advise Her Majesty to

ratify the Treaty which you have signed, coupled with the additional Article No. 3.

You will use your utmost endeavours to induce the Government of the Equator to withdraw the objectionable stipulation, and I trust that, seeing the abuse that might be made of it, they will consent to ratify the Treaty, without insisting on the insertion of that Article.

I am, &c.

(Signed) ABERDEEN.

*Walter Cope, Esq., Her Majesty's Consul,
Guayaquil.*

No. 110.

Mr. Cope to Viscount Palmerston.

*British Consulate of the Equator,
Guayaquil, October 9, 1841.*

(Received April 23, 1842.)

MY LORD,

I HAVE the honour to transmit herewith copies and translations of the correspondence which passed between me and the Minister of Foreign Affairs of the Equator, preparatory to commencing the negotiation of the Treaty which we concluded on the 24th of May last, for the abolition of the Slave Trade.

My motive for delaying my journey to Quito, whither I was required to proceed by the Equatorian Government, before they would consent to open the negotiation, was that it might be going on at the same time with the Sessions of Congress; so that should any difficulty arise which might require a legislative enactment to clear it away, that body might be appealed to on the occasion.

I had also in view the obtaining of its constitutional approbation to the Treaty in the same sessions, without having to wait until its next meeting in 1843, for that requisite; but owing to some very unforeseen and extraordinary circumstances, the Congress broke up without proceeding to the despatch of business, and consequently the Treaty could not be submitted to its consideration.

As the Equatorian Government were perfectly well disposed towards the Treaty, and admitted, without hesitation, the principle of the draft which I was commanded by your Lordship to propose, no correspondence took place between me and the Equatorian Plenipotentiary, except in respect to an additional article which I have taken notice of in my Despatch of No. 6, referring to the Treaty, and with which I transmitted a copy and translation of that correspondence; the few and unimportant alterations required on the part of the Government of the Equator not having led to much discussion.

I have, &c.

(Signed) WALTER COPE.

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

First Enclosure in No. 110.

(Translation)

Mr. Cope to Don Francisco Marcos.

*British Consulate of the Equator,
Quito, December, 1840.*

SIR,

THE Undersigned, Her Britannic Majesty's Consul and Plenipotentiary, has the honour to address his Excellency the Minister for Foreign Affairs of the Republic of the Equator, and to solicit an interview for the purpose of exhibiting to his Excellency the Minister the full powers which he has received, and which accredit him to be the Plenipotentiary of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, commissioned to negotiate and conclude with the Government of the Equator, a Treaty for the suppression of the Slave Trade, as he opportunely announced in his note of February 7th of this year; and in which negotiation no progress has been made, in consequence of the Undersigned not having been able to come to this capital earlier, "to be installed ac-

ording to established custom," as required by His Excellency the Minister in his note of the 14th of March last.

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

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

Second Enclosure in No. 110.

(Translation.) *Don Francisco Marcos to Mr. Cope.*

*Republic of the Equator. Secretary of State's Office
for Foreign Affairs, Quito, December 17, 1840.*

SIR,

THE Minister for Foreign Affairs of the Republic of the Equator has had the honour to receive the attentive note dated the 15th instant, in which the Consul solicits an audience to exhibit the Royal Commission which accredits him to be the Plenipotentiary of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, to conclude with the Government of the Undersigned a Treaty for the abolition of the Slave Trade.

As the mission confided to the esteemed person of Mr. Cope is very agreeable to the Equatorian Government, the Undersigned deems it his duty to hasten the period of its commencement, and for that important object he appoints the 19th instant, at one o'clock, at the Office for Foreign Affairs.

I have, &c.

(Signed) FRANCISCO MARCOS.

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

Third Enclosure in No. 110.

(Translation.) *Mr. Cope to Don Francisco Marcos.*

SIR,

British Commission, Quito, January 7, 1841.

THE Undersigned being now acknowledged as Her Britannic Majesty's Plenipotentiary to negotiate and sign a Treaty with the Government of the Equator for the abolition of the Slave Trade, he has the honour to address his Excellency the Minister for Foreign Affairs of the Equator, to request he will be pleased to inform him, on whom has fallen the like nomination on the part of his Excellency the President of the Republic.

I have, &c.

(Signed) WALTER COPE.

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

Fourth Enclosure in No. 110.

(Translation.) *Don Francisco Marcos to Mr. Cope.*

*Republic of the Equator. Secretary of State's Office
for Foreign Affairs, Quito, January 11, 1841.*

SIR,

THE Undersigned Minister for Foreign Affairs of the Republic of the Equator has had the honour to receive the attentive note, which on the 7th instant the British Plenipotentiary was pleased to direct to him, expressing the desire to know on whom has fallen the nomination of Minister of the same class, to negotiate and sign on the part of the Equator, a Treaty for the abolition of the Slave Trade.

The Undersigned regrets that he cannot yet answer to the desires of the British Plenipotentiary, because the Government is actually engaged with matters of the greatest urgency which have to be arranged by the time that the approaching legislative sessions commence. But the undersigned minister can assure him that before long he will give Mr. Cope the information required for the object expressed.

I have, &c.

(Signed) FRANCISCO MARCOS.

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

Fifth Enclosure in No. 110.

(Translation.) *Mr. Cope to Don Francisco Marcos.*

SIR,

British Commission, Quito, January 25, 1841.

THE Undersigned, Her Britannic Majesty's Plenipotentiary has the honour to acknowledge the receipt of the attentive note of the 11th instant, in which his Excellency the Minister for Foreign Affairs of the Equator is pleased to answer to the Undersigned's note of the 7th of the same, that he regrets not being yet able to answer to the desires of the Undersigned, on account of the Government being actually engaged with matters of the greatest urgency which have to be arranged by the time, when the approaching legislative sessions commence.

As it is 10 days since the installation of the Congress, the Undersigned hopes that the Government is now disembarassed of affairs of most urgency, and that his Excellency the Minister, will not consider him importunate in again calling his attention to the Treaty for the abolition of the Slave Trade; especially as 11 months have already elapsed since the Undersigned had the honour to transmit the copy of the draft of the Treaty, the particulars of which he considers the Equatorian Government to be now acquainted with, and to have formed their judgment on their merits.

I have, &c.,

(Signed) WALTER COPE.

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

Sixth Enclosure in No. 110.

(Translation.) *Don Francisco Marcos to Mr. Cope.*

SIR,

*Republic of the Equator. Secretary of State's Office
for Foreign Affairs, Quito, February 8, 1841.*

It is highly satisfactory to the Undersigned, to acquaint the British Plenipotentiary that, on the 4th instant he was invested, in due form, with power and authority to negotiate, adjust, and conclude with the Minister Plenipotentiary, who is invested with equal power and authority on the part of Her Britannic Majesty, any Treaty or Convention that may tend to the suppression of the Slave Trade.

The British Plenipotentiary, provided as he is with competent powers and instructions, may commence the negotiation when he thinks proper, in the assurance of finding in the Undersigned the best disposition towards so interesting an object.

I have, &c.

(Signed) FRANCISCO MARCOS.

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

Seventh Enclosure in No. 110.

Mr. Cope to Don Francisco Marcos.

SIR,

British Commission, Quito, February 9, 1841.

THE Undersigned, Her Britannic Majesty's Plenipotentiary, has had the honour to receive the very satisfactory note of his Excellency the Minister of Foreign Affairs of the Equator dated yesterday, in which his Excellency is pleased to inform him, that he has been invested, in due form, with power and authority to negotiate, adjust, and conclude with the Undersigned, any Treaty, or Convention that may tend to the suppression of the Slave Trade; and that his Excellency the Minister is ready to commence the said negotiation.

For that purpose the Undersigned will have the honour to wait on his Excellency the Minister, at his office, on Thursday next, (if that day is convenient,) to communicate to each other their respective full powers, and to make a commencement of the negotiation, which the favourable disposition manifested by his Excellency inspires the Undersigned with hope of seeing soon concluded.

I have, &c.

(Signed)

WALTER COPE.

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

Eighth Enclosure in No. 110.

(Translation.)

Don Francisco Marcos to Mr. Cope.

*Republic of the Equator. Secretary of State's Office
for Foreign Affairs, Quito, February 18, 1841.*

SIR,

THE Undersigned Minister for Foreign Affairs has had the honour to receive the note of yesterday, which the British Plenipotentiary addressed him, stating that he is ready to make a commencement to the negotiation for the suppression of the Slave Trade, on Thursday next the 11th, and that he will go to the office for Foreign Affairs for that purpose.

The Undersigned, hastening to correspond to the wishes of the British Plenipotentiary, has the satisfaction to assure him that he shall be ready to receive him on the day appointed.

I have, &c.

(Signed)

FRANCISCO MARCOS.

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

No. 111.

The Earl of Aberdeen to Mr. Cope.

SIR,

Foreign Office, April 30, 1842.

I HAVE received your Despatch of the 9th October last, enclosing copies and translations of correspondence which has passed between the Minister for Foreign Affairs of the Equator and yourself respecting the Treaty and additional articles signed by you and that minister of the 24th of May last.

I have to refer you to the Despatch which I addressed to you on the 22nd ultimo upon the subject of those documents.

I herewith transmit to you a duplicate of that Despatch, to provide for the case of the original not reaching you. You will consider the purport of the instruction contained in the Despatch of the 22nd ultimo as embracing the deliberate view which Her Majesty's Government have taken of the Treaty and additional articles signed by you on the 24th May, 1841, and you will accordingly adhere strictly to the course pointed out to you in that instruction.

I am, &c.

(Signed)

ABERDEEN.

Walter Cope, Esq.,
&c. &c.

No. 112.

*Mr. Cope to the Earl of Aberdeen.**British Consulate of the Equator,
Guayaquil, March 20, 1842.**(Received June 24.)*

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's circular of December 27, directing me to address an official application to the Government of the Equator, requesting that an authentic copy may be supplied to me of all the Laws and Acts relating to the traffic in slaves which may have been issued by that Government or its municipal authorities; and to forward the same, with copies of any other documents necessary to complete the collection, to your Lordship without delay.

I have, &c.

(Signed) WALTER COPE.

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

No. 113.

*Mr. Cope to the Earl of Aberdeen.**British Consulate of the Equator,
Guayaquil, March 20, 1842.**(Received June 24.)*

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of December 31, directing me to lose no time in putting myself again in communication with the Minister for Foreign Affairs of the Equator, in order to conclude without further delay the Treaty between Great Britain and the Republic of the Equator for the suppression of the Slave Trade.

As I have already concluded that Treaty, and transmitted it to your Lordship along with my Despatches of the 9th of October, I have only now to express my regret that the peculiar circumstances of the country, which I have before explained, should have prevented me from bringing to an earlier termination the negociation with which I was charged.

I have, &c.

(Signed) WALTER COPE.

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

No. 114.

*Mr. Cope to the Earl of Aberdeen.**British Consulate of the Equator,
Guayaquil, June 10, 1842.**(Received September 9.)*

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of October the 30th, 1841; and its accompanying "Copy of a series of Papers relating to the Slave Trade, which had been presented to the two Houses of Parliament during the Session of that year."

I have, &c.

(Signed) WALTER COPE.

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

No. 115.

*Mr. Cope to the Earl of Aberdeen.**British Consulate of the Equator,
Guayaquil, June 29, 1842.**(Received September 9.)*

MY LORD,

I HAVE had the honour to receive your Lordship's Despatch of the 22nd of March last, acknowledging the receipt of my Despatches up to that of the 9th October of last year, and the duplicate original of the Treaty signed by me on the 24th May, 1841, with the Plenipotentiary of the Equatorian Government for the suppression of the Slave Trade.

By the same Despatch I am directed to use my utmost endeavours to induce the Government of the Equator to withdraw the objectionable stipulation contained in the "Agreement" forming additional Article No. 3 to the Treaty, and consent to ratify the Treaty without insisting on the insertion of that article, and I shall devote immediate attention to those directions; but I apprehend it will be difficult to accomplish their object until the Congress assembles, and the law of the 26th September, 1830, which gave rise to the additional Article No. 3, is repealed.

I have, &c.

(Signed)

WALTER COPE.

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

&c.

&c.

&c.

No. 116.

*Mr. Cope to the Earl of Aberdeen.**British Consulate of the Equator,
Guayaquil, June 30, 1842.**(Received September 9.)*

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Circular of the 23rd of March last, enclosing a copy of the Treaty which your Lordship signed on the 20th December last, on the part of her Majesty, with the Plenipotentiaries of Austria, France, Prussia, and Russia, for the suppression of Slave Trade.

I have, &c.

(Signed)

WALTER COPE.

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

&c.

&c.

&c.

No. 117.

*Mr. Cope to the Earl of Aberdeen.**British Consulate of the Equator,
Guayaquil, August 13, 1842.**(Received November 19.)*

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of April 30th, along with a duplicate of that which your Lordship addressed to me on the 22nd of March, directing me to consider the purport of the instructions contained in the Despatch of March 22nd, as embracing the deliberate view which Her Majesty's Government have taken of the Treaty and additional articles signed by me on the 24th of May, 1841 (for the suppression of the Slave Trade of the Equator).

I have, &c.

(Signed)

WALTER COPE.

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

&c.

&c.

&c.

No. 118.

*Mr. Cope to the Earl of Aberdeen.**British Consulate of the Equator,
Guayaquil, October 1, 1842.**(Received December 22.)*

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Circular of the 12th of May last, and of the copy of a Memoir drawn up by Mr. Bandinel, containing an account of the steps taken by the British Government for the extinction of the Trade in Slaves from Africa, which it accompanied.

I have, &c.

(Signed)

WALTER COPE.

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

NEW GRANADA.

No. 119.

Mr. Adams to Viscount Palmerston.

Bogota, September 30, 1841.

(Received January 21, 1842.)

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, of 15th April last, transmitting copies 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)

WM. PITT ADAMS.

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

No. 120.

Mr. Adams to Viscount Palmerston.

Bogota, September 30, 1841.

(Received January 21, 1842.)

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, of 22nd April last, containing copies of a Convention concluded at Port-au-Prince, on 23rd December, 1839, by which the Republic of Hayti has acceded to the Conventions for the Suppression of the Slave Trade, concluded between His late Majesty and the King of the French.

I have, &c.

(Signed)

WM. PITT ADAMS.

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

No. 121.

Mr. Adams to Viscount Palmerston.

Bogota, September 30, 1841.

(Received January 21, 1842.)

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, of 8th May last, containing a Memorial from the General Anti-Slavery Convention, and stating that Her Majesty's Government concurs 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 beg leave to assure your Lordship that I shall pay the most implicit obedience to these instructions, and to add that I never have at any time been in any way interested in such property.

I have, &c.

(Signed)

WM. PITT ADAMS.

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

No. 122.

*Mr. Steuart to the Earl of Aberdeen.**Bogota, April 2, 1842.**(Received July 29.)*

MY LORD,

I HAVE had the honour to receive your Lordship's Despatch, dated the 31st December, 1841, directing my attention to a negotiation with which Mr. Adams was charged for a Treaty with this country, for the Suppression of the Slave Trade.

As, however, the negotiations on this subject had terminated previous to my arrival in this city, and as Mr. Adams is the bearer to England of a Treaty which he has concluded with the Republic for the Suppression of the Slave Trade, it only remains for me to assure your Lordship, how readily I should have obeyed your Lordship's instructions on this head, had they not been rendered unnecessary by the zeal and able conduct of my predecessor.

I have, &c.

(Signed) R. STEUART.

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

No. 123.

*Mr. Steuart to the Earl of Aberdeen.**Bogota, April 2, 1842.**(Received July 29.)*

MY LORD,

I HAVE had the honour to receive your Lordship's Circular Despatch, dated the 27th December, 1841, and in obedience to the instructions which it contains, I have this day addressed a note to Señor Ospina, the Minister for Foreign Affairs, requesting that I may be supplied with a copy of the Laws and Acts relating to the Suppression, restraining, or preventing the Traffic in Slaves, which may at any time, whether of a temporary or permanent character, have been issued in this country by the Government or its Municipal authorities.

I shall endeavour to make the collection as complete as possible, and to transmit it to your Lordship, with the least possible delay.

I have, &c.

(Signed) R. STEUART.

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

No. 124.

*Mr. Steuart to the Earl of Aberdeen.**Bogota, April 28, 1842.**(Received July 27.)*

MY LORD,

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

I have, &c.

(Signed) R. STEUART.

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

No. 125.

M. Mosquera to the Earl of Aberdeen.

52, Baker-street, Portman-square, August 21, 1842.

(Received August 23.)

M. M. MOSQUERA ha tenido el honor de recibir la coleccion de papeles relativos al comercio de esclavos, presentados de órden de Su Magestad à las dos Cámaras del Parlamente, durante la última Sesion, y que Su Señoria el Muy Honorable Conde de Aberdeen se ha servido remitir à M. Mosquera, quien queda por ello muy reconocido.

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

(Translation.)

M. Mosquera to the Earl of Aberdeen.

52, Baker-street, Portman-square, August 21, 1842.

M. MOSQUERA has had the honour to receive a copy of the collection of Papers relative to the Slave Trade, presented, by order of Her Majesty, to the two Houses of Parliament during the last Session, and which the Right Honourable the Earl of Aberdeen was pleased to send to M. Mosquera, who begs to return his acknowledgments for the same.

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

No. 126.

Mr. Steuart to the Earl of Aberdeen.

Bogota, June 30, 1842.

(Received September 9.)

MY LORD,

I HAVE had the honour to receive your Lordship's Circular Despatch of the 23rd March, enclosing the printed copy of a Treaty, signed on the 20th December by your Lordship, on the part of Her Majesty, with the Plenipotentiaries of Austria, France, Prussia, and Russia, for the suppression of the Slave Trade.

I have, &c.

(Signed) R. STEUART.

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

No. 127.

Mr. Steuart to the Earl of Aberdeen.

Bogota, September 30, 1842.

(Received December 22.)

MY LORD,

I HAVE had the honour to receive your Lordship's Circular Despatch, transmitting to me a copy of a Memoir drawn up by Mr. Bandinel, of your Lordship's office, containing an account of steps taken by the British Government towards effecting the extinction of the Trade in Slaves from Africa; and, as directed by your Lordship, I have placed it among the archives of this mission.

I have, &c.

(Signed) R. STEUART.

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

No. 128.

*Mr. Steuart to the Earl of Aberdeen.**Bogota, September 30, 1842.**(Received December 22.)*

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Circular Despatch, transmitting to me two copies of the Treaty for the abolition of the Slave Trade, concluded between Her Majesty and the Oriental Republic of the Uruguay, for which I beg to return your Lordship my best thanks.

I have, &c.

(Signed) R. STEUART.

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

No. 129.

*Mr. Steuart to the Earl of Aberdeen.**Bogota, September 30, 1842.**(Received December 22.)*

MY LORD,

I HAVE had the honour to receive your Lordship's Circular Despatch, enclosing two copies of a Treaty concluded between Her Majesty and the Republic of Bolivia, for the abolition of the Traffic in Slaves.

I have, &c.

(Signed) R. STEUART.

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

PERU.

No. 130.

Mr. Wilson to Viscount Palmerston.

Callao, November 26, 1841.

(Received March 29, 1842.)

MY LORD,

I HAVE the honour to acknowledge the receipt, on the 22nd instant, of your Lordship's Despatch, dated 8th May last, 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, 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; and, finally, desiring me to forward copies of the Memorial to the British Vice-Consuls at Lima, Islay, and Bolivia, with suitable instructions.

Herewith is enclosed a copy of a Despatch that I have in consequence addressed to those functionaries at the time of forwarding to them copies of the Memorial in question; and also a copy of the reply returned thereto by the British Vice-Consul in Lima and Callao, in which Mr. Sealy states that he neither, directly nor indirectly, holds or is interested in slave property; and that he will henceforward pay all proper respect and attention to the opinions of Her Majesty's Government upon this subject; both which declarations I now beg to make to your Lordship in my own name and on my own behalf.

Some time must necessarily elapse before the answers of the British Vice-Consuls at Islay and in Bolivia to my Circular can be received by me; but, on their receipt, they shall be immediately transmitted in copy to your Lordship; in the mean time I may venture to remark, that I have no reason for supposing that either of these functionaries, directly or indirectly, hold or are interested in slave property.

I have, &c.

(Signed)

BELFORD HINTON WILSON.

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

&c.

&c.

&c.

First Enclosure in No. 130.

Mr Wilson to the British Vice-Consuls at Lima, Islay, Bolivia.

Callao, November 24, 1841.

SIR,

I HAVE the honour of transmitting to you herewith a copy of a Memorial addressed on the 20th of June, 1840, by the General Anti-Slavery Convention to Viscount Palmerston, Her Majesty's Principal Secretary of State for Foreign Affairs.

I have to acquaint you, for your guidance, 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.

In acknowledging the receipt of this Despatch, you will therefore state, for the information of Her Majesty's Government, whether you, either directly or indirectly, hold or are interested in slave property.

I have, &c..

(Signed)

BELFORD HINTON WILSON.

The British Vice-Consuls at Lima, Islay, Bolivia,

&c.

&c.

&c.

Second Enclosure in No. 130.

Mr. Sealy to Mr. Wilson.

SIR,

Lima, November 25, 1841.

I HAVE the honour to state, in reply to your Despatch, dated yesterday, that I neither, directly nor indirectly, hold or am interested in slave property; and that I shall henceforward respect and pay due attention to the opinion of Her Majesty's Government, that it would be unfitting that any officer, holding an appointment under the British Crown, should, either directly or indirectly, hold or be interested in slave property.

I have, &c.

(Signed) GEORGE T. SEALY.

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

No. 131.

Mr. Wilson to Viscount Palmerston.

Callao, November 30, 1841.

(Extract.)

(Received March 29, 1842.)

I HAVE the honour of transmitting herewith to your Lordship a copy of a note that I have addressed to the Peruvian Minister of Foreign Affairs, in the execution of the instructions contained in your Lordship's Despatch of the 11th of May last, received by me on the 22d instant.

With reference to my Despatch, the Council of State are opposed to the concession of the solicited permission to import slaves into Peru from Africa; but they have as yet purposely avoided the delivery of their opinion to the Government upon the subject of my invitation to sign with them a Treaty for the entire suppression of the Slave Trade of Peru, and for declaring it to be piracy.

I have, &c.

(Signed) BELFORD HINTON WILSON.

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

Enclosure in No. 131.

Mr. Wilson to the Peruvian Minister for Foreign Affairs.

Callao, November 30, 1841.

HER Britannic Majesty's Government having received information 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, and considering that by such practices the functionaries in question give an indirect sanction to slavery, and appear to countenance measures which tend to create a demand for slaves, Her Majesty's Government has addressed to all British functionaries in slave-holding countries a Circular Letter, stating that, in the opinion of Her Majesty's Government, 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.

As Her Majesty's Government think it very important that the opinion of the Peruvian 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 Peruvian Government would address to its agents in slave-holding countries instructions

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similar to those contained in the Circular of Her Majesty's Government above referred to, a copy of which, for a fuller understanding of the subject, is herewith enclosed; and the Undersigned, Her Britannic Majesty's Chargé d'Affaires, has, therefore, been specially instructed to address to the Peruvian Government a note inviting them to do so.

In now fulfilling this instruction, the Undersigned entertains the gratifying confidence that the Peruvian Government will cheerfully accede to the present invitation, and thereby give to Her Majesty's Government, and to the whole civilized world, an additional proof of their sincere desire to lend their effective co-operation in putting an end to the Slave Trade.

The Undersigned avails himself of this opportunity to renew to Dr. Charun the assurances of his high respect and distinguished consideration.

I have, &c.,

(Signed) BELFORD HINTON WILSON.

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

No. 132.

Mr. Sealy to the Earl of Aberdeen.

Lima, January 31, 1842.

(Received May 10.)

MY LORD,

WITH reference to Mr. Belford Wilson's Despatch to Viscount Palmerston of the 30th of November last, I have the honour of transmitting herewith, to your Lordship, a copy of a Despatch which I have this day received from the British Vice-Consul at Islay, stating that he, neither directly nor indirectly holds nor is interested in slave property; and that he will henceforward respect and pay due attention to the opinion of Her Majesty's Government, that it would be unfitting that any officer holding an appointment under the British Crown should, either directly or indirectly, hold or be interested in slave property.

I have, &c.

(Signed) GEO. T. SEALY.

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

Enclosure in No. 132.

Mr. Crompton to Mr. Sealy.

SIR,

Arequipa, January 8, 1842.

I HAVE the honour to state to you, in reply to Mr. Wilson's Circular Despatch of the 24th November, and for the information of Her Majesty's Government, that I neither, directly or indirectly, hold nor am interested in slave property; and that I shall henceforward respect and pay due attention to the opinion of Her Majesty's Government, that it would be unfitting that any officer holding an appointment under the British Crown should, either directly or indirectly, hold or be interested in slave property.

I have, &c.

(Signed) THOMAS CROMPTON, *Vice-Consul.*

G. T. Sealy, Esq.,
&c. &c.

No. 133.

Mr. Sealy to the Earl of Aberdeen.

Lima, June 14, 1842.

(Received October 6.)

MY LORD,

I HAVE the honour to transmit herewith to your Lordship a copy of a Note, which in obedience to the instructions contained in your Lordship's

Despatch to Mr. Belford Wilson, marked Circular, of the 27th of December last, I have addressed to the Peruvian Minister for Foreign Affairs, requesting that an authentic copy may be supplied to me of all the laws and administrative acts, whether of a temporary or permanent character, which may at any time have been issued by the Peruvian Government, or by its municipal and colonial authorities, for the purpose of regulating, restraining, or preventing the traffic in slaves.

Herein are inclosed a copy and translation of the Peruvian Minister's reply to my before mentioned Note, informing me that he has ordered copies of all the laws of this description to be prepared, and that he will transmit them to me so soon as they are ready.

I likewise forward to your Lordship copies of the letters which, in the execution of your Lordship's before cited instructions, have been addressed by me to Her Majesty's Consul at Tacna, and to the British Vice-Consuls at Islay and in Bolivia.

I have, &c.

(Signed)

GEO. T. SEALY.

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

&c.

&c.

&c.

First Enclosure in No. 133.

Mr. Sealy to the Minister for Foreign Affairs.

Lima, June 8, 1842.

THE Undersigned, Her Britannic Majesty's Acting Consul-General, has the honour to acquaint the Señor Dr. Don Agustin Guillermo Charun, Minister for Foreign Affairs of Peru, that he has received a Despatch, addressed under date of the 27th December last, by the Earl of Aberdeen, Her Britannic Majesty's Principal Secretary of State for Foreign Affairs to Mr. Belford Hinton Wilson, in which his Lordship informs Mr. Belford Wilson that Her Majesty's Government is desirous of obtaining a complete collection 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; and the Earl of Aberdeen consequently desires Mr. Belford Wilson to address an official application to the Peruvian Government, requesting that an authentic copy may be supplied to him 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 the Peruvian Government, or by its municipal and colonial authorities.

In obedience, therefore, to the instructions of Her Majesty's Government the Undersigned has now the honour to request that the Minister for Foreign Affairs of Peru will be pleased to direct that an authentic copy be supplied to him of all the Laws and administrative Acts, whether of a temporary or permanent character, which may at any time have been issued by the Peruvian Government, or by its municipal and colonial authorities, for the purpose of regulating, restraining, or preventing the Traffic in Slaves.

The Undersigned avails himself of this opportunity to renew to Dr. Charun the assurance of his high respect and distinguished consideration.

(Signed)

GEO. T. SEALY.

The Minister for Foreign Affairs of Peru,

&c.

&c.

&c.

Second Enclosure in No. 133.

Dr. Charun to Mr. Sealy.

(Translation.)

Lima, June 11, 1842.

THE Undersigned, Minister for Foreign Affairs, has directed the issue of the copies of the resolutions relative to Slave Trade, which in his Note of the

8th instant, Her Britannic Majesty's Acting Consul-General is pleased to solicit, and as soon as they shall be ready the Undersigned will have the satisfaction of transmitting them to him.

The Undersigned renews to Mr. Sealy the assurances of his perfect consideration.

(Signed) AG^N. G. CHARUN.

*Her Britannic Majesty's Acting
Consul-General.*

Third Enclosure in No. 133.

*Mr. Sealy to Her Majesty's Consul at Tacna, and the British Vice-Consul
at Islay.*

SIR,

Lima, June 8, 1842.

I HAVE the honour to acquaint you that I have received a Despatch (a copy of which is herewith transmitted for your information and guidance), addressed under date of the 27th of December last, by the Earl of Aberdeen to Mr. Belford Wilson; in which his Lordship informs Mr. Belford Wilson that Her Majesty's Government is desirous of obtaining a complete collection 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; and desiring Mr. Belford Wilson to address an official application to the Peruvian and Bolivian Governments, requesting that an authentic copy may be supplied to him 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 those Governments, or by their municipal and colonial authorities.

I have therefore, under date of this day, addressed to the Peruvian Minister of Foreign Affairs an official application, in conformity to the before cited instructions of Her Majesty's Principal Secretary of State for Foreign Affairs; and I have to desire that you will use your best endeavours to obtain, through any other channels, authentic copies of any further documents which may appear to be necessary to complete the collection in question; and that you will forward such papers to me without delay.

I have, &c.

(Signed) GEO. T. SEALY.

*Her Majesty's Consul at Tacna, and the
British Vice-Consul at Islay.*

Fourth Enclosure in No. 133.

Mr. Sealy to Mr. Masterton.

SIR,

Lima, June 8, 1842.

I HAVE the honour to acquaint you that I have received a Despatch (a copy of which is herewith transmitted for your information and guidance), addressed, under date of the 27th of December last, by the Earl of Aberdeen to Mr. Belford Wilson; in which his Lordship informs Mr. Belford Wilson that Her Majesty's Government is desirous of obtaining a complete collection 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; and desiring Mr. Belford Wilson to address an official application to the Peruvian and Bolivian Governments, requesting that an authentic copy may be supplied to him 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 those Governments, or by their municipal and colonial authorities.

You will therefore address to the Bolivian Minister for Foreign Affairs an official application, in conformity to the before cited instructions of Her Majesty's Principal Secretary of State for Foreign Affairs.

I have at the same time to desire that you will use your best endeavours to obtain, through any other channels, authentic copies of any further documents which may appear to be necessary to complete the collection in question, and that you will forward to Her Majesty's Government, without delay, the whole of these papers, together with accurate translations thereof.

I have, &c.

(Signed)

GEO. T. SEALY.

*Charles Masterton, Esq., British Vice-Consul
in Bolivia.*

No. 134.

Mr. Sealy to the Earl of Aberdeen.

Lima, June 14, 1842.

(Received October 6.)

MY LORD,

I HAVE the honour to transmit, herewith, to your Lordship, a copy of a Note which in the execution of the instructions contained in your Lordship's Despatch to Mr. Belford Wilson of the 31st December last, I have addressed to the Peruvian Minister for Foreign Affairs requesting him to procure with the least possible delay from the Council of State the necessary authorization to enable him to give, in the name of his Government, a peremptory refusal to entertain the plan for reviving Slave Trade in Peru, and urging him to obtain the authorization of that body for the negotiation and signature of a Treaty with Her Britannic Majesty for the suppression of the Slave Trade of Peru.

Herein are also enclosed a copy and translation of the Peruvian Minister's Note acknowledging the receipt of my before-mentioned Despatch, and stating that, with a view of replying thereto as quickly as possible, he had again called upon the Council of State for their opinion upon the points in question.

In conclusion, I beg to assure your Lordship that should circumstances render it expedient or necessary, I will not fail again to press upon the attention of the Peruvian Minister for Foreign Affairs the urgent importance of his obtaining, without unnecessary delay, the required authorization of the Council of State for the formal rejection of the plan for reviving Slave Trade in Peru, and for the negotiation and signature of a Treaty with Her Majesty for the suppression of that traffic.

I have, &c.

(Signed)

GEO. T. SEALY.

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

First Enclosure in No. 134.

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

Lima, June 8, 1842.

WITH reference to the correspondence which passed between Mr. Belford Hinton Wilson, Her Britannic Majesty's Chargé d'Affaires, and the Minister for Foreign Affairs of Peru, in the month of August of last year, respecting an attempt made to revive Slave Trade in Peru, the Undersigned, Her Britannic Majesty's acting Consul General has the honour to inform the Senhor Dr. Don Agustin Guillermo Charun, Minister for Foreign Affairs of Peru, that the Earl of Aberdeen, Her Britannic Majesty's Principal Secretary of State for Foreign Affairs, has, in a Despatch dated the 31st of December last, acquainted Mr. Belford Wilson, that Her Majesty's Government entirely approves of the representation which he addressed upon this subject to the Peruvian Minister for Foreign Affairs, in his Note of the 16th of August, 1841, (No. 93.)

The Earl of Aberdeen, in his Despatch before referred to, expresses the hope entertained by Her Majesty's Government that the plan for reviving the Slave Trade of Peru will not receive any encouragement from the Government of that country: but in the event of a peremptory refusal to entertain it, not having been

given by the Peruvian Government, or if the attempt to introduce the Trade should have been repeated, Mr. Belford Wilson is directed by his Lordship immediately to address a further Note to the Peruvian Minister, remonstrating strongly against the proposed measure.

Her Majesty's Principal Secretary of State for Foreign Affairs also desires that Mr. Belford Wilson will point out to the attention of the Peruvian Government the Treaty concluded on the 5th of June, 1837, between Great Britain and the Peru-Bolivian Confederation, of which at that period Peru formed a part.

That by the 14th Article of that Treaty, the Peru-Bolivian Confederation bound itself "to prohibit all persons inhabiting the territories of the republic, or subject to their jurisdiction, from taking any share in the Slave Trade."

Mr. Belford Wilson is likewise instructed by the Earl of Aberdeen to remind the Peruvian Government that Peru, although separated from Bolivia, cannot absolve herself from the obligations contracted by her when united with Bolivia; that while Her Majesty laments that Peru should still demur to contract the Treaty proposed to her by Great Britain for the more effectual abolition of the traffic, Her Majesty expects that Peru will at least adhere strictly to the stipulations which that country has absolutely contracted to this end.

Mr. Belford Wilson is further directed to draw the attention of the Peruvian Government to the commencement of the Article already quoted, of the Treaty contracted in 1837, by which Peru bound herself to co-operate with Her Majesty for the total abolition of the Slave Trade; and finally to express the earnest hope of Her Majesty's Government, that the Peruvian Government will not thus stand almost single among the civilized powers of Christendom, in declining to conclude a Treaty for the effectual and final extinction of a traffic proscribed by all.

The Peruvian Minister for Foreign Affairs, in replying to Mr. Belford Wilson's before cited Note of the 16th of August, 1841, stated that that communication had been laid before his Government, and that by their order it had been transmitted to the Council of State for their opinion as to the expediency of not permitting the expedition which several individuals of Lima were desirous of sending to the coast of Africa for the purpose of bringing slaves to Peru, and as to the propriety of consenting to the conclusion of a Treaty for the abolition of the Traffic in Slaves; the Peruvian Minister for Foreign Affairs furthermore expressed a hope that the Council of State would resolve these questions in a satisfactory manner; and he assured Mr. Wilson that he would opportunely make known to him the decision of that body.

But no further communication upon the subject has hitherto been made by the Peruvian Minister for Foreign Affairs, either to Mr. Belford Wilson or to the Undersigned.

It is therefore incumbent upon the Undersigned to call the most serious attention of Dr. Charun to the representation upon the subject of the beforesaid attempt to revive Slave Trade in Peru, which was addressed by Mr. Belford Wilson to the Peruvian Government in his Note of the 16th of August, 1841, as well as to the tenor of the reply thereto given by the Peruvian Minister for Foreign Affairs on the 27th of the same month and year; in the hope that Dr. Charun will, with the least possible delay, procure from the Council of State the necessary authorization to enable him to give, in the name of his Government, a peremptory refusal to entertain the plan for reviving the Slave Trade of Peru; and that he will furthermore obtain the authorization of that body for the negotiation and signature, in the manner pointed out in Mr. Belford Wilson's beforesaid Note of the 16th of August last, of a Treaty with Her Britannic Majesty for the suppression of the Slave Trade of Peru.

The Undersigned avails himself of this opportunity to renew to Dr. Charun the assurances of his high respect and distinguished consideration.

(Signed)

GEORGE T. SEALY.

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

Second Enclosure in No. 134.

Dr. Charun to Her Britannic Majesty's Acting Consul General.

(Translation.)

Lima, June 11, 1842.

THE Undersigned, Minister for Foreign Affairs, has received the very esteemed Note of Her Britannic Majesty's Acting Consul General, dated the 8th instant, in which, in conformity to the instructions of Her Britannic Majesty's Principal Secretary of State for Foreign Affairs, to Mr. Belford Hinton Wilson, he solicits the reply of the Government of the Undersigned to the representation of Mr. Wilson, remonstrating against an attempt to bring slaves from Africa, and to the invitation made by the same for the conclusion of a Treaty relative to the abolition of the Slave Trade.

Regarding both these points the Government of the Undersigned consulted the Council of State, and not having as yet received an answer, the Undersigned is unable to reply as he would wish to Her Britannic Majesty's Acting Consul-General. But in order to give a reply as quickly as possible, he moves the Council of State, under date of this day, to emit its opinion.

The Undersigned renews to Mr. Sealy the assurances of distinguished consideration, with which he is his attentive obsequious servant.

(Signed)

A. G. CHARUN.

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

No. 135.

*Mr. Sealy to the Earl of Aberdeen.**Lima, June 7, 1842.**(Received October 13.)*

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatches to Mr. Belford Wilson, dated the 27th and 31st of December last.

I have, &c.,

(Signed)

GEORGE T. SEALY.

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

UNITED STATES.

No. 136.

Mr. Fox to the Earl of Aberdeen.

Washington, December 28, 1841.

(Extract.)

(Received January 16, 1842.)

HER Majesty's Government will no doubt have received from the Governor of the Bahama Islands a full report of the proceedings which took place in the case of the American ship "*Creole*," brought into the port of Nassau by a number of Virginia negro slaves who had mutinied and taken possession of the vessel from their masters.

An impression prevails here that the 19 negroes detained at Nassau, charged with the murder on board the "*Creole*," of one of the American slave-owners, will be delivered up for trial in the United States. I conclude that this will not be the case. The Americans have not the right, under any circumstances whatever, to claim from Great Britain the surrender of fugitive criminals. The Supreme Court of the United States decided two years ago that Holmes, the Canadian murderer, should not be delivered up to the British authorities. In the case of the two Brambers, guilty of murder in Ireland, the United States' authorities interfered in 1838, to prevent those offenders being surrendered to Great Britain by the State authorities of New York. And in the present case a further consideration arises. The Virginia negroes accused of the murder are now free men, and not slaves. But, if surrendered for trial in America, the Federal Government would possess no power by law, even if it should so desire, to prevent the negroes from being replaced in slavery in the event of their being acquitted of the murder. They would, immediately upon setting foot in this country, fall back as slaves into the power of their former owners in Virginia.

I have, &c.

(Signed) H. S. FOX.

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

&c.

&c.

&c.

No. 137.

Mr. Fox to Viscount Canning.

Washington, January 28, 1842.

MY LORD,

(Received February 28, 1842.)

IN obedience to the directions contained in your Lordship's letter of the 31st of December, I have the honour to enclose a copy of the official letter addressed by me, on the 5th of February, 1841, to the then Secretary of State of the United States, Mr. Forsyth, upon the subject of the conduct of the District Attorney at Boston, in declining to co-operate with the captors of the "*Tigris*," in filing a libel against that vessel and her cargo. I am inclined to think that this Paper will be found to have been already transmitted to the Foreign Office, as a primary inclosure in my despatch of the 13th March, 1841, together with

other correspondence with the United States Government, though not as a sub-enclosure in the copy of my letter to Mr. Consul Grattan; in this, however, I may perhaps be mistaken.

I have, &c.

(Signed) H. S. FOX.

The Viscount Canning,
&c. &c.

Enclosure in No. 137.

Mr. Fox to the Hon. John Forsyth.

Washington, February 5, 1842.

SIR,

THE case of the American vessel "*Tigris*," recently carried into the port of Boston, in Massachusetts, in the care of a British officer and prize-crew, and there delivered over to the judicial authorities of the United States, upon a charge of having been engaged in the illicit traffic of slaves on the coast of Africa, has, I believe, been duly brought to the knowledge of the United States Government by the District Attorney of the port of Boston. I have now received from Mr. Grattan, Her Majesty's Consul at Boston, the following information. It appears that the District Attorney, Mr. Mills, acting in the case for the United States, did, at the commencement of the business, legally bind over Mr. Jackson, the British officer in charge, to appear as witness in the criminal prosecution of the master and mate of the "*Tigris*," for violation of the laws of the United States; thus sanctioning a *prima facie* case against the "*Tigris*," and inducing and authorising Mr. Jackson to file, as he has done, a libel against the vessel and cargo. But Mr. Mills has since desisted from all further co-operation in the prosecution, having both refused the request of the Consul, that he should claim the protection of the Court for his own witness, Mr. Jackson, when arrested at the suit of the very parties he was bound over to prosecute, and having since declined to take any part in the civil suit, that is to say, in filing a libel against the vessel and cargo. Her Majesty's Consul and the legal counsel employed by Mr. Jackson, are apprehensive that this conduct on the part of the District Attorney of the United States, for which they are unable to account, will risk the failure of the ends of justice, and the loss of the civil action, which is instituted equally for the benefit of the United States as for that of the captors and informers. One effect of this want of co-operation has already been, that the owners of the "*Tigris*" are endeavouring to bind the British officer, Mr. Jackson, personally to give security, or, as it is technically expressed, to "stipulate," for damages to a large amount, in the event of the action failing; and this course, it seems, they would not have been able to pursue, if the District Attorney had duly borne his part in forwarding the civil prosecution. I do not pretend to be accurately acquainted with all the legal points and considerations involved in the question; but, as a just and full execution of the existing laws against the Slave Trade must be the object of all parties, I hope that it may be in the power of the United States Government, upon a due examination of the matter, to give such instructions to the District Attorney at Boston, as may cause him to lend a more effectual aid in the prosecution.

I avail, &c.

(Signed) H. S. FOX.

The Hon. John Forsyth,
&c. &c.

No. 138.

Mr. Everett to the Earl of Aberdeen.

Legation of the United States, February 21, 1842

(Received February 22.)

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, has the honour to acquaint the Earl of Aberdeen, Her Majesty's Principal Secretary of State for Foreign Affairs, that he has been instructed to express the gratification of the President at the manner in which

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Her Majesty was pleased to receive the Undersigned to present his letter of credence; and to signify the sincere disposition entertained by the President to bring all matters of discussion between the two Governments to a speedy as well as an amicable adjustment.

The Note of the Earl of Aberdeen to the Undersigned, of the 20th of December, in reply to Mr. Stevenson's to his Lordship of the 21st of October, has been read by the President, with satisfaction at the dispassionate tone with which Lord Aberdeen has discussed the delicate and important subject of that communication. The President considers that it is only by the exercise of calm reason that truth can be arrived at in questions of a complicated nature; and between States, each of which understands and respects the intelligence and the power of the other, there ought to be no unwillingness to follow its guidance.

At the present day, no State is so high as that the principles of its intercourse with other nations are above question, or its conduct above scrutiny. On the contrary, the whole civilized world, now vastly better informed on such subjects than in former ages, and alive and sensible to the principles adopted and the purposes avowed by the leading States, necessarily constitutes a tribunal, august in character and formidable in its decisions. It is before this tribunal, and upon the rules of natural justice, moral propriety, the usages of modern times, and the prescriptions of public law, that Governments which respect themselves and respect their neighbours must, in the apprehension of the President, be prepared to discuss, with candour and with dignity, any topics, which may have caused differences to spring up between them; and he places an undoubting reliance on the concurrence of Her Majesty's Government in these views of the principles which must govern the intercourse of nations.

The Undersigned is further instructed to make known to Her Majesty's Government the pleasure with which the President has received the important intelligence of the appointment of a special minister to the United States, with full power to settle every matter in dispute between the two Governments. He regards the proceeding as originating in an entirely amicable spirit, and directs the Undersigned to assure Her Majesty's Government that it will be met on his part with perfectly corresponding sentiments. The high character of Lord Ashburton is well known to the Government of the United States, and it is not doubted that he will enter on the duties assigned to him, not only with the advantages of much knowledge and experience in public affairs, but with a true desire to signalize his mission by assisting to place the friendly relations of the two countries on a permanent basis. The Undersigned is directed to add, that Lord Ashburton will be received by the President with the respect due to his own character, the character of the Government which sends him, and the high importance to both countries of the subjects entrusted to his negotiation.

The President of the United States has approved the conduct of the Undersigned, in forbearing, on the suggestion of the Earl of Aberdeen, to pursue the discussion here of topics which would form the subjects of negotiation between Lord Ashburton and the Government of the United States at Washington. It is the duty, however, of the Undersigned, to make an observation to Lord Aberdeen on the subject of the cases of American vessels, detained, searched, and captured, which were enumerated in the Note of the Undersigned of December 27th. The Undersigned is aware of the delay necessarily incident to official inquiries into transactions occurring in distant seas, and has every reason to be satisfied with the promptitude with which Lord Aberdeen called the attention of the Lords of the Admiralty to these cases. Firmly persuaded, however, that the success of any attempt to negotiate on this subject, in any form, will depend upon the promptness with which redress is afforded, in cases where wrong and injury have been inflicted, and with a view of presenting to Her Majesty's Government, disconnected from other matters, a case which, it would seem to the Undersigned, carries almost in its statement the materials for a safe opinion on its merits, the Undersigned would respectfully invite the attention of Lord Aberdeen to the case of the "*Tigris*." In this case, on slender grounds of suspicion that the vessel was engaged in the Slave Trade; grounds which, as the Undersigned understands, were immediately overruled by the Circuit Court of the United States for the circuit of Massachusetts, before which the proceedings were had; the American vessel, the "*Tigris*" was, on the 7th of October, 1840, by Lieutenant Matson, the Commander of Her Majesty's brig "*Waterwitch*," searched, captured, taken out of her course, her voyage broken up, and the vessel

sent home with a prize crew, under a very young and (as is alleged) intemperate officer. The peculiarity of this case is, that in a letter addressed by Mr. Matson, "To the Secretary or Registrar of either of the Circuit Courts of the United States," he uses the following language:—"These, Sir, are my reasons for taking upon myself the responsibility of detaining the 'Tigris;' but, in doing so, I find myself placed in a very delicate position, not having received any orders or instructions to interfere with vessels belonging to citizens of the United States, whatever their employment might be." This admission appears to deprive Lieutenant Matson of the justification, relied upon in some cases in other respects similar, viz. that which consisted in the agreement or understanding between Commodore Tucker and Lieutenant-Commandant Paine, authorizing each other to institute a mutual search of British and American vessels engaged in the Slave Trade. Mr. Matson alleges no knowledge of that agreement, but expressly states that he acted on his own responsibility, and without orders or instructions.

In separating this case from the others, it is not the purpose of the Undersigned to make a distinction in their merits, but to call the attention of Her Majesty's Government to a case which, from the peculiar circumstances mentioned, would seem to admit a summary proceeding.

The Undersigned seizes this opportunity to renew to the Earl of Aberdeen the assurance of his most distinguished consideration.

(Signed)

EDWARD EVERETT.

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

No. 139.

Mr. Everett to the Earl of Aberdeen.

Legation of the United States, March 1, 1842.

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, has the honour to inform the Earl of Aberdeen, Her Majesty's Principal Secretary of State for Foreign Affairs, that he has been directed by the President to bring to the knowledge of Her Majesty's Government the particulars of an event which has recently occurred in the island of New Providence of a most serious and painful character.

The brig "*Creole*," of Richmond, Virginia, Ensor, master, bound to New Orleans, having on board a cargo of tobacco, with 135 slaves, cleared from Hampton Roads on the 27th of October last. On the 7th of November, at nine o'clock in the evening, a portion of the slaves rose against the officers while engaged in enforcing the discipline of the vessel, wounded the Captain dangerously, and the chief mate and two of the crew severely, and killed a passenger named John Hewell, the owner of part of the slaves, who was employed with the officers in resisting the mutiny. The slaves, soon obtaining the entire possession of the vessel, compelled the officers to steer her to the port of Nassau, in the British island of New Providence, and remained undisputed masters of her till her arrival at that place on the morning of the 9th.

The American Consul at Nassau having been apprized of the situation of the vessel, immediately repaired to the Government-house and requested the Governor to take measures to prevent the escape of the slaves and to have the murderers secured. The Governor, though expressing some doubts of his power to interfere in the case, determined, under the existing circumstances, to comply with the request of the Consul. Having received a written assurance to that effect, the Consul repaired to the vessel, placed the chief mate in command of her, (in room of the captain, disabled by his wounds,) and found the slaves all quiet. At about noon 20 African soldiers, with an African sergeant and corporal, came on board by order of the Governor. They were commanded by a white officer, who was introduced by the Consul to the mate as the commanding officer of the ship.

The Consul, having returned on shore with the wounded captain and sailors, was summoned to attend the Governor and Council then in Session; and the decision taken by them in the case was communicated to him in the following terms:—

"1st. That the Courts of Law here have no jurisdiction over the alleged offences.

"2nd. But that as an information had been lodged before his Excellency the Governor, charging the crime of murder to have been committed on board of the said vessel while on the high seas, it was expedient that the parties implicated in so grave a charge should not be allowed to go at large, and that an investigation ought therefore to be made into the charges, and examinations taken on oath, when if it should appear that the original information was correct, and that a murder had actually been committed, that all the parties implicated in such crime, or in any other acts of violence, should be detained here until reference could be made to the Secretary of State to ascertain whether the parties detained should be delivered over to the American Government or not, and if not, how otherwise to be disposed of.

"3rd. That so soon as such examinations should be taken, all the persons on board of the '*Creole*,' not implicated in any of the offences alleged to have been committed on board of that vessel, must be released from further restraint."

In this decision the American Consul acquiesced, so far as concerned the guard and the examination; but, as he states, he declined a further answer as to the other portions of the decision of the Governor and Council.

In pursuance of the course adopted, two magistrates were sent on board the "*Creole*" to undertake the examination. The Consul also went on board. The examination, commencing on Tuesday the 9th, was continued Wednesday the 10th, and then postponed till Friday on account of the illness of the captain. On Friday morning it was abruptly, and without any explanation, terminated. On his way toward the vessel, on Friday morning, to assist in identifying the criminals, the Consul was informed, by some persons, that an attempt would be made to liberate the slaves by force; by others, that the attempt had been actually made. He himself saw a large collection of boats near the vessel, and was informed that there was a great concourse of people on the shore opposite to her. Returning to his office, he there received confirmation, from the mate, of the critical position of affairs. It appears, that at an early hour on Friday, a large number of boats assembled near the "*Creole*," filled with coloured persons who were armed with bludgeons. The number of these boats is estimated at about 50, in the protest of the mate and passengers made at New Orleans; and they are said to have been under the immediate command of the pilot, a coloured person, who took the "*Creole*" into port. A sloop was also towed from the shore by some row-boats, and anchored near the brig. This sloop was filled with men armed with clubs; and clubs were passed from her to the persons in the boats.

Information of these menacing preparations was given by the Consul, in writing, to the Governor and Council, who promised to protect the "*Creole*" from being boarded by force, and again invited the attendance of the Consul. He was then informed that the Council had determined, on the receipt of his last communication, that the Attorney-General and Provost-Marshal, with as many policemen as he might deem necessary, should proceed to the vessel; should first cause the troops above-mentioned, with the mutineers, to be removed on shore; should prevent any violence being committed by the assembled concourse, and also see that no impediment was given on board to the landing of the slaves.

The Attorney-General and other officers accordingly went on board the "*Creole*." Previous to going on board, the Attorney-General, as that officer states, visited each of the boats, cautioning those in them against a breach of the peace. He adds, that they were without arms, with the exception of ten or a dozen stout cudgels, which he saw in one of the boats, and which, at his request, were thrown overboard. In the deposition of the mate of the vessel, and others who were witnesses of the scene, it is declared that some only of the clubs were thrown over from the boats nearest the ship and visited by the Attorney-General. This officer and the magistrates accompanying him having boarded the "*Creole*," the persons identified as concerned in the mutiny were sent on shore; and the residue of the slaves, being called on deck, were informed by the Attorney-General that they were at liberty to land if they wished. The Attorney-General then left the vessel, and moved to a short distance from her, while the magistrates in his suite made signals to the boats which surrounded the "*Creole*" to approach. The liberated slaves, assisted by the magistrates, were taken on board

the boats; and when landed, were conducted by a vast assemblage to the superintendent of police, by whom their names are said to have been registered.

On the 14th of the month, the American Consul requested, that the 19 identified as concerned in the mutiny and murder should be given up, to be transported for trial to the United States; which request was refused.

On the 15th of November the Attorney-General wrote a letter to Captain Ensor, demanding the baggage and other property of the liberated slaves, or passengers as they were called. The captain replied, that they had no property, and that besides, nothing could be landed but by a permit from the Custom-house. Such a permit was immediately obtained, and an officer sent on board to take the articles demanded. Beside the wearing apparel, blankets, and other articles claimed as the property of the liberated slaves, one bale of blankets, which had never been opened, is said to have been carried away by the officer. Permission was, at the same time, refused to land and sell a portion of the ship's provisions (now rendered useless) in order to defray the expenses of the "*Creole*" at Nassau, unless her captain would agree to enter the slaves as passengers.

The most material parts of this statement are understood not to be disputed; and have probably come to the knowledge of Her Majesty's Government from other sources. An attempt is made, by the Authorities at Nassau, to give an aspect to a part of the transaction somewhat different in appearance, but not essentially so. The Attorney-General of Nassau, in his report to the Governor, represents the mate in command of the vessel as having "cheerfully complied" with his request, to have all the slaves, not implicated in the murder, summoned on deck, to be informed that they were free, stating, at the same time, that "he did not desire to detain any one of them on board who did not wish to remain; that they had his free permission to quit her if they thought proper;" and that language of the same kind was used by a passenger of the name of Merritt. In a statement made on oath by the officers and passengers, including the mate and Merritt, it is declared that the mate, Mr. Gifford, addressed the Attorney-General in the presence of the magistrates, protested against the boats being allowed to come alongside of the vessel, or the negroes, other than the 19, being sent on shore. The Attorney-General replied, that "Mr. Gifford had better make no objection, but let them go quietly on shore, for if he did, there might be bloodshed." At this moment one of the magistrates advised Mr. Merritt, Mr. M'Cargo, and the other passengers, to "look to their money and effects, as he apprehended that the cabin of the '*Creole*' would be sacked and robbed." Without attempting to reconcile the terms of these contradictory statements, the Undersigned supposes, that it must be apparent, that if there was a seeming acquiescence on the part of the commanding officer of the "*Creole*," and others having charge of the slaves, in their leaving the vessel, it could only have been produced by the duress in which they were evidently placed. The civil and military officers of Nassau had entire command of the vessel. A corps of coloured troops was on board, and the vessel was surrounded with a fleet of boats, filled with coloured people armed with bludgeons, and impatiently waiting the signal to rescue the liberated slaves. Whatever assent the mate or his associates may be believed (notwithstanding their oaths to the contrary) to have given to the debarkation of the slaves, as in the nature of things it could not have been voluntarily given, can only be ascribed to the perilous condition in which they were placed. If it be believed that the mate, as the Attorney-General reports, had the appearance of "cheerfully" complying, that very alacrity would be the most expressive indication of the danger, in which the conduct of the authorities of Nassau had placed him. With this exception, which carefully examined disappears, the statements of the American Consul do not appear to be controverted by the authorities at Nassau. And Her Majesty's Government cannot, in the opinion of the Undersigned, but see that, if the facts are truly reported, it is a case of a character equally novel and extraordinary, and calling loudly for redress. The "*Creole*" was passing from one port of the United States to another on a lawful voyage, with merchandize on board, and also with slaves or persons bound to service, natives of America and belonging to American citizens, which are recognized as property by the Constitution of the United States, in those parts of the Union in which slavery exists. It may furthermore be observed, that this species of property, so far from being unknown to the law of nations, or peculiar to the United States, exists in the colonies of all the states of Europe who have colonies, excepting Great Britain, and has but recently been

abolished in a portion of the colonial possessions of the British empire. In the course of the voyage some of these slaves rose upon the master and crew, subdued them, murdered one man, and caused the vessel to be carried into Nassau. The vessel was thus taken into a British port, not voluntarily by those lawfully in command of her, but forcibly and violently, against the master's will, and with the consent of no one but the mutineers and murderers; for there is no evidence that these outrages were committed with the concurrence of any of the slaves, except those actually engaged in them. Under these circumstances, it would seem to have been the obvious duty of the authorities at Nassau, a port of a friendly power, to assist the American Consul to put an end to the captivity of master and crew, restoring to them the control of the vessel, enabling them to resume their voyage, and take the mutineers and murderers to their own country, to answer for their crimes before the proper tribunal. One cannot conceive in what other way the duties imposed by that part of the code regulating the intercourse of friendly States, which is generally called the comity of nations, could be fulfilled. No violation of British law was attempted or intended on the part of the master of the "*Creole*," nor any infringement of the principles of the law of nations. By violence and crime the vessel, on her lawful voyage, was forced into a port of a friendly power. Ordinary comity and hospitality entitled her master to such assistance from the authorities of the place as should enable him to resume and prosecute his voyage, and bring the offenders to justice. Instead of this, the interference of the authorities was exerted only in a manner which has resulted already in setting the mutineers and murderers at liberty without punishment and without trial, and which had the immediate effect of preventing the captain from resuming the command of his vessel, and of enabling the slaves to disperse themselves beyond the control of those who, by the laws of their country and the law of nations, were their legal owners.

The principle asserted by the Colonial authorities, that so soon as an examination should be taken, "all the persons on board the '*Creole*,' not implicated in any of the offences alleged to have been committed on board that vessel, *must be released from further restraint*, is one, the Undersigned apprehends, which so far from resting on any sound legal basis, is contrary to every principle of maritime law applicable to the case. Admitting that the authorities of Nassau were competent, by an *ex parte*, summary, and extra-judicial process, to destroy a right of property existing by the laws of a friendly country and by the law of nations, on board a vessel driven by violence or crime for a moment within their reach, can it follow that because the persons liberated thereby ceased to be slaves, they were of necessity released *from all restraint*, and allowed to leave the vessel against the will of its commander? The Undersigned is not aware that any such general and absolute freedom from restraint is enjoyed in any civilized country by any class of persons. To deny to the commander of a vessel a right to prescribe the regulations to which all on board are bound to conform for the safety, comfort, and success of the voyage, would be to destroy every kind of commercial navigation. This is a right of a very high order, and secured to the commander of a vessel by the legislation of all commercial states. He is clothed with a kind of despotic power, to be used, of course, under responsibility to the laws of his country. He may enforce that power by stripes and by imprisonment, and even put to death the person who, with force and arms, attempts to subvert it, if it can be maintained in no other way. Granting that, without any process of law or judgment of Court, the property of the owners in their slaves was divested by the violence and crime which brought the vessel into Nassau, there were still rights of the most unquestioned character, on the part of the master, with which the Authorities of Nassau were not warranted in interfering. He was authorized to institute and enforce any regulations which he deemed necessary for the safety of his ship's company, or the successful prosecution of his voyage; and had all the slaves been passengers who had engaged their passage in the usual way, it would still, as the Undersigned believes, have been competent to the master to forbid their going on shore for any reason which might seem to him sufficient; nor could his right to do so have been overruled, except by a regular legal process, ascertaining some positive breach of English law. A summary interference, on the part of the local magistrates, "to remove *all* impediment to their landing," was an unwarrantable infringement of the lawful authority of the commanding officer in his own vessel.

Large numbers of steam-vessels are constantly employed in transporting pas-

sengers from various ports of Great Britain to the continent of Europe. It is presumed by the Undersigned to be a regulation of all these vessels, that no passenger shall be allowed to leave them or remove his baggage till his passage is paid for. Should the authorities of any of the continental ports take possession of one of these ships by an armed force, and proclaim to the passengers that they were permitted to land without any impediment, and this upon the ground that they were freemen and not slaves, the transaction would of course be equally unfriendly and illegal; and the injured party would possess a most unquestionable claim for full indemnification for all the loss incurred.

In the case of the "*Creole*," the material character of the wrong is not changed by the fact that the soldiers and civil officers were on board the vessel at the request of the commanding officer and the American Consul. They were so indeed, but for a specific purpose, viz. : to arrest the mutineers and to prevent the slaves from landing. Their presence for any different purpose, especially for any opposite purpose, was not asked, and therefore not lawful. It does not appear by what legal warrant the Attorney-General of Nassau could require the ship's company of an American vessel to be mustered and to be informed that no obstacle should be thrown in the way of their leaving the vessel. The interference of this officer, in the way in which it took place, was, as the Undersigned conceives, as destitute of any legal warrant as if he had undertaken to discharge the crew from their duty as sailors.

This view of the subject acquires great additional force from the fact, that though no violence was used by the Attorney-General and the officers who accompanied him, their interference was made effectually coercive and compulsory by the presence of the multitude in the boats, who, though exhorted to keep the peace, were allowed to throng about the vessel, and whose presence, as is averred, was made use of for the purpose of intimidation by the Attorney-General himself or some of the officers in his train.

The Undersigned does not question the right of the authorities of Nassau to prevent any breach of British law from being committed on board of an American vessel while within their port; but they could not lawfully go further. From an apprehension, however well founded, that if the "*Creole*" were permitted to leave the waters, her company would continue in a state of slavery not now recognized by British law, they could not lawfully go on board the "*Creole*" and encourage her company to leave the vessel. Grant, for argument, that the moment they entered Nassau they were free men, that they ceased to be slaves and became passengers, it is no violation of British law that an American ship should lie in a British port with passengers on board, and that those passengers should be forbidden to land; it is no violation of British law that the ship should continue her voyage with her passengers on board. If any act violating British law had been committed on board the "*Creole*" while in the port of Nassau, the authorities might lawfully interfere to repress or punish it. If any aid were asked of these authorities by the officers of the "*Creole*" for an unlawful purpose, that aid would of course be withheld; but, in the circumstances of the case, there appears to have been absolutely nothing to furnish a lawful ground of interference between them and the commander of the vessel in order to effect the liberation of the slaves.

It is for this reason, no doubt, that so much prominence is, by the Attorney-General, given to the representation that the commander of the "*Creole*" permitted the slaves to leave his vessel, and that no violence was done even to his inclinations; and, inasmuch as this cannot be believed to be really the case, as the seeming consent—if there was a seeming consent—must have been given under the well-grounded fear inspired by the concourse assembled in boats round the vessel, and the reasonable doubt of the protection which would be afforded in case of assault, the interference of the magistrates, avowedly to prevent any impediment to the landing of the slaves—meaning thereby the exercise of any authority of the commanding officer of the vessel—was as illegal and unwarrantable as if made without such seeming consent, and in the face of a protest—which the said commander declares on oath to have been the fact.

Should these facts turn out to be as they are now recited by the Undersigned, from papers transmitted by his Government, copies of which accompany the present communication, to which he respectfully refers for a fuller narrative of the transaction, he is instructed to say that his Government will deem it a clear case for indemnification and redress.

In a letter of the 7th January, 1837, to Mr. Stevenson, respecting the claim for compensation in the cases of the "*Comet*," "*Encomium*," and "*Enterprise*," Lord Palmerston says that "Her Majesty's Government is of opinion that the rule by which these claims should be decided is, that those claimants must be considered entitled to compensation who were lawfully in possession of their slaves within British territory, and who were disturbed in their legal possession of those slaves by functionaries of the British Government." This admission is broad enough to cover the case of the "*Creole*," if the facts have been rightly stated, although it does not extend to what is considered by the Government of the United States to be the true doctrine, according to the laws and usages of nations, and cannot therefore be acquiesced in as the exactly correct general rule. It appears to the Government of the United States, that not only is no unfriendly interference by the local authorities to be allowed, but that aid and succour should be extended in those as in other cases which may arise affecting the rights and interests of the citizens of friendly states.

But in the present case it is not necessary to go to this length: there does not appear to the President to be any ground on which it is just to say that the ship's company of the "*Creole*" had come within, or were within, British territory, in such a sense as that the laws of England affecting and regulating the conditions of persons could properly apply to them, and warrant the interposition of the authorities at Nassau. As has been already said, they were not there voluntarily; no human being belonging to the "*Creole*" was within the British territory of his own accord, except the mutineers. There being no importation, nor attempt of importation, the Undersigned is aware of no right on the part of the British authorities to inquire into the cargo of the vessel. As there was no suspicion of an attempt to contravene the laws for the suppression of the Slave Trade, and no legal application for interference of any other kind, there was no ground for an inquiry into the condition of the persons on board. They might be slaves for life; they might be slaves for a term of years, under a system of apprenticeship; they might be bound to service by their own act; they might be in confinement for crimes committed; they might be prisoners of war; or, they might be wholly free. How could the British authorities look into and decide any of these questions; or, indeed, what duty or power, according to the principles of national intercourse, had they to inquire at all? If, indeed, without unfriendly interference, and notwithstanding all the duties of comity and assistance by the authorities of Nassau, the master of the vessel had not been able to retain the slaves on board nor prevent their escape, then it would be a different question altogether—whether resort could be had to British tribunals, or the power of the Government in any of its branches, to compel their apprehension and restoration. It is not a ground of complaint that English law shall decide the condition of all persons actually and legally incorporated with the British population, unless there be a treaty stipulation making other provision for special cases; but, in the case of the "*Creole*," the coloured persons were still on board an American vessel, that vessel having been forcibly put out of the course of her voyage by mutiny, the master desiring still to resume it, and calling upon the Consul of his Government resident at the place, and upon the local authorities, to enable him to do so, by freeing him from the imprisonment to which he had been subjected by mutiny and murder, and furnishing him such necessary aid and assistance as are usual in ordinary cases of disaster at sea. It does not appear how these persons can in any way be regarded as being mixed up with the British people, or as having changed their character at all, either in regard to country or personal condition. It would have been no more than just to consider the vessel as still on her voyage, and entitled to the succour due to other cases of distress, whether arising from accident or outrage.

That this is the true view of the case, is obvious from the consequences which have already flowed from the unfriendly interposition of the magistrates of Nassau, in refusing to permit the mutineers to be taken to the United States for trial. Her Majesty's Government, deeming their offence to be one over which the British Courts have no jurisdiction, and that there is no legal right to detain them in confinement, to be given up on demand to the United States, has already ordered their enlargement; and thus one of the highest offences known to the human law is likely to go unpunished.

In the note of Lord Palmerston to Mr. Stevenson, above referred to, his Lordship said that, "Slavery being now abolished throughout the British empire,

there can be no well-founded claim for compensation in respect of slaves who, under any circumstances, may come into the British colonies, any more than there could be with respect to slaves who might be brought into the United Kingdom." But the Government of the United States sees no ground for any distinction, founded on an alteration of British law in the colonies. It is not admitted that the question depends at all on the state of the British law. It is not that in such cases the active agency of the British law is invoked and refused; it is that unfriendly interference is deprecated, and those good offices and friendly aids expected which a Government usually affords to citizens of another friendly power when instances occur of disaster and distress. All that the United States require in these cases they would expect in the ports of England as well as in those of the colonies.

The Undersigned cannot admit that the influence of local law can affect the relations of friendly powers in any such case as this. Suppose an American vessel, with slaves lawfully on board, were to be captured by a British cruiser, as belonging to some belligerent while the United States were at peace; suppose such a prize carried into England, and the neutrality of the vessel fully made out in the proceedings in Admiralty, and restoration consequently decreed; in such a case, must not the slaves be restored exactly as they were when the capture was made? Would any one contend that the fact of their being carried into England by force set them free? No alteration of the local laws of England can increase, diminish, or in any way affect the duty of her Government and its colonial authorities in such cases, as such duty exists according to the law, the comity, and the usages of nations. The persons on board the "*Creole*" could only be regarded as Americans, passing from one part of the United States to another, and only for the moment within the reach of British authority, and this only by force and violence. To seek to give to persons or property thus brought within reach an English character, or to impart to either English privileges, or to subject either to English burdens and disabilities, cannot, in the opinion of the Government of the United States, be justified.

If by the law of England all blacks were slaves and incapable of any other condition, and persons of that colour, free in the United States, should, in attempting to pass from one port to another in their own country, be thrown, by stress of weather, within British jurisdiction, and there detained for an hour or a day, would it be reasonable that British authority should act upon their condition, and sell them as slaves? Or suppose that an article of merchandize, opium, for instance, should be declared by the laws of the United States to be a nuisance, a poison, a thing in which no property could lawfully exist or be asserted; and suppose that an English ship, with a cargo of this article on board, bound from one British port to another, should be driven, by stress of weather or mutiny of the crew, into a port of the United States, would it be held just and reasonable that such cargo should receive a character from American law, and be thrown overboard and destroyed by the American authorities?

These suggestions, as the Undersigned conceives, cannot be answered by appealing to general principles of humanity. This is a point in respect to which nations must be permitted to act upon different views, if they entertain different views, under their actually existing condition, and yet hold commercial intercourse with one another, or not hold any such intercourse at all. It may be added that all attempts by the Government of one nation to force the influence of its laws upon that of another, for any object whatever, generally defeat their own purposes by producing dissatisfaction, resentment, and exasperation. It is far better, in all respects, that each nation should be left without interference or annoyance, direct or indirect, to its undoubted right of exercising its own judgment, in regard to all things belonging to its domestic interests and domestic duties.

The Undersigned will make one farther suggestion on the operation in cases like this of the British law for the abolition of slavery, supposing, which is not admitted, that it can rightfully have any application to the case. In construing a law by which a great change is made in ancient relations of persons and property, it is always necessary to proceed with extreme caution, particularly in the absence of all judicial interpretations. The utmost length, the Undersigned conceives, to which Her Majesty's Government could expect to push the application of a law, not certainly intended to affect the subjects of foreign countries, would be to put American owners and American slaves on the same footing, in reference to the law, on which British owners and slaves are placed by its provisions. To argue

from the conditional emancipation of British slaves to an unconditional liberation of American slaves, driven, by stress of weather or by mutiny into British ports, would be a very loose and dangerous course. The same Act of Parliament which declares it "just and expedient that all persons held in slavery in Her Majesty's colonies should be manumitted and set free," declares it also just and expedient "that a reasonable compensation should be made to the persons hitherto *entitled* to the services of such slaves, for the loss which they will incur by being deprived of their *right* to such services." Unconditional emancipation of slaves, not illegally imported into the British dominions, is still unknown to the British law. The statute that enacts the liberation of the slave enacts the compensation of the owner, and places each on the same ground of expediency and justice. It surely will not be contended that the British Government has an ampler power over American than it has over British property, and that what it would have been, in the judgment of Parliament, inexpedient and unjust to do in the case of a British subject, can become just in the case of the citizen of a foreign and friendly state, driven by violence into a British jurisdiction.

There are two general considerations, of the highest practical importance, to which the Undersigned is directed to invite the consideration of Her Majesty's Government.

The first is, that as civilization has made progress in the world, the intercourse of nations has become more and more independent of different forms of Government, and different systems of law and religion. It is not now, as it was in ancient times, that every foreigner is considered as therefore an enemy, and that as soon as he comes into a country he may be lawfully treated as a slave; nor is the modern intercourse of States carried on mainly, if at all, for the purpose of imposing, by one nation on another, new forms of civil government, new rules of property, or new modes of domestic regulation. The great communities of the world are regarded as wholly independent, each entitled to maintain its own system of law and government, while all, in their mutual intercourse, are understood to submit to the established rules and principles governing such intercourse. The perfecting of this system of communication among nations requires the strictest application of the doctrine of non-intervention of any with domestic concerns of others.

The other consideration is, that the United States and England, now by far the two greatest commercial nations in the world, touch each other both by sea and land at very many points, and with systems of general jurisprudence essentially alike, yet differ in the forms of their government and in their laws respecting personal servitude; and that so widely does this last-mentioned difference extend its influence, that without the exercise, to the fullest extent, of the doctrine of non-interference and mutual abstinence from anything affecting each other's domestic regulations, the peace of the two countries, and therefore the peace of the world, will always be in danger.

The Bahamas, British possessions, are scattered near to the shores of the United States, and thus lie almost directly in the track of that great part of their coast-wise traffic, which, doubling the Cape of Florida, connects the cities of the Atlantic with the ports and harbours of the Gulf of Mexico and the great commercial emporium on the Mississippi. The seas in which these British possessions are situated are seas of shallow water, full of reefs and shoals, subject to violent action of the winds, and the agitations of the gulf-stream. They must always, therefore, be of dangerous navigation, and accidents must be expected frequently to occur, such as will cause American vessels to be wrecked on British islands, or to compel them to seek shelter in British ports. It is quite essential that the manner in which such vessels, their crews and cargoes, in whatever such cargoes consist, are to be treated in these cases of misfortune and distress, should be clearly and fully known. This subject has already excited a high degree of sensibility in the United States. It was considered in all its bearings in the senate of the United States, in the session of 1840, and the following resolutions were unanimously adopted:—

Resolved,—That a ship or vessel on the high seas, in time of peace, engaged in a lawful voyage, is, according to the laws of nations, under the exclusive jurisdiction of the state to which her flag belongs, as much so as if constituting a part of its own domain.

Resolved,—That if such ship or vessel should be forced by stress of weather, or other unavoidable cause, into the port, and under the jurisdiction of a friendly

power, she and her cargo, and persons on board, with their property and all the rights belonging to their personal relations, as established by the laws of the state to which they belong, would be placed under the protection which the laws of nations extend to the unfortunate under such circumstances.

Resolved.—That the brig "*Enterprize*," which was forced unavoidably by stress of weather, into Port Hamilton, Bermuda Island, while on a lawful voyage from one port of the Union to another, comes within the principles embraced in the foregoing resolutions, and that the seizure and detention of the negroes on board, by the local authority of the island, was an act in violation of the laws of nations, and highly unjust to our citizens to whom they belong."

The case now submitted is, in many of its features, stronger than that of the "*Enterprize*," and calculated to awaken a deeper feeling in the United States. It will be considered, as the Undersigned has already observed, that an American vessel, lawfully navigating the sea, and brought temporarily into a foreign jurisdiction by violence, is to be regarded, so far as her national character is concerned, as still pursuing her voyage. The conduct of the authorities of Nassau will be viewed by the American Government in no other light than that of an outrage upon the nationality of a friendly vessel. To take advantage of a calamity like that which forced the "*Creole*" into their port, in order to confer impunity on individuals amenable to the American tribunals for the highest crimes, and to interfere with rights of property or relations of persons sanctioned by the laws of the United States, is a direct offence against the honour and independence of the country, the more dangerous, as carrying in its very nature an inducement to multiply occasions for its recurrence. It is, in effect, a direct temptation to mutiny and murder, held out by the colonial authorities of the British West Indies to every American vessel having slaves on board and bound from the Atlantic ports to those on the Gulf of Mexico. That such a state of things can exist on any principle of national law cannot be admitted; that it should be persisted in, without the most serious and painful consequences is impossible. The Undersigned would fail in a duty enjoined upon him by the express instructions of his Government, if he did not seek to impress upon the Government of Her Majesty a full conviction of the most dangerous importance to the peace of the two countries of occurrences of this description, and the questions to which they give rise.

The Undersigned avails himself of this occasion to tender to Lord Aberdeen the assurance of his highest consideration.

EDWARD EVERETT.

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

First Enclosure in No. 139.

The American Consul at Nassau to the Hon. Daniel Webster.

Consulate of the United States of America,
Nassau, Bahamas, November 17, 1841.

SIR,

I HAVE the honour to inform you that the brig "*Creole*," of Richmond (Va.), Captain Enser, bound to New Orleans, with a cargo of slaves and tobacco, sailed from Hampton Roads on the 27th ultimo, and on the 7th instant hove to in the evening, expecting to make Abaco next morning. That about half-past nine o'clock, P.M., when the passengers and crew had turned in, the slaves rose upon the crew, murdered a passenger by the name of John Hewel, owner of a portion of the slaves, wounded the captain dangerously, the chief mate and two of the crew severely. No provision having been made on board for such an event, and no other restraint imposed upon the slaves than is usual with steerage passengers, they also being prepared with pistols, bowie-knives, and clubs made of handspikes, no defence could be made, and the slaves soon obtained possession of the vessel, which, by their direction, was brought into port, where she arrived on Tuesday morning, November 9th. I immediately had the wounded removed on shore and taken care of; and at my request the Governor ordered a guard on board to prevent the escape of the slaves, and that an investigation might be had. An investigation was accordingly ordered to be made by two magistrates, and an examination was also made by myself. On the report of the magistrates, 19 of the slaves were imprisoned, and refused to be given up to be forwarded to the

United States in this same vessel, the Governor wishing first to communicate with his Government at home. The other slaves were liberated through the interference of the authorities of the colony, with the exception of four or five who refused to accept their liberty at such a price and in such a manner. The slaves were 135 in number.

It has been impossible for me to prepare copies of the depositions, correspondence, protests, &c., with a full statement of this distressing case, in time for this vessel. Another vessel will probably sail for Baltimore in ten days, by which I will forward them, and they will probably be received before this.

I have, &c.

(Signed)

JOHN F. BACON.

Hon. Daniel Webster, Secretary of State.

The American Consul at Nassau to the Hon. Daniel Webster.

*Consulate of the United States of America,
Nassau, Bahamas, November 30, 1841.*

SIR,

ON the 17th instant I had the honour to advise you (*via* New Orleans) of the arrival at this port of the brig "*Creole*," of Richmond (Va.), with a cargo of merchandize, tobacco, and slaves; of her having been brought in by the slaves, with a brief statement of the mutiny and murder by them on board the said brig.

The brig arrived about eight o'clock on Tuesday morning, the 9th instant, and came to anchor about a mile from the American Consulate. The chief mate soon came on shore, and informed me of her situation. Being apprehensive the slaves would soon all get on shore, and knowing, in that case, it would be deemed here, that, in regard to their freedom, no one would have a right to molest them, I immediately repaired with the mate to the Government House, and obtained an interview with his Excellency the Governor; stated the circumstances, and requested him to take measures to prevent the slaves from escaping on shore, and to have the murderers secured. He doubted whether he was authorised to interfere with them at all, but, under the circumstances, felt inclined to comply with my request. The Governor then proceeded to examine the chief mate, and took down his statement in writing. Also requested me to make a written application, which I immediately did (Doc. A.). I then directed the mate to go on board, and keep the American colours set, and also made all necessary arrangements for the wounded; and soon after received an answer to my note (Doc. B.), when I repaired on board the brig, and found the slaves very quiet; placed the chief mate in command of the vessel; and about 12 o'clock at noon 20 African soldiers, an African sergeant and corporal, commanded by a white officer, came on board, whom I introduced to the mate as in command of the brig, and returned on shore with the wounded captain and two men. Soon after, I received a verbal message requesting me to attend the Governor and Council then in session. On attending, the Governor said he had requested my presence to inform me of the course they felt it their duty to pursue in regard to the slaves or passengers on board the brig, and then read from a paper before him the result of their deliberations, and asked if I was satisfied. I replied that, so far as to sending on board troops, and directing an examination, I was, but declined a further answer at that time, and desired to be furnished with a copy of the paper read by him, which was afterwards done (Doc. C.)

Two magistrates were then directed to go on board to commence the examination, and I went on board at the same time. The examination was continued Tuesday and Wednesday, and then postponed until Friday, in consequence of the illness of the captain. On Friday morning the examination was abruptly terminated, without any explanation. In proceeding to go on board to identify the criminals, I was informed by respectable persons that an attempt would be made to liberate the slaves by force, and afterwards that an attempt had been made. I saw a large collection of boats near the brig, and was also informed that there was a great concourse of people collected on the shore opposite where she lay. I immediately returned to my office, where I found the chief mate, who informed me of the threatening state of things, and that the crew were greatly intimidated. There were no American seamen in port unengaged, but a mate and four men volunteered to go on board, and proceeded to the brig at my request. I also addressed a communication to the Governor (Doc. D.). Soon after, the Council

were convened, and an answer was returned (Doc. E.), and also a verval request for me again to attend the Council, which was complied with; when the Governor, among other things, stated that the Council had decided, on the receipt of my communication to direct the Attorney-General, with the Provost Marshal, and as many policemen as he might deem necessary, to proceed to the brig; first, have the troops and prisoners removed on shore; see that no violence was committed by the people collected, and also that no impediment be given on board the vessel to the slaves landing, if they should desire to do so (he calling them passengers). I immediately communicated this information to the mate and Captain Woodside, and requested the mate to return to the vessel, and protest against every act of the Attorney-General or his party which should liberate the slaves. I also requested Captain Woodside to accompany him.

The depositions (Doc. H.) and protest (Doc. I.) will show that the slaves were liberated before the troops were removed, and also how it was effected. These depositions were taken on Saturday the 13th; and early on Monday morning I addressed the Governor, protesting against the proceedings of the Attorney-General, &c. (Doc. F.); and during the day received a reply, enclosing a report of the Attorney-General (Doc. G.).

The slaves all came on shore in a body, and proceeded to the office of the superintendent of the police, accompanied by between 1000 or 2000 people. I understand, from a person present, the Superintendent registered all their names, and informed them that they were all free to go where they pleased.

On Thursday, the 18th instant, a vessel sailed for Jamaica with 50 coloured people, a large portion of which, I understand, were of these slaves, and for which a bounty of 30 dollars a-piece is paid on their arrival. Another vessel is to sail on the 4th December, for the same purpose and destination.

His Excellency the Governor, in his last communication, strongly intimates my acquiescence in the proceedings of the Attorney-General. This seems to render it necessary for me to state that I had no other interviews with the Governor and Council, or correspondence, than is herein detailed. That, at the last interview with the Council, I expressly contended "that the slaves on board the brig were as much a portion of the cargo as the tobacco, and entitled to the same protection from loss to the owners." His Excellency, at the same time, insisting the slaves were, and could only be treated as passengers. I then considered that a crisis had arrived, and, therefore, took no exception to what I deemed an unusual mode of communicating with me; neither did I deem it in the least changing any responsibilities or liabilities, whether the slaves were liberated with force by a mob, after a knowledge of the existence of a mob had been brought to the knowledge of the Governor and Council, or in a more quiet way, by persons deputed by them, for that purpose.

I enclose, in a separate package, copies of the depositions in relation to the mutiny and murder taken by me, and which I believe do not materially vary from those taken by order of the Governor and Council (Doc. K.). I have obtained copies of these last also, which are enclosed in a separate envelope.

I also forward a list of the prisoners. Two have died in prison; one from wounds received on board the brig, the other from natural causes. I have noted their names on the list.

Captain Enser, I am happy to say, is sufficiently recovered to embrace the first opportunity to proceed to New Orleans. One of the reasons for despatching his vessel with the least possible delay, was his precarious situation, which was made worse by the constant excitement which prevailed while she was in port. It was strenuously urged by his physician. The captain informed me the vessel was insured for 16,000 dollars, and the balance of the cargo for 50,000 dollars.

I communicated to the Marshal of the port of New Orleans the circumstances of this case, with a request that the crew and passengers might be recognised to appear as witnesses (it being also their wish), if it could be done.

I have, &c.

(Signed)

JOHN F. BACON,

United States Consul.

Hon. Daniel Webster, Secretary of State.

(A.)

*The Consul of the United States to Sir Francis Cockburn.**Consulate of the United States of America,
Nassau, Bahamas, November 9, 1841.*

SIR,

HAVING had detailed to your Excellency the particulars of the mutiny and murder on board the American brig "*Creole*," by slaves on board said brig, I have now to request that your Excellency will be pleased not to suffer any of the slaves on board to land until further investigations can be made.

I have, &c.

(Signed) JOHN F. BACON,
United States Consul.

*To His Excellency Col. Sir Francis Cockburn, Kt.,
Commander-in-Chief, &c. &c.*

(B.)

The Colonial Secretary at Nassau to the Consul of the United States.

SIR,

Nassau, November 9, 1841.

THE Governor has instructed me to acknowledge the receipt of your letter of this date, relative to alleged mutiny and murder on board of the American brig "*Creole*," and to acquaint you that, for the fulfilment of the object of your letter, his Excellency has ordered a military party on board of the said brig.

There will be, however, no impediment to any of the white persons on board landing here.

I have, &c.

(Signed) C. R. NESBITT,
Colonial Secretary.

*John F. Bacon, Esq., Consul for the
United States of North America.*

(C.)

The Colonial Secretary at Nassau to the Consul of the United States.

SIR,

Nassau, November 9, 1841.

IN compliance with your request, I have the honour to forward to you, by direction of the Governor, a copy of the statement communicated personally to you this morning by the Governor and Council, in reference to the case of the American brig "*Creole*," on board of which vessel a murder and certain other offences are alleged to have been committed.

I have, &c.

(Signed) C. R. NESBITT,
Colonial Secretary.

*John F. Bacon, Esq., Consul for the
United States of North America.*

*Statement of the Governor and Council to the Consul of the United States.**To John F. Bacon, Esq., Consul for the United States of North America.*

WE wish to state to you, as the Representative of the American Government, that the circumstances detailed to the Governor this morning in your presence respecting the events which took place on board of the American brig "*Creole*," on the night and subsequently to the 7th of November, have been given all possible consideration to by the Governor and Council, by whom the following decisions have been come to:—

1st. That the courts of law here have no jurisdiction over the alleged offences.

2nd. But that, as an information had been lodged before his Excellency the Governor, charging the crime of murder to have been committed on board of the said vessel while on the high seas, it was expedient that the parties implicated in so grave a charge should not be allowed to go at large, and that an investigation ought, therefore, to be made into the charges, and examinations taken on oath, when, if it should appear that the original information was correct, and that a murder had actually been committed, that all the parties implicated in such crime, or in any other acts of violence, should be detained here until reference could be made to the Secretary of State, to ascertain whether the parties detained

should be delivered over to the American Government or not; and, if not, how otherwise to be disposed of.

3rd. That so soon as such examinations should be taken, all the persons on board of the "*Creole*," not implicated in any of the offences alleged to have been committed on board of that vessel, must be released from further restraint.

4th. That a detailed account of what has taken place should be transmitted to the British Minister at Washington.

(A true Copy.)

(Signed)

C. R. NESBITT,

Colonial Secretary.

*Council Chambers, Bahamas,
November 9, 1841.*

(D.)

The Consul of the United States to Sir Francis Cockburn.

Consulate of the United States of America, Nassau, Bahamas,

November 12, 1841, 12 o'clock, A.M.

SIR,

ON proceeding to go on board the brig "*Creole*" with the magistrates this morning, I saw a large collection of persons on the shore nearest the vessel, and many in boats, and was at the same time informed that the moment the troops should be withdrawn from the brig, an attempt would be made to board her by force. I was further informed an attempt had already been made. I have, therefore, to request your Excellency will take such measures as you may deem proper for the protection of the said vessel and cargo.

The above facts I have every reason to believe correct, and did not accompany the magistrates that I might communicate the same to your Excellency.

I have, &c.

(Signed)

JOHN F. BACON,

United States Consul.

*His Excellency Colonel Sir Francis Cockburn, Kt.,
Commander-in-Chief, &c. &c.*

(E.)

Sir Francis Cockburn to the Consul of the United States.

Government House, Bahamas,

November 12, 1841.

SIR,

IN answer to your letter, this moment received, I beg to state that I cannot think it possible that any of Her Majesty's subjects would act so improperly as to attempt to board, by force, the American brig "*Creole*;" and should such an unauthorized attempt be made, I shall be quite ready to use every authorized means for preventing it.

I have, &c.

(Signed)

FRANCIS COCKBURN.

*John F. Bacon, Esq., United States Consul,
&c. &c. &c.*

(F.)

The Consul of the United States to Sir Francis Cockburn.

Consulate of the United States of America, Nassau, Bahamas,

Monday Morning, November 14, 1841.

SIR,

I HAVE the honour to state to your Excellency that I was not, from various causes, enabled, until late on Saturday evening, to obtain a detailed statement from those on board the brig "*Creole*" of the proceedings of the Attorney-General, and those accompanying him, by which all the slaves on board the said brig, with the exception of four, were put on shore and liberated. Against the manner of their liberation, and all the proceedings which ultimately effected it, on the part of Her Majesty's officers and subjects, I deem it my duty to enter my solemn protest; and, also, on behalf of the chief mate, now and then in command of the said vessel, also to protest.

These slaves, as I view the case, while they were under the American flag, and regularly cleared from one slave-holding state to another, within the United

States, were as much a portion of the cargo of the said brig as the tobacco and other articles on board, and whether on the high seas or in an English port, does not change their character; and that Her Majesty's Government had not the right to interfere with, or control the officers of, an American vessel thus circumstanced, in such a course as might be necessary and proper to secure such property from being lost to the owners.

I beg leave further to state to your Excellency that I shall, in a few days, be able to forward the brig on her destination; and take the liberty of requesting your Excellency to permit the sixteen slaves who have been identified as having been actually concerned in the murder and outrage on board of her, and now in confinement, as also the three who are in confinement for the same offence, not having yet been identified by the captain of the brig, but only named by him on account of his extreme illness, to be forwarded to the United States by this same vessel, they to be secured as is usual in such cases. I am induced to make this request of your Excellency under the circumstances that I have not the power to detain them, nor can I persuade the witnesses to remain here until it is ascertained where the slaves are to be tried. If they are to be tried here, it would, therefore, be almost impossible to obtain the attendance of all the witnesses, without which the persons implicated could not all be convicted, though guilty. This difficulty, I apprehend, must exist to nearly the same extent if the criminals are to be detained here for any length of time, and then sent to the United States to be tried there. This difficulty would be obviated if they could be forwarded as I have requested. I feel some embarrassment in making this request after your Excellency and Council have given a decision on this point; that, however, was made before this examination by which the persons have been implicated, and before it could be viewed, by me at least, in all its bearings.

I have, &c.

(Signed) JOHN F. BACON,
United States Consul.

*His Excellency Col. Sir Francis Cockburn, Knt.,
Commander-in-Chief, &c. &c.*

(G.)

Sir Francis Cockburn to the Consul of the United States.

SIR,

Nassau, November 15, 1841.

I HAVE the honour to acknowledge the receipt of your letter of this date, and cannot withhold from you that I feel somewhat disappointed at its contents, as it has been the wish and object of myself and council to meet your views and wishes, as far as we were authorized, in all that has taken place respecting the American brig "*Creole*;" and as our intentions were throughout made known to you previously to being acted upon, without calling forth any objections on your part, we could not but consider that you acquiesced in them.

As the statement contained in your letter, respecting what occurred while the Attorney-General was on board of the "*Creole*," does not accord with the official report thereof made to me by that officer, I transmit a copy of the same for your information; and by which it distinctly appears that neither he nor any of the authorities here had anything to do either with the negroes quitting the vessel or their landing here.

With respect to your request, that the nineteen slaves who appear to have been implicated in the murder and other violences committed on board the "*Creole*," when at sea, should be delivered over to you for the purpose of being secured and sent to America for trial, I can only refer you to the document already furnished to you by my order in council, and by which it was already determined that the parties referred to should be detained here until instructions should be received on the subject from Her Majesty's Government; and under your apparent acquiescence in which, and your agreeing to attend the investigation, the same was proceeded with.

I have, &c.

(Signed) FRANCIS COCKBURN, *Governor.*

*John F. Bacon, Esq.,
Consul for the United States of North America,
&c. &c. &c.*

(G.)

Report of the Attorney-General of the Bahamas.

Nassau, November 13, 1841.

SIR,

I HAVE the honour to report to your Excellency that, in accordance with your wishes, I yesterday proceeded in company with the Police Magistrate and the Inspector-General of Police for the purpose of visiting the American brig "*Creole*;" on nearing which vessel I found in her immediate vicinity several boats filled with coloured and black persons belonging to this island: that, presuming these to be the persons alluded to in the American Consul's communication to your Excellency, of yesterday's date, I visited each of the boats, and, addressing the persons in them, informed them of the report which had been made by the Consul; explained to them the liability which would attach to them if they acted in the way in which it was alleged they intended to act; and strenuously urged them to abstain even from using words or gestures which might be considered as having a tendency to violate the peace. In answer, they one and all assured me that it was not their intention to resort to any acts of violence, and that they had merely assembled for the purpose of peaceably conveying to the shore such of the persons on board of the "*Creole*" as might be permitted to quit her and should desire their assistance. The persons in these boats were without arms or any offensive weapons, with the exception of some ten or a dozen stout cudgels, which I observed in one of the boats, and which, at my request, the parties in possession of immediately threw overboard. Having thus endeavoured to guard against a breach of the peace on the part of the persons from the shore, I went on board of the "*Creole*," and had there pointed out to me, by the Police Magistrate, eighteen persons against whom informations had been lodged, charging them with being parties to the murder of a passenger, and the wounding of the master and mate of the "*Creole*;" in addition to this, one other person was subsequently identified by two witnesses as being a party concerned, and placed by the magistrate with the eighteen before mentioned. This having been done, I inquired of the chief mate (the officer in charge of the vessel) whether he had any other witnesses to produce, to this he answered in the negative. I then requested Lieutenant Hill, the officer in command of the military guard, to take charge of the accused (19 in number); and I, at the same time, informed these persons that they would shortly be conveyed on shore, and there imprisoned until a representation of their case could be made to the British Government, by whom it would be decided whether they should be delivered up to the American Government for trial, or how otherwise dealt with; that if they wished copies of the informations, they should be furnished with them; and they should also be at liberty, if they thought proper, to have witnesses examined in refutation of the charges made against them, with all of which they expressed themselves to be satisfied.

The accused having been thus separated from the other persons on board, I told the chief mate that, as far as the authorities of the island were concerned, all restrictions upon the movements of the other persons on board the vessel were removed, and requested him to cause every person on board the vessel to appear on deck in order that I might communicate the same to them. With this he cheerfully complied, informing me at the same time that it was not his desire to detain on board his vessel any one of the persons (shipped as slaves) who did not wish to remain, and that they had his free permission to quit her if they thought proper to do so; but that he was apprehensive that the persons in the surrounding boats would, as soon as the military were withdrawn, board his vessel and commit acts of robbery and other violence. To this I replied, that, with respect to the first point, I had no instructions to interfere between himself and the persons alluded to; and as to his fears of being attacked from the people in the boats, precautions had been already taken to guard against such an event, and that he might rely upon being protected by the authorities against any violation of the law. All the persons on board having by this time been assembled on deck, I briefly addressed them, telling them that, on the arrival of the "*Creole*" in this harbour, information having been laid by the mate before your Excellency, charging a murder and certain attempts at murder to have been committed on board of that vessel, and the protection of the authorities here having been claimed by the American Consul, a guard of soldiers had been placed on board for the purpose of preventing any persons from quitting the vessel until an exami-

CLASS D.

nation could take place whereby the real perpetrators of the alleged acts of violence might be discovered; that such examination had now concluded, and without any criminatory evidence having been adduced against any of the parties whom I was addressing, that, such being the case, I had to inform them that, as far as the authorities of the island were concerned, all restrictions on their movements were removed. I had no sooner concluded than a white man, who I was informed was a passenger of the name of Merritt, addressed the people who had been shipped as slaves, and told them that they were at perfect liberty to go on shore if they pleased, information which they appeared to receive with great pleasure, and a general intimation of their intention to avail themselves of it. This took place in the presence of the chief mate of the vessel, who declared to myself, and, as I believe, to several others at the time, his perfect acquiescence in the measure, and refused (though urged to do so by the master of another American vessel, who happened to be on board) to forbid the approach of the boats, several of which, on signs from the negroes on board the "*Creole*," had been brought near that vessel for the purpose of receiving them. I quitted the vessel myself in company with the Police Magistrate before any of the persons in question had left her, but was not many yards from her when I observed them crowding over her sides and getting into the boats. I have further to report, that the Inspector-General of Police, at the request of the mate, remained on board of the "*Creole*" until the prisoners were removed, by which time, as that officer has informed me, only three or four of the persons shipped as slaves remained on board, and those expressing their determination to return with the vessel to America. In conclusion, I beg to state that the departure of the negroes in question from the "*Creole*" was their own free and voluntary act, sanctioned by the express consent of the mate, and that neither myself nor any other of the authorities of the colony then on board interfered, in the slightest manner, to induce them to take that step; and in corroboration of this and the previous statements, I have to refer your Excellency to the Police Magistrate, the Inspector-General of Police, Mr. Justice Burnside, Lieutenant Hill, the Receiver-General, and Treasurer, and Mr. Hamilton, the Pilot of the Bar, who were all present during the whole transaction.

I have, &c.

(Signed)

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

His Excellency Sir Francis Cockburn,
&c. &c. &c.

(H.)

Consulate of the United States of America,
Nassau, Bahamas, November 26, 1841.

I, JOHN F. BACON, Consul of the United States of America at Nassau, Bahamas, do hereby certify that the annexed depositions of William Woodside, William H. Merritt, Zephaniah C. Gifford, and Lucius Stevens, are true copies from the original depositions, filed at this Consulate.

Given under my hand, and the seal of this Consulate, at Nassau, this
26th November, 1841, and 66th year of Independence.

(Signed)

JOHN F. BACON,

United States Consul.

Deposition of Lucius Stevens.

Consulate of the United States of America,
Nassau, Bahamas, November 13, 1841.

PERSONALLY appeared before me John F. Bacon, Consul of the United States of America at Nassau, Bahamas, Lucius Stevens, of New Haven (Connecticut), who, being sworn, says he was second mate of the brig "*Creole*," now acting as chief mate, and that he was on board of said vessel all the day of yesterday, November 12. That, soon after breakfast, deponent discovered boats coming round the vessel, and black and white people collecting on the shore opposite the brig. About 11 o'clock, a sloop and large lighter came alongside, within a few rods, and anchored; and also a number of small boats, all filled with blacks; that during the morning he discovered a number of clubs in many of the boats, and that they showed fight with them by swinging them about in a threat-

ening manner, at the same time using insulting language. Deponent saw the coloured man who piloted the vessel into port, come alongside, and heard him say to one of the magistrates on board, "Come, get through your business on board, we want to commence ours." To which one of them replied, "We wont be long; we are only waiting for some one from the shore." Soon after, heard the pilot ask some one on board, "Shall we get another lighter?" the answer from on board was, "Not at present; we will let you know." That a white person on board, and who was on board the most of the morning, was very officious with the slaves, and appeared to be advising them what to do. He also said to this deponent, that he, deponent, had better take care of his money, if he had any; that it was impossible to prevent the slaves from being taken off, and if any resistance was made, there would be some blood spilt. That after this the Attorney-General, accompanied by several persons, came on board, as also the chief mate and Captain Woodside. That this deponent immediately informed the mate, Mr. Gifford, of the threats which had been made, and also of the threatening state of things. That deponent said to a policeman, that he thought the crew and vessel ought to be protected after the troops were withdrawn; to which he replied, he had no orders to stay, but if the Attorney-General should direct him to, he would, of which deponent informed Mr. Gifford. That deponent was told by some one who accompanied the Attorney-General that they had better not make resistance for fear of bloodshed, and that might be depended upon. That soon after, the prisoners and troops were mustered on the poop-deck, aft; when the Attorney-General addressed the slaves, and told them they were free, and could go where they pleased; that signals were made for the boats to come alongside by those on board, who accompanied the Attorney-General, when they immediately came alongside, and made fast to the vessel; and in a few moments the slaves were all in the boats, with the exception of four or five, and immediately five cheers were given by those in the boats. That two of the persons who accompanied the Attorney-General stood at the after gangway, and assisted many of the female slaves to get into the boats. Heard them say, "Here, ladies, this is a nice boat on purpose for ladies get in here." Soon after the guard and prisoners left.

(Signed) LUCIUS STEVENS.

Sworn and subscribed
this 13th November, 1841, before me,

(Signed) JOHN F. BACON,
United States Consul.

Deposition of William Woodside.

*Consulate of the United States of America,
Nassau, Bahamas, November 13, 1841.*

PERSONALLY appeared before me John F. Bacon, consul of the United States of America at Nassau, Bahamas, William Woodside, shipmaster, of Brunswick (Maine), and now master of the barque "Louisa," being duly sworn, doth depose and say, that on the 12th November (yesterday) this deponent was requested by the American Consul to go on board the brig "Creole." That he went on board about 10 o'clock, A.M., and soon after two white persons came on board, who he has since ascertained to be the Rev. Mr. Poole and the Rev. Mr. Aldridge, episcopal clergymen, who were for some time in familiar conversation with the slaves, and appeared to be giving them directions and instructions, as he noticed the female slaves to be putting on their bonnets, and making preparations to leave the vessel. Deponent heard Mr. Poole say he was going to England, and it was requisite he should know all about this business, so that he could represent the thing. That about half-past 10 or 11 o'clock, A.M., two magistrates, with a clerk, came on board to identify the criminals. That immediately on their coming on board, a sloop, a large lighter, and other boats came on the starboard side of the vessel, and anchored within about two rods; that a number of small boats were at the same time around the vessel, all filled with black people, and no attempt was made to keep them away, except not to board the vessel. That at about 12 o'clock, a boat with five white men came alongside and were ordered off, though this deponent informed the officers that they had been sent by the American Consul to supply the place of those on shore. That from this time until half past 1 o'clock, the boats continued to increase about the vessel. Deponent saw clubs passed from the sloop and lighter into all the small boats. About half-past

1 o'clock, this deponent went on shore with one of the magistrates, and reported to the Consul the situation of things, the chief mate then being on shore. The Consul informed deponent the Governor and Council were in Session, and he should probably soon know the result of their deliberations, and requested deponent and mate to wait. On his return from the Council Chamber, he informed deponent and the mate, that the Attorney-General and others had been directed to go on board, first to send the criminals and troops on shore, and then to see that no obstruction was given to the slaves coming on shore, and to the boats going alongside, as they must be treated as passengers, &c. The Consul then requested us to go on board, and directed the mate to protest against all the doings of the Attorney-General, which should in any way liberate the slaves. That the deponent and mate in one boat, and the Attorney-General and his party in another, left at about the same time. The Attorney-General first came alongside the large launch, and directed them to throw away their clubs; that no violence must be used, but that as soon as the guard were ordered aft, word would be given for them to come alongside and take away those that desired to leave. A number of clubs were thrown overboard. The two boats then immediately went alongside the brig without communicating with more of the great number of boats which surrounded the vessel in every direction, except two or three on the starboard side. After a further examination, and identification of more criminals, the Attorney-General came on deck, and informed the prisoners that they stood charged with mutiny and murder, for which they must be detained in custody, and if any wished to see the affidavits, he would attend the gaol to read them, or furnish them with copies; and if they wanted any evidence taken, he would attend to that for them. He then said to the other slaves, "Men, you are all free; you can go where you please," or words of the same import. That Mr. Pinder, one of those who accompanied the Attorney-General, gave the word, "Boats, you can come alongside," which they immediately did, and made fast to the vessel, some of the blacks from the boats coming over the bows of the vessel. That in a few minutes most of the slaves had left the vessel. This deponent also heard threats made to the mate and crew, that if any resistance was made, there would, or might, be bloodshed; and that they had better let them go quietly on shore. That the chief mate and crew were much intimidated. That soon after the slaves had left the vessel, the criminals, with the guard also, left the vessel.

(Signed) WILLIAM WOODSIDE.

Sworn and subscribed
this 13th November 1841, before me,
(Signed) JOHN F. BACON,
United States Consul.

Deposition of William H. Merritt.

*Consulate of the United States of America,
Nassau, Bahamas, November 13, 1841.*

PERSONALLY appeared before me, John F. Bacon, Consul of the United States of America at Nassau, Bahamas, William H. Merritt, who, being sworn, saith he was on board of the brig "*Creole*" the principal part of the day on the 12th instant, and the principal part of the time previous, while in port. That during this time deponent took an active part in the duties of the vessel, and seeing orders obeyed; that he understood one was, that no soldier, they being all coloured men, should converse with the slaves, and heard this order given by the officer in command of the troops the first day they came on board; and the first day this order was obeyed. On the second day deponent saw the order was not obeyed; that the soldiers were in constant contact with the slaves, and during the evening they were not placed as they had been, and no guard over the prisoners; on communicating this fact to the commanding officer, (who he found conversing with a coloured female with his cloak round her,) he replied, if you will tell the sergeant, he dared say he would have it attended to; to which deponent replied, (not knowing who his sergeant was, and not deeming it his duty to give him directions,) he thought it was his duty to have all proper orders attended to, which he finally had done. That soon after breakfast deponent saw persons collecting on the shore opposite the brig, and boats and launches also approaching near the vessel; that they continued increasing until 11 o'clock, and were filled with blacks, but on shore there was a mixture of black and white. About 11 o'clock the pilot which brought in the vessel came alongside in a boat, and attempted to get on board, but was kept off by the soldiers, when he said,

“Come, bear a hand, they have had their time and we want ours now.” That deponent then went to one of the magistrates on board, or a person he supposed to be such, and inquired of him what all this meant, the boats and launches being full of men, armed with clubs; he replied, as soon as the troops were removed, they would probably come on board, when there would probably be bloodshed, and advised deponent to go on shore, when the troops left. Soon after this, the Attorney-General, accompanied by several persons, came on board in one boat, the mate and Captain Woodside in another. Heard the officer of the guard order the men in the boats to throw over their clubs, which some obeyed. That while the Attorney-General was taking a further deposition of Jacob Leitner to identify another man, deponent was endeavouring to persuade a number of the slaves to remain on board, as the boats were soon to be alongside to take them off, while others (white men) were persuading them to go on shore, telling them they would probably be punished if they went to New Orleans; and by their persuasions a number left which deponent knows had not the least inclination to do so until that time. The Attorney-General then came on deck, and ordered the prisoners and guard all on the poop-deck, the officer of the guard with difficulty then keeping the boats from boarding, telling them they must not do so until the prisoners had left. The Attorney-General, after addressing the slaves, and informing them they were at liberty to go where they pleased, and were free, was requested by deponent to inform those who desired to continue the voyage that they could do so. The Attorney-General replied, he should not have anything to do with that part of it. This deponent then, from the poop-deck, informed all that wished to continue on board that they could do so. Then heard notice given by some of the persons who accompanied the Attorney-General, “Boats, you can come alongside,” which they immediately did, when all the slaves, except five, embarked in the boats and left the vessel at the same time, and inducements were held out for the five also to leave.

(Signed)

WILLIAM H. MERRITT.

Sworn to and subscribed
this 13th November, 1841, before me,

(Signed)

JOHN F. BACON,
United States Consul.

Deposition of Zephaniah Gifford.

*Consulate of the United States of America,
Nassau, Bahamas, November 13, 1841.*

PERSONALLY appeared before me, John F. Bacon, Consul of the United States of America at Nassau, Bahamas, Zephaniah C. Gifford, now in command of the brig “*Creole*,” of Richmond (Va.), who, being sworn, doth depose and say, that yesterday, the 12th day of November, about half-past 9 o’clock, A. M., he went on shore and informed the American Consul, that black and white people were collecting on shore nearest the brig, and several boats had anchored near the brig filled with blacks, and that he was apprehensive an attempt would be made to rescue the slaves; the Consul requested this deponent immediately to return, that he would send on board some men, if possible, and also inform the Governor. This deponent accordingly returned, and found the boats and men increasing; that soon after a large lighter and sloop came alongside within a few rods of the brig and anchored, and supplied the small boats with clubs or bludgeons, which boats surrounded the vessel in every direction, no attempt being made by the troops on board to interfere other than to keep them from boarding the vessel. This continued until deponent again went on shore to confer with the Consul. About half-past 1 o’clock Captain Woodside came on shore from the brig, and informed the Consul that she was literally surrounded with boats full of black people, armed with large clubs. The Consul informed deponent and Captain Woodside that he had communicated these facts to the Governor, and that the Governor and Council were then in Session, and requested us to remain until the result of their deliberations were known. In a short time he informed deponent that the Governor and Council had ordered the Attorney-General, with some policemen, to go on board the “*Creole*,” and first remove the troops and criminals, and see that no opposition was made to the slaves coming on shore, and the boats going alongside for them, and also to inform them that they had the right so to do. The Consul then requested deponent to proceed

on board, and protest against every act of the Attorney-General while on board that should tend to liberate the slaves. That deponent immediately returned in the brig's boat, accompanied by Captain Woodside, and in company with the boat of the Attorney-General and his party. Saw them go alongside of one of the launches near the brig, and heard the Attorney-General direct them to use no violence, but to throw over their clubs; that as soon as the prisoners and troops were removed on the quarter-deck of the vessel, the boats might go alongside and take out such as wished to leave the vessel. A great number of clubs were thereupon thrown overboard from the launch; and deponent saw a few thrown over from two boats nearest the launch. That the vessel at this time was surrounded with boats; that deponent, and the boat containing the Attorney-General immediately steered for the brig, and went on board together. That the Attorney-General continued the examination of a witness for a short time, when he came on deck, and stated to the prisoners, that they must remain in custody until the Governor could communicate with the Government at home; that if any of them wished to see the depositions of the passengers and crew, he would attend at the gaol to read them, or have them furnished with copies; or if they wanted evidence taken, he would attend to that also. He then said to the other slaves, "Friends, you have been detained here to ascertain who was guilty of the horrid murder of the passenger on board, and attempting to murder the captain and mate." After directing Lieutenant Hill to order the sentry from the fore-castle, and the prisoners and troops on the poop-deck, he then said, "Men, you are all free to go on shore, or go where you please." Others then said to those in the boats, "You can come alongside;" when a number of boats immediately came alongside, and a rush was made by the slaves to get on board, which they all did with the exception of five. This deponent further saith, that while the Attorney-General was making the further examination, and which lasted about ten minutes, the mate and some of the crew informed him of the threats that had been made, and advice given to them in reference to letting the slaves depart without opposition. During this time deponent also informed several of the persons who accompanied the Attorney-General that no boats would be allowed to come alongside the vessel, when one of them whom this deponent did not know, replied to this deponent; "You had better keep still, and let them go quietly on shore, or you will get yourself into trouble, for I fear there will be bloodshed before night." He further said, "When the prisoners get on shore, they will be in my custody." After the Attorney-General informed the slaves they could go on shore, deponent requested that he and the crew might be protected, as he feared those in the launches and boats, when they came alongside, would commit some violence. This deponent further says, that from what had transpired under his own eye, from the information received from the mate and crew, of what had taken place in his absence from the vessel, and the great number of persons alongside, he was induced from serious fears not to repeat what he had before said, "that no boat should come alongside," and under these fears, and the agitation of the moment, he might have said, "Let them go," though he has no recollection of using the expression. This deponent further saith, the Attorney-General, with one of the magistrates and the clerk, left the vessel at the same time the slaves commenced leaving, and lay off a short distance, conversing with the slaves that had got into the boats until they were all out of the vessel. That two of the persons who accompanied the Attorney-General were assisting the slaves over the gangway, until all were in the boats. This deponent further saith, that about half an hour after the slaves had left, a launch came alongside, and took off the prisoners and troops.

(Signed) ZEPHANIAH C. GIFFORD.

Sworn and subscribed this 13th November, 1841, before me,

(Signed) JOHN F. BACON, *United States Consul.*

PROTEST.—BRIG "CREOLE."

New Providence, Bahamas, Nassau.

By this public instrument of attestation and protest, be it known and made manifest unto all to whom these presents shall come, or may in any way concern, that on this 17th day of November, in the year of our Lord One thousand eight hundred and forty-one, before me, John F. Bacon, Consul of the United States of America at Nassau, Bahamas, personally appeared Robert Ensor,

master, Zephaniah C. Gifford, mate, Lucius Stevens, second mate, and Blinn Curtis, seaman, belonging to the brig "*Creole*," of Richmond, (Virginia), who being severally sworn, did depose and say, "That on the 25th day of October, in the year One thousand eight hundred and forty-one, they, these appearers, sailed in, and with the aforesaid brig '*Creole*,' from Richmond, bound to New Orleans, with a cargo consisting of tobacco, and 130 slaves, &c.; the captain's wife, child, and niece, and three passengers; the said brig then being staunch, strong, and in every respect sea-worthy. That on the 27th of October, they left Hampton Roads, and proceeded on their said voyage without anything material occurring until Sunday evening, November 7, when at 8 o'clock the brig was hove to, expecting to make Abaco the next day, latitude at 12 o'clock at noon was 28°30', longitude 76. About half-past 9 o'clock, P.M., the mate, Mr. Gifford, it being his watch, called a black man by the name of Madison Washington, out of the main-hold, who was among the females there, against the regulations of the vessel, who, as soon as he came on deck, gave the mate a shove, which partly threw him down, and at the same time a pistol was fired by the said Madison, or some one else, and the ball grazed the back part of the mate's head, inflicting a bad wound; that this appeared to be a signal for a mutiny among the slaves, Madison calling out at the same time, "Come on, my boys, we have commenced and must go through with it." The mate immediately ran to the cabin, and gave the alarm, and was followed by a large number of slaves, who succeeded in killing Mr. John Hewell, a passenger, by stabbing him with a bowie-knife, wounded the captain severely, and several of the hands, on which the captain and mate retreated to the maintop, the second mate to the fore-royal yard, and some of the crew to various parts of the rigging; the slaves then having complete possession of the vessel, breaking open and robbing the trunks of the passengers, &c. In about an hour after, they discovered the chief mate, and ordered him to come down, or they would shoot him; on which he complied, when a slave, by the name of Ben Blacksmith, presented a musket to his breast, and said, "If he did not land them at Abaco, or on some British island, he would shoot him, and put him overboard." The captain remained in the maintop entirely helpless for eight hours, bleeding profusely from his wounds, which were severe and dangerous. He was at length brought down, and with some passengers confined in the fore-hold for some time, without any attention being permitted to be paid to his wounds. That the brig was then steered for Nassau, under the repeated threats of the slaves, with knives in their hands, that unless it was done, the officers and crew would be thrown overboard. They were also forbid, under the same penalties, from conversing with each other, except in the presence of one of the slaves. That these appearers arrived at Nassau, about 8 o'clock on the morning of Tuesday, the 9th October instant. That immediately on their arrival, the mate went on shore in the boat of the harbour-master, which was the first boat which left the vessel after her arrival, and informed the American Consul of their situation, who immediately had the captain and two men taken on shore, and the wounds of those who remained on board dressed; put the mate in command of the vessel, and remained on board thereof, until a guard of soldiers came on board from the barracks, consisting of 20 soldiers, a coloured serjeant and corporal, and commanded by a white officer; to prevent the slaves from landing. That the captain noted his protest on the 9th instant, and these appearers extended the same this day.

(Signed)

ROBERT ENSOR.
ZEPHANIAH C. GIFFORD.
LUCIUS STEVENS.
BLINN CURTIS.

Be it further known, and made manifest unto all to whom these presents shall come, that on this same 17th day of November, 1841, before me, John F. Bacon, Consul of the United States of America at Nassau, Bahamas, personally appeared Zephaniah C. Gifford, having charge of the brig "*Creole*," as master thereof, Lucius Stevens, chief mate, and Blinn Curtis, seaman, belonging to the said brig, who, being severally sworn, did further depose and say, that on the 12th day of November instant, the said brig "*Creole*" remained in the same situation as when she was at first anchored, being at the west end of the harbour, just within the bar, and but a short distance from the northern shore of the harbour, and about one mile from the public buildings of the town of Nassau, and which was

a very dangerous situation in case of a north-west wind, and a place where vessels never remain, if possible to prevent it. That the guards had been relieved with coloured soldiers from day to day, and still remained on board the brig, for the purpose of securing those who had been identified as actively engaged in the mutiny and murder on board, or who should be thereafter identified. That about 9 o'clock, A.M., of this day, or soon after breakfast, these appearers discovered a collection of persons on shore opposite, and nearest the brig, and also boats and launches collecting near the vessel. That at 10 o'clock, A.M., the boats and people had continued to increase; the boats being manned by blacks, and the people on shore, both black and white, a majority, blacks. That at half-past 10 o'clock, two magistrates with a clerk, came on board for the purpose of identifying those concerned in the mutiny and murder who had not been named by the witnesses in their examination; that after this the collection of people on shore, and the boats continued increasing; in addition to the boats, there was a sloop and several large launches, the larger crafts being anchored within two or three rods of the brig, and filled with blacks, mostly armed with clubs and bludgeons, as were those in the smaller boats; that threatening motions were made by them to intimidate the crew. That several white persons came on board during the morning, and held conversations with the slaves, and appeared to be giving them directions, and informed them they would soon be free, as soon as the troops were removed. Two persons in particular these appearers have identified, as being the Rev. Mr. Poole, a chaplain to the garrison, and the Rev. Mr. Aldridge, a clergyman, having charge of one of the Episcopal Churches of Nassau. These appearers were also frequently cautioned to make no resistance, or blood would be spilt. The blacks in the boats around the vessel were constantly communicating with those on board, and once boarded the brig at the bows, but were on this occasion ordered off. That about 12 o'clock, a boat with four men and a mate came alongside, and reported they were sent by the American Consul, but they were not permitted to come on board, and were ordered off by the magistrates and others on board. That about 2 o'clock, the Attorney-General came alongside of one of the large boats, accompanied by several persons, and told them to throw over their clubs, which was complied with by a part of them only, but this was not done until he had informed them, that as soon as the guard and criminals were removed to the after part of the vessel, the boats would be permitted to come alongside of the brig, and the people on board to go on shore if they pleased. That without hailing any other of the boats, which at this time completely surrounded the vessel, he, and those in the boat with him, came on board, and while the Attorney-General was making some further examination on board, some of the persons who accompanied him, advised these appearers not to make any opposition to the slaves going on shore, as there would be trouble, and probably bloodshed, if they did so. That as soon as the troops and criminals were paraded on the poop-deck, notice was given by the Attorney-General to the other slaves, that they were free, and could all go on shore if they pleased. Notice was at the same time given by some of the same party on the deck of the brig, to the boats, that they might come alongside, which they immediately did, and made fast to the vessel, in sufficient numbers to take off all the slaves but four or five who refused to go. These appearers, fearing the least opposition would probably cost them their lives, made none to the slaves going on shore. That soon thereafter, the criminals with the troops left the brig. That on the morning of the 13th November, the harbour-master came on board, and warped the vessel further into the harbour, and out of danger from bad weather. That on Monday, the 15th of November, one of the Custom-house officers, called the searcher, came on board with a permit from the Custom-house for that purpose, and demanded the baggage or articles belonging to the slaves on shore, which were turned out on deck forward, consisting of some old parts of garments, blankets, &c., the slaves having previously taken nearly all of any value with them. The searcher then required the same to be sent on shore in the ship's boats, which was peremptorily refused. Afterwards, a boat from the shore removed the said articles under his supervision and direction. That after the removal of the slaves, there remained on board a much larger amount of provisions than were necessary for the voyage, an attempt was made to come to an entry in the Custom-house to have the same sold, which was refused by the officers of the Customs, unless the slaves still on board were omitted to be entered, or in such entry, were permitted to be called passengers, which being refused, no

entry of the vessel's cargo was made at the Custom-house. That on the 17th November, the American Consul having obtained a second mate and two men, the brig was ready to proceed on her voyage, having left the captain on shore, still dangerously ill from his wounds, and also one man too ill to do duty; and also having taken on board one of the men who was severely wounded, and unable to do duty.

(Signed) ZEPHANIAH C. GIFFORD.
LUCIUS STEVENS.
BLINN CURTIS.

Wherefore at the request of the said master, acting in his behalf, as well for himself as for the owner and owners, shipper and shippers on said vessel for this voyage, the underwriter or underwriters, and for all others in any way concerned therein, I, the said Consul, have protested, and do hereby solemnly protest, against all mutiny and murder by the said slaves; all illegal acts committed by Her Britannic Majesty's officers and subjects, and every other casualty which has occasioned the liberation of the said slaves; for all losses, costs, charges, damages, and injury which has been already suffered by the said master, the owners, insurers, and others concerned in the said brig "*Creole*" and cargo, unto the end that the same may be submitted unto, suffered, and borne by him or them, to whom of right it shall or may belong.

In testimony whereof, I, the said Consul, have hereunto set my hand, and affixed the seal of this Consulate, at Nassau, this 17th day of November, 1841, and in the sixty-sixth year of Independence.

(L.S.) (Signed) JOHN F. BACON,
United States Consul.

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*Consulate of the United States of America,
Nassau, Bahamas, November 21, 1841.*

I hereby certify that the foregoing Protest is a true copy from the original, as recorded at this Consulate.

(L.S.) (Signed) JOHN F. BACON,
United States Consul.

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Second Enclosure in No. 139.

K.

*Consulate of the United States of America,
Nassau, Bahamas, November 26, 1841.*

I, John F. Bacon, Consul of the United States of America at Nassau, Bahamas, do hereby certify that the annexed depositions of Robert Ensor, Zephaniah C. Gifford, Lucius Stevens, Blinn Curtis, William H. Merritt, Theophilus J. D. M'Cargo, and Jacob Lietener, are true copies from the original depositions, filed at this Consulate.

Given under my hand and the seal of this Consulate at Nassau, 26th November, 1841, and in the sixty-sixth year of Independence.

(Signed) JOHN F. BACON, *United States Consul.*

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Deposition of Robert Ensor.

*Consulate of the United States of America,
Nassau, Bahamas, November 18, 1841.*

PERSONALLY appeared before me, John F. Bacon, Consul of the United States of America at Nassau, Bahamas, Robert Ensor, master of the brig "*Creole*," of Richmond, Virginia, who being sworn, says, that he sailed in and with the said brig from Hampton Roads on the 27th of October last past, bound to New Orleans, with a cargo of slaves, tobacco, and other merchandize. That on the evening of the 7th November, with the brig hove to, about half-past 9 o'clock in the evening, the alarm was given that there was a mutiny among the slaves. That in a few minutes thereafter this deponent was attacked by several of the slaves, saw Ben Blacksmith stab Mr. John Hewell with a large bowie-knife, and stabbed this deponent with the same knife in two places. This depo-

CLASS D.

ment also saw Pompey Garrison, George Basden, and George Portlock engaged in the said murder and mutiny on board of the said brig.

Many other slaves were also assisting and abetting in the same, whom he cannot identify by name, but could so if he could see them. Deponent with difficulty got into the maintop, where he remained for eight hours bleeding and entirely helpless, and knew nothing which transpired after this time until his arrival at Nassau.

(Signed) ROBERT ENSOR.

Sworn and subscribed this 18th November, 1841, before me.

(Signed) JOHN F. BACON,
United States Consul.

Deposition of Zephaniah C. Gifford.

Consulate of the United States of America,

Nassau, Bahamas, November 9, 1841.

PERSONALLY appeared before me, John F. Bacon, Consul of the United States of America at Nassau, Bahamas, Zephaniah C. Gifford, late first mate and now in command of the brig "*Creole*," of Richmond, who being duly sworn, did depose and say, that the said brig sailed from Hampton Roads on the 27th day of October, 1841, bound to New Orleans with a cargo consisting of 135 slaves, tobacco, and some merchandize, Robert Ensor, captain thereof, with his wife and child, and a neice and three white passengers. Everything was quiet on board until Sunday evening last, the 7th November instant. Latitude 28° 30', longitude 76°, at 12 o'clock at noon; the brig was hove to about 8 o'clock in the evening of said day. At about half-past 9 o'clock, P.M., he called a black man out of the main-hold by the name of Madison Washington, a slave, and who was there among the females against the regulations of the vessel, and with which regulations he, the said Madison, was well acquainted. That William H. Merritt was also present, and down in the hold at the same time. That when the said Madison came out of the hold, he partly shoved deponent down on the deck; and at the same moment a pistol was fired by him or some other person, the ball from which struck him on the back part of the head, and wounded him severely: could not be certain that Madison fired it. This deponent immediately ran to the cabin, and gave the alarm, saying he had been shot. He at the same time heard Madison call out, "Come on, my boys, we have commenced, and must go through with it;" and, with a number of others, followed deponent. After giving the alarm, deponent retreated to the main-top, where he was followed by Captain Ensor in about 10 minutes thereafter, who appeared to be severely wounded, and said, "Mr. Gifford, I am stabbed, and believe I am dying." He soon heard a voice saying, "Kill the son of a bitch." After a short time he saw four men bring a man, who appeared to be dead, from the cabin, and throw him overboard. Some one then called for Mr. Merritt, when another replied, "He is here; kill the son of a bitch." The same voice said, "Kill every white person on board; don't save one." Soon after another said, "Where are the captain and mate? these are the persons we want." Madison Washington was the person who made this remark, and he identified him by his having a lantern in his hand; he was evidently looking for the captain and this deponent. In about an hour they discovered deponent in the main-top, when he was ordered down, with a threat that if he did not come down they would shoot him, with which he complied. They desired him to land them on a British Island, and at Abaco.

Madison Washington made this request; at the same time a slave, by the name of Ben Blacksmith, presented a musket at his breast; and Madison then said, "If you do not land us at Abaco, we will put you overboard." This deponent left the captain in the main-top, and Madison asked him if any one else was there, on which he informed him of the fact. Madison then called to the captain to come down, and if he did not he would fetch him down. The captain was then helpless from loss of blood. Madison ordered him to be slung, and brought down, and after a short time he was brought down by some of the crew, on which Madison Washington, assisted by Elijah Morris and another, confined the captain, his wife, and second mate in the fore-hold, locked the hatches, and placed two slaves over them as a guard. At 11 o'clock on the next day, November 8th, this deponent persuaded Madison and others to allow the second

mate to come on deck to assist in taking an observation: also persuaded the slaves at 5 o'clock, P.M., to let the captain be brought into the cabin. The vessel was entirely under the controul and command of the slaves until she took a pilot off the harbour of Nassau. This deponent was not allowed to speak to any of the crew without it was in the presence of one of the slaves, and was threatened to be thrown overboard if he did so. Yesterday, November 8th, at 3 o'clock, P.M., the two manifests of the slaves on board were demanded by the slaves from deponent, which demand he complied with under fear for his life if he did not comply, which said manifests are the ones now before him, and which have this day been returned by some of the slaves to the officer commanding the guard. This deponent can identify the most of the slaves which he has before referred to, and whose names he has not mentioned.

(Signed) ZEPHANIAH C. GIFFORD.

Sworn to and subscribed this November 9, 1842, before me.

(Signed) JOHN F. BACON,
United States Consul.

Deposition of Lucius Stevens.
Consulate of the United States of America,
Nassau, Bahamas, November 10, 1841.

PERSONALLY appeared before me, John F. Bacon, Consul of the United States of America at Nassau, Bahamas, Lucius Stevens, second mate of the brig "Creole," who being sworn saith, the brig sailed from Hampton Roads on the 27th October, 1841, for New Orleans, with a cargo of tobacco, slaves, &c., and four passengers. That everything was quiet until Sunday last, when he thought he perceived something wrong. Sunday night, at 8 o'clock, hove the brig to, expecting to make Abaco the next day; deponent was on the starboard watch, and turned in at 8 o'clock in the main cabin; left the first mate on deck; the captain and passengers all turned in below. At about half-past 9 the first mate came running below, saying, there is a mutiny on deck, and that he was shot. The captain gave the word in the cabin, there was a mutiny, and ordered all to turn out, which deponent did immediately, as also Mr. John Hewell, who was killed. At the door of the cabin saw a number of the coloured people with knives and handspikes, and different weapons, calling out, "Kill them as they come out; kill the damn captain, kill all the damn sons of bitches!" Mr. Hewell, the passenger, turned out; the captain and Mr. Hewell called out, "Where is the gun?" and Mr. Hewell took it from the deponent's state-room.

The mate and captain then disappeared from the cabin, and four of the coloured men came down below, knocked James Blinn, a sailor, and struck Mr. Hewell and deponent, when he and the sailor retreated to his state-room, and Mr. Hewell went on deck with the gun, with the four coloured people beating him at the same time with clubs.

When he arrived at the top step, was knocked down and stabbed through the body with a bowie-knife by Ben Blacksmith, and the gun taken away from him: he immediately reeled back into the cabin, and exclaimed, "I am stabbed!" he then turned into his berth, and soon died.

The blacks were then all on deck, and heard them exclaim, "The captain, mate, and Mr. Hewell are dead, and now we will have that long, tall son of a bitch, the second mate." Immediately they rushed down the cabin, one with a musket, one a club, and one a knife; the cabin-door was at the same time crowded with blacks, armed with clubs; heard several of the crew crying for mercy; the three blacks were then searching for this deponent, and examined the starboard state-rooms, one of which was occupied by the captain's wife and children, without finding deponent; when they exclaimed, "Let these alone for the last, we want the second mate, and the ship will be ours." At this moment another black rushed into the cabin, and pointed to deponent's state-room, saying, "That is his room;" immediately one pointed a gun at the door, and others came round it armed with clubs; as he opened the door the gun was fired: in consequence of deponent's turning away the muzzle, one of the slaves was wounded; deponent then ran on deck, when one of the blacks struck him with a piece of a flag-staff, and another stabbed at him with a knife.

Deponent then got into the fore-royal-yard, where he remained until next morning; while on said yard he saw said blacks, with nearly all the others,

searching different parts of the vessel, going below, and destroying and taking provisions; saw several throw Mr. Hewell's corpse overboard, out of the star-board port-hole. They also confined the captain's wife, Mr. Merritt, and several of the children and cabin servants in the after-hold, and put a guard over them.

About half-past four in the morning he was discovered, when Elijah Morris and four or five others which deponent can designate, said, "Come down, you damn son of a bitch, and receive your message." Deponent came down rather slow, and when he was in the fore-top, he asked them what they wanted to kill him for? Elijah Morris replied, "Damn you, the best thing for you is to come down and receive your message." Deponent then came on deck, and asked for five minutes, and told them if they would spare his life he would take them to an English island in three days, when one remarked, "That is what Mr. Gifford says:" others said, "If you do not do so we will throw you overboard." Then heard Mr. Gifford on the poop-deck, and requested that he might go aft and see him; they consented, and followed him to Mr. Gifford. The blacks said they wanted sail made, addressing themselves to Mr. Gifford and Mr. Merritt. Some of the crew, deponent, and some of the blacks, assisted in making sail, but soon had it taken in, saying it was too early. Mr. Gifford then said, "Some say make sail, and others say not, who shall I obey?" Shortly after, orders were again given to make sail.

Deponent went on with his regular duty, when the blacks stopped him; Mr. Gifford then directed deponent to take a bottle of water to the captain in the main-top, which in attempting to do he was directed by Morris and Madison "to come down, you son of a bitch," which he did.

Subsequently consent was given, and he carried him the water; and soon after lighted him down, assisted by one of the crew. On his coming down with the captain, they were placed in the lower hold, and a guard placed over them, and shortly after the captain's wife was placed there.

About half-past 11 o'clock deponent was permitted to come on deck to assist the chief mate in taking the sun.

After doing so, was again ordered below by Ben Blacksmith, who was armed with a gun, saying, "You had better go below and stay there, or you will be thrown overboard, as there are a number of bad negroes on board;" he then went below again. Shortly after, Elijah Morris came to the grating of the fore-hatch, and said, "Stevens, I do not want to see you hurt, but they talk strong of heaving you overboard to-night. Deponent asked him to see Madison on his behalf. Deponent was soon after ordered to come on deck by some of the slaves, and to go to his duty as second mate, which he did. Deponent went into the main cabin about 1 o'clock, P.M., to get his dinner, when he saw one of the slaves which he can designate sitting in the cabin with a pistol in his hand. In the evening, after dark, deponent was walking the quarter-deck alone, when he was fired at, and heard the ball whistle past him. Mr. Gifford immediately came out of the cabin, and ordered deponent to go aloft, and see if he could see the Abaco light. While going into the rigging, saw the slaves again loading the gun; he afterwards came down and continued to his duty until their arrival at Nassau.

Deponent does not mean to include any of the cabin servants or females in his deposition, as engaged in the mutiny or murder.

(Signed) LUCIUS STEVENS.

Sworn to and subscribed this 10th November, 1841, before me.

(Signed) JOHN F. BACON,
United States Consul.

Deposition of Blinn Curtis.

*Consulate of the United States of America,
Nassau, Bahamas, November 10, 1841.*

PERSONALLY appeared before me, John F. Bacon, Consul of the United States of America at Nassau, Bahamas, Blinn Curtis, who, being sworn, deposeth and saith, that he was a seaman on board of the American brig "Creole" on her voyage to New Orleans. That on Sunday night last, November 7, deponent was asleep, when the captain came and awoke him and the other sailors, saying, the negroes have risen, and ordered them instantly on deck, and they all came on deck as soon as possible. Deponent then caught a handspike, and found the

slaves fighting in and near the cabin, when deponent struck one or two of the blacks, and knocked down one. He was then clinched by a negro, who attempted to take away the handspike, who was prevented by a sailor named Anthony.

Deponent then rushed down into the cabin with several slaves, and got into the state-room with the second mate, Mr. Stevens. Does not know the names of these persons, but can identify them. They were armed with handspikes cut in two [*produces one of them*], a musket, bowie-knife, and sheath-knife. As Mr. Stevens came out of the state-room, a musket was fired at him, which Mr. S. pushed on one side. Saw the man with the musket a moment after it was fired; does not know his name, but can identify him. Was then struck a severe blow on the head, which knocked him down, and quite stunned him. On gaining the deck, this deponent went into the rigging. Some one of the blacks said, "Who is that going up?" Deponent replied, "It is Jim" (by which name he was called); when some one of them said "Come down, you shall not be hurt." Deponent distinctly saw Ben Blacksmith stab Mr. Hewell with a knife; and also make a pass at the captain with the same knife, but does not know whether he hit him. Mr. Hewell immediately fell back into the cabin, saying, "My God, they have killed me!" He fell on the floor, and soon after crawled into his state-room. In about half an hour after he saw four coloured men drag the corpse of Mr. Hewell on deck.

Deponent can identify the persons, but does not know their names. The slaves had the entire control of the vessel until their arrival at Nassau. One of the slaves, called Dr. Ruffin, and Madison Washington, with others, had much to say. And he also heard them threaten the slaves in the forehold, if they did not come up and assist, they would shoot them, and throw them overboard; and Madison went down to compel them to come up: some of them obeyed his commands.

(Signed) BLINN CURTIS.

Sworn to and subscribed this 10th November, 1841, before me,

(Signed) JOHN F. BACON,
United States Consul.

Deposition of William H. Merritt.

*Consulate of the United States of America,
Nassau, Bahamas, November 9, 1841.*

PERSONALLY appeared before me, John F. Bacon, Consul of the United States of America at Nassau, Bahamas, William H. Merritt, who, being sworn, deposed and saith, that he was a passenger on board the brig "*Creole*," which sailed from Hampton Roads on the 27th October, 1841, bound to New Orleans. That he had no interest in the vessel or cargo, but, in consideration of his attending to the slaves during the passage, he was to be charged nothing for his passage. That on Sunday evening, November 7, about nine o'clock, was called by Mr. Gifford, the chief mate; that on going to the cabin door, Mr. Gifford stated there was a man in the main-hold with the females.

Deponent went to the grate of the hatch, where he remained until Mr. Gifford got the lamp and matches.

Then had the grate taken off, entered the hold, and struck the light, and discovered that the person was Madison Washington, who was head cook of the slaves; and said to him, "Doctor, you are the last person I should expect to find here, and that would disobey the orders of the ship: to which he only replied, "Yes, sir." He then went out of the hold, deponent trying to prevent him by laying hold of his leg; but, having the lamp in one hand, could not prevent him. After getting on deck, he ran forward, and called for his men to assist him. Deponent blew out the light, and attempted to get to the cabin, but, as soon as he got on deck, was attacked by one of the slaves, and held by the shoulder, whilst another came up with a piece of wood, with two or three more following, who said, "That is he, kill him, by God;" which the one that had the piece of wood attempted to do, but hit the one that held deponent on the head, on which he made his escape and retreated to the cabin. Also heard the report of a gun or pistol forward. Does not know whether the mate had previously been to the cabin.

Saw the captain go on deck. Saw Mr. Hewell come out of the state-room with a musket, and go to the cabin door, and forbid the slaves from coming down,

at the same time trying to prevent them with the musket, which had no bayonet on it. The slaves attempted to force their way, and hove a handspike into the cabin, on which Mr. Hewell fired off the gun to intimidate them, as he thinks there was nothing but powder in it. Thinks no one was hurt by the discharge. The slaves then obtained possession of the musket, when Mr. Hewell seized the handspike, and made the same show of defence; on which one of the slaves said, "He has another gun;" and Mr. Hewell replied, he had. The slaves then retreated from the cabin door, and Mr. Hewell went on deck, but soon returned to the cabin, took hold of the side of the table, and said, "I am stabbed;" on which he sidled away, and fell, apparently helpless, on the floor. Did not see Mr. Hewell afterwards.

Deponent then attempted to get out of the skylight, but on account of the noise on deck, and the number of slaves there, desisted, and attempted to conceal himself in one of the after berths, where he was covered over with some bed-clothes, and two coloured females sitting on him. While there, deponent heard persons come down in the cabin, and some say, "Take it on deck;" when some seemed to go on deck. Soon they returned, and the cabin seemed to be full of slaves, searching for persons, and saying, "Come out here, damn you." Heard them say, "Don't hurt the steward, don't hurt Jacob, or Mrs. Ensor." Some one said, "Where is Merritt? bring him out." Those discovered were taken on deck—to wit, Mrs. Ensor, the steward, and Jacob.

The women that concealed him then becoming alarmed, left him, and he got under the mattress. Deponent was soon after discovered, hauled out, and menaced with instant death, by a man called Ben Blacksmith, holding a bowie-knife over him, in company with others. Madison Washington, however, interceded for him, and his life was spared, on condition he would navigate the vessel to any port that they might require. He supposed, and the slaves seemed to think also, that the captain and mates were all murdered. Their treatment was afterwards kind towards deponent, and they desired him to take charge of the vessel. After the slaves had discovered the captain and mates were aloft, they said they should be killed; but deponent persuaded them to save their lives. Gifford was the first that came down, and subsequently the captain was brought down, second mate also.

The captain, his wife, and second mate were confined in the fore-hold. The first mate was allowed to do duty at deponent's solicitation. As contradictory orders were given by the slaves, in reference to the destination of the vessel, and in navigating her, he desired that certain persons might be selected for that purpose; on which Madison Washington, Ben Blacksmith, and Dr. Ruffin were selected for that purpose. Deponent can identify, by sight, several others besides those named by him as taking an active part in the murder and mutiny.

(Signed) WM. H. MERRITT.

Subscribed and sworn to this 9th November, 1841, before me,

(Signed) JOHN F. BACON,
United States Consul.

Deposition of Theophilus J. D. M'Cargo.

*Consulate of the United States of America,
Nassau, Bahamas, November 10, 1841.*

PERSONALLY appeared before me, John F. Bacon, Consul of the United States of America at Nassau, Bahamas, Theophilus J. D. M'Cargo, of Virginia, who, being sworn, did depose and say, that he was a passenger on board the American brig "*Creole*," bound from Richmond to New Orleans, with a cargo of tobacco and slaves. That on Sunday evening last, November 7, he should think about nine o'clock, deponent was awoke by Mr. Gifford, the chief mate, who said, "John, I am shot, and the negroes have risen." Then heard Mr. John Hewell leave his state-room, and soon after heard fighting in the cabin, in the direction of the door, but did not see it. Heard Mr. Hewell say, "The d—d negroes have killed me at last." Mr. Hewell came back into the state-room bleeding, and turned in. Deponent occupied the state-room with him. Saw four slaves come to the door of the state-room, to wit, Ben Blacksmith, with a long dirk, which was bloody, Elijah Morris, Madison Washington, and one called Jim. Deponent took hold of Jim, and asked him if he intended to injure him. Jim inquired if that was "He." Deponent replied "Yes." He then turned

round and said, "Boys, do not hurt him." The steward, Lewis, also interceded for deponent at about the same time. Some one replied, "Let him speak for himself." Deponent was then taken down into the after-hold, accompanied by Lewis for protection. While in the hold, heard Mrs. Ensor, the captain's wife, begging them not to kill her; to which Elijah Morris replied, "We will not hurt you; but the damned captain and mate we will have, by God." Lewis then went out of the hold. Heard Elijah Morris also say, "Merritt should live, by God." Lewis, the steward, obtained permission, and brought deponent out of the hold into the cabin, and put him into a state-room.

While there, Madison Washington came and searched the cabin, and the state-room where deponent was, saying, "I want to see if there is any one here." Ben Blacksmith had the musket, walking the cabin at the same time. Lewis asked Ben if it was loaded, who replied, "Yes." Deponent then shut the state-room door; and Lewis remained with him all the next day. The slaves had possession of the vessel. Deponent can identify many who took an active part, whose names he did not know.

(Signed) THEOPHILUS J. D. M'CARGO.

Sworn this 10th November, 1841, and subscribed, before me,

(Signed) JOHN F. BACON,
United States Consul.

Deposition of Jacob Leitener.

*Consulate of the United States of America,
Nassau, Bahamas, November 15, 1841.*

PERSONALLY appeared before me, John F. Bacon, Consul of the United States of America at Nassau, Bahamas, Jacob Lietener, a passenger on board of the brig "*Creole*," being sworn, says, that he was a passenger on board, assisting the steward as mate. Had turned in when the mutiny commenced on board the brig. That the first thing he heard was Mr. Gifford saying some one had shot him. Then heard the captain say to Mr. Stevens, and to the steward, and himself (calling him Jacob), "Turn out before you all get killed."

Soon after looked out of his state-room, which was in the after part of the cabin, and saw Mr. Hewell come down into the cabin all bloody, and heard some one on deck say, "He has got another gun;" and Mr. H. replied, "Yes, I have another gun; come down, if you dare." He soon, however, appeared weak from loss of blood, and, after some difficulty, got into his state-room; and deponent immediately crossed the cabin, and went into his, Mr. Hewell's, state-room, and saw him in his berth, and heard the blood running out of his berth. He asked deponent for a little water, but the cabin then being full of blacks, did not attempt to get any. Deponent soon returned to his own berth, and after a short time, the cabin being still full of blacks, came out among them, saying, "Here I am, you may kill me if you like." Several said, "No, you shan't be hurt; come out here!" Deponent was then put on deck, with a guard of three or four, armed with sticks and knives. Soon after, Elijah Morris came out, saying, "Kill every God damn white person on board the vessel, and if none else will, I will!" Deponent then said to Morris (whom he knew), "Will you kill me, Morris?" when he replied, No, he should not be hurt; but to go down into the after hatch; which deponent did.

After being there some time with others, was called up, some one saying, "Come on deck, Jacob;" which he did; and was then taken into the cabin, and was inquired of, if he knew where the liquor was. Deponent said, "Yes." They then said, "Hand it out;" which he did by bringing out four bottles of brandy, a jug of whisky, and a demi-john of Madeira wine; when they commenced drinking, and drank all the brandy, most of the whisky, and wine: also called for apples and bread, which was also furnished them. Ben Blacksmith sat in the cabin, with a large bowie-knife covered with blood, and said, he had sent some of them to hell this night with this knife. No other white person than himself was in the centre of the cabin when this remark was made. Deponent also saw several of the slaves open the trunks of the passengers.

Saw them take ten dollars and a half out of Mr. Hewell's trunk, and clothes and wearing apparel also out of the others.

Saw them also open the captain's trunk and take out wearing apparel. One

of them had deponent's watch, but, on his claiming it, it was returned to him, the slave saying, he thought it was the captain's. Deponent also saw them put on the passengers' stockings, leaving the old ones in their places. Deponent was directed to open every trunk and search for weapons. A guard was all the time kept in the cabin until their arrival at Nassau: one with a gun, one with a knife, and one with a pistol.

The slaves also slept in the cabin, in the berths and on the floor, as many as it could contain. Heard Ben Blacksmith say he would shoot the captain as soon as he came down; on which deponent interceded for him. Saw the dead body of Mr. Hewell taken out of the cabin. Can recognise a number who he does not know by name.

(Signed) JACOB LEITENER.

Sworn and subscribed this 15th November, 1841, before me,

(Signed) JOHN F. BACON,
United States Consul.

Third Enclosure in No. 139.

Mr. Nesbitt to Mr. Bacon.

SIR,

Nassau, November 26, 1841.

IN reply to your letter of the 14th instant I have the honour herewith to forward to you, in compliance with your request, copies of the affidavits on which the persons implicated in the offences alleged to have been committed have been placed in confinement here, and whose names are subjoined hereto.

I have, &c.

(Signed) C. R. NESBITT,

*John F. Bacon, Esq., United
States Consul.*

Colonial Secretary.

List of Slaves named and identified as Leaders in the Mutiny and Murder on board the brig "Creole," and imprisoned at Nassau, November 12, 1841.

Madison Washington.
Ben Johnstone or Blacksmith.
Elijah Morris.
Doctor Ruffin.
George Grandy, dead, by a wound in the head.
Richard Butler.
Phil Jones.
Robert Lumpkins or Lumpley.
Peter Smallwood.
Warner Smith.
Walter Brown.
Adam Carney, dead.
Horace Beverley.
America.
Addison Tyler.
William Jenkins.
Pompey Garrison.
George Basden.
George Portlock.—Total 19.

Deposition of Blinn Curtis.

Bahama Islands, New Providence.

BLINN CURTIS, who, being duly sworn, deposeth and saith; That he is a sailor on board the American brig "Creole" of Richmond, Virginia, United States; that said brig left Hampton Roads in the latter end of October, 1841, bound to New Orleans with a number of passengers; that about 11 o'clock at night of Sunday the 7th November, instant, Robert Ensor, captain of said vessel, came to the forecabin and informed the deponent and the other sailors that the negroes had mutinied, and told them to come upon deck, which they did; deponent took a handspike in his hand and knocked two of the party down,

deponent having found them fighting in the cabin with a Mr. Hewell, one of the passengers; one of the party then took the handspike from deponent, which was immediately taken from him by one of the sailors of said vessel, named Antonio, who knocked the person down; deponent then went into the state-room of Mr. Stevens the second mate, who accompanied him, when four of the party rushed down (whom deponent can identify), with handspikes cut in two, and knives and a gun in their possession; when one of the party fired off the gun at Mr. Stevens, which missed him, in consequence of Mr. Stevens pushing the gun on one side. Deponent and Mr. Stevens then endeavoured to get on deck, when one of the party knocked deponent down with a stick, which cut him on the left eye. Deponent can identify the man who fired off the gun at Mr. Stevens. Deponent, on getting on deck, endeavoured to get up the rigging of the vessel, when some of the party saw him, asked him who he was; and on their recognizing who he was, they told him, if he would come down, they would not hurt him; accordingly he returned, and on his way down, one of the party presented a gun at him. On deponent getting on deck from the fore-castle, and on his way to the cabin-door, he saw one of the party, named Ben Johnstone, with a knife in his hand, and saw him stab Mr. Hewell, one of the passengers; and attempted at the same time to stab the captain, when deponent heard Mr. Hewell call out, "They have stabbed me!" and fell back into the cabin. About half an hour after, deponent, when in the cabin, saw four of the party (whom deponent can identify) drag the corpse of the said Mr. Hewell from the cabin on deck. The vessel was in charge of said party up to its arrival at Nassau, New Providence; Madison Washington, Doctor Ruffin, and two other of the party, were down in the cabin, and gave directions in the conducting of the vessel. Deponent heard Madison Washington go down in the hold of the vessel, where a number of the coloured passengers were, and said to them, "God damn you, if you don't come on deck, and assist in navigating the vessel, I will shoot you, and fling you overboard;" some of them complied.

(Signed) **BLINN CURTIS.**

Identified George Grundy as also having stabbed Mr. Hewell; Elijah Morris, and America, aiding Richard Butler, the person who fired at Mr. Stevens, and Phil Jones as having assisted in throwing Mr. Hewell overboard.

Sworn to before us this 10th November, 1841.

(Signed) **ROBERT DUNCOME, Police Magistrate.**
J. J. BURNSIDE, Justice of the Peace.

A true copy.

(Signed) **ROBERT DUNCOME, Police Magistrate.**

Deposition of Lucius Stevens.

Bahama Islands, New Providence.

LUCIUS STEVENS, who, being duly sworn, deposes and saith; That he is the second mate of the American brig "*Creole*," of Richmond (Virginia), United States; that the said brig left Hampton Roads on the 27th October, 1841, with a cargo of tobacco and one hundred and thirty-five black passengers and four white passengers. Everything was quiet up to 7th November, instant; at 8 o'clock, P.M., that day, the vessel was hove to, expecting to make Abaco the next morning; deponent then went below, and left Mr. Gifford the first mate on deck; the captain and passengers were also below in the cabin; at half-past nine o'clock, P.M., Mr. Gifford, the first mate, ran down into the cabin, and called out to the captain, "There is a mutiny on deck amongst the coloured passengers, I am shot!" The captain then turned out (he at the time lying on the cabin floor), and informed the deponent and passengers that there was a mutiny on board, when deponent saw a great number of coloured persons on deck with knives, a pistol, a gun, handspikes, and sounding rods near the cabin-door, and calling out, "Kill them when they come up; kill the damn captain; kill the damn sons of bitches!" Mr. Hewell and Mr. Merritt (two of the passengers), and the captain called out, "Where is our gun?" Mr. Hewell then took a gun from deponent's state-room; the captain and first mate then disappeared from the cabin, when four of the party rushed into the cabin and struck at deponent and Mr. Hewell, and knocked down a sailor named Blinn Curtis; the deponent then went into his state-room with said sailor; Mr. Hewell then went on deck with the gun; the

before-mentioned four persons beating him with clubs. On Mr. Hewell getting on deck, he was knocked down and stabbed in his breast with a large knife by one of the party, named Ben Johnstone, when they took the gun from Mr. Hewell, who fell into the cabin calling out, "I am stabbed!" and crawled into his berth, where he shortly died. Deponent then heard the said parties on deck call out, "The captain and first mate and Mr. Hewell are dead, where is that long, tall son of a bitch, the second mate?" when three of the party rushed into the cabin armed with clubs, knives, and the gun; the cabin-door was then crowded with the party, and the crew of said vessel were crying out to said party to spare their lives; during which time the aforesaid three persons in the cabin examined three of the starboard state-rooms for deponent; in the last they found Mrs. Ensor (the captain's wife), and her children, when they called out, "Let them alone for the last; we want the second mate, when the brig will then be ours:" another of said party rushed into the cabin, and called out, "That is the second mate's state-room," when the aforesaid four persons came to said state-room, one of them having a gun in his possession, which he presented to deponent's breast, and another stood with a club near the door of said state-room, when the person who held the gun fired off the same, which missed the deponent and hit one of the party, in consequence of deponent's having pushed the gun on one side; the deponent then ran up on deck, when one of said party struck at him with a knife, and another with the flag-staff; deponent then got on the fore-royal yard, where he remained until next morning, during which time the whole of said party went down below, and took out the provisions of the vessel and destroyed them: deponent then saw said persons throw the body of Mr. Hewell out of the starboard port into the sea, and confine the captain's wife, Mr. Merritt, and the cabin servants in the after-hold, and place a guard over them. About half-past four o'clock, A.M., the 8th November instant, the party perceived the deponent on the fore-royal yard, when Elijah Morris and four or five of the party (whom he can identify) ordered him down, calling out, "Come down, you damn son of a bitch, receive your message; that is the very one we want;" deponent came down in a slow pace, the said party still crying out in the same language; deponent on getting to the foretop, asked them for what they wished to kill him, when Elijah Morris said, "Damn you, come down, and receive your message;" on deponent getting on deck, he asked them to give him five minutes, and told them if they would spare his life he would take them to any English port in three days; they replied, "We will give you three days; if you don't, we will throw you overboard, if not before;" deponent then heard Mr. Gifford on the poop-deck, talking to the party, and thinking he was compromising with them, he asked them to allow him to go to Mr. Gifford; they complied with his request, but followed him; they then told Mr. Gifford and Mr. Merritt (whom they had let out of the hold) to put sail on the vessel, which they did, assisted by deponent, the crew of the vessel, and the said party; immediately afterward the party ordered the same to be taken in, stating, it was too early, and made threats to Mr. Gifford, Mr. Merritt, and deponent. On Mr. Gifford finding that the party was divided respecting the navigation of the vessel, asked who he was to obey; they consulted together, and ordered Mr. Gifford and Mr. Merritt to make sail, the deponent going on in his regular duty, but was stopped by the party. Mr. Gifford then told deponent to take a bottle with water to the captain, who was in the main-top bleeding; he started with the bottle, when Elijah Morris and Madison Washington called out to deponent, "Come down, you son of a bitch!" accordingly he came down, and on Mr. Merritt consulting with the party, they allowed deponent to take the water to the captain. Soon after deponent, assisted by one of the crew, helped the captain down. On deponent and captain getting on deck, the party locked them down in the fore-hold, and a sentry placed over them. Shortly after they allowed the captain's wife to be admitted to him. About half-past 11 o'clock the party allowed deponent to come on deck to take an observation of the sun; on doing so, the party ordered deponent below again. Ben Johnstone came to deponent, having a gun in his possession, and said to him, "There is a number of bad negroes on board, and they will throw you overboard if they catch you on deck; you had better go below;" accordingly he did, when they fastened down the grating, when Elijah Morris came to the grating and said, "Mr. Stevens, I don't wish to see you hurt, but they talk strong in the cabin of heaving you overboard this night." Deponent asked him to see Madison Washington, he then left deponent. The captain then asked the guard, who was stationed over the

grating to open it, to admit air, which was complied; shortly after one of the party called deponent to come on deck, which he did, and remained, and went to his duty as second mate. Deponent, about one o'clock in the afternoon (of 8th November instant), went down in the cabin to get his dinner, where he found one of the party sitting at the head of the table with a pistol in his possession under his arm (whom deponent can identify). About eight o'clock in the evening, whilst deponent was walking on the quarter-deck, he was fired at, and heard the ball whistle past him, on which Mr. Gifford came up from the cabin, and told deponent to go up the mast-head and look for the Abaco light; whilst deponent was going up the rigging, he saw one of the party loading a gun, and heard one of the party say, "Make haste; be quick!" he got out of the reach of them; in consequence of his going up too quick they did not fire, only laughed. The deponent does not include the cabin servants, or the females, in the said mutiny.

(Signed) LUCIUS D. STEVENS.

Persons identified as being accessory to the death of Mr. Hewell:—Elijah Morris, Dr. Ruffin, Madison Washington, Peter Smallwood, and Addison Tyler.

Sworn to before us this 10th November, 1841.

(Signed) ROBERT DUNCOME, *Police Magistrate.*
J. J. BURNSIDE, *Justice of the Peace.*

A true copy.

(Signed) ROBERT DUNCOME, *Police Magistrate.*

Deposition of Robert Ensor.

Bahama Islands, New Providence.

ROBERT ENSOR, who, being duly sworn, deposeth and saith, that he is the captain of the American brig "*Creole*;" that said vessel was bound from Richmond (Virginia), to New Orleans, United States, with a cargo of tobacco and 135 slaves and 4 white passengers; that on the night of the 7th November instant a number of said black slaves mutinied on board of said vessel, and took the command of said vessel from him; that on deponent attempting to defend himself against said party, a certain Ben Johnstone, of said party, stabbed the deponent. Deponent distinctly saw a certain Pompey Garrison, George Basden, and George Portlock, engaged in said mutiny and murder of Mr. Hewell, one of the white passengers, together with a number of others whom he cannot identify by name, but only by sight.

(Signed) ROBERT ENSOR.

Sworn to before me this 18th November, 1841.

(Signed) ROBERT DUNCOME, *Police Magistrate.*
J. J. BURNSIDE, *Justice of the Peace.*

A true copy.

(Signed) ROBERT DUNCOME, *Police Magistrate.*

Deposition of William H. Merritt.

Bahama Islands, New Providence.

WILLIAM H. MERRITT, who, being duly sworn, deposeth and saith, that he is a passenger on board the American brig "*Creole*," of Richmond (Virginia), United States; that said vessel left Hampton Roads on the 27th October, 1841, under the command of Robert Ensor, bound to New Orleans, with a cargo of tobacco and 135 black passengers and 4 white passengers; that on Sunday, 7th November instant, about nine o'clock, P.M., deponent was called by the first mate, Mr. Gifford, when he immediately went to the cabin door, who informed deponent that there was a man in the main hold where the females were. Deponent went to the grate over the main hatchway, where he remained until Mr. Gifford procured a match; deponent then had the grating taken off, and entered the hold; he then struck a light. Deponent found that the male person was Madison Washington, the head cook for the black passengers; deponent told the said Madison Washington he did not expect to find him disobeying the orders of the vessel. Madison Washington replied, "Yes, sir;" and attempted to get out of the hold. Deponent then had the lamp in one hand, and caught hold of Madison Washington's leg with the other hand; the mate, Mr. Gifford, was then

on deck and assisted to keep him down, but found it impossible, when the said Madison Washington ran forward and called for his men to assist him. Deponent then blew out the light and attempted to get to the cabin, but as soon as he got on deck he was attacked by one of the party and held by the shoulder, whilst another man came up with a piece of wood in his hand and attempted to strike deponent, but missed and struck one of the party who had hold of him, at the same time deponent heard several other persons call out, "Kill him, by God!" Deponent then got from them and retreated to the cabin, when he alarmed those in the cabin; he then heard the report of a gun or pistol forward; the captain, who was then in the cabin, went on deck. Deponent does not know whether the mate, Mr. Gifford, had been down in the cabin previous to deponent's getting down. Deponent inquired for arms, but could not find any. Mr. Hewell, one of the passengers, came out of his state-room with a musket and went to the cabin door and forbid the party coming down, which he prevented their doing by moving the musket backward and forward; then they attempted to force a passage to the cabin by flinging a handspike at Mr. Hewell, when Mr. Hewell fired off the musket, but did not hurt any person, it only being loaded with powder. The musket was then taken from Mr. Hewell by some of the party, when Mr. Hewell took up the handspike and attempted to defend himself. The party thinking he had another musket, retreated, when Mr. Hewell went on deck. Immediately deponent heard a great noise on deck, when Mr. Hewell returned to the cabin and leant against the table, informing deponent he was stabbed; he then fell apparently senseless on the floor. Deponent then attempted to get out of the cabin by the skylight, but conceiving that it would be imprudent, he concealed himself in one of the after berths, and was covered over by several of the coloured females. Deponent heard persons come down in the cabin and say, "Take it up on deck!" Soon after persons came down in the cabin and appeared to be searching the berths, and heard some person call out, "Come out here, God damn you!" He heard them say, "Don't hurt the steward and Jacob; also Mrs. Enson." Some of them called out repeatedly, "Where is Merritt, bring him out!" Deponent then heard the persons say, "Take the passengers on deck." The women who concealed deponent, being frightened, left him, when he was discovered, and instant death was menaced towards him by Ben Johnstone and Elijah Morris; that by the direction of Madison Washington, the deponent's life was spared on his promising to navigate the vessel to any port they required, deponent supposing that the captain, mates, and crew were murdered. Deponent being released some time after, heard some of the party call out that some person was aloft. Madison Washington and others came down in the cabin to deponent and consulted with him what was best to do with the first and second mate, and captain. Deponent advised them not to take their lives, which they agreed to. Deponent can identify the parties. The said parties confined the captain and his wife, with the second mate, in the fore-hold, under guard. The first mate was allowed to go at large on deck to assist in navigating the brig. The deponent considered himself in charge of the brig under the direction of Madison Washington, Dr. Ruffin, and Ben Johnstone.

(Signed) WILLIAM H. MERRITT.

Persons identified as engaged with Madison Washington in the cabin on the night of the 7th of November:—Dr. Ruffin, Peter Smallwood, Warner Smith, Walter Brown, Adam Carney, George Grundy, Horace Beverley, and William Jenkins.

Sworn to before me this 9th day of November, 1841.

(Signed) ROBERT DUNCOME, *Police Magistrate.*
J. J. BURNSIDE, *Justice of the Peace.*

A true copy.

(Signed) ROBERT DUNCOME, *Police Magistrate.*

Deposition of Zephaniah C. Gifford.

Bahama Islands, New Providence.

ZEPHANIAH C. GIFFORD, who being duly sworn, deposeth and saith, that he is first mate of the American brig "*Creole*," of Richmond (Virginia), United States; that said brig left Hampton Roads on the 27th day of October, 1841,

under the command of Robert Ensor, bound to New Orleans with a cargo of tobacco and 135 black passengers and 4 white passengers: that everything was quiet on board of said vessel up to the 7th November instant, the vessel being in lat. 28° 30' and long. 76°, at 12 o'clock noon. At half-past nine o'clock, P.M., deponent called a man named Madison Washington from out of the main hold of said vessel among the females, where he was, contrary to the regulations. On his getting on deck the said Madison Washington pushed him down on the deck; a pistol was then fired off by some person unknown, which struck deponent on the back part of the head. Immediately the deponent ran to the cabin and called out he was shot, Madison Washington followed deponent to the cabin door and called out, "Come on, my boys, we have commenced, we must go through with it!" Deponent shortly after retreated from the cabin and went up to the main top; the captain shortly followed him, who informed deponent that he was stabbed, and believed he was dying. Soon after deponent heard some person call out, "Kill the son of a bitch, kill him!" Deponent soon after saw four persons bringing a body from the cabin, and throw it overboard. The deponent then heard some persons call for Mr. Merritt, one of the passengers; also heard some person call out, "He is here!" Another voice called out, "Kill the son of a bitch, don't spare him; and kill every white person on board; don't spare one!" The deponent then heard persons inquiring for the captain and mate, saying, "Those are the persons we want!" Madison Washington being one of the persons who made the said remark. Deponent identified him by his having a lantern in his hand. The vessel was lying to during the whole of the transaction. The deponent heard and saw the said Madison Washington looking for and directing others to look for the captain and deponent. About an hour after the deponent was seen by those on deck, who ordered him down; he came down and delivered himself up to them, when Madison Washington told deponent he wanted him to take them to a British port, and desired him to land them at Abaco. Afterwards a man named Ben Johnstone presented a musket to deponent's breast. Madison Washington then said to deponent, if he did not land them at Abaco, he would put him overboard. Madison Washington then asked deponent if he had left any person in the top. He informed him the captain was there. Madison Washington then called to the captain and told him if he did not come down he would bring him. Madison Washington ordered deponent and crew of said vessel to sling the captain and bring him down (he not being able to assist himself from the quantity of blood he had lost); they did so. Afterwards Madison Washington, Elijah Morris, Ben Johnstone, and Dr. Ruffin, confined the captain, with his wife and the second mate, in the fore-hold. The hatches of said vessel were then locked by some of the party, and two guards placed at the hold. At 11 o'clock next day, A.M., the 8th November instant, deponent persuaded Madison Washington, Elijah Morris, and the others, to allow the second mate to be released to assist deponent to take an observation of the sun; he also persuaded said persons to allow the captain and his wife to be brought to the cabin at about 5, P.M., with which they complied. Nothing particular occurred from that period to their making the light-house at Nassau, New Providence, the said parties keeping a constant guard of the vessel, and threatening to throw deponent and the passengers overboard if they spoke to each other, excepting in language they could understand. The deponent further deposes that Dr. Ruffin, one of the said party, came aft to the deponent, about 3 o'clock, P.M., and demanded the vessel, which was delivered up to him, fearful that if he did not, his life would be taken. The musket the said party used is the property of the deponent; as to the pistol, he does not know whose property it is.

(Signed)

ZEPHANIAH C. GIFFORD.

Identified Richard Butler as taking an active part with the aforementioned persons.

Sworn to before us this 9th November, 1841.

(Signed)

ROBERT DUNCOME, *Police Magistrate*.
J. J. BURNSIDE, *Justice of the Peace*.

A true copy.

(Signed)

ROBERT DUNCOME, *Police Magistrate*.

*Deposition of Jacob Leitener.**Bahama Islands, New Providence.*

JACOB LIGHTNER, at present of the Island of New Providence, being duly sworn upon his oath, that he was a passenger on board the American brig "*Creole*," while proceeding on a voyage from Richmond to New Orleans, United States of America; that on Sunday night last, a number of persons who had been shipped as slaves on board of the said vessel, rose and murdered a certain John Hewell, a passenger in the said vessel, and committed various other acts of violence; that the deponent was in the cabin of the said vessel when the attack was made on said Hewell, and saw Hewell after he had been mortally wounded. That he cannot, however, identify the person or persons who gave the wounds, but he identifies the man now present (who gives his name as that of William Jenkins) as having been in the cabin with others shortly after the murder; and on the following day he saw the said Jenkins keeping watch at the fore-hatch over the captain and other persons, who were confined within as prisoners; that the deponent was attending on the captain, during which time the said Jenkins acted as guard.

(Signed) JAKOB LEIDNEY.

Sworn to before us this 12th November, 1841.

(Signed) ROBERT DUNCOME, *Police Magistrate.*
J. J. BURNSIDE, *Justice of the Peace.*

A true Copy.

(Signed) ROBERT DUNCOME, *Police Magistrate.*

*Deposition of Theophilus J. D. M'Cargo.**Bahama Islands, New Providence.*

THEOPHILUS J. D. M'CARGO, who, being duly sworn, deposeth and saith, that he is a passenger on board the American brig "*Creole*," of Richmond (Virginia), United States; that said brig left Hampton Roads about ten days previous to her entering the port of Nassau, bound to New Orleans, with a number of coloured passengers; that on the night of Sunday, the 7th November, 1841, instant, about nine o'clock, whilst deponent was laying in his berth, Mr. Gifford, the first mate, came running down into the cabin from the deck, and called out, "John, I am shot," and that the negroes had risen. Mr. John Hewell, one of the passengers, got up and went out of his state-room. Deponent shortly afterwards heard persons fighting near the cabin-door, but did not see them. Deponent then heard Mr. John Hewell say, "The damned negroes has at last killed me!" when he came into his state-room, bleeding profusely, and laid down. Deponent was then sitting up in his state-room, when he saw a number of the coloured passengers come down into the cabin. The deponent identified Jem ———, Ben the Blacksmith, Elijah Morris, and Madison Washington as being part of the said party. Deponent caught hold of Jem ———, and asked him if he intended to injure him? Jem ——— asked if that was "He" (meaning the deponent); when deponent answered "Yes." Jem ——— then told those who accompanied him not to hurt deponent. Immediately Lewis, the steward of the vessel, came and interceded in behalf of deponent; when one of the party replied, "Let him speak for himself." Lewis and one of the party put the deponent down in the after-hold, Lewis remaining with deponent for his protection. The deponent, on his coming from his berth, previous to his leaving the cabin, saw Ben Johnstone, one of the party, with a long dirk, which appeared bloody. The deponent heard Mrs. Ensor beg the party not to kill her, when Elijah Morris replied, "We will not hurt you; but that damned captain and mate we will have, by God." On some of the party leaving the hold, deponent heard Elijah Morris and others of the party call out, "Merritt sha'n't live; Merritt sha'n't live, by God!" The said Lewis then asked the party to allow deponent to go in the cabin; with which they complied, and was brought by Lewis and put in one of the state-rooms. Whilst deponent was there, Madison Washington came and searched it, and told Lewis, the steward, he wanted to see if there was any person concealed. Deponent saw Ben Johnstone walking about the cabin with a musket, and Lewis asked him if the musket was loaded; he replied, "Yes." The deponent then shut the door of the state-room where he was, Lewis remaining with deponent during the whole of the time. The coloured party had possession of the vessel the whole of the time,

under the direction of Ben Johnstone, Madison Washington, Elijah Morris, and another person, whom the deponent can identify.

(Signed) THEOPHILUS J. D. M'CARGO.

Identified Dr. Ruffin and Robert Lumpley as being the persons engaged with those already named.

Sworn to before us this 10th November, 1841.

(Signed) ROBERT DUNCOME, *Police Magistrate.*
J. J. BURNSIDE, *Justice of the Peace.*

A true Copy.

(Signed) ROBERT DUNCOME, *Police Magistrate.*

Fourth Enclosure in No. 139.

The Collector at New Orleans to the Hon. W. Forward.

Collector's Office, New Orleans,
December 18, 1841.

IR,

ON the 2nd instant I had the honour to address you and advise you of the arrival of the brig "*Creole*," of Richmond, at this port, the acting master of which vessel reported that a part of the slaves had mutined at sea, murdered one of the passengers, wounded the captain and others of the crew, and compelled the first mate to navigate the vessel to Nassau, New Providence.

I now have the honour to transmit the protest, entered by my instructions by the acting masters and others of the crew, detailing minutely all the circumstances connected with the said mutiny and the liberation of the said slaves by the British authorities at Nassau. Although I have urged the parties to expedite this protest as much as possible, the copy has not been furnished me until this day.

I have, &c.

(Signed) THOMAS GIBBES MORGAN, *Collector.*

Hon. W. Forward,
&c. &c.

Protest.

State of Louisiana, City of Orleans.

By this public instrument of protest, be it known, that, on this Second day of December, Eighteen hundred and forty-one, before me, William Young Lewis, Notary Public in and for the city of New Orleans, duly commissioned and sworn, personally came and appeared Zephaniah C. Gifford, acting master of the brig called the "*Creole*," of Richmond, who declared that the said vessel sailed from the port of Norfolk, in the state of Virginia, on the thirtieth day of October last past, laden with manufactured tobacco in boxes and slaves, then under the command of Captain Robert Ensor, bound for the port of New Orleans, in the state of Louisiana: that when about one hundred and thirty miles to the north-north-east of the Hole in the Wall, the slaves, or part thereof, on board of the said vessel, rose on the officers, crew, and passengers, killed one passenger, severely wounded the captain, this appearer, and part of the crew; compelled said appearer, then first mate, to navigate the said vessel to Nassau, in the island of New Providence, where she arrived, and a portion of the ringleaders of said insurrection were confined in prison, and the remainder of said slaves liberated by the British authorities of said island, and required me, notary, to make record of the same, intending at more leisure to detail particulars.

And this day again appeared the said acting master, together with Lucius Stevens, acting mate, William Devereux, cook and steward, Henry Speak, John Silvy, Jacques Lacombe, Francis Foxwell, and Blinn Curtis, seamen, all of and belonging to said vessel, who, being severally sworn according to law to declare the truth, did depose and say, that when said vessel sailed as aforesaid, she was tight and strong, well manned and provided in every respect, and equipped for carrying slaves; that said vessel left Richmond on the twenty-fifth day of October, eighteen hundred and forty-one, with about one hundred and two slaves on board; that about ninety of said slaves were shipped by Robert Lampkin, about thirty-nine by John R. Hewell, nine by Nathaniel Matthews, and one by W. Robinson; that from this time, about one or two per day were put on board by J. R. Hewell, until the said twenty-fifth day of October, so as to make the

number one hundred and two; that the said brig then proceeded to Hampton Roads, and lay there one day; that there were about eight slaves put on board at that place by W. W. Hall for Mr. Hatcher, two by C. H. Shield, and twenty-three slaves per Mr. Johnson,—making, in the whole number, one hundred and thirty-five slaves. That the male and female slaves were divided; the men were placed in the forward hold of said vessel, excepting Lewis, an old servant of Thomas M'Cargo, who was permitted to remain in the cabin; and the women in the hold aft, excepting six female house-servants, taken into the cabin; and between the aforesaid slaves was the cargo of said vessel, consisting of boxes of tobacco. That the aforesaid slaves were permitted to go on deck; but the men were not allowed at night to go into the hold aft, where the women were: that on the thirtieth day of October the said brig sailed from Hampton Roads on the voyage aforesaid: that the said slaves were all under the charge and superintendence of William Henry Merritt, a passenger; that John R. Hewell had the particular charge of the slaves of Thomas M'Cargo, Theophilus M'Cargo being considered too young and inexperienced, and the general charge of the other slaves being under Captain Ensor; that said slaves were all carefully watched, were perfectly obedient and quiet, and showed no signs of mutiny and disturbance, and all things went on well, and nothing material occurred, excepting of making and taking in sail, until Sunday the seventh day of November, eighteen hundred and forty-one, at about nine o'clock, P.M., being then in latitude 27° 46' N., and 75° 20' W., when the captain, supposing the vessel was nearer to Abaco than she really was, ordered the brig to be laid to, which was accordingly done, there being a fresh breeze, and the sky a little hazy, with trade-clouds flying; that Mr. Gifford was then on watch, and was told by Elijah Morris, one of the slaves of Thomas M'Cargo, that one of the men had gone down aft among the women; that Mr. Gifford then called Mr. Merritt, who was in the cabin, and informed him of it; that Mr. Merritt came up and went to the main-hatch, which was the entrance to the after-hold, and asked two or three slaves, which were near, if any of the men were down in the hold, and was informed that there were; Mr. Merritt then waited until Mr. Gifford procured a match, and then Mr. Merritt went down into the hold with a match and a lamp and lighted the lamp; Mr. Gifford remained over the hatchway: on striking a light, Mr. Merritt found Madison Washington, a very large and strong slave belonging to Thomas M'Cargo, standing at his back; Mr. Merritt then said, "Madison, is it possible that you are down here?—you are the last man on board of the brig I expected to find here;" Madison replied, "Yes, sir, it is me," and instantly jumped to the hatchway, and got on deck, saying, "I am going up, I cannot stay here:" he did so, in spite of the resistance of Gifford and Merritt, who both tried to keep him back, and laid hold of him for that purpose: Madison then ran forward, and Elijah Morris fired a pistol, the ball of which grazed the back part of Mr. Gifford's head; Madison then shouted, "We have commenced and must go through,—rush boys, rush aft, we have got them now!" Calling to the slaves below, he said, "Come up every damned one of you; if you don't, and lend a hand, I will kill you all and throw you overboard!" Mr. Gifford then ran to the cabin and aroused the Captain and others, who were asleep, and the passenger, William Henry Merritt, Theophilus M'Cargo, Jacob Miller, and John R. Hewell, the second mate, Lucius Stevens, the steward, William Devereux, a free, coloured man, and the slave Lewis, belonging to Thomas M'Cargo, acting assistant steward. The slaves then rushed aft and surrounded the cabin. Mr. Merritt heard the report of the pistol and blew out the light: he came on deck from the hold, and was caught by one of the negroes, who exclaimed, "Kill him; God damn him; he is one of them!" and the other negroes immediately laid hold of him: one of them attempted to strike Mr. Merritt with a handspike, but missed his aim, and knocked down the negro who was holding Merritt; Mr. Merritt then escaped to the cabin. Hewell got out of his berth in his , seized a musket, ran to the companion-way of the cabin, and, after some struggling, fired it. The negroes instantly wrenched the musket from him: he then seized a handspike, and defended the cabin from the negroes, who pursued him; they thought he had another musket, and retreated a little; he advanced, and they fell on him with clubs, handspikes and knives; they knocked him down, and stabbed him in not less than twenty places; he got away from them, and staggered back to the cabin, and exclaimed, "I am dead; the negroes have killed me!" It is believed that not more than four or five of the negroes had knives. Ben

Blacksmith had the bowie knife he wrested from the captain, and stabbed Hewell with it; Madison had a jack-knife, which appeared to have been taken from Mr. Hewell; Morris had a sheath-knife, which he had taken from the fore-castle, and belonged to Henry Speak: that Gifford, after arousing the persons in the cabin, ran out on deck and up the main-rigging to the main-top: that Merritt tried to get through the skylight of the cabin, but could not, without being discovered; the negroes crowded around the skylight outside and at the door of the cabin; Merritt then hid himself in one of the berths, and three of the female house-servants covered him with blankets, and sat on the edge of the berth crying and praying; Theophilus M'Cargo dressed himself on the alarm being given; Hewell, after being wounded, staggered into said M'Cargo's state-room, when he fell, and expired in about half an hour,—his body was thrown overboard by order of Madison, Ben Blacksmith, and Elijah Morris; M'Cargo got his two pistols out and fired one of them at the negroes then in the cabin, the other missed fire, and M'Cargo, having no ammunition, put his pistols away. That, after the affray, the sheath-knife of Henry Speak was found in Elijah Morris's possession, and that of Foxwell was found in the possession of another negro, both covered with blood to the handles. That Jacob Miller, William Devereux, and the slave Lewis, on the alarm being given, concealed themselves in one of the state-rooms; Elijah Morris then called all who were concealed in the cabin to come forward, or they should have instant death: Miller came out first, and said, "Here I am, do what you please;" Devereux and Lewis came next, and begged for their lives; Madison stood at the door and ordered them to be sent to the hold: Stevens got up at the alarm being given and ran out, saw Hewell in the affray, and waited in the cabin until Hewell died, then secreted himself in one of the state-rooms, and, when they commenced the search for Merritt, made his escape through the cabin, when they fired the musquet they had reloaded, struck at him with knives and handspikes, and chased him into the rigging; he escaped to the fore royal-yard. That, on the alarm being given, the captain ran to the fore-castle, called all his hands to get up and fight: Henry Speak, one of the crew was knocked down with a handspike: the helmsman was a Frenchman; Elijah Morris and Pompey Garrison were going to kill him, when Madison told them they should not kill him, because he was a Frenchman, and could not speak English, so they spared his life: Blinn Curtis, one of the crew, came aft into the cabin and concealed himself in the state-room with Stevens, and escaped with him to the fore royal-yard: the captain fought with his bowie-knife alongside of Hewell; the captain was engaged in the fight from eight to ten minutes, until the negroes got him down in the starboard scuppers, he then made his escape to the maintop, being stabbed in several places and much bruised with blows from sticks of wood,—found about the brig. That, after the captain got into the main-top, he fainted from the loss of blood, and Gifford fastened him therein with the rigging to prevent him from falling, as the vessel was rolling heavily; the captain's wife, her child and niece, came up and begged for their lives; and Ben Blacksmith then called out for Merritt, and exclaimed that all who had secreted him should be killed. The two female servants then left the berth where Merritt was concealed, and were sent down to the hold by Ben. Jim and Lewis, negroes belonging to Thomas M'Cargo, then ran to Theophilus M'Cargo, who asked Jim if the others were going to kill him: Jim and Lewis exclaimed, that "Master Theo' should not be killed," and clung around him, begging Elijah Morris and Ben Blacksmith, who were then close to him with knives in their hands, not to kill him; they consented, and ordered him to be taken down to the hold: Jim and Lewis went voluntarily with Thomas M'Cargo to the hold, and Jim remained several hours and went back to the cabin with him. Hewell died in M'Cargo's state-room before M'Cargo left the room. That, after a great deal of search, Merritt was found, and Ben Blacksmith and Elijah Morris dragged him from his berth: they and several others surrounded him with knives, half handspikes, musket and pistols, raised their weapons to kill him, made room for him to fall. That, on his representing that he had been the mate of a vessel, and that he was the only person who could navigate for them, and on Mary, a woman servant belonging to Thomas M'Cargo, urging said Madison Washington to interfere, Madison ordered them to stop, and allowed Merritt to have a conversation with him; this took place in a state-room. Madison said that they wanted to go to

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Liberia: Merritt represented that they had not water and provisions for that voyage: Ben Blacksmith, D. Ruffin, and several other slaves then said, they wanted to go to the British islands, they did not want to go anywhere else but where Mr. Lumpkins' negroes went last year, alluding to the shipwreck of the schooner "*Hermosa*" on Abaco last year, the taking of the slaves on board of that vessel by the English wreckers to Nassau, in the island of New Providence. Merritt then got the chart and explained to them the route, and read to them the Coast-Pilot; and they agreed that, if he would navigate them, they would save his life, otherwise death would be his portion. Pompey Garrison had been to New Orleans and knew the route; D. Ruffin and George Cortlock knew the letters of the compass: they then let Merritt free, and demanded the time of night, which was half-past one o'clock, A.M., by Merritt's watch. The vessel was then put in Merritt's charge.

That the nineteen slaves imprisoned at Nassau are the only slaves who took any part in the affray. That all the women appeared perfectly ignorant of the plan, and, from their conduct, could not have known anything of it; they were crying and praying during the fight. That none of the men slaves, apparently under twenty years, took any part in the affray. That the only negroes belonging to E. Lockett, who were in the fight, so far as can be ascertained, are Ruffin, Ben Blacksmith, Addison, Tyler, and T. Smallwood: the only negroes belonging to Thomas M'Cargo who were in the fight, so far as can be ascertained, are Elijah Morris, George Portelock, Willy Glover, Madison Washington, and Pompey Garrison: the only negroes belonging to Sherman Johnson who were in the fight, were America Woodis, George Benton, Adam Carney, and Reuben Knight: the only slaves belonging to J. and A. Hagan who were in the fight was Jordan Phillips. All the slaves above named are among the nineteen now imprisoned at Nassau. There were four who took the most active part in the fight, viz., Ben Blacksmith, Madison Washington, Elijah Morris, and D. Ruffin: some of the negroes refused to join in the affray, when they were threatened by Madison that they would be killed if they did not join in it. At the beginning of the affray, Andrew Jackson, one of the slaves belonging to Thomas M'Cargo, jumped into the fore-rigging, and called to Francis Foxwell, one of the crew, to know where he should go to save his life, saying that he was fearful they would kill him. Foxwell told him to go into the foretop: he said he was afraid he would fall off, and climbed to the top, and remained there during the fight. There were five sailors belonging to said vessel, two were wounded, Henry Speak and B. Curtis: they were kept in the cabin. Two of the others, Francis Foxwell and John Silvy, escaped to the main-top, and the remaining sailor, Jacques Lacombe, remained at the wheel during the whole affray. The wounds of the sailors were dressed by the negroes, and the sailors were left to do as they pleased. That, during the affray, two of the negroes were severely wounded by handspikes. Elijah Morris, when asked after the fight if they intended to kill the sailors, said, "No; I expect we shall rise again among ourselves, but the white people will not be hurt." That, at about five o'clock, A.M., one of the negroes informed Mr. Merritt that Gifford was in the rigging. Madison ordered him to come down; Ben Blacksmith put a musket to his breast, and Madison Washington threatened to kill him if he would not take them to a British island: he promised to do so. Elijah Morris and Madison ordered Stevens to come down, and released him on making the same promise that Gifford made. The captain was then brought down by them, and he and Stevens put into the fore-hold, and the wounds of the captain were dressed. Madison Washington, Ben Blacksmith, Elijah Morris, and D. Ruffin, assumed the sole control of the brig and all on board. About daybreak, by order of Mr. Merritt and Mr. Gifford, they made sail for Abaco. D. Ruffin was all the time either at the compass or watching Merritt. Ben Blacksmith, Madison, and Elijah Morris would also watch the compass by turns. D. Ruffin, when he saw Merritt mark on the slate the altitude, which he was then taking, compelled him to rub out the words in writing and make only figures and marks on the slate, for fear that Gifford and Merritt might communicate secretly by that means. Gifford spoke to Merritt about the reckoning, when Elijah Morris told them if they talked any more to each other, one or both would be thrown overboard. Morris, Ruffin, Madison, and Ben Blacksmith, kept their knives out the whole time: a number of the

others of the nineteen who were in the affray had knives ; but none of the other negroes had knives out, or took any part with the nineteen. The other negroes all remained at their regular stations, where they had been placed at the commencement of the voyage, excepting that the negro men were not in the forehold, the captain, his family, and the second mate being confined there. That none but the nineteen went into the cabin : the nineteen ate in the cabin, the others ate on deck, as they had done on the whole voyage. The nineteen were frequently closely engaged in secret conversation, but the others took no part in it, and appeared not to share in their confidence : the others were quiet, and did not associate with the nineteen. The only words that passed between the others and the nineteen were, the others asked them for water or grub, or something of the kind. All the others were kept under by the nineteen as much as the whites on board were.

The nineteen drank liquor in the cabin, and invited the whites, but did not the other negroes, to drink with them. Madison gave orders that the cooking for all but the nineteen should be as it was before, and appointed the same cook for them. The nineteen said all they had done was for their freedom ; the others said nothing about the affair, they scarcely dared to say anything about it, they were so much afraid of the nineteen. All the others remained forward of the mainmast, where they had been on the whole voyage ; but the nineteen took possession of the after part of the brig, and remained there all the time, or were on the watch ; some of the nineteen were hugging the female servants in the cabin, and one of them said, he had picked out one of them for his wife, but none of the others had anything to do with the female servants. The only knives seen after the affray were two sheath knives belonging to the sailors ; the captain's bowie knife and the jack knife ; none of the other negroes had any knives. Madison sometimes had the bowie knife, and sometimes Ben Blacksmith had it. No other negro was seen to have that knife. On Monday afternoon Madison got the pistol from one of the nineteen, and said he did not want them to have any arms when they reached Nassau. The nineteen paraded the deck armed, while the other negroes behaved precisely as they had done before the mutiny. At about ten o'clock of the eighth day of October, Eighteen hundred and forty one, they made the light of Abaco : Ben Blacksmith had the gun, and about ten o'clock p. m., fired at Stephens, who came on deck, as already stated. That Merritt and Gifford alternately kept watch ; Ben Blacksmith, Madison, Ruffin and Morris kept watch by turns the whole time, to their arrival at Nassau with knives drawn : so close was the watch, that it was impossible to rescue the brig ; neither passengers, officers, or sailors were allowed to communicate with each other ; the sailors performed their usual duties and were allowed to go about as usual. The pilot that came on board as the brig approached Nassau, and all his men in the pilot boat, were negroes ; the pilot was acting under the legal authorities of the island. He and his men on coming on board, mingled with the slaves, and told them they were free men, that they could go on shore and never could be carried away from there ; one of the pilot's men told one of the female slaves that he should claim her for his wife. The regular quarantine officers came alongside, and Gifford went on shore in his boat. He conducted Gifford to the American Consul, who accompanied him to the Governor of New Providence and all the other Bahama Islands. Gifford then related to the Governor all the facts relating to the voyage from Richmond to that port. The American Consul in behalf of said vessel and all interested, requested of the Governor that he should send a guard on board to protect the vessel and cargo, and keep the slaves on board, till such time as they could know what they could do : the Governor did so, and sent a guard of twenty-four negro soldiers, with loaded muskets, and bayonets fixed, in British uniform, commanded by a white officer on board ; they took possession of the vessel and all the slaves. That from Tuesday, the tenth, till Friday, the twelfth day of November, they tied Ben Blacksmith, Madison, Ruffin, and Morris, and put them in the long boat, placed a sentry over them, and fed them there. They mingled with the negroes, and told the women they were free, and persuaded them to remain on the island. Captain Fitzgerald, commanding the company, told Mary, one of the slaves owned by Thomas M'Cargo, in presence of many of the other slaves, how foolish they were, that they had not when they rose, killed all the whites on board, and run the vessel ashore, and then they would all have been free, and there would have

been no more trouble about it; this was on Wednesday. Every day the officers and soldiers were changed at nine o'clock A. M. There are five hundred regular soldiers on the island, divided into four equal companies, commanded by four officers called captains; there was a regular sentry stationed every night, and they placed all the men slaves, except the four that were tied, in the hold, and placed a guard over the hatchway; they put them in the hold at sunset and let them out at sun-rise: there were apparently twelve to thirteen thousand negroes in the town of Nassau and vicinity, and about three or four thousand whites. That on Wednesday, the tenth, at about nine o'clock A. M., three civil magistrates of the island came on board, and commenced examining all the white persons on board: they completed this examination on Friday following. On Friday, the Attorney General came on board with the three magistrates, and the depositions were signed. The American Consul was present the first two days; the magistrates were accompanied by a clerk. The Attorney-General on Friday, placed the nineteen mutineers in the custody of the captain of the guard, and ordered them upon the quarter-deck; there were about fifty boats lying round the brig, all filled with men from the shore, armed with clubs, and subject to the orders of the Attorney-General, and awaiting a signal from one of the magistrates. A sloop was towed from the shore by some oar boats, and anchored near the brig, and was also filled with men armed with clubs; all the men in the boats were negroes. The fleet of boats was under the immediate command of the pilot, who piloted the brig into harbour; this pilot, shortly before the signal was given by one of the magistrates, that he wished they would get through the business; that they had their time, and he wanted his. The Attorney-General here stepped on the quarter-deck, and addressed himself to all the slaves, except the nineteen, who were in custody, and said, "My friends, you have been detained a short time on board of the '*Creole*,' for the purpose of ascertaining the individuals who were concerned in this mutiny and murder; they have been identified, and will be retained; the rest of you are free, and are at liberty to go on shore and wherever you please." Addressing the prisoners, he said, "Men, there are nineteen of you who have been identified as having engaged in the murder of Mr. Hewell, and in an attempt to kill the captain and others: you will be detained and lodged in prison for a time, in order that we may communicate to the English Government, and ascertain whether your trial shall take place here or elsewhere:" at this time Mr. Gifford, the mate of the vessel, then in command, the captain being on shore, under the care of a physician, addressed the Attorney-General, in the presence of the magistrates, protesting against the boats being permitted to come alongside of the vessel, or that the negroes, other than the nineteen, should be sent on shore: the Attorney-General replied, that Mr. Gifford had better make no objection, but let them go quietly on shore, for if he did there would be blood shed. At this moment, one of the magistrates advised Mr. Merritt, Mr. M'Cargo, and the other passengers to look to their money and effects, as he apprehended that the cabin of the "*Creole*" would be sacked and robbed. The Attorney-General, with one of the magistrates, stepped into his boat and withdrew into the stream, a short distance from the brig, when they stopped; a magistrate on the deck of the "*Creole*" gave the signal for the boats to approach instantly: with a huzza and a shout, the fleet of boats came alongside of the brig, and the magistrate directed the men to remain on board of their boats, commanded the slaves to leave the brig and go on board the boats; they obeyed his orders, and passing from the "*Creole*" into the boats, they were assisted, many of them by this magistrate; during this proceeding the soldiers and officers were on the quarter-deck of the "*Creole*," armed with loaded muskets and bayonets fixed, and the Attorney-General with one of the magistrates in his boat, lay at a convenient distance looking on. After the negroes had embarked on the boats, the Attorney-General and his accompanying magistrates, pushed out the boat and mingled with the fleet, congratulating the slaves on their escape, and shaking hands with them. Three cheers were then given, and the boats went on shore, where thousands were waiting to receive the slaves.

That when this proceeding was over, and all the slaves, except the nineteen, landed, a barge was sent from the barracks to the "*Creole*," to take on shore the nineteen prisoners, and the guard which had been left over them: they were taken on shore to the barracks, and the nineteen carried thence to prison. One of the nineteen died the day after he had been put in prison, in consequence of wounds

received in the affray; during the investigation carried on by the magistrates on board the "*Creole*," and on the evening of the same day on which the slaves and prisoners were landed, the nineteen were recognized and identified by the witnesses.

That many of the negroes who were emancipated, expressed a desire to go to New Orleans in the "*Creole*," but were deterred from it by reason of threats which were made to sink the vessel if she attempted to carry the slaves. Three women, one girl and a boy, concealed themselves on board of the "*Creole*," and were brought to New Orleans in the brig. Many of the male slaves, and nearly all of the female slaves would have remained on the vessel and come to New Orleans, had it not been for the commands of the magistrates, and interference, as before stated.

That on Monday following these events, being the fifteenth day of November, the Attorney-General wrote a letter to Captain Ensor, informing him that the passengers of the "*Creole*," as he called the slaves, had applied to him for assistance in obtaining their baggage, which was still on board the brig, and that he should assist them in getting it on shore: to this letter, Mr. Gifford, the officer in command of the vessel, replied, that there was no baggage on board belonging to the slaves that he was aware, as he considered them cargo and the property of their owners; that if they had left anything on the brig it was the property also of their masters; besides, he could not land anything without a permit from the custom-house, and an order from the American Consul.

That the Attorney-General immediately got a permit from the custom-house, but no order from the American Consul, and sent an officer of the Customs on board the brig, and demanded delivery of the baggage of the slaves aforesaid, to be landed in the brig's boat. The master of the "*Creole*," not finding himself at liberty to refuse, permitted the officer with his men to come on board, and take such baggage and property as they chose to consider belonging to the slaves: they went into the hold of the vessel and took all the wearing apparel, blankets, and other articles of the negroes; also one bale of blankets belonging to Mr. Lockett, which had not been opened. These things were put on board of the boat of the officer of the Customs, and carried on shore, the master of the brig refusing to send them on shore in the brig's boat.

That the correspondence which took place between the Attorney-General and the master of the brig, is in the possession of the American Consul at Nassau. That on the next day, Tuesday, Captain Ensor proposed to sell a portion of the provisions on board the brig, in order to pay his expenses while lying at Nassau, having more than enough for the remainder of the voyage to New Orleans; the collector of the Customs refused to allow the provisions to be landed, consisting of several barrels of meat and navy bread to be entered, unless the slaves which had been emancipated, should be likewise entered as passengers: the master of the brig refused to accede to this condition. The next day after the landing of the slaves from the "*Creole*," the officers of the Government of New Providence caused to be advertised a vessel for Jamaica, to take out passengers to that island, passage paid. A number of the slaves of the "*Creole*" entered their names for that said island; it was generally said by persons white and black, that the object of putting this vessel up for Jamaica, was to carry away the slaves of the "*Creole*;" the Captain was so informed by the American Consul and Mr. Stark, agent of the Boston Insurance Companies.

That about two or three hours after the brig reached Nassau, Captain Woodside of the barque "*Louisa*," with the American Consul, came on board, and it was agreed that Captain Woodside, with as many of his crew as could be spared, and the second mate and four sailors of the brig "*Congress*," should come on board with arms, and with the officers and crew of the "*Creole*," rescue the brig from the British officer then in command, and conduct her to Indian Key, where there was a United States vessel of war; the "*Louisa*" and the "*Congress*" were American vessels, and the arrangement was made under the control of the American Consul. The Captain was to come on board the "*Creole*" with part of the crews of the "*Louisa*" and "*Congress*," as soon as the "*Creole*" was ready to leave Nassau. Frequent interviews were had every day with Captain Woodside, the American Consul, and the officers of the "*Congress*" on the subject, and the whole plan was arranged. Accordingly, on the morning of the

twelfth of November, Captain Woodside, with the men in a boat, rowed to the "*Creole*;" the muskets and cutlasses were obtained from the brig "*Congress*."

Every effort had been made in concert with the American Consul to purchase arms of the dealers at Nassau, but they all refused to sell. The arms were wrapped in the American flag, and concealed in the bottom of the boat; as said boat approached the "*Creole*," a negro in a boat who had watched the loading of the boat, followed her and gave the alarm to the British officer in command on board the "*Creole*," and as the boat came up to the "*Creole*," the officer called to them "Keep off or I will fire into you." his company of twenty-four men were then all standing on deck, and drawn up in line, fronting Captain Woodside's boat, and were ready with loaded muskets and fixed bayonets, for an engagement. Captain Woodside was thus forced to withdraw from the "*Creole*," and the plan was prevented from being executed; the said British officer still remaining in command of the "*Creole*." The officers and crews of the "*Louisa*" and the "*Congress*," and the American Consul, were warmly interested in the plan, and everything possible was done for its success. Indian Key is about four hundred miles from Nassau. The nineteen negroes had thrown overboard and burnt all their weapons before their arrival at Nassau, and the aid thus offered of American sailors and arms, was amply sufficient for the management and safety of the "*Creole*" on her voyage.

That if there had been no interference on the part of the legal authorities of Nassau, the slaves might have all been safely brought to New Orleans: it was that interference which prevented aid from being rendered by the American sailors in Nassau and caused the loss of the slaves to their owners.

That on the same day on which the slaves were liberated, and before the Attorney-General and the magistrates came on board, the American Consul and the Captain had another interview with the British Governor. The Consul stated that they wanted him to write to Indian Key, on the Florida shore, to get a vessel of war of the United States to come and protect the brig and cargo on her voyage from Nassau to New Orleans, and a guard was wanted to protect the said brig and cargo in the mean time: the Governor refused to grant one for that purpose. The Consul then proposed to get the crews of the American vessels then in the port of Nassau, and place them on board the brig to conduct her to New Orleans, and requested the Governor to station a guard on board, until the American sailors could be collected, but the Governor refused to station the guard as requested. A proposition was then finally made by the American Consul to the Governor, that the American seamen then in port in American vessels, should go on board the "*Creole*" and be furnished with arms by the Governor for the purpose of defending the vessel and her cargo (except the nineteen slaves who were in the fight, who were to be left behind) on her way to New Orleans: this the Governor also refused. That on the fifteenth the Consul on behalf of the master of the brig "*Creole*" and all interested, proposed to the Governor to permit the nineteen slaves who were in the affray, to be sent to the United States, on board of the "*Creole*" for trial, and this too was refused.

That two half boxes of tobacco, marked L. Banks, were broken up and destroyed by the negroes, and about six or seven barrels lying on the deck of the brig, were thrown overboard by the negroes, to make room for them to walk the deck, the contents of which said barrels they did not know.

That on the nineteenth day of November, the said brig sailed from Nassau, bound for the port of New Orleans, leaving Captain Ensor at said port, unable to proceed on the voyage, in consequence of the severity of his wounds: that nothing material occurred during the passage aforesaid, until the first day of December, at eleven o'clock P. M., when they made the South West Pass Light, bearing N. by W., distant about twelve miles; at seven o'clock A. M. took a pilot on board, crossed the bar of said pass in tow of the steam-boat "*Shark*," and discharged the pilot, and proceeded up the river for the port of New Orleans, where they arrived on the second day of said month, when the necessary surveys were called, and they commenced discharging cargo.

And thereupon these said appearers, and especially the said acting master, did protest, and with them I, Notary, at their request, do most solemnly and publicly protest against the winds and the waves, and the dangers of the seas generally,

but more especially against the insurrection of the nineteen slaves, herein particularly named, and the illegal action of the British authorities at Nassau, in regard to the remainder of the slaves on board said vessel, as the cause of all the loss and damage in the premises, and that no fault, negligence, or mismanagement is, or ought to be ascribed to these said appearers, or to any part of said brig's company.

Done and protested at New Orleans, this seventh day of November, Eighteen hundred and forty-one. The protesters hereunto signing their respective names with said Notary.

(Signed) ZEPHANIAH C. GIFFORD.
 LUCIUS A. STEVENS.
 HENRY ^{his} × SPEAK.
mark.
 BLINN CURTIS.
 JOHN ^{his} × SILVY.
mark.
 FRANCIS ^{his} × FOXWELL.
mark.
 JAQUE ^{his} × LACOMBE.
mark.
 WILLIAM ^{his} × DEVEREUX.
mark.

W. Y. LEWIS,
Notary Public.

Be it remembered that on this day of the date hereof, before me, William Young Lewis, Notary Public in and for the city of New Orleans, duly commissioned and sworn, personally appeared William H. Merritt, Theophilus J. D. M'Cargo, and Jacob Lightner, passengers on board of the brig "Creole," Captain Ensor, bound from Norfolk in Virginia, for New Orleans, persons well known to me and worthy of faith and credit, who, being duly sworn, deposed, that having heard the foregoing Protest read to them, that all the facts therein set forth are just and true, and hereto sign their respective names with said Notary at New Orleans, this seventh day of December, Eighteen hundred and forty one.

(Signed) WILLIAM H. MERRITT.
 F. J. D. M'CARGO.
 J. LEIDNER.

W. Y. LEWIS,
Notary Public.

I hereby certify the foregoing documents true copies of the originals upon my records. In faith whereof I hereunto set my hand and seal, at New Orleans, this 14th December, 1841.

(Signed) W. J. LEWIS,
Notary Public.

No. 140.

The Earl of Aberdeen to Mr. Everett.

Foreign Office, March 17, 1842.

THE Undersigned, Her Majesty's Principal Secretary of State for Foreign Affairs, has had the honour to receive the note addressed to him on the 21st ultimo, by Mr. Everett, Envoy Extraordinary and Minister Plenipotentiary of

the United States of America; and the Undersigned has now the honour to acquaint Mr. Everett that Her Majesty's Government have fully considered the case of the United States vessel "*Tigris*," adverted to in that note as having been detained on the coast of Africa by the commander of Her Majesty's brig "*Waterwitch*," and sent to the United States of America for trial.

From the statement which the officer commanding the "*Waterwitch*" made in this case to the Registrar of the United States Court, it appears that he was conscious of not being authorised either by "instructions or orders from his own Government, to interfere with vessels belonging to citizens of the United States, whatever their employment might be;" but that, in the course he adopted for enabling the Courts of the United States to deal with a crime which the law has deemed to be piracy, the commander of the "*Waterwitch*" believed he was performing a "duty which a British officer owed to the Government of the United States."

The principle upon which this officer acted may, perhaps, in the eyes of the Government of a friendly Power, afford some ground of extenuation for the erroneous view which he took of his duty. But Her Majesty's Government acknowledge that the act of the officer commanding the "*Waterwitch*" was not justifiable upon any principle of international law, or by any existing Treaty between Great Britain and the United States: and that the case is one in which compensation may justly be demanded by the United States Government from the Government of Great Britain.

The Undersigned has accordingly the honour to request that Mr. Everett will direct the owners of the "*Tigris*" to send a statement, accompanied by documentary evidence, of the damage which they have sustained by the unauthorized act of the British officer; in order that the account, as soon as it shall have been substantiated to the satisfaction of Her Majesty's Government, may at once be settled.

The Undersigned avails himself, &c.

(Signed) ABERDEEN.

Edward Everett, Esq.,
&c. &c. &c.

No. 141.

Mr. Fox to the Earl of Aberdeen.

Washington, February 25, 1824.

(Received March 26.)

MY LORD,

I HEREWITH enclose a newspaper copy of a long Despatch, addressed by Mr. Webster, by the last packet, to the United States Minister in London, upon the subject of the American negroes recently liberated from slavery from on board the ship "*Creole*," in the Bahama Islands. The Despatch has been communicated to the Senate, where it was received, as might be expected, with great applause by the southern and slave-holding members. The American argument is maintained by Mr. Webster with considerable ingenuity; but this argument is based throughout upon one monstrous fallacy:—comity, good offices, and the obligations of national usage, are appealed to in behalf only of the pretended owners of the negroes; while no mention is made of what is due, not in comity, but in justice and by absolute right, towards the negroes themselves.

I likewise enclose the published copy of a Protest entered at New Orleans on the 7th of December, by the officers and crew of the "*Creole*," giving their version of the transaction. This Protest is amongst the papers referred to in Mr. Webster's Despatch to Mr. Everett. It contains, apparently, much falsehood and exaggeration; but it is to be remarked that the Protest is principally directed, not versus England, but versus the American insurance companies at New Orleans and in Virginia, in order to show that the officers and crew did all that depended upon them to prevent the loss of the so called property, by the liberation of the negroes.

I have, &c.

(Signed) H. S. FOX.

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

First Enclosure in No. 141.

Mr. Webster to Mr. Everett.

SIR,

Department of State, January 29, 1842.

I REGRET to be obliged to acquaint you with a very serious occurrence, which recently took place in a port of one of the Bahama Islands.

It appears that the brig "*Creole*," of Richmond (Virginia), Ensor, master, bound to New Orleans, sailed from Hampton Roads on the 27th of October last, with a cargo of merchandize, principally tobacco and slaves, (about 135 in number;) that on the evening of the 7th of November some of the slaves rose upon the crew of the vessel, murdered a passenger named Hewell, who owned some of the negroes, wounded the captain dangerously, and the first mate and two of the crew severely; that the slaves soon obtained complete possession of the brig, which, under their direction, was taken into the port of Nassau, in the island of New Providence, where she arrived on the morning of the 9th of the same month; that at the request of the American Consul in that place, the governor ordered a guard on board, to prevent the escape of the mutineers, and with a view to an investigation of the circumstances of the case; that such investigation was accordingly made by two British magistrates, and that an examination also took place by the Consul; that on the report of the magistrates, 19 of the slaves were imprisoned by the local authorities, as having been concerned in the mutiny and murder, and their surrender to the Consul, to be sent to the United States for trial for these crimes, was refused, on the ground that the governor wished first to communicate with the Government in England on the subject; that through the interference of the colonial authorities, and even before the military guard was removed, the greater number of the remaining slaves were liberated, and encouraged to go beyond the power of the master of the vessel, or the American Consul, by proceedings which neither of them could control. This is the substance of the case, as stated in two protests, one made at Nassau and one at New Orleans, and the Consul's letters, together with sundry depositions taken by him, copies of all which papers are herewith transmitted.

The British Government cannot but see that this case, as presented in these papers, is one calling loudly for redress. The "*Creole*" was passing from one port of the United States to another, in a voyage perfectly lawful, with merchandize on board, and also with slaves, or persons bound to service, natives of America, and belonging to American citizens, and which are recognised as property by the Constitution of the United States in those States in which slavery exists. In the course of the voyage, some of the slaves rose upon the master and crew, subdued them, murdered one man, and caused the vessel to be carried into Nassau. The vessel was thus taken into a British port, not voluntarily, by those who had the lawful authority over her, but forcibly and violently, against the master's will, and with the consent of nobody but the mutineers and murderers; for there is no evidence that these outrages were committed with the concurrence of any of the slaves, except those actually engaged in them. Under these circumstances, it would seem to have been the plain and obvious duty of the authorities at Nassau, the port of a friendly Power, to assist the American Consul in putting an end to the captivity of the master and crew, restoring to them the control of the vessel, and enabling them to resume their voyage, and to take the mutineers and murderers to their own country to answer for their crimes before the proper tribunal. One cannot conceive how any other course could justly be adopted, or how the duties imposed by that part of the code regulating the intercourse of friendly States, which is generally called the Comity of Nations, could otherwise be fulfilled. Here was no violation of British law attempted or intended on the part of the master of the "*Creole*," nor any infringement of the principles of the law of nations. The vessel was lawfully engaged in passing from port to port, in the United States: by violence and crime she was carried, against the master's will, out of her course, into the port of a friendly Power; all was the result of force. Certainly, ordinary comity and hospitality entitled him to such assistance from the authorities of the place as should enable him to resume and prosecute his voyage, and bring the offenders to justice. But, instead of this, if the facts be as represented in these papers, not only did the authorities give no aid for any such purpose, but they did actually interfere to set free the slaves, and to enable them to disperse themselves beyond the reach of the master of the vessel or their

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owners. A proceeding like this cannot but cause deep feeling in the United States. It has been my purpose to write you at length upon this subject, in order that you might lay before the Government of Her Majesty fully, and without reserve, the views entertained upon it by that of the United States, and the grounds on which those views are taken. But the early return of the packet precludes the opportunity of going thus into the case in this Despatch; and as Lord Ashburton may shortly be expected here, it may be better to enter fully into it with him, if his powers shall be broad enough to embrace it. Some knowledge of the case will have reached England before his departure, and very probably his Government may have given him instructions. But I request, nevertheless, that you lose no time in calling Lord Aberdeen's attention to it in a general manner, and giving him a narrative of the transaction, such as may be framed from the papers now communicated, with a distinct declaration that if the facts turn out as stated, this Government thinks it a clear case for indemnification.

You will see that in his letter of the 7th January, 1837, to Mr. Stevenson, respecting the claim for compensation in the cases of the "*Comet*," "*Encomium*," and "*Enterprise*," Lord Palmerston says that "Her Majesty's Government is of opinion that the rule by which these claims should be decided, is, that those claimants must be considered entitled to compensation who were lawfully in possession of their slaves within the British territory, and who were disturbed in their legal possession of those slaves by functionaries of the British Government." This admission is broad enough to cover the case of the "*Creole*," if its circumstances are correctly stated. But it does not extend to what we consider the true doctrine, according to the laws and usages of nations; and, therefore, cannot be acquiesced in as the exactly correct general rule. It appears to this Government, that not only is no unfriendly interference by the local authorities to be allowed, but that aid and succour should be extended in these, as in other cases which may arise, affecting the interests of citizens of friendly States.

We know no ground on which it is just to say that these coloured people had come within, and were within, British territory, in such sense as that the laws of England affecting and regulating the conditions of persons could properly act upon them. As has been already said, they were not there voluntarily; no human being belonging to the vessel was within British territory of his own accord, except the mutineers. There being no importation, nor intent of importation, what right had the British authorities to inquire into the cargo of the vessel, or the condition of persons on board? These persons might be slaves for life; they might be slaves for a term of years, under a system of apprenticeship; they might be bound to service by their own voluntary act; they might be in confinement for crimes committed; they might be prisoners of war; or they might be free. How could the British authorities look into and decide any of these questions? Or, indeed, what duty or power, according to the principles of national intercourse, had they to inquire at all? If, indeed, without unfriendly interference, and notwithstanding the fulfilment of all their duties of comity and assistance, by these authorities, the master of the vessel could not retain the persons, nor prevent their escape, then it would be a different question altogether, whether resort could be had to British tribunals, or the power of the Government in any of its branches, to compel their apprehension and restoration. No one complains that English law shall decide the condition of all persons actually incorporated with British population, unless there be treaty stipulation making other provision for special cases. But in the case of the "*Creole*," the coloured persons were still on board an American vessel, that vessel having been forcibly put out of the course of her voyage by mutiny; the master desiring still to resume it, and calling upon the Consul of his Government resident at the place, and upon the local authorities, to enable him so to do, by freeing him from the imprisonment to which mutiny and murder had subjected him, and furnishing him with such necessary aid and assistance as are usual in ordinary cases of disaster at sea. These persons, then, cannot be regarded as being mixed with the British people, or as having changed their character at all, either in regard to country or personal condition. It was no more than just to consider the vessel as still on her voyage, and entitled to the succour due to other cases of distress, whether arising from accident or outrage. And that no other view of the subject can be true, is evident from the very awkward position in which the local authorities

have placed their Government in respect to the mutineers still held in imprisonment. What is to be done with them? How are they to be punished? The English Government will probably not undertake their trial or punishment; and of what use would it be to send them to the United States, separated from their ship, and at a period so late as that, if they should be sent, before proceedings could be instituted against them the witnesses might be scattered over half the globe. One of the highest offences known to human law is thus likely to go altogether unpunished.

In the note of Lord Palmerston to Mr. Stevenson, above referred to, his Lordship said "that slavery being now abolished throughout the British empire, there can be no well-founded claim for compensation in respect of slaves who, under any circumstances, may come into the British colonies, any more than there would be with respect to slaves who might be brought into the kingdom." I have only to remark upon this, that the Government of the United States sees no ground for any distinction founded on an alteration of British law in the colonies. We do not consider that the question depends at all on the state of British law. It is not that in such cases the active agency of British law is invoked and refused; it is, that unfriendly interference is deprecated, and those good offices and friendly assistances expected which a Government usually affords to citizens of a friendly Power when instances occur of disaster and distress. All that the United States require, in these cases, they would expect in the ports of England, as well as in those of her colonies. Surely the influence of local law cannot affect the relations of nations in any such matter as this. Suppose an American vessel, with slaves lawfully on board, were to be captured by a British cruiser, as belonging to some belligerent, while the United States were at peace; suppose such prize carried into England, and the neutrality of the vessel fully made out in the proceedings in Admiralty, and a restoration consequently decreed—in such case, must not the slaves be restored exactly in the condition in which they were when the capture was made? Would any one contend that the fact of their having been carried into England by force set them free?

No alteration of her own local laws can either increase or diminish, or any way affect, the duty of the English Government and its colonial authorities in such cases, as such duty exists according to the law, the comity, and the usages of nations. The persons on board the "*Creole*" could only have been regarded as Americans passing from one part of the United States to another, within the reach of British authority only for the moment, and this only by force and violence. To seek to give either to persons or property thus brought within reach an English character, or to impart to either English privileges, or to subject either to English burdens or liabilities, cannot, in the opinion of the Government of the United States, be justified. Suppose that by the law of England all blacks were slaves, and incapable of any other condition; if persons of that colour, free in the United States, should, in attempting to pass from one port to another in their own country, be thrown, by stress of weather, within British jurisdiction, and there detained for an hour or a day, would it be reasonable that British authority should be made to act upon their condition, and to make them slaves? Or suppose that an article of merchandize, opium for instance, should be declared by the laws of the United States to be a nuisance, a poison, a thing in which no property could lawfully exist or be asserted; and suppose that an English ship with such a cargo on board, bound from one English port to another, should be driven, by stress of weather, or by mutiny of the crew, into the ports of the United States, would it be held just and reasonable that such cargo should receive its character from American law, and be thrown overboard and destroyed by the American authorities? It is in vain that any attempt is made to answer these suggestions by appealing to general principles of humanity. This is a point in regard to which nations must be permitted to act upon different views, if they entertain different views, under their actually existing condition, and yet hold commercial intercourse with one another, or not hold any such intercourse at all. It may be added, that all attempts by the Government of one nation to force the influence of its laws on that of another, for any object whatever, generally defeat their own purposes, by producing dissatisfaction, resentment, and exasperation. Better is it, far better in all respects, that each nation should be left, without interference or annoyance, direct or indirect, to its

undoubted right of exercising its own judgment in regard to all things belonging to its domestic interests and domestic duties.

There are two general considerations, of the highest practical importance, to which you will, in the proper manner, invite the attention of Her Majesty's Government.

The first is, that, as civilization has made progress in the world, the intercourse of nations has become more and more independent of different forms of government and different systems of law and religion. It is not now, as it was in ancient times, that every foreigner is considered as therefore an enemy; and that, as soon as he comes into the country, he may be lawfully treated as a slave; nor is the modern intercourse of States carried on mainly, or at all, for the purpose of imposing, by one nation on another, new forms of civil government, new rules of property, or new modes of domestic regulation. The great communities of the world are regarded as wholly independent, each entitled to maintain its own system of law and Government, while all, in their mutual intercourse, are understood to submit to the established rules and principles governing such intercourse. And the perfecting of this system of communication among nations requires the strictest application of the doctrine of non-intervention of any with the domestic concerns of others.

The other is, that the United States and England, now by far the two greatest commercial nations in the world, touch each other both by sea and land at almost innumerable points, and with systems of general jurisprudence essentially alike, yet differing in the forms of their Government and in their laws respecting personal servitude; and that so widely does this last-mentioned difference extend its influence, that without the exercise to the fullest extent of the doctrine of non-interference and mutual abstinence from anything affecting each other's domestic regulations, the peace of the two countries, and therefore the peace of the world, always will be in danger.

The Bahamas (British possessions) push themselves near to the shores of the United States, and thus lie almost directly in the track of that great part of their coastwise traffic, which, doubling the Cape of Florida, connects the cities of the Atlantic with the port and harbours on the Gulf of Mexico, and the great commercial emporium on the Mississippi. The seas in which these British possessions are situated, are seas of shallow water, full of reefs and bars, subject to violent action of the winds, and to the agitations caused by the Gulf Stream. They must always, therefore, be of dangerous navigation, and accidents must be expected frequently to occur, such as will cause American vessels to be wrecked on British islands, or compel them to seek shelter in British ports. It is quite essential that the manner in which such vessels, their crews, and cargoes, in whatever such cargoes consist, are to be treated, in these cases of misfortune and distress, should be clearly and fully known.

You are acquainted with the correspondence which took place a few years ago, between the American and English Governments, respecting the cases of the "*Enterprise*," the "*Comet*," and the "*Encomium*." I call your attention to the Journal of the Senate of the United States, containing resolutions unanimously adopted by that body respecting those cases. These resolutions, I believe, have already been brought to the notice of Her Majesty's Government, but it may be well that both the resolutions themselves and the debates upon them should be again adverted to. You will find the resolutions, of course, among the documents regularly transmitted to the Legation, and the debates in the newspapers with which it has been supplied from this Department.

You will avail yourself of an early opportunity of communicating to Lord Aberdeen, in the manner which you may deem most expedient, the substance of this Despatch; and you will receive further instructions respecting the case of the "*Creole*," unless it shall become the subject of discussion at Washington.

In all your communications with Her Majesty's Government, you will seek to impress it with a full conviction of the dangerous importance to the peace of the two countries of occurrences of this kind, and the delicate nature of the questions to which they give rise.

I have, &c.

Edward Everett, Esq.
&c. &c. &c.

(Signed) DANIEL WEBSTER.

Second Enclosure in No. 141.

Protest of the Officers and Crew of the "Creole."

(See Fourth Enclosure in No. 159, page 151.)

No. 142.

The Earl of Aberdeen to Mr. Fox.

SIR,

Foreign Office, March 30, 1842.

I HEREWITH transmit to you, for your information, a copy of a note, and of its enclosures, addressed to me by Mr. Everett, the United States Minister at this Court, on the case of the "*Creole*."

You will, of course, communicate these papers to Lord Ashburton.

I am, &c.

(Signed)

ABERDEEN.

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

Enclosure in No. 142.

Mr. Everett to the Earl of Aberdeen, March 1, 1842.

(See No. 139, page 115.)

No. 143.

The Earl of Aberdeen to Mr. Fox.

SIR,

Foreign Office, March 31, 1842.

I HEREWITH transmit to you, for your information, a copy of a note which I have received from Mr. Everett, the United States Minister at this Court, on the subject of the pending negotiations between the United States and this country.

I also transmit to you a copy of a note which I have addressed to Mr. Everett, in reply to that part of his note which relates to the case of the American vessel "*Tigris*," captured on the coast of Africa by Her Majesty's ship "*Waterwitch*," and carried to the United States for trial.

You will, of course, communicate these papers to Lord Ashburton.

I am, &c.

(Signed)

ABERDEEN.

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

Enclosures in No. 143.

1. *Mr. Everett to the Earl of Aberdeen, February 21, 1842.*

2. *The Earl of Aberdeen to Mr. Everett, March 17, 1842.*

(See Nos. 138 and 140, pages 113 and 159.)

No. 144.

Mr. Everett to the Earl of Aberdeen.

46, Grosvenor-place, March 29, 1842.

THE Undersigned, &c. has the honour to acknowledge the receipt of the note of the Earl of Aberdeen, &c. dated 17th March instant, in which Lord Aberdeen informs the Undersigned that Her Majesty's Government acknowledge that the act of the officer commanding the "Waterwitch," in detaining the American ship "*Tigris*" on the coast of Africa, was not justifiable on any principle of international law, or by any existing Treaty between Great Britain and the United States; and the case is one in which compensation may justly be demanded by the United States Government from the Government of Great Britain.

The Undersigned has received this communication from the Earl of Aberdeen with the highest satisfaction, and will lose no time in transmitting it to his Government. The President of the United States, the Undersigned is persuaded, will regard it as a signal manifestation of the principles of justice which animate Her Majesty's Government, and of a determination to repair the wrongs which have been inflicted upon the American flag and commerce in the African Seas. From such a determination, thus manifested, the happiest influence on the relations of the two Governments may be confidently anticipated.

In reference to the request of Lord Aberdeen, to be furnished with a statement by the owners of the "*Tigris*," accompanied with documentary evidence, of the damage which they have sustained by the unauthorized act of the British officer, the Undersigned has the honour herewith to transmit, for more convenient perusal, a copy of such a statement, which has lately been received from Washington. The original, duly authenticated, is also in the hands of the Undersigned, and will be sent to Lord Aberdeen whenever a wish to that effect may be expressed by his Lordship.

The Undersigned, &c.

(Signed) EDWARD EVERETT.

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

 Enclosure in No. 144.

To the Honourable Daniel Webster, Secretary of State for the United States.

ROBERT BROOKHOUSE and William Hunt, both citizens of Salem, in the county of Essex, and state of Massachusetts, merchants, would respectfully represent, that in February last past your memorialists directed and sent to the Department of State for the United States, a memorial, verified by affidavits, setting forth and showing that your memorialists had been interrupted in their lawful enterprise, had been most seriously injured, and had suffered great losses, by reason of the wrongful seizure and detention of their vessels, the brig "*Tigris*" and the ship "*Seamew*," while pursuing their late voyages on the coast of Africa, by armed British cruisers, belonging to and in the service of Her Britannic Majesty the Queen of England. In addition to the above-named memorial and affidavits, to which your memorialists beg leave to refer for the particulars therein set forth, your memorialists herewith transmit other documents and proof of the injury done them and their damage suffered by the said seizures and detentions, and particular and accurate statements of the losses sustained to your memorialists thereby. The particulars of said losses in the case of the "*Tigris*" will be found in paper hereto annexed and marked (I.)

This statement, it is believed, will be found to be fully sustained and proved by the affidavits of Nathan Augustus Frye, master of the "*Tigris*," hereto annexed and marked (III.); another affidavit made by said Frye, and attached to said memorial of February last past; also the affidavit of Thomas Williams, one of the seamen of the "*Tigris*," which also accompanied the said memorial of

February last; also to the survey, signed by Richard Davis, Anthony D. Caulfield, and William M'Harron, hereto annexed and marked (IV.); and also the affidavit of Samuel Burnham, first officer of the "*Tigris*," hereto annexed and marked (V.). To all of which your memorialists beg leave to refer for further particulars, as also to the vouchers annexed.

The statement of loss to your memorialists in the case of the "*Seamew*" is annexed and marked (VI.).

This last statement, it is believed, will be found to be fully proved and supported by the affidavit of James Briant, master of the "*Seamew*," hereto annexed and marked (VIII.). The protest of said Briant, hereto annexed and marked (XIII.); and also the affidavits of Francis Babbige, the first officer, and Isaac Smith, cook, of the "*Seamew*," hereto annexed, marked (IX. and X.); and also the affidavit of Isaac Shreve, attached to the said memorial of February last past; to all of which they beg leave to refer for additional particulars, as also to the vouchers annexed.

Your memorialists also herewith present the claims for damages made on behalf of Joseph H. Hanson, Robert Brookhouse, jun., James Briant, and José de Freitas, for whom your memorialists act as agents in this behalf. The justice and the extent of the claims made on behalf of the above-named persons are shown by the same documents and affidavits referred to above. Statement of the damages done said Hanson, in the case of the "*Tigris*," is hereto annexed and marked (II.). Statements of the damages done said Hanson, Robert Brookhouse, jun., James Briant, and José de Freitas, in the case of the "*Seamew*," are hereto annexed and marked (VII.).

Your memorialists further beg leave to make some suggestions and explanations in reference to the items claimed in their statements of damage.

1. The "*TIGRIS*."

In this case the first item is a claim for "demurrage." It will be seen by the affidavits of N. A. Frye, Samuel Burnham, and Thomas Williams, above referred to, that the "*Tigris*" was seized on the seventh (7th) day of October, A.D. 1840. That the said Frye, the master, was then forcibly dispossessed of the command and use of her; and that she was thus forcibly and wholly under the control of the British officer and crew placed on board of her by the commander of the "*Waterwitch*" until the twenty-ninth (29th) day of December, A.D. 1840, a period of eighty-four days, when the possession of her was relinquished; during which time the "*Tigris*" was entirely out of the use and beyond the control of your memorialists, by the aforesaid unlawful seizure and detention.

Your memorialists then make claim for the sum of thirty dollars (30 dollars) per day, which they believe to be a fair, reasonable, and customary charge for "demurrage" of a vessel of the size of the "*Tigris*," viz., 164 tons. This claim is also supported by the affidavit hereto annexed and marked (XI.).

The second item in the case of the "*Tigris*" is a charge for detention of the cargo, at the rate of six per cent. per annum for the time detained. It will be seen by the affidavits of N. A. Frye and Samuel Burnham, above referred to, that the amount of property named in said item, viz., 34,336 dollars 57 cents, was actually on board the "*Tigris*" when she was seized; that the same was forcibly kept and detained on board of her during the eighty-four days' detention, wholly taken from the use of your memorialists, and beyond their control, during that time.

For this your memorialists claim damages at the legal rate of use or interest in Massachusetts, the state of their residence, being the most easy and definite mode of computing their loss, though by no means affording a full indemnification under this head.

The third item in the case of the "*Tigris*" is a claim for insurance on the "*Tigris*" and her cargo, eighty-four days, the same having been at risk during the whole of that time. This item, it is believed, needs no further explanation.

The fourth item in the case of the "*Tigris*" is a claim for the loss of the use of 5,070 dollars 40 cents' worth of coffee, which, as appears by the said affidavits of N. A. Frye, at pages 2 and 8, and of said Burnham, at pages 1 and 2, the "*Tigris*" was about to bring home on her return to Salem, but which she was compelled to leave at St. Thomas, wholly unproductive and at great risk. This

coffee has not, up to this time (July, A.D. 1841), been returned to your memorialists, and they have wholly, by means of said seizure and detention, lost the use and profit of said property until this time. Your memorialists, therefore, make claim for the legal rate of use or interest of six per cent. per annum on that amount.

The fifth item in the case of the "*Tigris*" is a claim for damages in the shape of freight for the return of the above-named 50,704 pounds of coffee to the United States. This coffee would have been returned in the "*Tigris*" had she not been seized, at no addition of cost or expense to your memorialists. They must now procure the transmission of the same to Salem in some other manner, and a fair freight for the same would not be less than the sum charged, viz., 1 cent per pound. This item of charge is sustained by the affidavit of N. A. Frye, page 9.

The sixth item in the case of the "*Tigris*" is a charge for loss on contract of purchase of barwood. It appears by the affidavit of N. A. Frye, above referred to, that he had bargained for the purchase of one hundred tons (100 tons) of barwood at St. Thomas. This barwood would have been returned to Salem in the "*Tigris*," at very little, if any, additional expense to your memorialists, had she not been seized as above stated. This barwood, bargained for at the rate of thirteen dollars (13 dollars) per ton, would have sold for fifty dollars (50 dollars) per ton on its arrival at Salem, in the regular course of her voyage; so that your memorialists believe that they have been actually damnified the difference between the sums named on each ton of the said barwood, by reason of said seizure. For proof, refer to affidavit of N. A. Frye, page 2.

The seventh item in the case of the "*Tigris*" is a charge for damages in being prevented the delivery of goods sold, to be paid for in specie at Ambriz.

It appears by the affidavits of said Frye and Burnham, that a sale had been made of outward cargo of the "*Tigris*," valued at Salem at 3,935 dollars 56 cents, at Ambriz for the sum of 6,605 dollars 54 cents. This property was agreed to be delivered on the eighth day of October, and the specie was to be paid for it on the same day. This would have been accomplished, and the specie returned to Salem, at no additional expense to your memorialists, had the said seizure not taken place. It appears also by the affidavits of said Frye, that he solicited the privilege of landing the said outward cargo, and taking on board the returns, but was refused by the British officer then in forcible command of the "*Tigris*," and that the "*Tigris*" was forced back, where said outward cargo, by having been one voyage to sea, had depreciated even below its original invoice price, making and causing to your memorialists a clear and certain loss of more than the whole difference between the invoice price, 3,935 dollars 36 cents, and the price at which the said goods were sold and were worth at Ambriz, viz., 6,605 dollars 54 cents, proved by affidavit of said Frye at pages 3, 4, and 5.

The eighth item of damage claimed in the case of the "*Tigris*" is for injury done her cargo while under the forcible charge of the seizers, by their negligence in the management of it, over and above what would have occurred by the care it would have ordinarily received had it been suffered to remain under the charge of Captain Frye. This item is supported by the survey hereto attached and marked (IV.), and the affidavits of said Frye, at pages 5 and 6, and of said Burnham, at page 5, and as to the mode in which said damage and injury occurred.

The ninth item in the case of the "*Tigris*" is a charge for expenses which your memorialists have been compelled to pay for said survey for proof in this case, proved by voucher annexed and marked (Z.) to said survey, marked (IV.)

The tenth item in the case of the "*Tigris*" will perhaps need no other explanation than the vouchers for the amount hereto annexed and marked (XII.)

Your memorialists further claim interest at the rate of six per cent. on all the above sums until the payment thereof.

2. The "*Seamew*."

The first item claimed in the case of the "*Seamew*," is for demurrage of the ship 125 days. It appears by the affidavit and protest of James Briant, and the affidavits of Francis Babbige, Isaac Shreeve, and Isaac Smith, above referred to, that the "*Seamew*" was seized, and Captain Briant forcibly dispossessed of her and her cargo by the officers and crew of the "*Persian*," on the 27th day of October, A.D. 1840. That the "*Seamew*" was taken by said officers and crew

so forcibly, seizing and taking possession of her, to Sierra Leone, and to St. Helena, a great distance from Ambriz, and far out of the course of her voyage; and on the 15th day of January, A.D. 1841, the "*Seamew*" was re-delivered to Captain Briant, at St. Helena. After the necessary examination of his ship and cargo, and the recruiting of the ship, and procuring another crew in place of the one which had been taken from the "*Seamew*," said Briant sailed with the "*Seamew*" for the port of Ambriz, whence she had been forcibly taken, where he arrived on the 28th day of January, A.D. 1841. During the whole of that time, a period of one hundred and twenty-five days, (125 days) the "*Seamew*" was rendered of no use or profit to your memorialists, wholly by reason of said seizure and detention, being kept and detained during all that time from the prosecution of her voyage. For this detention, your memorialists claim 40 dollars per day, which they believe to be a fair and customary charge for demurrage of a vessel of the size and value of the "*Seamew*," viz., about two hundred tons. This claim also is supported by the affidavit hereto annexed, and marked (XI.).

The second item in the case of the "*Seamew*" is for damage done to the ship, her sails and rigging, by inattention and want of care, while the ship was under the charge and control of the seizing force. This was extraordinary damage, and not mere wear and tear. This item is fully sustained by the affidavits of James Briant, at pages 8, 9, 10, 11, and 17, and of Francis Babbige, at page 3, all of which are above referred to. And also by the surveys had at St. Helena, and attached to the "protest" of said Briant made at that place.

The third item in the case of the "*Seamew*" is a charge for damage done the cargo of the "*Seamew*," by the persons in forcible control of the ship, by their negligence and inattention to its proper preservation. By means of said inattention and want of care, the coffee on board was greatly damaged, and 14,000 pounds of it were condemned and thrown away, as of no value or use to your memorialists, as appears by the affidavits of said Briant at page 11, and his "protest," and the survey and condemnation of said coffee attached to said "protest," also by the affidavit of Francis Babbige, above referred to at page 2. The value of said coffee is also shown by said affidavit of Captain Briant, at page 11.

The fourth item in the case of the "*Seamew*" is a charge for damage to a large coffee mill, by reason of the negligence of the officers and crew, so in forcible possession of the "*Seamew*." This item is supported by the affidavit of said Briant at page 18.

The fifth item in the case of the "*Seamew*" is a claim for detention, and taking from your memorialists the use of their cargo on board the "*Seamew*" when seized. The amount of property on board when the "*Seamew*" was seized, and while she was detained, is shown by the affidavits of said Briant at pages 2, 3, 14, and 15, and his "protest," and the affidavit of said Babbige above referred to. It is also shown by the same, that this amount of property, viz., 33,687 dollars' worth, was rendered wholly useless to your memorialists during said 125 days' detention, entirely by means thereof. Your memorialists, therefore, claim damages at the rate of use or interest on the amount for that time, as stated in reference to the second—a similar item—in the case of the "*Tigris*."

The sixth item is a claim for damages at the rate of insurance on said property, and the value of the "*Seamew*" during said 125 days' extra risk. This item stands on the same footing with the third item in the case of the "*Tigris*."

The seventh item in the case of the "*Seamew*," is a claim for damage for preventing her from taking her cargo to the destined markets at the contemplated and suitable seasons. Your memorialists had so planned their enterprise, that the goods and merchandize, sent out by them on board the "*Seamew*," should arrive at a particular time of good markets at her destined ports of trade, where said goods and merchandize would have sold for high and good prices. But by means of the detention of 125 days, the "*Seamew*" arrived at those places at an unsuitable time for trade, and by means thereof, a clear and certain damage accrued to your memorialists to the amount stated. For proof of this they refer to the affidavit of James Briant, above referred to at page 13, and the account marked (C.) there found, and also to the affidavit of said Babbige, all above referred to.

The eighth item in the account of damage in the case of the "*Seamew*," is a

CLASS D.

claim for damage, by being compelled to leave 7,368 dollars' worth of property, unproductive at Ambriz, during said 125 days, wholly by reason of said seizure. For this your memorialists calculate damages, at the rate of interest, or use for the time, and for the same reason as in other cases above. For proof of this item, reference is had to the affidavit of said Briant, at pages 3 and 16, and the affidavit of said Babbige, at page 2.

The ninth item stands on the same footing with the eighth above, and reference is had for proof of it to the said affidavit of Captain Briant, at page 16.

The tenth item in the case of the "*Seamew*" is a claim for damages accruing to your memorialists, by being compelled to leave property to the amount of 1000 dollars at St. Thomas, by reason of said seizure, which is not yet collected for the same reason, and on this your memorialists have cast interest, or use at 6 per cent. per annum, from the seizure to the present time. When the same can be collected cannot well be told. For proof of this item, reference is had to the affidavit of said Briant, at page 16.

The eleventh item is a claim for wages and expenses of Mr. Shultz and Mr. French. These individuals were employed by your memorialists at the places mentioned, for the purpose of selling goods, and collecting the products of the country in return. They were to return in the "*Seamew*" with Captain Briant. They were compelled to remain there at the cost and expense of your memorialists, during the 125 days longer than they otherwise would have staid, by reason of said seizure. For all which, said Shultz and French have been paid by your memorialists. For proof of this item, reference is had to the affidavit of said Briant, at page 18.

The twelfth item is a claim for expenses made necessary by said seizure and detention at St. Helena. This is for items of cash paid, as appears by the affidavit of said Briant, at page 14.

The thirteenth item is a claim for expenses rendered necessary to prove the claim, vouchers for the same are annexed, marked (XII.). Your memorialists further claim interest on all the above sums, at 6 per cent. until the payment thereof.

The claims of Joseph H. Hanson, Robert Brookhouse, junior, and José de Freitas, are based on the same footing with similar claims herein stated by your memorialists on their own behalf. Reference for proof of said claims is had to the affidavit of N. A. Frye, at pages 10 and 11; to the affidavit of said Briant, at page 15; and to the affidavit of said Babbidge, and to the "protest" of said Briant, all above referred to.

The claim of James Briant, it is believed, will be considered reasonable, proper, and just, to be allowed under the circumstances of the case. Reference for proof of this item is had to the affidavit of said Briant, at page 14, and to his said "protest."

Your memorialists are constrained respectfully to urge upon the Government of the United States, through their Honourable Secretary of State, a speedy and full consideration of the injury done them by the seizure above stated, and an inquiry into their damages thereby suffered, with the fullest hope and confidence, that such measures will be promptly pursued by the Government, that your memorialists may obtain reasonable satisfaction, and a suitable indemnity for the heavy losses by them in this behalf, most wrongfully and unjustly sustained.

And your memorialists would respectfully solicit the same consideration for the claims on account of the other individuals herein named as claimants, as they here request for their own. And as in duty bound your memorialists will ever pray.

(Signed)

ROBERT BROOKHOUSE.
WILLIAM HUNT.

Commonwealth of Massachusetts,
Essex, Ss., July 22, 1841.

Then Robert Brookhouse and William Hunt, Esqrs., personally well known to me, appeared, and made solemn oath to the truth of the afore-written memorial by them subscribed before me.

(Signed)

W. GLEN KING, *Justice of the Peace.*

Statement of the total amount of damage suffered by the before-named seizures and detention, and claimed by Robert Brookhouse and William Hunt, for themselves and others.

	Dollars.
1st. In case of the " <i>Tigris</i> ."	
For damage done themselves	12,216·26
Particulars in paper marked (I.) annexed:—	
For damage done to Joseph H. Hanson	107·77
Particulars in paper marked (II.) annexed:—	
2nd. In case of the " <i>Seamew</i> ."	
For damage done to themselves	15,332·67
Particulars in paper marked (VI.) annexed:—	
For damage done to Joseph H. Hanson and others	1,045·74
Particulars in paper marked (VII.) annexed:—	
	28,702·44

Interest on the above amount until discharged, at the rate of 6 per cent.

(I.)

"*Tigris*."

STATEMENT of the claim made by Robert Brookhouse and William Hunt, for the damages accruing to them through the seizure and detention of their brig the "*Tigris*," and her cargo by Her Britannic Majesty's armed brig of war, the "*Waterwitch*," at Ambriz, on the coast of Africa, on the 7th day of October, A.D. 1840, H. J. Matson, Lieutenant Commanding.

	Dollars.
1st. Demurrage of brig " <i>Tigris</i> ," from October 7, A.D. 1840, to December, 30, A.D. 1840, eighty-four days, including wages and provision of crew, thirty dollars per day	2,520·00
2nd. Damages calculated at the rate of 6 per cent. per annum, the rate of interest established in Massachusetts, on the cargo of 34,336 dollars 57 cents, seized and detained on board the " <i>Tigris</i> ," and kept from the control of the owners during the whole period of her detention—84 days	480·77
3rd. Insurance on vessel and cargo:—	
Vessel valued at	5,000·00
Cargo	34,336·57
at 2 per cent. for 84 days	786·73
4th. Damages, by being compelled to leave coffee, of the value of 5,070 dollars 40 cents, at St. Thomas, now lying unproductive at said St. Thomas, by reason of said seizure, calculated at the rate of interest, 6 per cent. per annum, from 7th October, A.D. 1840, to the present time, the 7th July, A.D. 1841	228·16
5th. Freight in said coffee, of 50,704 lbs., forced by said seizure to leave at St. Thomas, which must hereafter be freighted home in some other vessel, at a freight of about 1 cent per pound	507·04
6th. Damage, by being prevented from fulfilling contract for barwood at St. Thomas, difference between 13 dollars per ton purchase money and 50 dollars per ton, for which it would have sold at Salem on return—100 tons, at 37 dollars per ton	3,700·00
7th. Damages, by being prevented the delivery of outward cargo, valued at Salem 3,935 dollars 36 cents, sold at Ambriz for 6,605 dollars 54 cents, on the 6th of October, A.D. 1840, to be delivered and paid for in specie on the 8th of October, A.D. 1840, but seized on the 7th of said October, and the whole of said outward cargo forcibly returned to Salem, being a clear loss to the owners of the difference between these sums	2,670·18

	Dollars.
8th. Damage on goods returned to the United States, as per survey	1,143-28
9th. Expenses of survey of cargo at Salem hereto annexed	30-00
10th. Expenses—money paid for taking testimony, and making statement of loss to prove this claim.	150-00
11th. Interest on all the above sums until the payment thereof.	

(II.)

"Tigris."

STATEMENT of claim made by Robert Brookhouse and William Hunt, on account of Joseph H. Hanson, for damages accruing to him through the seizure and detention of the "*Tigris*," and his property on board of her, by Her Britannic Majesty's armed brig the "*Waterwitch*," on the 7th of October, A.D. 1840, at Ambriz, on the coast of Africa, H. J. Matson, lieutenant, commanding.

1st. Damages calculated at the rate of interest 6 per cent. per annum on the property of said Hanson, worth 1006 dollars 12 cents, kept and detained 84 days under said seizure	14-08
2nd. Damages, by being compelled to leave coffee of the value of 425 dollars at St. Thomas, by reason of the said seizure, which has remained from said cause unproductive to said Hanson to this hour, calculated at the rate of interest 6 per cent., from 7th October, 1840, to 7th July, 1841, the present time	19-12
All the above is proved by the affidavit of N. A. Frye, at pages 10 and 11; so also the item below.	
3rd. Damages for loss on invoice of outward cargo, valued at Ambriz, where seized, 160 dollars, but depreciated in value by being forced back to Salem, so as to fall even below the original invoice price at that place, viz., 85 dollars 43 cents, actual damage, at least the difference between those sums	74-57
4th. Interest until payment thereof	107-77

(III.)

Affidavit of Captain Frye.

I, NATHAN AUGUSTUS FRYE, of Salem, in the county of Essex and State of Massachusetts, on oath, depose and say, that I was master of the brig "*Tigris*," of said Salem, on her late voyage from Salem to the coast of Africa. The "*Tigris*" was owned by Robert Brookhouse and William Hunt, of said Salem, merchants, and she was employed by them for said voyage. The cargo of the "*Tigris*" on said voyage also belonged to said Brookhouse and Hunt, and a small part to Hanson, as stated below. I sailed from said Salem with the "*Tigris*" under my charge, on the 11th day of May, A.D. 1840. We sailed first to the island of St. Thomas, on said coast; I arrived there on the 27th day of July, A.D. 1840. I there sold a large quantity of my outward cargo for the sum of 9,988 dollars 44 cents; for which I took in payment 98,348 lbs. of coffee, at 10 cents per lb.; about 4½ tons of barwood, at 12 dollars per ton; and the remainder 100 dollars and 64 cents in money and provision.

I took on board the "*Tigris*" at that time 47,644 lbs. of said coffee, which was worth not less than 4,764 dollars and 40 cents; and I left at said St. Thomas, to be taken hence with me to Salem, on my return passage, 50,704 lbs. of said coffee, which was worth not less than 5,070 dollars and 40 cents; and 4½ tons of redwood, worth at least 54 dollars, which I could not take into the "*Tigris*" until I had discharged a further quantity of my outward cargo. I agreed at St. Thomas also for the purchase of 100 tons of barwood, which I was to take with me to said Salem on my return by way of said island, at 13 dollars per ton, which said barwood, on my return to said Salem, if my voyage had not been interrupted and broken up as hereafter stated, would have sold for 50 dollars per

ton, according to sales made of the articles about the same time, making to my said owners a damage on loss of the difference by the seizure hereafter stated.

Afterwards I touched and traded at various places in the course of my voyage on said coast, sold outward and taken on board return cargo, as stated by me fully in an affidavit given by me before John G. King, Esq., and attached to a memorial on the subject of the seizure and detention of the "*Tigris*" and "*Seamew*" of said Brookhouse and Hunt, sent in February last past to the Department of State for the United States, in which all the matters and occurrences of said voyage are fully stated and set forth, and to which, as well as to my "protest" accompanying this affidavit, I wish to refer for further specifications of said facts relating to said voyage.

After having touched and traded at said several ports and places, I sailed in charge of said "*Tigris*" to the port of Ambriz, where I arrived on the 6th day of October, A.D. 1840.

I there sold the whole of the remainder of my outward cargo, belonging to said Brookhouse and Hunt, for the sum of 6,605 dollars and 54 cents, to be paid in specie upon the delivery of said goods. The said remaining outward cargo I was to deliver, and receive said payment for, on the 8th day of October, A.D. 1840.

But, before I could deliver the same, the "*Tigris*" was forcibly boarded and seized, and detained by Her Britannic Majesty's brig the "*Waterwitch*," a vessel of war, armed: and I was compelled, by being made prisoner with my crew on board, to return to said Salem, leaving the purposes and objects of my voyage entirely unfinished, as is more fully stated in my "protest" accompanying this affidavit, and also in my former affidavit before spoken of, accompanying said memorial. All the circumstances attending my seizure and detention by said armed brig the "*Waterwitch*" are fully and truly stated by me in said former affidavit and my "protest."

I stated to the commander of the "*Waterwitch*," Lieutenant Matson, that said remaining outward cargo was sold, and was to be delivered the next day, as above stated by me, and requested and urged upon him that I might be permitted to complete said delivery of said cargo, and take on board said specie, but he wholly refused to suffer me to do so.

And by means of said seizure and detention I could not deliver said outward cargo, nor did I receive any part of the specie which was to have been paid therefore; but said contract and all the benefits thereof are wholly lost to my said owners. All the outward cargo so sold, and not delivered, was sent and brought to Salem by the force and illegal restraint and violence of the said Matson, and those placed on board said "*Tigris*" by him for that purpose, as stated more fully in said "protest" and my said former affidavit. The said goods so sold on their arrival at said Salem, if they had not been damaged as stated in the survey accompanying this affidavit, and signed by *Richard Davis*, *Anthony D. Caulfield*, and *William M'Harron* would not have sold for or been worth so much as their invoice value, which was 3,935 dollars 36 cents, which would make to my said owners a clear loss in this respect by said "seizure of 2,670 dollars and 18 cents. Even if said outward cargo had been returned undamaged to said Salem, and even also, if it had been worth said invoice value on said return, had it been undamaged. Over and above this estimate is the loss and damage done to said cargo as estimated in said survey, and also the injury done to said coffee as named in said survey. All of which occurred through the improper mode of breaking out and overhauling our cargo by the "*British Seizers*," and by their negligence and inattention to the re-stowage and proper care of said goods and merchandize. All the appearances of disorder and negligence in said survey named arose from the said cause, and from the gross intoxication of Mr. Jackson, the prize officer, who came to Salem in charge of the "*Tigris*;" and I believe the estimate of said damage made by said survey is correct. Said cargo, before the "*Tigris*" was seized, was stowed in a faithful manner and well dunnaged. But said outward cargo had depreciated in value on its return to said Salem, and was not worth its invoice price, but had depreciated at least 30 per cent. on said invoice value, by reason of its having been said voyage to sea, and returned unsold.

The "*Tigris*" was seized on the 7th day of October, A.D. 1840. She was brought into and arrived at Salem in charge of said Jackson, and a prize-crew placed on board by said Matson, of sufficient force to hold and maintain compul-

sory possession and control of said "*Tigris*," on the 29th day of December, A.D. 1840. During all which time, a period of *eighty-four* days, said "*Tigris*" was not under my charge or control, but was under the forcible and illegal charge and control of the officers and crew of said British armed brig "*Waterwitch*," and that of the said officer and crew placed on board to take the "*Tigris*" to Salem. My crew, together with myself, were restrained of our liberty during all said time, and were brought under said restraint to said Salem, except Daniel A. Frye, who was on shore at Ambriz when we were seized, and was left there.

The "*Tigris*" was then detained on said coast about 14 days, in charge of a prize-officer and crew from said "*Waterwitch*." The "*Tigris*" was then taken by said Jackson and his prize-crew, so having her in forcible possession, to the island of Ascension, for the purpose of obtaining for said officer and prize-crew woollen cloths and provisions from the British Naval depôt at that island.

The "*Tigris*" arrived under charge of said Jackson at said island of Ascension on the 6th day of November, A.D., 1840, and remained there until the 9th day of said November; then she sailed in charge of said Jackson and prize-crew for the United States, by the way of Bermuda. She arrived in Salem in charge of said Jackson and prize-crew, on the 29th day of December, A.D., 1840, after a passage of about 50 days from said Ascension, which would be about a fair and reasonable time for performing the passage from Ambriz to said Salem.

The crew of the "*Tigris*," together with myself and officers, were supported out of the provisions of the "*Tigris*" during the said *eighty-four* days, excepting that during a period of about 14 days four men and one boy of my crew were detained on board the "*Waterwitch*," having been forced and driven out of the "*Tigris*" very much against their will, and except as to said Daniel O. Frye.

The provision and board of myself and crew during the time we were all on board the "*Tigris*" so detained, being about 70 days, would amount in value at least to 116 dollars 20 cents; and during the fourteen days' detention, while said men and boy were on board the "*Waterwitch*," the board and provisions of those of us who remained in the "*Tigris*" would be worth at least 10 dollars 50 cents.

The wages of my crew were as follows, and their names and number:—

	Dollars.
Samuel Burnham, mate	30
Charles Hemeckson, second mate	21
David Askins, seaman	18
Thomas Williams, do.	18
J. P. Mansfield, do.	18
Geo. Scotchburn, do.	16
Michael Gould, boy	6
D. O. Frye, clerk	10
My own wages	18

All of which will more fully appear from the shipping papers of said "*Tigris*."

The coffee and barwood, left by me as before stated at St. Thomas, I was not suffered to take home with me to Salem by reason of said seizure. The same has not up to this time been returned to said Salem. My said owners have not up to this time had any use or profit of the same, and probably cannot have any use of the same until I myself go and take it in person, and it is even doubtful whether at this distance of time the same can be recovered at all.

The freight of the said coffee from St. Thomas would amount to about one cent. per pound.

There was on board the "*Tigris*" on the seventeenth day of October, A.D. 1840, when she was seized as aforesaid, and during the whole time of our detention, as before stated, goods, merchandize, and cargo, of the value when taken at Ambriz of thirty-four thousand three hundred and thirty-six dollars and fifty-seven cents. As more particularly stated in the account hereto annexed and marked (A.) in ivory, coffee, wax, &c., as stated, and outward invoice valued at the price it was worth and was sold for, when and where taken and seized. This cargo was all then in good order, well stowed and well dunnaged, and all belonged to said Brookhouse and Hunt; and during all that time, viz., *eighty-four* days, neither the "*Tigris*" nor her crew, nor said cargo, were under my charge, or the charge of said Brookhouse and Hunt, or any agent of theirs; nor

were they of any use, profit, or avail to said Brookhouse and Hunt during said period of detention. Also, there was on board said "Tigris" when taken a quantity of merchandize belonging to Joseph H. Hanson of said Salem, for whom said Brookhouse and Hunt were agents, coffee and ivory of the value of eight hundred and forty-six dollars and twelve cents (\$846.12), as stated in account hereunto annexed and marked (B).

There was also on board said "Tigris" belonging to said Hausen an invoice of outward cargo, valued at Salem, eighty-five dollars and forty-three cents, but worth at Ambriz, when and where the "Tigris" was seized, at least one hundred and sixty dollars (\$160.00), as in account marked (B).

This property, belonging to said Hanson, was kept and detained, as above, during the whole eighty-four days while the "Tigris" was under the illegal restraint before stated.

I had also engaged to collect, and should have collected and brought hence with me to Salem, if the "Tigris" had not been seized as above stated, four hundred and twenty-five dollars in coffee (\$425.00) for said Hanson, which by reason of said seizure I could not obtain and have not yet obtained, and said Hanson up to this time has obtained no value, or profit, or use thereof; and it is even doubtful whether at this distance of time he will ever obtain the same.

The "Tigris" is a brig of about one hundred and sixty-four tons, and is valued at about five thousand dollars.

I know of no fact or circumstance, or breach of any law on my part or the part of any one connected with said "Tigris," which would afford any justification, excuse, or colour for said seizure, or for any seizure or detention by any one. The "Tigris" was never, so far as I knew, nor any one on board of, or connected with her, engaged either directly or indirectly in any illegal traffic.

(Signed) N. AUGUSTUS FRYE.

Essex ss., Commonwealth of Massachusetts,
21 June, 1841.

Then the above-named Nathan Augustus Frye, personally appeared before me, and made oath that the facts stated by him in the above affidavit, by him subscribed, are true according to his best knowledge and belief.

(Signed) J. C. PERKINS, Justice of the Peace.

(A.)

Property purchased on Coast of Africa for Homeward Cargo, on board of brig "Tigris" at the time of seizure, belonging to Messrs. Brookhouse and Hunt.

	lbs.	Dollars.
219 prime teeth of ivory, weighing	7,755½	
180 " " shipped by W. Schutz	6,206	
	<hr/>	
	13,961½ at 1.12½	15,706.18
	<hr/>	
1,018 scriolls of ivory, weighing	6,163½	
532 " " shipped by W. Schutz	2,741	
	<hr/>	
	8,904½ at 80 cents.	7,123.60
	Dollars.	Dollars.
47,644 lbs. of coffee, at 10 cents per lb.	4,764.40	
2 game yell. wax, at 35 cents	136.85	4,901.25
	<hr/>	
And an invoice of outward cargo remaining on board, and valued at Ambriz		6,605.54
		<hr/>
		\$34,336.57

(B.)

Property on board brig "Tigris" at time of seizure, belonging to Joseph H. Hanson, of Salem.

	Dollars.
4,522 $\frac{3}{4}$ lbs. of coffee, at 10 cents	452.27
7 prime teeth of ivory, weighing 218 lbs., at 1.12	244.25
26 scriolls of ivory, weighing 187 lbs., at 80 cents	149.60
And an invoice of outward cargo remaining on board, valued on Coast of Africa	160.00
	\$1,006.12

(IV.)

"Tigris."

WE, the undersigned, master mariners, having been appointed by the owners of brig "*Tigris*" (lately arrived from Africa under charge of Mr. Jackson, midshipman of Her Britannic Majesty's brig "*Waterwitch*"), for the purpose of examining the storage and condition of the cargo on board said vessel, make the following report:—

That on the 21st December, 1840, we repaired on board brig "*Tigris*," and were present at the opening of the hatches; went into the hold of the vessel and found the cargo in a very disordered state, and most carelessly stowed; cases of hats broken open, and some of the hats much injured, apparently cut with a knife. One case of small looking-glasses broken open, and glasses broken; bags of coffee stowed against the masts; pump, well, and ceiling of the vessel without dunnage, apparently much damaged; powder kegs, damaged by water, the most of it in a very bad state. There appeared to have been no care taken in storing the cargo, which was literally thrown promiscuously into the vessel; viz., coffee, ivory, powder, iron-hoops, bales of dry goods, bags of bread, old sails, &c.

January 1, 1841. We again repaired on board the "*Tigris*," found 35 bags of coffee badly wet, and six bags partially wet, lying against the ceiling of the vessel.

January 2nd. Again repaired on board the "*Tigris*;" found cases of muskets, and bags of coffee, which were stowed in the bottom of the vessel much wet; eighteen barrels of rum, all but one partly out, and one entirely out. Above and upon the muskets and rum we found large quantity of heavy stone ballast.

Not being able to determine while on board the vessel the extent of the damage, the cargo was put into store, when all the cases were opened in our presence. We also proceeded to the magazine, where the powder was stored; and after a careful examination of all the cargo, we have estimated the damages on every article, schedule of which we herewith annex.

We would further report that the damage to the cargo, in our opinion, arises wholly from inattention to the pumps and neglect in storage.

(Signed)

RICHARD DAVIS.

ANTHONY D. CAULFIELD.

WILLIAM M'HARRON.

Essex ss., Commonwealth of Massachusetts,
18th March, A.D. 1841.

Then the above-named Richard Davis, Anthony D. Caulfield, and William M'Harron appeared and made oath that all the facts stated by them in the above Report are true in every particular to their best knowledge and belief.

Before me,

(Signed)

J. C. PERKINS, *Justice of the Peace.*

SCHEDULE of Cargo of brig "Tigris" from Africa, found damaged.

	Invoice Value.		Damage.	Damage.
	Dols.	Cents.	Per Cent.	Dols. Cents.
1 bale Bejutipauts . . . 123 pieces.				
1 " Neganepauts . . . 248 "				
1 " Chilloses . . . 123 "				
	494 pieces, at 105 cents			
125 pieces Romalls, at 37 cents		518·70	12	62·24
1 picce Salempores		46·25	..	5·55
55 pieces furniture, 1,901 $\frac{3}{4}$ yards, at 5 $\frac{3}{4}$ cents		2·25		
5 " Jaconet lappets, 50 yards, at 15 $\frac{1}{4}$ cents		63·86		
1 lb. sewing silk		7·62		
1 bolt canvass		10·50		
1 case pocket-glasses, 50 dozen		17·00		
		20·00		
60 pieces muslin de laine, at 2 dollars per piece		121·23	20	24·24
6 umbrellas, at 2 dollars, 30 cents each		120·00	25	30·00
1 $\frac{7}{8}$ dozen coney hats		13·80	70	9·66
1 $\frac{1}{2}$ " "		8·17		
1 " drab hats		18·33		
		11·00		
		37·50	50	18·75
4 riding-saddles, at 7 dollars each		28·00		
2 pad-saddles, at 4 dollars 75 cents each		9·50		
1 bridle		1·25		
		38·75	50	19·37
3 cases muskets, 90, at 3 dollars each		270·00	30	81·00
9 " 270, at 3 dollars each		810·00	20	162·00
18 $\frac{3}{4}$ dozen quart bowls, at 1 dollar 10 cents each		20·62		
14 dozen pint bowls, at 65 cents each		9·10		
5 dozen half-pint bowls, at 50 cents each		2·50		
		32·22	50	16·11
79 dozen pint bowls, at 78 dollars each		61·62		
17 dozen half-pint lustre pitchers, at 1 dollar 40 cents each		23·80		
7 dozen pint lustre pitchers, at 1 dollar 40 cents each		9·80		
4 $\frac{1}{2}$ " " at 2 dollars 5 cents each		9·05		
25 dozen half-pint bowls, at 62 cents each		15·50		
5 dozen pint lustre pitchers, at 2 dollars 5 cents each		10·25		
2 $\frac{1}{2}$ dozen quart " at 3 dollars 10 cents each		6·46		
6 $\frac{1}{2}$ " "		17·26		
26 $\frac{3}{4}$ " "		21·69		
4 $\frac{7}{8}$ " " at 3 dollars 10 cents each		14·21		
		189·64	50	94·82
2 $\frac{3}{4}$ " "		8·26		
8 $\frac{1}{2}$ dozen half-pint favey mugs		5·52		
7 $\frac{1}{4}$ lustre pitchers		36·54		
		50·32	50	25·16
13 boxes lemon syrup, at 3 dollars 50 cents per box		45·50		
11 " anchovies, at " "		38·50		
17 " olives, at 2 dollars 50 cents per box		42·50		
2 " cider, at 2 dollars 25 cents per box		4·50		
		131·00	25	32·75
7 barrels N.E. rum, 285 gals., at 28 cents per gallon		79·80		
100 cases "		100·00		
		179·80	10	17·98
116 kegs powder, 25 lbs. each		290·00		
50 " 20 lbs. each		100·00		
		390·00	60	234·00
41 bags coffee, 4,130 lbs., at 10 cents per lb.		413·00	75	309·75

(Signed) RICHARD DAVIS.
ANTHONY D. CAULFIELD.
WILLIAM M'HARRON.

Brig "Tigris" and Owners to the Undersigned.

Dr.

To Surveys of return Cargo 30 dollars.

Received payment.

Salem, March 18, 1841.

(Signed) WILLIAM M'HARRON.
RICHARD DAVIS.
ANTHONY D. CAULFIELD.

United States of America, Commonwealth of Massachusetts.

Essex, ss.

By this public instrument of protest be it known, unto all to whom the same shall come, that on this fifteenth day of January, in the year of our Lord eighteen hundred and forty-one, before me, Jonathan P. Saunders, Notary Public, duly constituted and sworn, and dwelling at Salem, within the Commonwealth aforesaid, and a Justice of the Peace for the County of Essex, personally appeared Nathan A. Frye, master; Samuel Burnham, mate; and David Askin, mariner of the brig "*Tigris*," of Salem, (the said Nathan A. Frye having previously, viz. on the 31st day of December, A.D. 1840, noted protest with me, said notary,) who after being duly sworn, do severally on oath declare, that while the said brig "*Tigris*" lay at anchor at the bay or harbour of the Port of Ambriz, a port on the coast of Africa, situated in latitude 7° 56" North, and longitude 15° 15' West, on the 7th day of October, A.D. 1840, the said brig "*Tigris*" was boarded by certain officers from Her Britannic Majesty's brig "*Waterwitch*," a vessel of war belonging to Her Majesty the Queen of England, and by them the said officers of said "*Waterwitch*," a cabin boy of said Frye the deponent was forcibly taken from said brig "*Tigris*," and carried on board said armed brig "*Waterwitch*," without consent of the said Captain Frye, and during his absence from said brig "*Tigris*;" that afterwards, on the 7th day of October, A.D. 1840, a party of men, accompanied by an officer named Jackson, from said brig "*Waterwitch*," came on board the brig "*Tigris*" armed, the said Jackson with a sword, and the men with pistols, cutlasses, and muskets; that said Jackson ordered and compelled a part of the crew of said brig "*Tigris*," namely, Thomas Williams, David Askins, George Scotchburn, William P. Mansfield, and Michael Gould, to leave the brig "*Tigris*," and go on board the English armed brig "*Waterwitch*;" the men aforesaid refused; the boarding officer Jackson, using approbrious language to them, again order them to go, and ordered the men belonging to said British armed brig "*Waterwitch*" under his command to compel them, the said men of the said brig "*Tigris*," to go, saying, "Men, take your guns," and other words as orders; that said Jackson then hailed the brig "*Waterwitch*," and communicated the fact of the refusal on the part of the men before named, belonging to the "*Tigris*," to leave another party, viz. a boat's crew, &c. then came from the same British armed brig "*Waterwitch*," on board the "*Tigris*." On their being on board, they numbered in all about 15 men, and two officers, nearly all armed; the aforesaid men belonging to the "*Tigris*," viz. the said Williams, Askins, Scotchburn, Mansfield, and Gould then yielded and went on board the "*Waterwitch*," in consequence of the superior armed force of the British commanding officer; that the British commanding officer then took from Captain Frye the brig "*Tigris's*" papers, namely, the register, the shipping articles, the clearance from Salem, and the muster roll.

That the men taken from the "*Tigris*" were detained on board the English armed brig "*Waterwitch*," from 10 to 15 days; that during the time of the men's detention on board the said brig "*Waterwitch*," the deponent's second mate and the cook were neither of them permitted to go out of the "*Tigris*," but were detained in custody of said Jackson and other armed men of the "*Waterwitch*;" that in about three days from the time, the afore-named men were taken out of the "*Tigris*," the commander of Her Britannic Majesty's brig "*Waterwitch*" came on board the "*Tigris*," and took away the log-book of said brig "*Tigris*;" that at the time the men before named were taken from the brig "*Tigris*," as before stated, Captain Frye was about taking on board the remainder of a homeward cargo from that port of Ambriz, and was immediately to proceed to and finish lading the "*Tigris*" at other ports on the coast, viz. when detained as before stated; that although Captain Frye requested it, he was not allowed to take on board any article, or to remove any article from the said brig "*Tigris*." That at this time, viz. the time of her (the said brig "*Tigris*") being so forcibly taken possession of and seized, there was a considerable amount of her outward cargo on board, which had been sold, and was about to be delivered; that at or about the time when the log-book was taken, a greater part of the cargo of the "*Tigris*" was overhauled by order of and under the direction of said Jackson, Her Britannic Majesty's midshipman, and re-stowed in a manner very negligently and loosely, by reason of which it suffered great damage on the passage to the United States of America. In 12 or 15 days from the time of

taking the men from the "*Tigris*," as before named, they were returned, or brought on board the "*Tigris*," in custody of the officers of the "*Waterwitch*," and we, the deponents, and all the crew of the said brig "*Tigris*," were under and in custody of said Jackson, and eight men under his command, belonging to and from said armed brig of Her Britannic Majesty, called the "*Waterwitch*," and were forcibly brought to the United States of America, arriving at Salem after a passage of 71 days.

That said brig "*Tigris*" was first carried to the port of Ascension, on her passage to the United States, and then endeavoured to stop and enter the island of Bermuda: wind and weather, however, prevented.

(Signed) N. AUGUSTUS FRYE, *Master*.
 SAMUEL BURNHAM, *Mate*.
 DAVID ASKIN, *Mariner*.

Wherefore I, the said Notary Public, at the request of the said Nathan A. Frye, and the above-named deponents, have protested, and by these presents do solemnly protest for all losses, damages, accidents, detentions, and violations of neutral rights, as well against the acts of the British commanders and all others concerned in the taking and detaining of said brig "*Tigris*," and for all subsequent acts of said officers whereby detention and loss has accrued to the owners of said brig "*Tigris*" and cargo, and for all accidents which have happened or may hereafter happen or accrue in consequence thereof.

Thus done and protested, at Salem, the day and year above written.

In witness of which, I, the said Notary have hereunto set my hand and affixed my seal the fifteenth day of January, A.D. 1841.

(Signed) JONATHAN P. SAUNDERS, *Notary Public*.

(L. S.)

FEES.	
Noting Protest . . . . .	.75
Protest	3
Record	1
Deponents' attendance	1.50
	6.26
	Dollars

(V.)

"*Tigris*."

I, Daniel Burnham, of Salem, in the County of Essex, and State of Massachusetts, on oath depose and say, that I was mate or first officer on board the brig "*Tigris*" on her late voyage from Salem to the coast of Africa, Nathan Augustus Frye, master. The said brig "*Tigris*" belonged to Robert Brookhouse and William Hunt, and was employed by them. The said "*Tigris*" sailed from Salem on said voyage on the 11th day of May, A.D. 1840.

She arrived at St. Thomas about the 27th day of July, A.D. 1840.

Captain Frye there sold a large quantity of our outward cargo, and took on board a large quantity of coffee, and also left a large quantity of coffee to be taken by us in the "*Tigris*" to Salem, when she touched at said St. Thomas, on her passage returning to Salem; and also we left there a quantity of barwood, to be taken as above to Salem. We touched and traded at several other ports and places on said coast, sold outward, and took on board return cargo of ivory, &c., and arrived on our return at Ambriz, on said coast of Africa, on the 6th day of October, A.D. 1840.

Said Frye then sold the remainder of our outward cargo, and we were to deliver the same on the 8th day of said October. But before we could deliver the same, viz., on the 7th day of October, A.D. 1840, the "*Tigris*" was seized by Her Britannic Majesty's armed brig the "*Waterwitch*;" and Captain Frye, together with myself and the remainder of our crew on board, were made prisoners, and compelled to return under the illegal restraint of the commander of said "*Waterwitch*," and the prize-officer, Mr. Jackson, and prize-crew, placed on board the "*Tigris*" by said commander, for the purpose of taking the "*Tigris*" to Salem.

Said outward cargo so sold at Ambriz was not delivered by reason of said

seizure. The "*Tigris*" was seized on the 7th day of October, A.D. 1840. She was brought into Salem on the 29th day of December, 1840, under charge of said Jackson, and said prize-crew. And during all the time, from said 7th day of October to said 29th day of December, said "*Tigris*," and Captain Frye, and the crew of the "*Tigris*," excepting Daniel O. Frye, and her cargo, were under the forcible and compulsory possession and restraint of Lieutenant Matson, Commander of the "*Waterwitch*," and the prize-crew and officer placed over to take her to Salem as aforesaid; and neither the said vessel nor cargo, nor the officers or crew of the "*Tigris*," were under any control of said Brookhouse and Hunt, or any agent or officer of theirs, nor were they or any of them, nor could they be of any use, profit, or advantage to said Brookhouse and Hunt.

I have read the affidavits of said Nathan Augustus Frye, to which mine is here attached, and I hereby state that what he has said in said affidavit respecting the seizure of the "*Tigris*" by said "*Waterwitch*," and all the circumstances thereof, of our passage to Ascension and to Salem from said Ascension are all true. Also what is said by said Frye in said affidavit, respecting the provision of himself and crew of the "*Tigris*," during said 84 days' detention as aforesaid is true. We were not suffered to complete the delivery of said outward cargo at said Ambriz, as stated by said Frye, and under the circumstances stated by him.

We were not suffered to take said coffee and barwood, as stated by said Frye from St. Thomas.

I knew that the coffee, ivory, wax, &c. were on board the "*Tigris*" when seized, and during the whole period of detention, as stated by said Frye in his said affidavit. I knew that said Hansen had property on board said "*Tigris*" when taken as stated by said Frye.

The "*Tigris*" is a brig of about 164 tons, and I hereby state that all the facts stated by said Frye in his said affidavit are true so far as the same came to my knowledge, and I believe them all true throughout.

I knew of no fact or circumstance, or breach of any law on the part of said Frye, or on the part of any one connected with said "*Tigris*," which would afford any justification, excuse, or colour for said seizure, or for any seizure or detention by any one. The "*Tigris*" was never, so far as I know or believe, nor any one on board of or connected with her engaged, either directly or indirectly, in any illegal traffic.

I received my wages at the rate of 30 dollars per month of said Brookhouse and Hunt up to the said 29th day of December, A.D. 1840.

I knew that said cargo suffered the damage and injury stated in the accompanying survey, by the carelessness and negligence of the officers and crew placed on board the "*Tigris*" by said Matson, and while under their control, as stated by said Frye. The argo of the "*Tigris*" was well and faithfully stowed when she was seized, as before stated.

(Signed) SAMUEL BURNHAM.

Essex ss., Commonwealth of Massachusetts,
June 21, 1841.

Then personally appeared the said Samuel Burnham, and made oath that the above affidavit by him subscribed is true, to his best knowledge and belief. Before me.

(Signed) J. C. PERKINS, *Justice of Peace.*

(VIII.)

"SEAMEW."

Affidavits of James Briant, Francis Babbidge, and Isaac Smith.

I, JAMES BRIANT, of Beverley, in the county of Essex and state of Massachusetts, of lawful age, on oath, depose and say that I have been a ship-master for 20 years last past, and for the last 18 years I have been engaged in a lawful trade from Salem, in said county, to the coast of Africa and the adjacent islands, in the employment of Robert Brookhouse, and said Brookhouse and William Hunt, of said Salem, merchants. About the 1st day of July, A.D. 1840, I sailed as master of the ship "*Seamew*," of said Salem, belonging to and in the employment of said Robert Brookhouse and William Hunt, from said port of Salem to the coast of Africa and adjacent islands, having on board an assorted cargo of merchandize, as

will appear by invoices of goods, numbers 1, 2, and 9, attached to and enclosed in my "Protest," to which this affidavit is annexed, and on pages of said "Protest" 13, 15, 16, 17, 18, 35, and under the instructions which appear enclosed in said "Protest" numbered 3; and at page 19, to return as soon as possible to the said port of Salem and to take for return cargo to said Salem the usual products of said coast of Africa, coffee, ivory, gum, copal, pea-nuts, specie, &c., as stated in said instructions. About the 19th day of August, A.D. 1840, I arrived with said ship in charge at the island of St. Thomas, on the west coast of Africa, remained there about 10 days, and sold and discharged part of my outward cargo and took on board a quantity of coffee, ivory, specie, and cocoa-nuts, as will appear in document enclosed in this affidavit, and marked (A.).

About the 30th day of the month of August aforesaid, I arrived in charge of said ship at Prince's Island, on said coast, and remained there about eight days, and there sold and landed a part of my outward cargo and took in exchange a quantity of coffee, ivory, and specie, as will appear by document hereto annexed and enclosed in this affidavit and marked (B.), and of the value therein set forth, 4875 dollars 55 cents.

About the 15th day of September, A.D. 1840, I returned in charge of said ship, and again visited said island of St. Thomas, and remained there 18 days, and again sold and discharged a further quantity of my outward cargo and took in exchange a further quantity of coffee, specie, cocoa-nuts, and ivory, as appears in document marked (A.), enclosed in this affidavit. The value of the whole coffee, specie, &c., taken on board the "*Seamew*," at said St. Thomas, during this time and at the preceding time after the 19th of August, mentioned above, was 15,233 dollars 91 cents, as appears in said document marked (A.), and enclosed in this affidavit; and at the same time I left due to the owners of said "*Seamew*," at St. Thomas, for goods and wares of the outward cargo, which I had sold at that place at the same time, about 1,000 Spanish silver dollars. This sum I was to receive before the termination of my said voyage. About the 3rd day of October, A.D. 1840, I sailed for Ambriz from said St. Thomas, and I arrived at Ambriz, on said west coast of Africa, about the 23rd day of October aforesaid. I there landed and left a quantity of goods and merchandize, of the value of 3,300 dollars, to be sold by one Charles T. Shultz, a person in the employment of the owners of the "*Seamew*," the proceeds whereof were to be taken by me to said Salem on my return. I also left at said Ambriz 2,068 dollars' worth of goods, of which I was directed to and did take charge for said owners at Ambriz, the proceeds of which were to be taken by me to Salem on my return.

At this last-named place, viz., Ambriz, I sold to a merchant residing there goods, being a part of the outward cargo of said "*Seamew*," to the amount and value as sold of about 2,000 Spanish silver dollars, which trade I was not suffered to complete, but it was wholly lost to me and all profits thereof by the seizure of my vessel, as hereafter stated, more fully stated in my "Protest" hereto annexed at page 7. On or about the 27th day of October aforesaid, being about to proceed to the completion of my intended voyage, the "*Seamew*" was boarded by a boat from Her Britannic Majesty's ship, the "*Persian*," which boat was commanded by an officer, who asked where the "*Seamew*" was from, and he was promptly and truly answered; said officer then asked for the ship's papers, and they were promptly shown to him. Certain questions were then put to me relating to my cargo, which I readily and civilly answered. Said officer then returned to the "*Persian*." In about one hour thereafter said boat, with another from Her Britannic Majesty's brig, the "*Waterwitch*," both armed, came and again boarded the "*Seamew*," and the acting Lieutenant Thomas E. Symonds, then told me that his commander, Captain Quin, of said "*Persian*," had sent him to take charge of the "*Seamew*" during that night, and his commander, said Quin, would visit the "*Seamew*" on the next morning; probably, as he said, Captain Quin wanted to buy provisions, tobacco, or some such thing. I remonstrated against this illegal violence, and informed the officer that I was soon to proceed to sea, and was detained and delayed by such unjustifiable restraint; but the remonstrance had no effect. The officers and crews of both said boats remained on board the "*Seamew*" during the said night, all being armed with pistols and cutlasses, and kept charge of the "*Seamew*." Their conduct was boisterous and unbecoming in a high degree. The next morning more men came on board the "*Seamew*" from said "*Persian*," and, under the direction of their officers, they began to break out the cargo of the "*Seamew*;" and though I remonstrated and protested solemnly

and strongly against the outrage, they continued their search and broke out the cargo down to the keelson; the whole was done in a very rough and careless manner, and much injury was done the coffee by the bags being broken and torn open, and other injuries perpetrated. But as there was nothing, and never had been anything, to my knowledge, except goods and wares for a legal traffic, wholly disconnected from any illegal purpose, so they found nothing among the cargo of said "*Seamew*" to justify the slightest suspicion of wrong on the part of said "*Seamew*." They proceeded, however, on their outrage, and searched the cabin and every place in the said "*Seamew*," and still made no discovery of any implements of illegal traffic, as there were no such articles on board. The cargo was then thrown back in a very loose, careless, and unsafe manner. The "*Seamew*" was then brought alongside the "*Persian*," and her crew, all American citizens, were ordered and forced out of their ship, the "*Seamew*," and with their baggage and bedding, were compelled to go on board the "*Persian*." The first officer of "*Seamew*," Francis Babbidge, was compelled also to go on board said "*Persian*." The papers of the "*Seamew*" were then demanded and taken away. Said papers are given at length in the "*Protest*," to which this is attached and marked 1 to 17 inclusive, excepting No. 16.

On or about the 29th day of said October, Lieutenant Somerville, then in command of the "*Seamew*," ordered the second officer of the "*Seamew*," one Isaac Shreve, an American citizen, out of the cabin where he belonged, and told him to go forward to do duty among the crew then put on board the "*Seamew*." Said Shreve complained of this oppressive cruelty, and requested, if possible, to be exchanged and go on board the "*Persian*," in place of Francis Babbidge, the first officer of the "*Seamew*," preferring even a berth on board a foreign ship to the indignity suffered on board our own. The exchange was allowed and effected. The "*Seamew*" was shortly after ordered to Sierra Leone, having on board, of my crew, only myself, Francis Babbidge, and Isaac Smith, the cook, and also an American citizen. The "*Seamew*" arrived at Sierra Leone about the 15th of November, A.D. 1840.

I endeavoured, by every peaceable means, to obtain permission of my keepers and oppressors to communicate with the shore at Sierra Leone, in order to make a protest against the outrage committed on me and the ship; but neither I nor my first officer, nor my cook, were permitted to quit the "*Seamew*" or to have any communication with the shore, or to go before the Court of Mixed Commission, in which it was understood there was to be a hearing concerning or affecting said "*Seamew*," but we were not allowed to have any hearing before, or to make any communication to said Court, excepting by sending a letter through the hand of said Somerville, to which no answer was sent. Said letter was copied, and the copy is annexed to the accompanying "*Protest*" and marked (C.), and enclosed in said "*Protest*."

On the 17th day of November aforesaid, said Somerville took from me my cargo-book and the manifest of the cargo of the "*Seamew*," and on the same day said Somerville demanded of me my writing-desk, which contained many private papers and family letters, some sealed letters and newspapers, and the key thereof, and although I remonstrated strongly against such illegal conduct, he took them all from my possession and carried them on shore at the said Sierra Leone. The same were restored to me in the afternoon of the same day. No answer was returned to my letter to the Mixed Commission Court. I afterwards, in justice to my owners and myself and all concerned, feeling a great weight of responsibility resting on me, civilly requested and urged said Somerville to suffer me to go on shore for advice and assistance; but all my requests proved fruitless. I then informed said Somerville that I must keep a journal of the occurrences, and he, in the presence of many persons in said "*Seamew*," called me a "damned blackguard," and declared that, if I again asked him for leave to go on shore, he should make me no answer, and that I should neither send nor receive any letter to or from the shore, or have any communication with the same. The "*Seamew*" was detained at anchor at said Sierra Leone during the period of nine days, and neither I, nor my mate or cook, were permitted during all that time to go, nor did either of us go on shore or out of the ship; nor were we permitted to take any care of said ship "*Seamew*." During seven days of said nine there was much rain, and during the whole nine days the sails of the "*Seamew*" were kept furled and untouched, so that by this means the sails suffered great and irreparable injury. During the period the "*Seamew*" was lying at Sierra Leone, the American brig

"*Waverly*" was there also, and was bound to America, and I requested and received permission to send a letter by said "*Waverly*" to the owners of "*Seamew*," and after the letter was handed to the said ship, I, wishing to make some additions and alterations, had the said letter brought back, but said Somerville refused to suffer me to make any corrections therein, stating that if I did so I should not be suffered to send the letter at all; and I was obliged to send the same uncorrected. On or about the 25th of said November, the "*Seamew*" was put to sea in charge of said Somerville, who did not inform me where he intended to go. During the passage the sails of the "*Seamew*" were not properly taken care of, but were neglected, and even in squally weather were suffered to beat about loosely, by reason of which usage the said sails became much worn out and injured; said sails were in good order and condition when the "*Seamew*" was first detained. Also the "*Seamew*" and all her appurtenances, apparel, furniture, and cargo, were very much neglected and injured by improper care and treatment while in charge of said Somerville.

On the 14th day of January, A.D. 1841, the "*Seamew*," under charge of said Somerville, arrived at the island of St. Helena; and when she was boarded by the health officers, I requested to go on shore for advice and consultation concerning my situation and affairs, but was refused permission by said Somerville. Said Somerville then for the first time offered to give up to me the said "*Seamew*." I, wishing to take advice before receiving the "*Seamew*," under the circumstances, requested again to go on shore for that purpose, but said Somerville refused me the privilege of doing so. I was, however, the next day, suffered to confer with the United States Consular Agent at St. Helena, and several shipmasters at that place, who came on board the "*Seamew*" at my request; and thereupon I received back the said "*Seamew*," reserving to myself and owners, and all interested, the right of claiming for all injuries done and suffered by them on account of such detention; all of which will appear more fully stated in the annexed protest, at pages 67, 68, 69, 70, 77, and 78, and documents thereto annexed and marked (E. and F.).

Said Somerville then admitted, in the presence of several gentlemen, that he had called me a "damned blackguard," as heretofore stated.

On the 16th day of said January, I was suffered to visit the shore for the first time after my detention in said "*Seamew*," and then noted the protest which accompanies this affidavit.

On the 18th day of said January, I felt bound to and did call a survey, for an examination and report on the condition of the "*Seamew*," her sails, apparel, and cargo; and on the same day the said survey made a report, stating that considerable injury had been done the sails of said "*Seamew*," her spars, and other parts of her, as appears fully stated in the report of said survey, attached to my protest hereto annexed. Said survey is marked (H.), among the documents attached to said protest.

On the 19th day of said January there was another survey, which reported on the same day, condemning as unfit for further use the sails and running rigging of the "*Seamew*," as more fully appears by the Report, attached to my protest and marked (I.), and enclosed in said protest.

On the 20th, 21st, 22nd, and on the 28th days of said January I called surveys on the cargo of the said "*Seamew*," and acted in pursuance of the recommendation of said surveys, which are annexed to my said protest and marked (J., K., L., and M.), to which reference is had for particulars, and also on the state of the ship. It was found that about 14,000 pounds of coffee, which was a part of my return cargo, had become wholly useless and of no value to be retained by me, by reason of the negligence and inattention to its safe and proper keeping since and after the seizure by the "*Persian*." The said coffee, contained in 115 bags, was condemned by said survey, and I was advised by the same to sell said coffee at public auction; but as this could not be effected by reason of the laws in force at said St. Helena respecting such matters, I was compelled to and did throw into the sea all of the damaged coffee, as useless and injurious to the ship and crew; making a total loss thereof to the owners of the "*Seamew*."

The said 14,000 pounds of coffee, had the same not been neglected and injured as aforesaid, would have been worth at least sixteen hundred and eighty dollars (1,680 dollars).

By said surveys it was also found and appeared, that much injury had been done to and suffered by the "*Seamew*," much of it arising from great carelessness

and negligence, the decks being cut and burnt, and spars and other articles broken, as appears by report in said protest, marked (M.), page 99. A full explanation respecting the reason and manner of the loss of said coffee, and the injury to said sails and vessel, will and does appear in said protest, particularly at pages 104 and 109 of said protest.

The log-book of the "*Seamew*" was kept out of my possession; so that neither my first officer nor myself could make entries therein of the foregoing transactions. During the time of said detention many articles belonging to the "*Seamew*" were lost and stolen by the wrong and through the carelessness of the officers and crew placed on board of her by the "*Persian*." During the period of detention until we arrived at St. Helena, the officers belonging to the prize-crew, two in number, myself, my mate and cook, lived upon and were supported out of the stores and provisions of and belonging to the "*Seamew*." The whole time said officers, in company with myself, were so supported from the "*Seamew's*" provisions, lasted about 90 days. The value of our board during that time would amount to four dollars per day, or thereabouts.

The "*Seamew*" was necessarily detained at St. Helena after I received her from said Somerville about one month, in order that I might obtain another crew, as mine had been carried off by the "*Persian*," and that I might make other arrangements and repairs necessary for my recommencing my voyage, which had been thus broken up.

On the 12th day of February, I, having procured a crew for the "*Seamew*," sailed from St. Helena for Ambriz, from whence I had been taken by said "*Persian*," and I arrived at said Ambriz on the 28th day of said February, having been detained and prevented from prosecuting my voyage during the space of over four months, from said 27th of October, when I was seized, making in all one hundred and twenty-five days that I was detained and kept from the prosecution of my voyage, by consequence of said illegal seizure.

At the time of my return to said Ambriz, on said 28th day of February, the market at said place was very much depressed by reason of late arrivals, and the goods, which I had sold at said place, and was not permitted to land by reason of said seizure, as above stated, would not sell for so large a sum as they had before been sold for, and they would bring but little more than the prime cost in America, say about 800 dollars; and I wholly lost the advantage of my former sale of said goods. And the market for other goods had also become depressed; and also in the other places which I was to touch at and trade in the regular course of said original voyage, so that I could not sell the goods remaining on board said "*Seamew*" for so large a sum, by a great difference, as I should have sold them for in case said seizure had not taken place. An account of this will appear attached in document marked (C.), enclosed in this affidavit, and the loss and damage there truly stated, as I believe. While at St. Helena I was compelled, by the perishing nature of a part of my outward cargo, viz., my flour and bread, to sell large quantities of the same at great sacrifice at St. Helena, viz., I was obliged to sell, to prevent its perishing, 230 barrels of flour for nine dollars (9 dollars) per barrel; which flour, if I had been permitted to remain at Ambriz, would have sold for about 20 dollars per barrel, making a clear loss of the difference to my said owners.

I also sold, for the same reason, at St. Helena, fifty barrels of bread, for five dollars per barrel, which I could have sold for about 8 dollars 50 cents per barrel if I had been suffered to remain at Ambriz.

Certain sums, which form a part of the amount which I was obliged to pay at St. Helena during my detention there, caused by said seizure and on account of said seizure, I will here enumerate, viz. :—

	Dollars.
Charges for taking out my cargo to survey	36.29
Six surveys	116.31
Launch hire	10.40
United States Consul fees	182.41
Boat hire	36.94
120 gunny bags	14.00
Total	396.35

For all of which, except the first item, I have vouchers, and they are in my possession.

The provisions for myself and crew at and from St. Helena, after the officers and crew of the prize-crew left the "*Seamew*" until our arrival at Ambriz, 28th of February aforesaid, would be worth about 50 dollars per month of thirty days, making for the thirty-five days 58 dollars 30 cents.

I had under my charge on board the "*Seamew*," when she was seized by the "*Persian*," belonging to said Robert Brookhouse and William Hunt, about 7,600 dollars of the cargo I took with me from Salem, and which cost that at said Salem, but which was worth at the place where I was seized by the "*Persian*," within a day's sail of Loando, and would have brought at this last place, to which I was bound, at least 12,000 dollars.

Of the cargo which I had taken on board at the two several times I had visited St. Thomas's Island, for return to Salem, I had on board at the time of said seizure, in specie and coffee, &c. about 15,233 dollars 91 cents, as more fully appears in document (A.).

Of the return cargo which I had taken on board at Prince's Island at the time of the seizure by said "*Persian*," I had on board the value of about 4,875 dollars 55 cents in coffee and specie, &c., as more fully appears in document attached and marked (B.).

There was also on board said "*Seamew*," when taken, a trunk of goods belonging to one José de Freitas, a Portuguese merchant belonging to Prince's Island, worth 687 dollars. I was the agent, as master of said vessel, for said José. These goods were kept and detained during the whole of said time I was detained.

There was also on board the "*Seamew*," when seized, property belonging to Joseph H. Hanson, of said Salem, for whom the owners of said "*Seamew*" were agents, of about the value of 1,000 dollars, in coffee, specie, and part of the invoice of outward cargo. There was also at the same time property on board belonging to Robert Brookhouse, jun., for whom said owners were agents, of the value of about 600 dollars, in coffee, specie, and invoice unsold of outward cargo.

All of the above property above named by me as having been on board the "*Seamew*" when taken, viz., about 33,687 dollars' worth, excepting the flour and bread above named by me as having been sold at St. Helena, was kept and detained, without any use or profit made thereof, from the time when the "*Seamew*" was seized until she again arrived at Ambriz, from which place she was so illegally taken out of the course of her voyage.

The above three thousand and three hundred dollars spoken of by me in this affidavit as left and landed at said Ambriz before my seizure by said "*Persian*," in charge of said Shultz, and said two thousand sixty-eight dollars taken charge of by me at Ambriz, as aforesaid, the proceeds of which were to have been returned with the "*Seamew*" to Salem, making in all—

	Dollars.
Estimated at Salem	5,368-00
Estimated at Ambriz	7,368-00

were also kept and detained during said period of 125 days, and of no use or profit to said owners during said time, by reason of said seizure and detention.

The one thousand Spanish silver dollars above spoken of as left by me due to the said owners of the "*Seamew*" at St. Thomas, have not yet been collected, by reason of said seizure, and the said owners have until this time lost the profit and use of the same—1,000 dollars.

There was also at Loango, belonging to said owners, which I was directed to and should have taken to Salem in the "*Seamew*" on her return if not seized and detained as before stated, property valued at 1,300 dollars, the use and profit of which was lost to said owners during said 125 days' detention, by reason of said seizure.

The damage done to the vessel, to her sails and rigging, and by loss of articles destroyed or stolen by the seizers above and beyond the ordinary wear and tear, during the period of detention, could not reasonably be valued at less than 1,000 dollars. A more full account of this will be found in a former part of this affidavit, and in the surveys appended and enclosed in my protest, marked (J., K., L., and M.)

The complement of the crew, with which, I went on my voyage after my detention, were shipped at St. Helena, on the 26th day of January, A. D. 1841.

CALSS D.

They were in number, besides myself, mate, and cook, eight, and their wages from said 26th day of January, until the 8th day of February, A. D. 1841, would amount to 119 dollars.

The names of the individuals of my crew, taken from the "*Seamew*," and carried away by the "*Persian*," were—

	Dollars.
Isaac Shreve, second mate, whose wages were, per month	20
George Babson, seaman, wages	16
James Kembwell,	16
Michael Murphy,	15
Edward Cloutman,	16
John M'Cabe,	16
S. Moses,	7
Nathaniel Powell,	12
William Relsor,	16

all of which will be more fully explained by the shipping articles attached to and enclosed in my "protest" numbered (12).

The wages of those who remained on board the "*Seamew*" with me, were,—

	Dollars.
For Francis Babbidge, per month	30
Isaac Smith,	18,

as will appear by said "shipping paper."

A large mill for cleansing coffee which was on board the "*Seamew*," belonging to said Brookhouse and Hunt, suffered great damage by neglect during the time of my imprisonment and detention by the "*Persian*" as aforesaid. The damage so done said mill by reason of such neglect would be at least 50 dollars, more fully stated in Report of survey attached to and enclosed in my Protest, and marked H.

Messrs. Brookhouse and Hunt above-named had, at Ambriz and at Loango, a place near-by on said coast, two factories or stands for the sale of goods, and one French, and said Shultz, both of Salem, were employed, said French at Loango and said Shultz at Ambriz, to take charge of them. Their wages for the four months during which the "*Seamew*" was detained by the "*Persian*," were paid in addition to an over and above what should have been paid, had not the seizure taken place. They also had others engaged under them. Said wages would amount in all at not less than 800 dollars for the four months.

In all the cases of loss and injury stated by me as above and not estimated definitely and exactly, I believe that the actual loss to my said owners will rather exceed than fall short of the sums named.

Much damage must also accrue to my said owners by reason of their voyage being so broken up, consequential in its nature, and by reason thereof I cannot make a definite estimate or calculation thereon, and have not estimated the same above.

I, the said Briant, also have suffered great loss by the above seizure and detention. I have not only lost the four months during which I was detained, but have also lost another profitable voyage which I had in contemplation, in consequence of the loss of the season. My loss and damage cannot be less than 1000 dollars: and in addition thereto I have suffered great affliction and mortification from the above imprisonment and illegal restraint, for which I claim a reasonable indemnity.

I here declare that I know of no cause for the detention of the said "*Seamew*," or for her being seized by the "*Persian*." The "*Seamew*" was not, and never has been, to my knowledge, engaged, either directly or indirectly, in any illegal traffic.

(Signed) JAMES BRIANT.

Essex ss. Commonwealth of Massachusetts, June 17, 1841.

Then the above-named James Briant appeared and made oath that the above affidavit, by him subscribed, is true in all its parts according to his best knowledge and belief.

Before me,

(Signed) J. C PERKINS,
Justice of the Peace.

(A.)

Invoice of Merchandize and Specie shipped by James Briant on board ship "Seamew," himself Master, for Salem, on account and risk of Robert Brookhouse three-fourths, and William Hunt one-fourth Owners of said Vessel, native Citizens of the United States of America, and to them consigned.

	Dollars.
1,174 bags of coffee, weighing 134,321 lbs., at 10 cents	13,432-10
12 teeth of scriv ^s ivory, weighing 32 lbs., at 50 cents	16
2,000 cocoa-nuts	20
	<hr/>
Specie, in Spanish and Mexican dollars	13,468-10
	1,765-81
	<hr/>
	15,233-91
	<hr/>

(E. E.)

St. Thomas, October 3, 1840.

I, James Briant, hereby testify that the above account and statement is correct, according to my knowledge and belief.

(Signed) JAMES BRIANT.

Essex, ss. Massachusetts, 17th June, 1841.

Then the within-named James Briant appeared and made oath to the within statement, by him subscribed before me.

(Signed) J. C. PERKINS, *Justice of the Peace.*

(B.)

Invoice of Merchandize and Specie shipped by James Briant on board ship "Seamew," himself Master, for Salem, on account and risk of Robert Brookhouse three-fourths and William Hunt one-fourth Owners of said Ship, Citizens of the United States of America.

	Dollars.
179 bags of coffee, weighing 19,283 lbs., at 10 cents	1,928-30
40 teeth scriv ^s ivory, weighing 74 lbs., at 50 cents	37
	<hr/>
Specie, in Spanish and Mexican dollars	1,965-30
	2,910-25
	<hr/>
	4,875-55
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(E. E.)

Prince's Island, September 12, 1840.

I, James Briant, hereby testify that the above statement and account is correct, according to my knowledge and belief.

(Signed) JAMES BRIANT.

Essex, ss. Massachusetts, June 17, 1841.

Then the within-named James Briant appeared and made oath to the within statement, by him subscribed before me.

(Signed) J. C. PERKINS, *Justice of the Peace.*

(C.)

Estimated Loss on Sales of Cargo of "Seamew," in consequence of Seizure and Detention on the Coast of Africa by Her Britannic Majesty's Brig "Persian," viz. :—

	Dollars.
On 100 barrels flour, 11 dollars per barrel	1,100-00
168 barrels ditto, 6 dollars per barrel	1,008-00
85 barrels bread, 3 dollars per barrel	255-00
19 barrels beef, 10 dollars per barrel	190-00

	Dollars.
13½ barrels beef, 5 dollars per barrel	65·00
610 pieces blue saunas	1,403·00
170 pieces bleached sheetings	221·00
	<hr/>
	4,242·00
2 pieces blue drilling, missing	8·00
1½ dozen looking-glasses, missing	1·50
4 dozen palm-leaf hats, missing	24·00
4 dozen fine ditto, spoilt	48·00
2½ barrels bread, spoilt	8·00
1 barrel ditto, missing	4·00
3 boxes soap, missing	6·00
	<hr/>
	99·50
	<hr/>
Total	4,341·50

I hereby testify that the above estimate of loss and damage sustained by Messrs. Brookhouse and Hunt, owners of the "*Seamew*," through my seizure and detention by the "*Persian*," is correct, according to my best knowledge and belief.

(Signed) JAMES BRIANT.

Essex, ss. *Massachusetts*, June 17, 1841.

Then the above-named James Briant appeared and made oath to the above before me.

(Signed) J. C. PERKINS, *Justice of the Peace*.

(IX.)

"*Seamew*."—Francis Babbidge, Affidavit.

I, FRANCIS BABBIDGE, of Salem, in the county of Essex, and state of Massachusetts, on oath, depose and say, that I sailed as first officer of the ship "*Seamew*," whereof James Briant of Beverly was master, and Robert Brookhouse and William Hunt were owners and employers, on her last voyage from Salem, commencing about the 1st of July, A. D. 1840, from the port of said Salem to the west coast of Africa and the adjacent islands. I further state that the affidavit of James Briant, master of said "*Seamew*," to which mine is here attached, respecting the concerns of said voyage, has been read to me, and after carefully considering the same, I hereby testify and declare on oath, that I know that the statements made by said Briant on his said affidavit are true respecting our passage to St. Thomas, and that he sold there a large quantity of outward cargo, and took on board return cargo of coffee, &c., as stated by him. That we then went to Prince's Island, sold outward cargo, and took on board return cargo as stated by him. That we then returned to St. Thomas, and sold other outward and took board other return cargo as stated by him. That we then went to Ambriz, and that Captain Briant took charge of goods and left them with another large quantity of goods in the care of said Charles T. Shultz as stated by said Briant in his said affidavit, and that said Briant made sale of a large quantity of outward cargo to a merchant at Ambriz as stated by him. That the "*Seamew*" was seized by the "*Persian*" in the manner and under the circumstances stated by him. That he was civil, prompt, and courteous in his answers, and that we were restrained of our liberty and detained in all respects as stated by him, and under the circumstances of aggravation, excepting only as to what took place while I was detained on board the "*Persian*" as stated by said Briant. I know that we were taken to Sierra Leone as prisoners, and treated there as stated by said Briant: I know the circumstances attending the giving up of the vessel at St. Helena, as stated by said Briant. That several surveys were called upon said "*Seamew*," her sails, rigging, and cargo; and that the sails, rigging, and coffee were condemned as stated by him. I know that the coffee was thrown into the sea, under the circumstances stated by said Briant, being damaged and unfit for use: that said coffee was ruined by neglect and improper usage of the seizors of the "*Seamew*;" that said "*Seamew*" suffered the injury sustained, and stated by said

Briant by neglect and carelessness in the charge and care of them; that the vessel was cut, spars broken, and property destroyed and stolen as stated by him; that the sails and rigging suffered the injury sustained as stated by said Briant, and in the manner, and to the extent, by neglect and carelessness in their use and management during said detention; and I think that the estimate of the damage done as above-stated to the vessel, sails, and rigging, is even less than the actual amount of injury and damage by them sustained. I was present and heard said Lieutenant Somerville at St. Helena acknowledge, in the presence of several gentlemen, that he had called said Briant a "damned blackguard," as stated by him. I know that the prize officers of the "Persian" on board the "*Seamew*" were supported, with Captain Briant, the cook, and myself, out of the "*Seamew's*" provisions during the time stated by Captain Briant, and I think that the value stated by him of our provision for the 90 days is correct. I also know that our crew was taken out and carried off by the "Persian," and that we were obliged to procure another crew as stated by said Briant at St. Helena. I also agree with said Briant in reference to the value of our provision from their shipping, on the 26th of January, A. D. 1841, to the time of our arrival at Ambriz on the 28th of February, A. D. 1841. The whole period during which we were detained after we were boarded by the "Persian," until we were returned to the same place at Ambriz, was 125 days. I know that on our return to the coast and to the places where we were to stop in the voyage originally undertaken, the markets were very much depressed for the articles we had for sale, on account of recent arrivals, so that our outward cargo did not sell for so much by a great difference as we should have procured for it if we had not been detained; and I believe Captain Briant's estimate of the difference is correct. I know that Captain Briant was compelled to sell the quantities of bread and flour, stated by him at the prices stated by him at said St. Helena, and for the causes stated by him. I know that Captain Briant took on board goods in a trunk belonging to José de Frietas, as stated by him. And I know that the property mentioned by Captain Briant as on board the "*Seamew*" when seized and carried out of her course, was on board as stated by him, and that the same was on board during the whole time during which the "*Seamew*" was detained, as stated above, and without any use, profit, or advantage to the owners thereof, during said period, viz. 125 days. I know that the mill for cleansing coffee was injured as stated by said Briant; I know that said Shultz and Mr. French were detained at Ambriz and Loango in the employment of said Hunt and Brookhouse, as stated by said Briant. And generally I hereby certify and testify to all the matters stated by said Briant in his said affidavit, so far as I was connected with the same, and so far as I was present at the transaction of the matters stated by him, I believe his statement to be true throughout.

I have been paid by said Brookhouse and Hunt 121 dollars for the four months, or 125 days during which we were detained by said seizure.

I know of no cause for said seizure. The "*Seamew*" was not in any way, so far as I know or believe, either directly or indirectly connected with any illegal traffic.

I would further state that my name is subscribed to the "Protest" of Captain Briant, which is annexed to his said affidavit. The same was read to me in St. Helena, and what I there stated respecting it is true to the best of my knowledge and belief.

I would here further state that I knew that Captain Briant left a large debt due to Messrs. Brookhouse and Hunt at St. Thomas as stated by him, and that the same was not collected by him by reason of our seizure and detention. This debt was due from men residing at St. Thomas, and for a part of our outward cargo.

I would further state that I believe that the surveys called by Captain Briant at St. Helena were proper and necessary under the circumstances, and that the reports and recommendations of said survey were correct.

I would further state that I know Captain Briant has suffered great loss by said seizure and detention, and think that the sum at which the loss is estimated by him is correct.

(Signed)

FRANCIS BABBIDGE.

Essex, ss. Commonwealth of Massachusetts,
June 18, 1841.

Then personally appeared the above-named Francis Babbidge, and made oath to the above affidavit, by him subscribed before me.

(Signed)

J. C. PERKINS, *Justice of the Peace.*

(VI.)

“*Seamew.*”

STATEMENT of the claim made by Robert Brookhouse and William Hunt, for the the damages accruing to them through the seizure and detention of their ship the “*Seamew*,” and her cargo, by Her Britannic Majesty’s armed vessel of war the “*Persian*,” at Ambriz, on the coast of Africa, on the 27th day of October, A.D. 1840, William H. Quin in command.

	Dollars.
1st. Demurrage on ship “ <i>Seamew</i> ,” from 27th October, A.D. 1840, when seized, to 28th February, A.D. 1841, when returned to the same place, a period of 125 days, including wages and provision of seamen at 40 dollars per day	5,000-00
2nd. Damage to ship, sails, rigging, &c., above the ordinary wear and tear	1,000-00
3rd. Damages to cargo on board, viz., 14,000 lbs. of coffee, worth 11½ cents per lb., condemned by survey at St. Helena, and totally lost	1,680-00
4th. Damage to large coffee-mill by improper exposure on deck while ship was detained	50-00
5th. Damages, calculated at the rate of interest 6 per cent., on the cargo taken and detained on board the “ <i>Seamew</i> ,” worth 33,687 dollars—four months	673-74
6th. Insurance on “ <i>Seamew</i> ” and cargo, four months detained:—	
Vessel valued	8,000-00
Outward cargo cost 7,600 dollars, worth when seized at Ambriz	12,000-00
Ivory, coffee, and specie from St. Thomas	15,233-91
„ „ Prince’s	4,875-55
	40,109-46
At 2½ per cent. for four months	1,002-72
7th. Damages by being compelled by said forcible seizure to sell a large quantity of the outward cargo of the “ <i>Seamew</i> ” at St. Helena, and at other ports, at unsuitable times; being a clear loss to the owners of the difference between the sales of said cargo as they would have been made at the places to which the “ <i>Seamew</i> ” was destined at the times she would have arrived in the regular course of her voyage and the actual forced sales at a later period by the 125 days detained—as stated and proved in the affidavit of James Briant, hereto annexed, at p. 13, and in the account attached to said affidavit, marked (C.)	4,341-50
8th. Damages, calculated at the rate of 6 per cent. interest, on property compelled to leave at Ambriz, valued in Salem 5,368 dollars, at Ambriz worth 7,368 dollars, rendered unproductive during four months by said seizure and detention	147-36
9th. Damages, calculated at the rate of interest, 6 per cent., on property compelled to leave unproductive at Loango four months by said seizure, &c., valued at 1,300 dollars	26-00
10th. Damages, calculated at 6 per cent., the rate of interest on 1,000 dollars, of property compelled to leave unproductive at St. Thomas, and not yet collected, from 27th October, A.D. 1840, to this time—say eight months	40-00

	Dollars.
11th. Wages and expenses paid for Mr. Ch. F. Shultz, at Ambriz, and Mr. French, at Loango, four months more than they would have been detained there had said seizure not taken place, at 100 dollars each per month	800-00
12th. Expenses—cash paid at St. Helena, rendered necessary by said seizure and detention, for surveys, launch and boat hire, consular fees, labour, &c., as more particularly stated in James Briant's affidavit, hereto annexed, p. 14	396-35
13th. Expenses—cost paid for taking affidavits and making statements of loss to prove this claim	175-00
14th. Interest, at the rate of 6 per cent., on all the above sums until payment thereof.	

(VII.)

“*Seamew.*”—Joseph H. Hanson and others.

STATEMENT of the claim made by Robert Brookhouse and William Hunt for the damages accruing to Joseph H. Hanson, Robert Brookhouse, jun., James Briant, and José de Freitas, through the seizure and detention of the “*Seamew,*” and their property on board, by Her Britannic Majesty's armed vessel of war the “*Persian,*” on the coast of Africa, at Ambriz, on the 27th day of October, A.D. 1840, William H. Quin in command.

	Dollars.
1. Joseph H. Hanson :— Damages, calculated at the legal rate of interest in Massachusetts, on property valued at 1,000 dollars, belonging to said Hanson, detained by reason of said seizure on board the “ <i>Seamew</i> ”—125 days	20-00
2. Robert Brookhouse, jun. :— Damages, calculated as above, on property valued at 600 dollars, belonging to the said Robert, jun., and detained as above—125 days	12-00
3. José de Freitas :— Damages, calculated as above, on property of the value of 687 dollars, belonging to said De Freitas, detained as above—125 days	13-74
4. James Briant :— Damages by being personally detained, and prevented from prosecuting his lawful enterprise, as stated by him in his affidavit, p. 19; and also as stated in his “ <i>Protest</i> ”	1,000-00
5. Interest at 6 per cent. on all the above sums until payment thereof.	

(X.)

“*Seamew.*”—Isaac Smith.

I, ISAAC SMITH, of Salem, in the county of Essex, and state of Massachusetts, mariner, on oath depose and say, that I was cook and steward on board the ship “*Seamew*” on her last voyage to the coast of Africa, commencing on the 1st of July, A.D. 1840; Captain James Briant, of Beverly, master; Francis Babbidge, of Salem, first officer. Said “*Seamew*” belonged to Robert Brookhouse and William Hunt, merchants, of Salem, and was in their employment. I have heard read the affidavits of James Briant and said Babbidge, and I fully agree with them in all their statements respecting the seizure of the “*Seamew,*” and her detention, and the injury done to her and her cargo, and generally as to all the facts related by them, so far as the same came to my knowledge. I signed the Protest of said Briant at St. Helena, and here declare that all I have here stated is true. Also, I have received my wages for the time of said detention of said Brookhouse and Hunt.

And I further declare that I know of no cause to justify or give any excuse for detaining the "*Seamew*" a moment. The "*Seamew*" was not, and never has been, to my knowledge, engaged, either directly or indirectly, in any illegal traffic.

I also declare that I heard said Somerville call Captain Briant a "damned blackguard," for no cause but that said Briant desired to go on shore to take care of the interests of the ship.

(Signed) ISAAC SMITH.

Essex, ss. Commonwealth of Massachusetts,
July 10, 1841.

Then the above-named Isaac Smith appeared and made oath to the truth of the above affidavit, by him subscribed in my presence.

Before me,

(Signed) J. C. PERKINS, *Justice of the Peace.*

(XI.)

WE, the Undersigned, William H. Neal and Nathaniel L. Rogers, both of Salem, in the county of Essex, and state of Massachusetts, merchants, on oath depose and say, that we have been for a long time heretofore engaged in mercantile transactions; that we are well acquainted with the business of freighting vessels, and the prices which should be paid for the same, and for demurrage thereof; and we hereby declare it to be our opinion that thirty dollars per day would be a fair and reasonable price for the demurrage of a vessel of one hundred and sixty-four tons, the size of the "*Tigris*." And, in our opinion, forty dollars per day would be a fair and reasonable price for the demurrage of a vessel of the size of the "*Seamew*," about two hundred tons. The above, including wages and provisions for the crew for the time.

(Signed) W. H. NEAL.
N. L. ROGERS.

Essex, ss. Commonwealth of Massachusetts,
July 12, 1841.

Then the above-named William H. Neal and Nathaniel L. Rogers, merchants, of Salem, appeared and made oath that the above affidavit, by them subscribed, is true, to the best of their knowledge and belief.

Before me,

(Signed) J. C. PERKINS, *Justice of the Peace.*

(XII.)

"*Tigris*" and "*Seamew*."

Robert Brookhouse and William Hunt, *Dr.* to J. C. Perkins.

	Dollars.
Services in taking evidence and preparing statement to prove claim for damages in the case of the " <i>Tigris</i> ," seized by her Britannic Majesty's cruiser the " <i>Waterwitch</i> ," including fees of J. R. Saunders, notary, and John G. King, Esq, for taking affidavits . . .	150.00
Same for taking testimony and preparing statement and other papers in the case of the " <i>Seamew</i> ," seized and detained by Her Britannic Majesty's cruiser the " <i>Persian</i> ," including fees of J. G. King, Esq., for taking affidavits and notarial certificates . . .	175.00
Total	325.00

Received payment.

(Signed) J. C. PERKINS.

Commonwealth of Massachusetts.

Essex County, ss. City of Salem.

ON this twenty-second day of July, A.D. 1841, I, Stephen P. Webb, Notary Public, by legal authority admitted and sworn, and dwelling in the city

of Salem, do certify that John Glen King and J. C. Perkins, Esquires, are known to me as now, and as having been for many years past, Justices of the Peace, within and for the county of Essex; and that their signatures to the affidavits and other documents within written are genuine, and in their handwriting.

In witness whereof I have hereunto set my hand and affixed my seal of office on the day and year last above written.

(L. S.) (Signed) STEPHEN P. WEBB, *Notary Public.*

No. 145.

The Earl of Aberdeen to Mr. Fox.

SIR,

Foreign Office, April 1, 1842.

WITH reference to my Despatch of the 31st ultimo, I herewith transmit to you, for your information, a copy of a note which I have received from Mr. Everett, the United States Minister at this Court, acknowledging my communication to him of the 17th ultimo, on the subject of compensation to be granted by Her Majesty's Government in the case of the American vessel "*Tigris*," captured on the coast of Africa by Her Majesty's ship "*Waterwitch*," and carried to the United States for trial.

You will communicate this paper to Lord Ashburton.

I am, &c.

(Signed)

ABERDEEN.

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

Enclosure in No. 166.

Mr. Everett to the Earl of Aberdeen. March 29, 1842.

(See No. 144, page 166.)

No. 146.

The Earl of Aberdeen to Mr. Everett.

Foreign Office, April 18, 1842.

THE Undersigned, &c., has the honour to reply to the Note addressed to him on the 1st of March by Mr. Everett, &c., relative to the capture of the American brig "*Creole*."

The facts of this case, as narrated by Mr. Everett, although agreeing in substance with the official accounts received by Her Majesty's Government, exhibit some discrepancies which, apparently of little importance, affect materially the character of the transaction.

It appears that the "*Creole*" was bound from the port of Richmond (in Virginia) to New Orleans, with a cargo of tobacco, and also having on board 135 slaves; that in the night of the 7th of November the slaves revolted, mastered the crew, and took possession of the vessel. In the struggle an individual, the owner of a portion of the slaves, was killed, and the captain and one or two other persons severely wounded.

On the arrival of the "*Creole*" in the port of Nassau, the Governor of the Bahamas, at the request of the American Consul, sent a military guard on board, and ordered an investigation by the police magistrate of the whole facts of the case. Nineteen persons who were alleged to have been concerned in the acts of murder and assault were taken into custody, and were imprisoned on shore, until the pleasure of Her Majesty's Government should be known with respect to their trial. The remainder were informed that there was no charge against them, and that as far as the authorities of the island were concerned, they were released from all further restraint. They accordingly availed themselves of this freedom, and with the exception of three or four, who preferred remaining on board and returning to the United States, they all landed from boats which had assembled

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for the purpose of conveying them to the shore. The proceeding is stated to have received at the time the express consent and full acquiescence of the chief mate in command of the vessel; and it is affirmed that none of the officers of the colony then on board interfered in the slightest manner to induce the negroes to take this step:

It is also certain that the American Consul offered no opposition, and presented no protest to the Governor until some time after the landing had taken place.

Mr. Everett has been instructed to make this occurrence the subject of complaint to her Majesty's Government; and he has urged at great length the various grounds upon which he regards it as a violation of the comity and usages of nations, and as affording a just claim for indemnification and redress.

To all Mr. Everett's reasoning and argument, to his illustrations, always ingenious, but frequently inapposite, the Undersigned has only to reply that the demands of Mr. Everett are utterly at variance with the law of England. On the arrival of the "*Creole*" in the port of Nassau, the negroes on board at once became free; and Her Majesty's Government possessed no legal power or authority to restore them to a state of slavery. Such of them as had been accused of crime and were detained in custody, it was found could not be tried in the Colonial Courts for an offence committed out of British jurisdiction; and if not cognizable by these courts, it was equally impossible to transfer the accused persons to the courts of any other nation. Such a right may exist by Treaty, if confirmed by Parliament; but in the present case neither law nor Treaty is found to justify the proceeding.

It is true, however, that although there was no jurisdiction to try these persons for mutiny or murder, they might have been prosecuted in the courts of the colony for piracy. Her Majesty's Government took the necessary measures to institute such a prosecution, but the information received, and the opinion of Her Majesty's law advisers, convinced them that there was no ground by which it could be effectually supported. No evidence of any piratical intent appeared in the conduct of the accused; and Her Majesty's Government felt that it would be a mockery to submit persons to an indictment which they were convinced could not be sustained. But in declining themselves to proceed against these persons on a charge of piracy, Her Majesty's Government offered every facility for the purpose of the Consul of the United States, should he take a different view of the case, and be disposed to call into action the legitimate authority of the local tribunals.

The Undersigned congratulates himself that he possesses no discretionary power in the case. Mr. Everett might as well demand that an American citizen should be deprived of his right of Habeas Corpus in Portsmouth Harbour, as that any man in New Providence should be considered otherwise than free, and entitled to all the rights of freedom. Neither the Undersigned nor Her Majesty's Government, nor the Crown itself can dispense with a law which has long been regarded as fundamental in England, and is now happily recognised and established in the colonies.

The legal inability of the Undersigned to comply with the expectations of Mr. Everett, either by surrendering the persons found on board the "*Creole*" or by bringing them to trial, does not rest upon his own assertion, nor the opinion of the law officers of the Crown. Mr. Everett has himself heard, and he will not have forgotten it, the same opinion pronounced in the House of Lords, by men the most eminent and learned in the profession, whose lives had been passed in the administration of the law, and who had arrived at its highest honours. This decision, although not delivered from the judgment-seat, was invested with judicial solemnity, and it was perfectly unanimous, embracing every description of political party and opinion. Mr. Everett may dissent from the conclusions of these distinguished men, but he must at least admit that they are faithful expositors of the law of England, and the Undersigned will leave it to Mr. Everett to say what must be the inevitable consequence to Her Majesty's Government if they could for an instant listen to the suggestions of any foreign state, in opposition to a judgment so direct, unequivocal, and authoritative.

Mr. Everett appeals to the comity and usages of nations, and thinks that an American vessel, driven by stress of weather, or brought by compulsory means into a British port, ought not to be subjected to the operation of British law. Now, had any encouragement or invitation been held out to the negroes in their

successful attempt to capture the "*Creole*," and to recover their freedom, there might be good reason for this appeal, and there would indeed have been just ground for remonstrance. But Mr. Everett is well aware that no British authority has exercised any more control over the determination and conduct of these persons in delivering themselves from slavery, than it could have done over the tempest which might have compelled the vessel to enter the port of Nassau. The Undersigned must repeat, that when once they had placed themselves, by whatever means, under the dominion of English law, they acquired an indisputable right to the enjoyment of all its privileges and advantages.

Mr. Everett asks if an article of merchandize, opium for instance, should be declared by the laws of the United States to be a nuisance, a poison, a thing in which no property could lawfully exist or be asserted; and if an English ship, with a cargo of this article on board, bound from one British port to another, should be driven by stress of weather or mutiny of the crew into a port of the United States, would it be held just and reasonable that such cargo should receive a character from American law, and be thrown overboard and destroyed by the American authorities?

The Undersigned does not mean to deny that there may be various laws with the strict execution of which, under special circumstances, the Government of a country might fairly be enabled to dispense; and he presumes that this would be one of them. But there is really no parallel in the case here adduced; and any supposed analogy between human beings and the objects of merchandize must necessarily be imperfect and defective. According to the statement of Mr. Everett, the American authorities are supposed actively to interfere, and to destroy the opium by throwing it into the sea. But the British authorities were passive in the liberation of the negroes. Those persons had entered the port of Nassau as masters, and in full possession of the vessel, and could only have been coerced and subdued by the application of British force. They were, however, merely left in the exercise of the freedom they had obtained, and were consequently not prevented from going on shore.

If, instead of three or four negroes, the whole number, like the opium, or the tobacco in the "*Creole*," had been contented to remain quietly on board, the authorities of Nassau would never have taken any measures to remove them from the vessel, and they would have been permitted to continue their voyage with the rest of the cargo, of which, according to the American Consul, they formed a component part.

Mr. Everett also asks whether if by the law of England all blacks were slaves and incapable of any other condition, and persons of that colour free in the United States, should, in attempting to pass from one part to another in their own country, be thrown by stress of weather within British jurisdiction, and there detained for an hour or a day, would it be reasonable that British authority should act upon their condition and sell them for slaves?

Now, it appears somewhat strange that Mr. Everett should suppose an imaginary case of this description, when he recollects what is the nature of the law actually existing in some of the states of the Union, and in which the principle at least of the hypothesis he deprecates, is nearly realized. For the last 20 years, a law has been enacted, and is rigorously enforced in those states, by which every free negro or person of colour employed on board a merchant ship entering the port, is arrested and thrown into gaol, where he is detained in close confinement until the departure of the vessel. The captain is compelled by law to defray the expense of the maintenance of these free negroes in prison, which, from the accounts furnished by the sheriff of the district, appears to be sufficiently onerous. A description is also taken of their persons; and according to the provisions of the Act, they are liable to the infliction of corporal punishment in the event of their return. It is only within the last few weeks that the Undersigned has received intelligence of five British subjects having been thus incarcerated, although perfectly innocent, and without even an accusation of any kind except against the colour of their skin. But such being the law of the state, the Undersigned has not demanded indemnification and redress; neither has he remonstrated against the want of comity and hospitality, which, however, he cannot but think is strongly evinced by such proceedings.

Mr. Everett protests against these his suggestions being answered by any appeal to the general principles of humanity; and he declares that this is a point respecting which nations must be permitted to act upon different views, if such

should be entertained by them. He deprecates the attempt of one nation to force the influence of its laws upon another; and thinks it far better in all respects that each should be left without interference or annoyance, direct or indirect, to its undoubted right of exercising its own judgment in regard to all things belonging to its domestic interest and domestic duties.

The Undersigned does not dissent from these opinions. He might indeed feel disposed, in treating of the condition of slavery, to appeal rather to the principles of justice than of humanity; and he would expect the concurrence of Mr. Everett, as a citizen of the United States, if he were to hold as a self-evident truth, in the memorable language of the declaration of American Independence, "that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness." But the Undersigned leaves the application of these principles to the deliberate judgment of each independent state; and he feels satisfied in reflecting that the doctrine of Mr. Everett will at least establish the supremacy of the law within the jurisdiction of each country respectively, whether its operation shall liberate the slave from his fetters, or consign the freeman to imprisonment.

It can never be the desire of any civilized people to protect crime, or to obstruct the course of justice, but the Undersigned has already informed Mr. Everett, that in the case of the persons on board the "*Creole*" Her Majesty's Government did not possess the authority legally to try, or to deliver up for trial, those individuals who had been accused of murder; and that with respect to the remainder against whom there was no accusation, they could only be regarded as men perfectly free. The Undersigned does not think it necessary to inquire more particularly into the nature and origin of the rights which these persons possessed when brought under British jurisdiction. The law has pronounced these rights to be indefeasible, and has deprived Her Majesty's Government of all discretionary power by which their condition could be affected.

But in order to prove to Mr. Everett that there exists every desire on the part Her Majesty's Government, not only to act according to the comity and usages of nations, but to fulfil all the duties of good neighbourhood, the Undersigned requests his attention to an occurrence which took place in Canada, about the same time that the "*Creole*" arrived in the port of Nassau.

It appears that a demand was made by the Governor of the State of Arkansas for the surrender of a slave, who after committing an act of robbery, had escaped from that state into the British territory. Now although Her Majesty's Government can never recognize as criminal the act of a fugitive who succeeds in escaping from slavery, and would at once repudiate the proposal of surrendering any person accused of no other delinquency, they have no desire to protect from punishment an individual who has been legally and on credible evidence charged with a heinous offence, merely because at the time of its commission the accused was a slave. The Governor of Canada, therefore, being vested with a discretionary power by the provincial law, and having ascertained that the evidence was such as would have justified the arrest and trial of the accused had the alleged crime been committed within Her Majesty's dominions, did not hesitate to surrender this person; and to comply with the demand made by the competent authority. The Undersigned will add that similar demands, when the law permitted it, have invariably been acceded to by Her Majesty's Government.

Mr. Everett must be perfectly aware, however, that such conduct on the part of Her Majesty's Government has met with no reciprocity in the United States. He must know that there are persons, enjoying entire impunity, who are stained with crimes of the deepest dye, and whose surrender has been demanded by the British Authorities, but demanded in vain. The surrender of these persons has constantly been refused by the Government of the United States, on the ground, no doubt justly alleged, that it would be contrary to law. It is precisely the same cause which renders it impossible for the Undersigned to acquiesce in the claims of Mr. Everett on the present occasion.

Edward Everett, Esq.,
&c. &c. &c.

The Undersigned, &c.
(Signed) ABERDEEN.

No. 147.

The Earl of Aberdeen to Mr. Fox.

SIR,

Foreign Office, April 18, 1842.

WITH reference to my Despatch to you of the 30th ultimo, transmitting to you a copy of a note which I had received from Mr. Everett, on the case of the "*Creole*," I now transmit to you a copy of the answer I have this day returned to the United States' Minister upon the subject.

You will communicate these papers to Lord Ashburton.

I am, &c.

(Signed) ABERDEEN.

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

Enclosure in No. 147.

The Earl of Aberdeen to Mr. Everett, April 18, 1842.

(See preceding number.)

No. 148.

*Mr. Everett to the Earl of Aberdeen.**Legation of the United States, May 3, 1842.**(Received May 3, 1842.)*

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, has been directed to bring to the knowledge of Lord Aberdeen, Her Majesty's Principal Secretary of State for Foreign Affairs, the particulars of the case of the "*Hermosa*," a vessel bound from Richmond to New Orleans, with an assorted cargo, and having on board also thirty-eight slaves. This vessel was, on the 19th of October, 1840, wrecked upon a reef of rocks, which proved to be Spanish Key, near Abaco. Her cargo and slaves were taken possession of by a company of licensed wreckers, and being brought into Nassau in the island of New Providence, the slaves were set at liberty by the civil and military authorities of that island. For the facts of the case in detail, reference is made to a copy of two Protests of John S. Chattin, the master of the vessel, herewith transmitted to the Earl of Aberdeen; and the Undersigned is instructed to inform Lord Aberdeen, that inasmuch as the vessel, in the pursuit of a lawful voyage, was driven by stress of weather within Her Majesty's colonial dominions, and the slaves on board her, belonging to citizens of the United States, were set at liberty by the direct interference of Her Majesty's colonial authorities, the Government of the United States, on behalf of the parties thus deprived of their property, looks to the Government of Her Majesty for a just indemnification.

The principles on which this claim is founded having been heretofore frequently urged upon the consideration of Her Majesty's Government, and particularly in the note of the Undersigned, of the 1st of March, relative to the case of the "*Creole*," he deems it unnecessary on this occasion to renew the discussion. He will confine himself to re-stating briefly a portion of the argument contained in that note.

Her Majesty's Government is understood to hold, that in consequence of the abolition of slavery in a portion of Her Majesty's dominions, by the Act of Parliament of 3 & 4 Will. IV., c. 73, Her Majesty's authorities are prevented from recognising the relation of slavery or any of its incidents, even on board the vessels belonging to friendly states in which slavery legally exists. It has been already observed by the Undersigned, in the note referred to, that the Government of the United State cannot admit that the vessels of a friendly power, driven by stress of weather, or by mutiny into Her Majesty's ports, can, in consequence of a change in the municipal law of England, be rightfully deprived of any aid and assistance to which they are entitled by the law and comity of nations. But granting this, for argument sake, to be an erroneous view, and that the principle above stated is correctly assumed by Her Majesty's Government, it can only follow, that Her Majesty's authorities, in the cases supposed, are justified in refusing to

perform acts not now authorized by British law, in reference to slavery, as, for instance, to employ their officers in arresting fugitive slaves. It cannot follow that when, by stress of weather or mutiny, a foreign vessel having slaves lawfully on board, is driven into a British port, the British civil and military authorities may forcibly interfere to liberate them; because this cannot be done, without violently infringing that authority of the captain of the vessel over the ship's company, which is recognised as well by the laws of England as of all other civilized states. If the law of England converts slaves into passengers, in exempting them from one kind of control which her laws do not recognise, it subjects them to another which her laws do recognise.

It is not exclusively in reference to cases like those, which have so often been the subject of the reclamations of the United States, that these principles apply: a species of servitude, not materially different from that abolished by the 3 and 4 Will. IV., c. 73, once prevailing throughout Europe, still exists in some of the northern portions of the continent. If a vessel from that quarter should be driven into a port in Her Majesty's dominions, navigated in whole or in part by persons held in a servitude like that alluded to, the Undersigned presumes it would be deemed a great violation of the comity of nations if the vessel should be boarded by Her Majesty's civil officers, supported by a military force, and proclaiming to the ship's company, that as servitude no longer existed in England, they were to quit the vessel and go where they pleased; and the Undersigned cannot doubt that, if pecuniary loss accrued in consequence of this interference, it would be held to warrant a demand on Her Majesty's Government for indemnification.

But in reference immediately to the case in hand, if it should be granted that, by unavoidable force of British law, the statute of 28th August, 1833, so entirely requires the liberation of all slaves, however brought into Her Majesty's dominions, as to authorize every species of civil and military agency by which such liberation is effected, (an extension of the principle which Her Majesty's Government has never, it is believed, maintained,) then the least that a foreign and friendly power can demand is, that effect should be given to the Act as a whole. It would seem peculiarly unjust, in applying the statute to the citizens of a friendly state to call into action only so much of its provisions as is necessary to divest them of their property, without giving them the benefit of the other enactments, by which compensation is made for the property of which they are thus deprived. The abolition of slavery is nowhere, it is believed, defined in the statute as a simple technical idea, importing nothing but a change of condition from servitude to freedom. But it is a complex Act, consisting of several parts, all which are equally essential and equally established by the statute. The Undersigned had the honour to observe, in his note of the 1st of March, that in the same Act, which liberated the slaves in Her Majesty's colonies, (and in virtue of which alone, it is now held that slaves in foreign vessels driven by stress of weather into Her Majesty's dominions, must be liberated,) it is declared to be "just and expedient that a reasonable compensation should be made to the persons hitherto entitled to the services of such slaves, for the loss which they will incur by being deprived of their right to such services." If then, in the understanding of Parliament, in enacting the statute of 3 and 4 Will. IV., c. 73, it would have been unjust to liberate the slaves of Her Majesty's subjects without compensating the master; it would seem impossible to derive from that Act any warrant to liberate the slaves of the citizens of a foreign state, driven by stress of weather into a British port, without similar compensation. If such a liberation would have been unjust towards British subjects, much more would it be unjust towards the citizens of a friendly and foreign state. It is only by inference that the Act is considered by Her Majesty's Government to apply at all to foreign citizens, driven by stress of weather into a British port. To enforce against such foreign citizens liberation without compensation, as an inference from a statute declaring that justice demands compensation to British subjects whose slaves are liberated, would seem as much at variance with the rules of reasoning as with the dictates of justice.

The Undersigned has the honour to renew to the Earl of Aberdeen the assurance of his distinguished consideration.

(Signed)

EDWARD EVERETT.

The Right Hon. the Earl of Aberdeen,
 &c. &c. &c.

First Enclosure in No. 148.

State of Louisiana, City of New Orleans.

BEFORE me, William Young Lewis, Notary Public in and for the City of New Orleans, duly commissioned and sworn, this day appeared John S. Chattin, master of the late schooner "*Hermosa*," who delivered to me, said Notary, a Protest of said schooner, made at Nassau on the 28th day of October, 1840, and requested the same to be annexed to my current Register, there to serve and remain as the case may be, and which said Protest I have accordingly annexed, after marking the same *ne varietur*, to identify it with this Act.

Done and passed at New Orleans, this 14th day of November, 1840, in presence of William F. Lewis, and Stuart H. Lewis, both of this city, witnesses who have hereunto signed their names with said party and me the said Notary.

(Signed)

JOHN S. CHATTIN.
STUART H. LEWIS.
WILLIAM F. LEWIS.
W. Y. LEWIS, *Not. Pub.*

Protest of the Master and Crew of the "Hermosa."

New Providence, Bahama }
Islands. } Nassau, to wit:

"By this public instrument of attestation and protest, be it known and made manifest unto all to whom these presents shall come, or may in any way concern, that on Wednesday, the 28th of October instant, in the year of our Lord 1840, before me, John F. Bacon, Commercial Agent of the United States of America, at Nassau, Bahamas, personally came and appeared John S. Chattin, master; Edward Marsten, mate; John Salamon and Andrew Moriety, seamen, late of and belonging to the American schooner '*Hermosa*,' of New York, who, being severally sworn, did depose and say that, on the 12th day of October instant, they, these appearers, sailed in and with the aforesaid schooner from the Port of Richmond, bound to New Orleans, with a cargo consisting of 48 slaves, cotton goods, tobacco, &c., the said schooner then being staunch, strong, and in every respect sea-worthy; that they proceeded down the James River, and on Thursday, the 15th instant, went to sea, and proceeded on their said voyage, but that nothing in particular occurred until Monday the 19th instant, which began with a fresh breeze from East-South-East, and squally. At about 10 o'clock, 20 minutes, P.M., discovered breakers, and immediately put the helm down, and hauled the sheets to stay the schooner; but she missed stays, and before she gathered headway sufficient to make a second attempt, struck on a reef, which proved to be near Spanish Key, Abaco; and in half an hour the schooner bilged. By the course steered and distance run, from meridian on Sunday the 18th, must have been subject to a strong westerly current to have set the schooner upon the reef. In the morning we were boarded by several wreckers, and commenced taking out the cargo and slaves. Tuesday began with fresh breezes and a heavy swell; but we continued securing the cargo, and succeeded with a great portion of it, and with the slaves proceeded to Green Turtle Key, and arrived there on Wednesday between 2 and 3 o'clock, P.M., and proceeded on to Nassau, where they arrived on Thursday at 3, P.M. Before the wrecker containing the slaves was boarded by the health officer, a custom-house officer came alongside, and gave notice to the captain that the slaves must be considered under seizure, and to keep them all on board until further orders from head quarters; and soon after, orders came to land the slaves under the charge of the police-officers, which was accordingly done, and they were all taken before a stipendiary magistrate, and examined as to their ages and occupations, and told that they were free to remain on the island, and were then questioned as to their wishes on the subject. During the time they were in the police-office, notice was given by the magistrates that they would be kept in their custody and provided for until morning, when the Governor would attend, and those under age would be apprenticed or bound out to such as might want them. And these appearers extended their Protest at the Consulate Office on Thursday, the 22nd instant, having previously noted their Protest at Green Turtle Bay, Abaco, on the 20th instant. And further,

they attribute the loss of said schooner '*Hermosa*' to a strong current setting to the west, and unknown at the time to these appearers.

"(Signed)

JOHN S. CHATTIN.
EDWARD G. MARSTEN.
ANDREW MORIETY.
JOHN SALAMON.

"Wherefore at the request of the aforesaid master acting in this behalf, as well for himself as for the owner or owners, shipper or shippers on said vessel for this her last voyage, the underwriter or underwriters, and for all others, in any way concerned therein, I, the said Commercial Agent, have protested, and do solemnly protest against the storms, currants, rocks, reefs, and every other casualty which has occasioned the loss of the said schooner '*Hermosa*,' for all losses, costs, charges, damages, and injury which has been already suffered by the said master, the owners, insurers, and others concerned in the said schooner, unto the end that the same may be submitted unto, suffered, and borne, by him or them to whom of right it shall or may belong.

"In testimony whereof, I, the said Commercial Agent, have hereunto affixed my hand, and the Consulate seal, this 28th day of October, 1840, and in the 65th year of Independence.

"(Signed)

J. F. BACON, *Commercial Agent.*"

"*Consulate of the United States,* }
New Providence, Bahamas. } Nassau, to wit:

"This is to certify that the foregoing Protest is a true copy from the original recorded at this Consulate.

"Given under my hand and the seal of this Consulate this 31st October, 1840, and 65th year of Independence.

"(Signed)

J. F. BACON, *Commercial Agent.*

"*New Orleans, December 14, 1840.*

"*Ne varietur.*

"(Signed)

W. Y. LEWIS, *Notary Public.*"

I hereby certify the foregoing is a true copy of the original Act of Deposit and Documents, upon and annexed to my current Records.

In faith whereof I hereunto set my hand and seal, at New Orleans, this 16th January, 1841.

(Signed)

W. Y. LEWIS, *Notary Public.*

Second Enclosure in No. 148.

Further Protest and Deposition of the Master of the "Hermosa."

State of Louisiana, City of New Orleans.

By this public Instrument of Protest, be it known, that this day before me, William Young Lewis, Notary Public, in and for the City of New Orleans, duly commissioned and sworn, personally came and appeared John S. Chattin, master of the late schooner "*Hermosa*," of New York, who being duly sworn, did depose and say, that in addition to his Protest, made at Nassau on the 28th day of October, 1840, he makes known the following facts and circumstance: viz. that the vessels of the wreckers arrived at Green Turtle Key, a port of entry, on the 21st day of October last past, about 1 o'clock, P.M., and anchored in the outer harbour; they stopped there because all the wreckers resided there, and they wished the said appearer to stop there also, and have the cargo disposed of at that place; that said appearer went on shore to make inquiries to learn whether it was best to stop there or to proceed to Nassau. Upon landing, the Collector of the Customs at Green Turtle Key demanded the schooner's Manifest, and this said appearer handed it to him; he caused a copy of it to be made, including the description of the slaves, and to be forwarded to the Governor of the Bahama islands residing at Nassau.

That when the Collector had examined the Manifest, he declared to said appearer that the slaves were free. The said appearer returned on board, and found the stipendiary magistrate of Green Turtle Key, and a preacher, who had come from Green Turtle Key during said appearer's absence, both of whom were telling the said slaves that they were all free, and might go where they pleased;

that they had become British subjects, and had become free by being on British soil; and were giving them advice how to proceed. The said appearer demanded of the magistrate under what law, and by what authority, the said magistrate presumed to give the said slaves their liberty. He replied, that said slaves were no longer under said appearer's control and protection; they had become British subjects, and were as free as said appearer was. The wreckers then proceeded for Nassau, in the island of New Providence, where they arrived on the 22nd day of October last past, about 2 o'clock, P.M., and anchored in the stream. The custom-house officers of the port came alongside, and asked the captain of the wrecker what people they were, looking at the slaves: the master of the wrecker replied, that they were American slaves. The said custom-house officer then told the captain of the wrecker to consider them under seizure until further orders from head-quarters. The health-officer of Nassau then came on board, examined the slaves, and said that they were free; and told this said appearer that he need not trouble himself about them. The said appearer then went on shore, and went immediately to the American Consul; while there, he and the Consul saw the stipendiary magistrate of Nassau sending the slaves on shore in a yawl. He went on board the wrecker where the slaves were, and sent them on shore. When he had got them all landed, he marched them together to the magistrate's office: the said appearer, with the Consul, went to the magistrate's office and saw the proceedings. The magistrate had the list of the slaves copied by the collector at Green Turtle Key, and forwarded to the Governor by a master of one of the wreckers, and they called out each slave separately by name; asked their occupation, their age; whether married or single; if they would like to remain on the island, and become free, or return to their masters; they told the slaves they could remain there and be free. All the slaves said they would like to stay on the island and be free, except one, who afterwards concluded to remain there. The stipendiary magistrate and the city magistrate were present, and conducted the examination. The slaves were at first left outside the office, and called in and examined, one by one, by said magistrates.

That after the examination was concluded, the magistrates asked the slaves what they were going to do; they said they did not know; they then told the slaves that the magistrates would provide for them for the night. The magistrates, as the slaves came into the office to be examined, sent those over 21 years into another room, and kept those under 21 years separately. They told the slaves who were over 21 years that they were free men, could go where they pleased; and those under 21 years, that they would be provided for. That other things were said to said slaves, but the mob was so great that said appearer was crowded out of doors, and could not hear what else was said. The slaves were marched up from the wharf under the charge of a file of British soldiers, in the British uniform, with muskets and bayonets; and a file of said soldiers was placed at the door of the magistrates' office during said examination; several constables were in attendance in court with the magistrates. That after the said appearer, with the American Consul, was forced out of doors by the crowd, the said appearer saw nothing more of said slaves until about 8 o'clock, P.M., when he found that said slaves had been put in one of the buildings belonging to the British Government; and he went to see them, but found a sentinel in British uniform, with musket and bayonet, stationed at the door; and said appearer asked if he could see the slaves; the sentinel told him he could not see them till morning. The next morning, after breakfast, the said appearer found all the said slaves had been set free, and those under 21 were then most of them in the market. Afterwards some of said slaves went to work at Nassau; others went in the country; others went to Abaco; those under 21 years the said appearer saw working as apprentices to different trades.

That after the examination aforesaid, the said appearer told all the slaves, that if they wished to go on to New Orleans, he would board them while at Nassau, and furnish them with a passage as quick as possible for that port. Several of them promised at different times to come, but did not. The Governor of the Bahama Islands was then at Nassau, and knew of everything which was done in relation to said slaves. A day or two after said examination, the said appearer saw the Governor in Nassau about said slaves, and asked him if they would be paid for by the English Government. He replied, No; that the very fact of their being cast away upon the English soil made them a free and independent people, and that he was acting under instructions from the colonial authorities.

The next day after said examination, the said appearer saw the stipendiary magistrate at the court-house, who told him, that he must not think that John Bull was fool enough to pay for those slaves as they had done before. The said appearer replied, that if they did not pay for them in money, they would have to do it in blood. The magistrate allowed that said appearer must be of the spirit of the old "Seventy-sixes."

That when said appearer first landed, the captain of the wrecker went on shore with him, and carried the copy of the Manifest to the Governor, while said appearer went to the American Consul, and then told him, that said appearer wished him to take every legal proceeding that was necessary to procure the slaves if possible. He sat down and wrote a memorial to the Governor of the Bahama Islands, saying, at the same time, that he thought it would be of no use, but he would make every effort. While writing it, the Consul and the said appearer saw the magistrate in the boat landing the slaves. The Consul then stopped writing, and he, the said appearer, went to the wharf, and saw the slaves landed. The next day the Consul completed the memorial, and said to appearer, that it was no use to hand it in; that all the memorials in the world would do no good; they had gone so far. The Consul often spoke to said appearer on the subject, and said nothing could be done to get the slaves.

That when the wreckers came on board the schooner "*Hermosa*," the said appearer demanded of the master of the wreckers if he were a commissioned wrecker. He said he was. The said appearer then asked, if there were any wreckers from the United States on the reef. He said, No; that none of them cruised there. The said appearer then asked him if he could land him with his cargo in the United States, or at Charleston. He replied that he could not; it would be as much as his neck was worth.

And thereupon this said appearer did protest, and with him, I, Notary, at his request, do most solemnly and publicly protest against whomsoever it doth or may concern, for all losses, damages, costs, or otherwise, arising in the premises, and that no fault, negligence, or mismanagement is or ought to be ascribed to this said appearer, or any of said schooner's company.

Done and protested, at New Orleans, this 1st day of December, 1840.

The Protester hereunto signing his name with said Notary.

(Signed)

J. S. CHATTIN, *Master*.

W. Y. LEWIS, *Notary Public*.

I hereby certify the foregoing is a true copy of the original upon my current Records.

In faith whereof I hereunto set my hand and seal, at New Orleans, this 3rd December, 1840.

(Signed)

W. Y. LEWIS, *Notary Public*.

No. 149.

Extract of a Despatch from Lord Ashburton to the Earl of Aberdeen.

Washington, April 25, 1842.

(Received May 11.)

I BEGIN with our relations with this country with regard to the Slave Trade and the so-called right of search or visit; and I do so because I have a communication to make on this subject, which I am sure will give your Lordship great satisfaction.

Your Lordship's last letter to Mr. Everett, which has been published here only since the arrival of the "Great Western," has, with all reasonable persons, settled this controversy. But still there remains the clamour about the right of search, liberty of the seas, &c., which has been sounded through the country; and many who are better informed entertain the idea that the French Chambers have made their opposition in support of America, and that, therefore, it does not become this country to abandon the cause. Any efficient right of search would, however, with difficulty be conceded; and I need not add that the practice of visitation, limited as it now is, would give little practical remedy against the tricks of the Slave Traders. Considering this state of things, I put it to several persons of influence what remedy they could

suggest, and whether America could remain in the position of refusing all remedy against crimes which they had been the most vehement to denounce, and of the existence of which they could not doubt. This view of the case has brought Mr. Webster to the consideration of a scheme for joint cruising on the coast of Africa, on the plan suggested by the Commissioners at Sierra Leone, in their Report to Lord Palmerston of the 31st January, 1839, and, by his Lordship's order, communicated by Mr. Fox to Mr. Forsyth, in his note of the 29th October of the same year.

It is proposed that each country shall engage to maintain at least ——— cruisers on the coast of Africa, one of each nation to cruise constantly together, or, to use the expression of the Commissioners, to hunt in couples.

This plan would be executing, on a larger scale, the arrangement made between Captain Tucker and the American Lieutenant Payne, which was afterwards disavowed; and I have the satisfaction of adding that this same Lieutenant Payne has been ordered here with a view to a consultation with the Navy Department, as to the best scheme for executing this arrangement.

If this arrangement can be brought to execution by Treaty, I shall consider it to be the very best fruit of this mission.

The vexed question of the right of visit will settle itself under this arrangement; and if any formal assurance becomes necessary from me in consequence of my special mission, I shall strictly take for my guide your Lordship's last Despatch to Mr. Everett, which leaves nothing to be desired or altered.

No. 150.

The Earl of Aberdeen to Mr. Everett.

Foreign Office, May 20, 1842.

THE Undersigned, &c. has the honour to acknowledge the receipt of the note addressed to him on the 3rd instant by Mr. Everett, &c. in which Mr. Everett states that he has been directed by his Government to bring to the knowledge of the Undersigned the particulars of the case of the "*Hermosa*," an American vessel, bound from Richmond to New Orleans, and carrying an assorted cargo and 48 slaves which was wrecked on the Spanish Key Reef, near Abaco; the slaves and cargo being saved by licensed wreckers, and carried by them into Nassau.

Mr. Everett complains that by the direct interference of the British authorities at Nassau the slaves were set at liberty. And Mr. Everett claims compensation for the loss therein suffered by the former proprietors of the slaves.

For the facts of the case in detail, Mr. Everett refers to two declarations made by the master of the "*Hermosa*," before a magistrate of the United States, and enclosed in a note of Mr. Everett. There is some discrepancy in the account given by Mr. Chattin, from that which Her Majesty's Government have received from the Governor of the Bahamas. The former alleged that the stipendiary Magistrate of Nassau was seen to send the slaves on shore from the wrecker's vessel, and that the Governor of the Bahamas, being then in Nassau, knew of everything which was done relative to the slaves. The account given by the Governor, though it does not enter so minutely into particulars, distinctly states that, upon reference being made to him, he declined any interference with the slaves; but that under instructions formerly sent out from England they were permitted to land in Nassau. It can hardly be supposed that Colonel Cockburn would have so expressed himself if he had been aware that a Magistrate of the Colony had been actively employed in sending the slaves on shore.

But, although the Undersigned thinks it right to point out this discrepancy to Mr. Everett, he does not consider it as in any way affecting the point at issue; for, admitting that the magistrate did interfere actively, and that, in the absence of the master of the "*Hermosa*," he visited the negroes, and by his own authority sent them on shore, it must be remembered that the vessel in which the negroes entered Nassau was not an American, but a British vessel; consequently, that the magistrate was called upon to deal with her and her crew strictly according to British law; and that if he had reason to suppose that any illegal constraint was put upon the liberties, or inclinations of those whom she had

rescued, it was his bounden duty to see their freedom vindicated, and the persons exercising authority on board the vessel duly punished. For this reason the Undersigned cannot admit that the forcible interference on the part of the British Officers, which the account furnished to Mr. Everett states to have taken place, would have formed any just cause of complaint from the late owners of the slaves; still less that it would have been a violent infringement of the authority of the American captain.

In the latter part of Mr. Everett's note it is suggested that, if by the act of August 28, 1833, British law requires the liberation of the slaves in question, effect should be given to that Act as a whole; and that, as it has provided compensation for British slave owners, it should do the same for citizens of a Foreign state, whose slaves may be liberated by being driven within its jurisdiction.

The question which is here raised has been so fully discussed, and so deliberately decided upon a former occasion, that it is scarcely necessary to do more than refer Mr. Everett to what then passed between Mr. Stevenson and Her Majesty's Government. In the notes addressed by Lord Palmerston and Mr. Stevenson on the 7th of January and 11th of December, 1837, upon the case of the "*Enterprise*," Mr. Everett will find stated at length the reasons which forbid Her Majesty's Government henceforward to entertain the question of compensation for slaves who may have acquired their liberty by passing under the jurisdiction of British law.

The Undersigned cannot hold out to Mr. Everett any expectation that Her Majesty's Government will recede from the determination then taken.

The sole points of difference between the case of the "*Enterprise*" and that of the "*Hermosa*," appear to be, 1st, that the slaves from the latter vessel entered the port of their liberation under the British and not under the American Flag; and, 2ndly, that the time of their liberation was subsequent to the complete emancipation of the slaves in the British Colonies, when even the apprenticeship of the negroes had ceased to exist.

The Undersigned feels assured that Mr. Everett will see in these two points of difference no cause for any deviation from the course taken by Her Majesty's Government on the former occasion, when it was decided by them, "that, slavery being now abolished throughout the British Empire, there can be no well-founded claim on the part of any foreigner for compensation in respect of slaves, who under any circumstances whatever, may come into the British Colonies, any more than there would be in respect to slaves who might come into the United Kingdom."

The Undersigned, &c.

Edward Everett, Esq.,
&c. &c.

(Signed) ABERDEEN.

No. 151.

The Earl of Aberdeen to Lord Ashburton.

MY LORD,

Foreign Office, May 20, 1842.

I TRANSMIT herewith to your Lordship, for your information, a copy of a note which I have received from Mr. Everett, claiming compensation for the loss suffered by the proprietors of slaves, who, being on board the American vessel, the "*Hermosa*," bound from Richmond to New Orleans, had been wrecked on the Spanish Key Reef, near Abaco, and saved by licensed wreckers, and carried by them to Nassau, and when at the latter place, no longer treated as slaves.

I transmit also to you a copy of my answer to Mr. Everett.

I have, &c.

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

(Signed) ABERDEEN.

Enclosures in No. 151.

1. *Mr. Everett to the Earl of Aberdeen, dated May 3, 1842.*
2. *The Earl of Aberdeen to Mr. Everett, dated May 20, 1842.*

(See Nos. 148 and 150, pages 197 and 203.)

No. 152.

The Earl of Aberdeen to Lord Ashburton.

(Extract.)

Foreign Office, May 26, 1842.

WITH reference to that portion of your Lordship's Despatch, of the 25th of April, which relates to the right of search, and to a scheme of joint cruising on the coast of Africa, for the suppression of the Slave Trade carried on in American vessels, I have to inform you, that if you should not find it possible to induce the Government of the United States to become a party to any Convention, conferring a mutual right of search, Her Majesty's Government would willingly accede to an arrangement of the nature described in your Lordship's Despatch.

Your Lordship has already been furnished with a return, showing the amount of the British naval force on the African Coast. In the event of such an arrangement taking place, it is not to be expected that the American cruisers will be made equal to the whole number of the British; but it will be very desirable that they should be as nearly so as possible; and you will use your utmost endeavours to induce the Government of Washington to employ such a force in this service, as may effectually and at once put down the Trade in Slaves, wherever carried on by citizens or vessels of the United States, or by natives of other countries fraudulently sheltering themselves under the flag of the Union. Whatever may be the amount of force employed, it will be essentially necessary that the officers in command of the cruisers of the United States should act under instructions of the same nature as those which in the British service are founded upon the Equipment Articles contained in all Treaties lately concluded between Great Britain and Foreign Powers for the suppression of Slave Trade; so that an American cruiser shall have authority to detain, and carry to trial vessels of its own nation, as well for slave equipment as for the actual presence of slaves on board.

Further than this Her Majesty's Government do not consider it necessary to lay down any rules for your Lordship's guidance in the details of the Treaty. It will be a source of sincere satisfaction to them if, in default of a more extended Convention, you should be able to bring the proposed arrangement to a successful conclusion.

No. 153.

*Mr. Everett to the Earl of Aberdeen.**46, Grosvenor Place, May 26, 1842.**(Received May 27.)*

MR. EVERETT presents his compliments to the Earl of Aberdeen, and has the honour to inform his Lordship, that on the receipt of Lord Aberdeen's note of the 17th March, Mr. Everett lost no time in acquainting the owners of the "*Tigris*," with the purpose of Her Majesty's Government to indemnify them for the losses sustained by the capture of their vessel. In conformity with the request of the Earl of Aberdeen, Mr. Everett desired the owners of the "*Tigris*" to transmit to him an authenticated statement of the damage they had sustained. This has been in part already done, in the statement previously received by Mr. Everett from the Department of State at Washington, a copy of which was communicated by Mr. Everett to the Earl of Aberdeen on the 29th of March.

Mr. Everett has within a few days received a letter from the owners of the "*Tigris*," enclosing an additional statement of their losses; which letter and the accompanying statement are herewith enclosed in further compliance with Lord Aberdeen's request.

(Signed) EDWARD EVERETT.

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

First Enclosure in No. 153.

Messrs. Brookhouse and Hunt to Mr. Everett.

SIR,

Salem, April 29, 1842.

WE have the honour to acknowledge receipt of your letter of 24th March, enclosing copy of the note received by you from Lord Aberdeen, acknowledging on the part of Great Britain the justice of the claim made by the United States Government, for indemnity, in consequence of the seizure and detention of our brig "*Tigris*."

We have the pleasure to learn also from your letter, that you have received from the Department of State the statement and vouchers furnished that Department, in support of our claim, and that you will lose no time in laying the same before the British Government.

The evidence transmitted, we consider as full as under the circumstances could be obtained, and will, we trust, be deemed sufficient and satisfactory to the Government of Great Britain.

If (as you suggest) further evidence should be required, we will lose no time in transmitting, either to the Department at Washington, or to yourself, as you may be pleased to direct, such other evidence as we may be able to obtain.

While we entertain the opinion that the principles acknowledged in the note of Lord Aberdeen will as fully cover the case of the "*Seamew*" as that of the "*Tigris*," we have the most implicit confidence in submitting to your judgment the proper time to bring forward said claim, and in such manner as you may consider expedient and most for our interest.

We would take the liberty, however, of calling to your notice the fourth item of our claim, on account of the "*Tigris*," it being for damages in being compelled to leave in St. Thomas, a debt payable in coffee to the amount of 5,070 dollars 40 cents. That debt is still unpaid, the merchant owing the debt had the coffee on hand for its payment, waiting the arrival of the "*Tigris*," but after learning that the vessel had been seized and sent to the United States, sold the coffee. We last year ordered two of our vessels to touch at St. Thomas, for the purpose of collecting the debt, both of which have returned to the United States: they found on arrival at St. Thomas, that Jozé De Castro (the merchant who owed the debt) was dead, and his estate in the hands of administrators, who had no means at that time of liquidating the debt; the estate is supposed to be solvent, and we may be able to collect the debt during the present year. If the debt is not recovered, we consider we have a just claim on the British Government for the amount.

For the purpose, however, of adjusting our claim on the British Government, we should be disposed to assume the debt by charging a reasonable guarantee.

We should also charge the Commission, &c., which we shall be obliged to pay for collecting the debt, and the difference between the value of coffee at the time it would have arrived in the "*Tigris*" and its present value.

We still further claim interest on the whole sum claimed till time of payment.

We enclose herewith statement of the several charges added to our claim.

With sentiments of high consideration, we have the honour to be most respectfully,

Yours, &c.

(Signed)

ROBERT BROOKHOUSE.
 WILLIAM HUNT.

Edward Everett, Esq.,
 &c. &c. &c.

Second Enclosure in No. 153.

Statement of Loss sustained by the Owners of brig "Tigris," in consequence of the seizure of said Vessel upon the coast of Africa, by Her Britannic Majesty's brig "Waterwitch."

	Dollars.
This sum as rendered to the Department of State of the United States, supported by documents and vouchers .	12,216-26
The following items in addition, viz. :—	
Commission and probable charges at St. Thomas, for collecting debt due from estate of Jozé de Castro, 5070 dollars 40 cents, at 10 per cent.	507-04
Difference in value of coffee between the price which it would have sold for, if brought home in the "Tigris," and the present value, 50,704 lbs., at 2 cents per lb. .	1,014-08
	13,737-38
Guarantee on the above debt of Jozé de Castro, if assumed by owners of the "Tigris," 10 per cent.	507-04
	14,244-42
Interest on the whole claim till paid.	

No. 154.

Mr. Fox to the Earl of Aberdeen.

Washington, May 12, 1842.

(Received May 30.)

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatches of the Slave Trade series to that of the 18th of April of the present year, inclusive.

I have, &c.

(Signed) H. S. FOX.

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

No. 155.

The Earl of Aberdeen to Mr. Everett.

Foreign Office, June 16, 1842.

THE Undersigned has the honour to refer Mr. Everett, &c., to the several communications which have passed between Her Majesty's Government and the Legation of the United States, relative to the case of the United States vessel "Seamew," detained by Her Majesty's ship "Persian," Commander Quin.

The Undersigned has now the honour to inform Mr. Everett that Her Majesty's Government having received the information collected on this subject, and having fully considered the case, have come to the conclusion that the seizure and detention of the "Seamew" by Her Majesty's ship "Persian" was not warranted either by the general law of nations or by any particular Treaty between this country and the United States of America.

There appears to be no doubt that the "Seamew" was not merely sailing under American colours, but that she was also *boná fide* American property, and manned by an American crew; a British cruiser had, therefore, no right to capture her, and Her Majesty's Government acknowledge that the case is one in which compensation may justly be demanded by the Government of the United States.

The Undersigned, however, is glad to have it in his power to inform Mr. Everett that, while the evidence given in the course of the inquiry instituted into this case shows that Commander Quin was by no means justified in interfering with the "Seamew," it satisfactorily disproves the evidently inflamed and exaggerated statements made by some of the crew of that vessel as to the conduct of the officers of

Her Majesty's ship "Persian" and their own personal sufferings on the voyage to St. Helena.

It is due to the memory of Commander Quin, and to the other officers of Her Majesty's navy concerned in this matter, to state, that all possible care was taken in moving the cargo of the "Seamew" during the search; that it was re-stowed safe, and in good condition, exactly as before; and that the charge of carousing and riotous conduct preferred against the officer and petty officer of Her Majesty's ship "Persian" is most positively and fully denied.

With regard to the treatment experienced by the crew of the "Seamew," on board the "Persian," it may be sufficient to state that they were placed in the messes of the lower deck of that sloop, which were on full allowance of all provisions; and that so far from any complaint being made, or any dissatisfaction shown by them, they, on the decease of Commander Quin, asked and obtained permission to show their respect for that officer by following his body to the grave; and that finally Mr. Shreve, the second mate of the "Seamew," was landed, with his men, at St. Helena, at his own request, and, before he left the vessel, came to the officer in command of the "Persian," on the quarter-deck, and thanked him for the kindness they had received while on board that sloop.

It now only remains for the Undersigned to inform Mr. Everett that the statement made by the owners of the "Seamew" as to the losses they had sustained, and which was enclosed in Mr. Everett's note to the Undersigned, of the 29th of March last, will be transmitted to the proper department, in order that, as soon as the account shall have been substantiated to the satisfaction of Her Majesty's Government, it may at once be settled.

The Undersigned, &c.

Edward Everett, Esq.,
&c. &c.

(Signed)

ABERDEEN.

No. 156.

Mr. Everett to the Earl of Aberdeen.

Legation of the United States, June 30, 1842.

(Received June 30.)

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, has the honour to acknowledge the receipt of a Note of the 16th instant from the Earl of Aberdeen, Her Majesty's Principal Secretary of State for Foreign Affairs, announcing the intention of Her Majesty's Government to make compensation to the owners of the "Seamew" for the loss sustained by them in consequence of the detention of their vessel on the coast of Africa, on the 27th October, 1840.

The Undersigned has had great pleasure in transmitting this Note to his Government, by whom he is sure it will be regarded as a new and highly satisfactory proof of the purpose of the Government of Her Majesty to render full and prompt justice to the citizens of the United States, who have suffered losses by the detention and capture of their vessels by Her Majesty's cruisers in the African seas.

The Undersigned supposes that the documents already transmitted by him to the Earl of Aberdeen, relative to the "Tigris" and "Seamew," the property of the same owners, will be deemed to contain a satisfactory statement of the nature and amount of their losses. The originals of those documents will be furnished to Lord Aberdeen, whenever his Lordship may be pleased to express a wish to that effect. The Undersigned is persuaded that the moderation of the estimates will not escape Lord Aberdeen's notice, and will contribute to a speedy and satisfactory settlement of the claims.

In reference to Lord Aberdeen's remark on what his Lordship considers "the evidently inflamed and exaggerated statements made by some of the crew of the "Seamew," the Undersigned will observe, that if such be indeed the character of their statements, it ought to be remembered, that, on any supposition as to the facts, the provocation was extreme. If the master and crew of an unarmed merchantman, unlawfully dispossessed of their vessel and their property contained in it, carried by force on board a foreign cruiser, and finally compelled to find

their way home as they can, should relate what had happened, in terms of exaggeration and even bitterness, the candour of Lord Aberdeen will admit, that it would not be matter of reproach or wonder.

The most serious of the complaints against the officers of the "Persian" are made on oath by the captain and mate of the "Seamew." The Undersigned admits that they are not impartial witnesses, but they have no strong interest to exaggerate the ill-treatment which they say they received. Without any desire to impeach the credibility of the evidence given in behalf of the officers of the "Persian," if, as the Undersigned supposes, their personal liability depends in some degree upon their conduct in boarding and overhauling the vessel, they have a direct and powerful interest to represent their behaviour in the most favourable manner.

That the cargo of the "Seamew" "was restored safe and in good condition, exactly as before," would seem to be, in the nature of things, scarcely possible. It could not be believed, but on the strongest and most unexceptionable evidence, that a man-of-war's crew, overhauling a foreign merchantman in a distant sea, under suspicion of being concerned in the Slave Trade, and displacing and replacing her whole cargo in one operation, should perform it with the same care with which that cargo was gradually laid in, by those whose livelihood depends on the manner in which their work is performed,—men admitted to be the most prudent and careful mariners in the world. It appears, moreover, from the report of the persons by whom the "Seamew" was surveyed at St. Helena, two of whom were American and two British captains of vessels; that the cargo, on the arrival of the vessel there, was actually found in a condition in which scarce any evidence would persuade the Undersigned that a Salem shipmaster had originally stowed it.

The Undersigned avails himself of this opportunity to renew to Lord Aberdeen the assurance of his distinguished consideration.

(Signed) EDWARD EVERETT.

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

No. 157.

The Earl of Aberdeen to Lord Ashburton.

MY LORD,

Foreign Office, July 19, 1842.

I HEREWITH transmit to your Lordship copies of two Despatches, and of their Enclosures, which I have received from Her Majesty's Consul at Rio de Janeiro, on the subject of Slave Trade carried on from that port under the flag of the United States.

I also transmit to your Lordship a copy of an Instruction which I have addressed to Her Majesty's Envoy in Brazil, upon that part of the subject which relates to the shipment of shackles on board the American brigantine "*Independence*," from Rio de Janeiro for Africa.

Your Lordship will communicate these papers to the American Government, in order that they may take such steps as may seem to them to be proper to prevent the flag and citizens of the United States from furthering in any way the purposes of Slave Trade.

I am, &c.

(Signed) ABERDEEN.

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

CLASS D.

Enclosures in No. 157.

1. *Mr. Hesketh to the Earl of Aberdeen, April 20, 1842.*
2. *Mr. Hesketh to the Earl of Aberdeen, April 23, 1842.*
3. *The Earl of Aberdeen to Mr. Hamilton, July 6, 1842.*

(See Class B. Nos. 267, 268, and 242, pages 419, 421, and 364.)

No. 158.

Mr. Everett to the Earl of Aberdeen.

46, Grosvenor Place, August 5, 1842.

MR. EVERETT presents his compliments to the Earl of Aberdeen, and has the honour to acquaint his Lordship that, having addressed a letter in the month of June to the owners of the "*Tigris*" and "*Seamew*," informing them that Her Majesty's Government had decided to make compensation also for the losses accruing from the detention of the latter vessel, Mr. Everett has received a letter from the owners, expressing their satisfaction at this intelligence; and Mr. Everett has the honour herewith to transmit to Lord Aberdeen a copy of the correspondence.

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

First Enclosure in No. 158.

Mr. Everett to Messrs. Brookhouse and Hunt.

GENTLEMEN,

London, June 18, 1842.

YOUR favour of the 29th of April was duly received, with a supplementary statement of the losses sustained by you, in consequence of the capture of the "*Tigris*." I lost no time in communicating the statement to Lord Aberdeen. I have not yet heard anything further from him on the subject; but you may safely depend upon his pledge being faithfully redeemed.

I have now the satisfaction further to inform you, that I have received an official note from Lord Aberdeen, dated the 16th instant, containing the intelligence that this Government consider you entitled to compensation for the losses which may have been sustained by you in consequence of the capture of your vessel, the "*Seamew*," and promising to settle the account, as soon as it can be substantiated to the satisfaction of Her Majesty's Government. I have transmitted Lord Aberdeen's note to the Secretary of State at Washington.

As the papers forwarded by you last winter through the Department, contain, I suppose, ample documentary evidence of the amount and nature of the losses sustained, I entertain no fears of unreasonable delay in a final adjustment. If you have any further evidence in the case of the "*Seamew*," I will thank you to forward it to me.

You will permit me to remark, that the greater the moderation observed, in reference to conjectural amounts and consequential damages, the more likely we shall be to procure the allowance of the account promptly and without deduction.

I have, &c.

(Signed)

EDWARD EVERETT.

Messrs. Brookhouse and Hunt.

Second Enclosure in No. 158.

Messrs. Brookhouse and Hunt to Mr. Everett.

SIR,

Salem, July 16, 1842.

WE have the honour to own receipt of your favour of 18th ultimo, and are much pleased to learn that you have succeeded in obtaining an acknowledgment on the part of Great Britain, of the justice of our claim for damages on account of the seizure and detention of the ship "*Seamew*."

With regard to the evidence that may be necessary to substantiate our claims, we have only to observe, that we have already transmitted all the evidence in our possession, and all that can be easily obtained under the circumstances; and believing that no item in our claim for either vessel will be considered unreasonable, we hope and trust that, on examination, no part of it will be objected to.

We are pleased to notice, that you "entertain no fears of unreasonable delay in a final adjustment" of our claims, and having the fullest confidence that you will urge the settlement of the same, it may be unnecessary to remark that we are desirous of receiving the payment as soon as it can be obtained.

Should any part of the claims be objected to, we should be glad to be advised of it as early as possible, that no time may be lost on our part in transmitting any further evidence that it may be in our power to procure.

Hoping that your next will advise of the final adjustment.

We have the honour to be, &c.

(Signed)

RICHARD BROOKHOUSE.
W. HUNT.

Edward Everett, Esq.
&c. &c.

No. 159.

Mr. Everett to Viscount Canning.

46, Grosvenor Place, September 10, 1842.

MR. EVERETT presents his compliments to Viscount Canning, with his best thanks for the papers on the Slave Trade for 1840, kindly sent by Lord Canning, at Mr. E.'s request.

The Viscount Canning,
&c. &c. &c.

No. 160.

Lord Ashburton to the Earl of Aberdeen.

New York, August 31, 1842.

(Received September 15.)

MY LORD,

I RECEIVED, on arriving here last night, your Lordship's Despatch of the 19th ultimo, with copies of correspondence with Her Majesty's Minister or Consul at Rio de Janeiro on the subject of Slave Trade carried on from that port under the flag of the United States.

I shall communicate these papers to Mr. Webster, according to your Lordship's instructions, and they will be of service in preparing those for the American cruisers according to the stipulations of the Treaty. The participation in Slave Trading by the American vessels seems, according to the Consul's letter, to rest on rather vague authority, with the exception of the case of the shackles found on board the "*Independence*," which is a very gross violation of law; and this circumstance shows the necessity of attention to the equipment of vessels

bound to the African coast. I shall take care to point out to the American Government the increasing abuse of the American flag in this respect.

I have, &c.

(Signed) ASHBURTON.

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

No. 161.

Mr. Everett to the Earl of Aberdeen.

46, Grosvenor Place, September 16, 1842.

(Received September 16.)

THE Undersigned, &c. has been directed to lay before the Earl of Aberdeen, &c. the accompanying documents relative to the capture of the barque "*Jones*," in addition to those which were communicated to Viscount Palmerston, with Mr. Stevenson's note of April 16, 1841.

The case of this vessel is one of those to which the Undersigned had the honour of calling the attention of Lord Aberdeen, in a memorandum of the 27th of December last.

It will be recollected that the "*Jones*" was seized at St. Helena, by Lieutenant Littlehales, of Her Majesty's brigantine "*Dolphin*;" her captain and a great part of her crew removed; and the vessel, with a prize-crew, sent to Sierra Leone for trial.

It may be proper to observe that this act on the part of Lieutenant Littlehales, was unwarranted even by the private agreement between Commodore Tucker and Lieutenant Paine, which has been urged in justification of the capture by British cruisers of other American vessels suspected of being engaged in the Slave Trade. By that agreement it was stipulated, that if the vessels detained by any of Her Majesty's ships of war, "proved to be American property, they should be handed over to the United States schooner "*Grampus*," (the vessel commanded by Mr. Paine,) or any other American cruiser."

It will not, of course, be maintained that an agreement of this kind, or any agreement between officers of the two countries on the African station, could confer on the Commander of one of Her Majesty's cruisers the right of taking possession of an American vessel with a valuable cargo, at anchor in a British port; of excluding her captain from his own ship, and sending her for trial before the Court of Mixed Commission at Sierra Leone; a tribunal in which the United States are not represented, and to which no American vessel is amenable.

Circumstances of gratuitous violence and outrage are set forth in the affidavits heretofore submitted to Viscount Palmerston, and in those of which copies accompany the present communication. The Undersigned is aware of the overstatement which naturally finds its way into depositions made by the injured parties in cases of this kind. Without the intention to misrepresent or deceive, the feelings naturally excited by the occasion, give a warmth and colouring to their testimony. The Undersigned, however, need not observe, that this source of error is fully counterbalanced by the strong interest of the opposite party, in representing his conduct to his Government in a favourable light, and in presenting a case which will exonerate him from individual responsibility, and save him from punishment. At all events, the unjustifiable and offensive conduct ascribed to Mr. Littlehales, and detailed in the numerous affidavits of the American Consular agent at St. Helena, of the captain of the "*Jones*," and of several of the crew, has, the Undersigned trusts, long since been the subject of strict investigation on the part of Her Majesty's Government, and will, if established, be visited with condign punishment.

The documents submitted to Viscount Palmerston, by Mr. Stevenson, brought the case down only to the time of the seizure of the vessel at St. Helena. Among the Papers herewith transmitted, the Earl of Aberdeen will find statements relative to her fate on arriving at Sierra Leone and her present condition. The Undersigned invites his Lordship's special attention to the affidavit of Thomas Henry, the cook of the "*Jones*." From this and the testimony of Captain Seymour, it appears that in March last, the "*Jones*" was lying at Sierra Leone,

hastening rapidly to decay, with a part of the cargo still on board. What disposition has been made of the residue of her valuable cargo, and what judicial proceedings have been had upon her, cannot be clearly gathered from any of these Papers, and is a subject, of course, on which the owners of the property and the Government of the United States are warranted, after a lapse of full two years from the date of the capture, in looking to Her Majesty's Government for particular information, without further loss of time.

In the cursory examination which the Undersigned has been able to make of the voluminous collection of papers on the suppression of the Slave Trade, kindly communicated to him by order of Lord Aberdeen, he has found no report of any proceedings at Sierra Leone in reference to the "*Jones*," down to the 31st December, 1841, a period of more than 16 months from the capture of the vessel.

The Undersigned has received, through the Department of State at Washington, a corrected estimate by the owners of the "*Jones*," of their loss by the capture of their vessel, which he will be happy to submit to the Earl of Aberdeen, whenever he shall receive the information, which he trusts will not be much longer delayed, that Her Majesty's Government is prepared to make compensation in this case, as in those of the "*Tigris*" and "*Seamew*."

Meantime the Earl of Aberdeen is requested by the Undersigned to cause a report of the proceedings which may have been had at Sierra Leone in reference to the "*Jones*" and her cargo, to be communicated to him for the information of his Government.

The Undersigned begs, &c.

(Signed) EDWARD EVERETT.

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

First Enclosure in No. 161.

(A.)

Deposition of the Master of the Barque "Jones."

I, JAMES GILBERT, of Salem, in the Commonwealth of Massachusetts (Master Mariner), do on oath depose and say, that I was master of the barque "*Jones*," of New York, of the burthen of 221 tons, or thereabouts, on her late voyage from Boston to the coast of Africa and South America; that the "*Jones*" was a first-rate vessel of her class, sound, perfectly tight, very well found, and in excellent order; that while the barque was at Loando, on the coast of Africa, on that voyage, one of the first merchants of that place came on board the barque, and after looking round, and examining, he asked me if I was willing to sell the barque; I told him I did not know that I could sell her. He said, if I would sell her to him he would give me 14,000 dollars in species for her, to be paid right down. Several of the crew were standing by, and probably heard this.

I am fully of opinion that she was at that time worth a much larger sum than that to the owners. The loss to the owners, by the breaking up of the voyage, must have been very great, as the arrangements were so made, that we commanded the trade on the coast, and there never was a greater certainty of making a most profitable voyage. The name of the merchant who made the offer was Carpoo.

(Signed) JAMES GILBERT,

Commonwealth of Massachusetts.

Essex, City of Salem, ss.:

On this 28th day of June, A.D. 1841. Personally came Captain James Gilbert, of this city, well known to me, and having subscribed the afore-written affidavit in my presence, made solemn oath that the matters and things therein stated are true.

Before me,

JOHN GLEN KING, *Justice of the Peace, and a Commissioner to take Affidavits, &c., to be used in the Circuit Court of the United States for the District of Massachusetts.*

CLASS D.

Second Enclosure in No. 161.

Deposition of the Master of the Barque "Jones."

I, JAMES GILBERT, of Salem, in Massachusetts, of lawful age, do on oath depose and declare, that I am a native citizen of the United States, born at said Salem, that I was Master of the barque "*Jones*," of New York, belonging to Messrs. P. J. Farnham and Company, on her late voyage from Boston to the coast of Africa, and thence to port or ports in South America, and thence to New York: upon which voyage she was seized by an armed party from the British brig-of-war "*Dolphin*." We sailed from Boston on or about the 13th of March, 1840, for the coast of Africa, St. Helena and South America; intending first to go to Ambriz, on the coast of Africa, and after trading at such ports as circumstances might make expedient, to return by the way of South America to New York. We arrived at Ambriz about the 24th of June of the same year; we there landed part of our cargo, and took in some ivory, and sailed from that place about the 1st of July for Loando, which is a port to the southward on the coast, where we arrived about the 3rd of July. At Loando I landed part of my outward cargo, and took in some pea-nut oil and ballast; and after remaining there about a month, sailed about the 3rd of August for Ambriz again, and arrived there on the 4th of that month, and there took in more ivory and water; and on the 8th August we sailed for St. Helena, where we arrived on the 24th of the same month.

While I lay at Ambriz the first time, I was boarded by an officer and party of men from the British armed brig "*Waterwitch*," and also the day after I sailed from Ambriz the first time, for Loando. On both of these occasions I offered my papers to the officer, who said he had no desire to see my papers, but looked at them, and said that all was right, and that he had no desire to interfere with or detain us. While laying at Ambriz the second time, about the 6th of August, we were boarded by the commander of the British brig "*Phantom*," attended by the doctor, and another officer; they went below with me, and sat there two hours; I asked them if they wished to see my papers; they said, No; they had no doubt about us: but I produced my papers, all of them; they just looked at them, said all was well, and left us. Again, on the 8th, the day I sailed from Ambriz for St. Helena, I was boarded by her again; the lieutenant again came on board, and stopped about two hours, made some inquiries about the vessels at Ambriz, and left us without any difficulty.

After our arrival at St. Helena, we commenced discharging cargo on the 25th or 26th, and afterwards took in a quantity of old copper and bale goods, and had got nearly ready for sea on Saturday, the 12th September, intending to sail on Monday. About 6 or 7 o'clock on Saturday afternoon, I was accosted in the street by Lieutenant Littlehales, of the British armed brig "*Dolphin*," who very abruptly demanded my Manifest. I then did not know Lieutenant Littlehales. I asked him who he was? He said he was Commander of Her Majesty's brigantine the "*Dolphin*." I asked him if he considered it a matter of right to demand my Manifest in the public streets, or whether he asked it as a favour. He said he did not consider it a matter of right; and then said, "You won't show it me, will you?" and before I could make an answer, he turned short round, and went away. About half-past 7 of that evening, my mate sent me a note ashore from the barque, saying that there was a man-of-war officer on board wanting to see me. I immediately went on board and found an officer there belonging to the "*Dolphin*," as he said; and said he wanted to see my papers. I told him my papers were in the office of the American Consul, as the laws of the United States require; that it was then late on Saturday night, and, the next day being Sunday, there would be no business done; but on Monday morning I would show him all my papers, and give him every satisfaction as to my voyage and cargo. He then sat down and wrote a note, as I supposed, to the commander of the "*Dolphin*," and sent it away; and in about a quarter of an hour the boat returned from the "*Dolphin*," bringing on board three marines and an officer, armed with muskets and cutlasses; and the officer told me he should be obliged to take possession of the barque that night. I then went on shore. On Sunday morning I again went on board the barque, and changed my clothes, and ordered my colours hoisted, and went on shore, the armed force still remaining on board. About 10

o'clock, I was informed that a large body of men had gone on board the barque from the "Dolphin." I went and told the American Consul of it, and asked him what it was best to do. He said he thought it was best as they had begun to overhaul to let them go on until they were satisfied, and then on Monday we could go on board and see what the matter was.

About 8 o'clock on Monday morning I took a shore-boat, and pulled off to the barque; and when we got within 10 or 15 feet, the officer ordered the boatmen not to come any nearer, if they did he would fire into the boat. I ordered the boatmen to pull up: they refused, and said they were not going to pull up there to be shot at. I immediately returned to the shore, and informed the American Consul, and he asked me if I made myself known as master of the barque. I told him that I did not, and he told me I had better go off and make myself known as master of the barque. I took my papers, and went off to go on board again (Mr. Sexton, the supercargo, was in the boat both time). I got off within about 20 feet of the barque, when the officer hailed the boat, and said, that if they pulled off any further, they would fire into her, and he had the marines along the gangway, two with muskets and one with a cutlass. I then stood up in in boat, told them my name, and that I was master of the barque "Jones," of New York, and wished to come on board my vessel on business. The officer told me he did not care who I was, I should not come on board. I then told the boatmen to pull up; they said they would not pull any nearer to be shot at, and so I was obliged to return to the shore again.

The American Consul, Mr. Carrol, then went with me to the collector; and when I made the facts known to Mr. Young, the collector, he said he was surprised at such proceedings; and then he again examined all my papers carefully, said he could not tell what it meant; that he was perfectly satisfied that I was on a legal voyage; that all my papers and documents were satisfactory to him, and that he would do all in his power to have my vessel released; and he immediately wrote to the commander of the "Dolphin," asking the reason of his conduct, and he received no answer that day as he told me. And he wrote again the next day, and, in the afternoon, he received a few lines from the commander, in which he gave him no satisfactory answer, and no reason for what he had done.

The collector said he could do nothing more. Afterwards, the American Consul wrote to him on the subject, and he returned the letter unopened, saying, that he would acknowledge no man as American Consul on the island of St. Helena.

I then wrote two letters to him, at different times, asking to know the reason of seizing my barque; and also requesting him to let me have my clothing, as I was almost destitute of clothes: and to these letters I received no answer; and I never got my clothes or property of any kind which were on board of the barque when she was seized. About the 15th I went to the Time Office, in company with Mr. Sexton and Captain Hammond, to get my chronometer. Mr. Gulliver, the master of the Time Office, and captain of the port, told me that the chronometer which I brought there was a prize to Her Majesty's brigantine "Dolphin," and that I should not have it; and he told the man who kept the Time Office not to deliver that chronometer to any one without a written order from him. The same day the chronometer was taken from the Time Office, and carried on board the "Dolphin," by an armed force sent for that purpose from the "Dolphin." I then wrote to the Governor twice, and the American Consul also wrote to him, stating the facts, and soliciting his interference to procure the release of my vessel; and I was informed, by a letter from the secretary, that he had no control over Her Majesty's naval officers. I afterwards went to the Judge of the island, and he summoned Mr. Gulliver to answer for not returning the chronometer; and, after a hearing, in which the commander of the "Dolphin" managed the case for the master of the Time Office, the Judge told Mr. Gulliver that he must either pay 400 dollars for it, or return it; and thus gave his judgment; and Mr. Gulliver, according to the laws of the place, appealed to the next session, when he could have the case tried by a jury. My chronometer was never returned to me. After that, until the barque sailed, I was not permitted to have any intercourse with my crew, or to go on board the barque. The voyage of the barque "Jones" was intended for a common trading voyage to the coast of Africa and South America. The cargo consisted of the goods commonly sent to those parts in the usual course of trade, and the whole

business of the voyage was conducted by Mr. Sexton, the supercargo, and Mr. Frye, the first supercargo, (who died at Ambriz,) in a perfectly legal and fair manner; and we were not in any manner, directly or indirectly, concerned in the Slave Trade, or any other illegal trade; we had nothing on board intended to be used in any manner in that trade, and there was not, to my knowledge and belief, any person during the whole voyage on board said barque who was a slave, or who ever had been a slave.

And I now say, upon oath, that I know of no just cause for the seizure of said barque by the British; nor do I know of any circumstance in her cargo, her voyage, or any transaction of her business which ought to have excited the slightest suspicion of the national character of the vessel, and the strictly legal objects of the voyage.

(Signed) JAMES GILBERT.

*Commonwealth of Massachusetts, Essex, ss.,
February 13, 1841.*

Subscribed and sworn to before me.

(Signed)

JOHN GLEN KING,

Justice of the Peace.

Third Enclosure in No. 161.

Deposition of Mr. Francis W. Sexton.

I, FRANCIS W. SEXTON, of lawful age, do on oath depose and say, that I went out to Ambriz in the brig "*Sarah Elizabeth*," from New York, belonging to P. J. Farnham and Co., as their agent, and continued there and on the coast of Africa until the month of June, 1840, when the barque "*Jones*," Captain Gilbert, belonging to the same owners, arrived at Ambriz. After the "*Jones*" had landed some goods for the factory, Mr. Farnham Frye, who was the supercargo of the "*Jones*," was placed in charge of the factory, and on the 1st day of July I went on board the "*Jones*" as her supercargo, on which day she sailed from Ambriz for Loando; and on the passage up she was boarded from a British man-of-war, and the boarding officer took the name of the vessel and examined her papers and made no objection to our pursuing our voyage. We arrived at Loando in two or three days, I believe the 4th of July, and there we landed and sold other goods belonging to the cargo, and took on board specie, drafts upon Rio, some oil and ivory, gum copal, and on the 4th day of August we sailed from Loando and arrived on the succeeding day at Ambriz, where we landed a quantity of goods for the trade of the factory, and took on board more ivory and specie. During our absence Mr. Frye had died, and it became necessary to put the second mate, Mr. Taplin, and Mr. Daley, in charge of the factory, and then the "*Jones*" sailed from Ambriz about the 8th of August, bound to St. Helena. While she lay at Ambriz she was boarded by an officer from the British brig-of-war, "*Phantom*," as I was informed by Captain Gilbert, who examined the papers and found nothing wrong on the passage. We were again boarded by the same vessel, and the officers examined the papers and found no fault, and the officer invited the captain on board to dine with him; but the breeze was fresh, and he declined. About the 24th day of August, the barque arrived at St. Helena, and was entered there according to the laws of the island, and we advertised for sale such part of the cargo as was intended to be sold at St. Helena. Captain Gilbert then deposited his papers at the Consul's house. We went on and sold what goods we had to sell there, and took on board old copper, iron ballast, one old anchor and one chain, old guns, 39 bales of cotton goods, one horse, hay, a barrel of palm-oil, and we were then ready for sea about the 10th of September, and had all the time been lying under the guns of an English man-of-war. On the evening before the 10th, Tobias Davis, the chief mate, had got permission to go on shore for a day, and while he was on shore, he came to me at Mr. Solomon's store and wanted two dollars. I told him he couldn't have it unless he obtained Captain Gilbert's consent. He was very angry, abused me a good deal for not giving it to him, and I think that he said that the ship should not go to sea until he had the two dollars. He then went over to Mr. Carrol's, where Captain Gilbert was, and I heard no more of him. I did not give him the money at this time. The crew were very much dissatisfied at going back to Ambriz, and positively refused to go back; they gave no just reason for this, but said they

would not go. I told them that if they would only go back and land me and the cargo at Ambriz, I would then let them sail for South America, and they might then go where they had a desire to go; but they would not agree to go. On the afternoon of the 12th, which was Saturday, Captain Gilbert, Mr. Carrol, and myself, met Lieutenant Littlehales, the commander of the British brig-of-war "Dolphin;" Captain Gilbert, and I did not know him to be the captain of that vessel before in any way. We were told that he was the captain. He was not in uniform, and he requested of Captain Gilbert to let him see the Manifest of the barque "Jones." This was in the street, near Mr. Carrol's house. Gilbert asked him what motive he had for making the request to see the Manifest. He didn't answer Captain Gilbert's question, but repeated his demand to see the Manifest, and said that if Captain Gilbert complied, much trouble would be saved. Captain Gilbert then told him that his papers were at the Custom-house, and Lieutenant Littlehales then replied, "Then you won't show me them," and went away.

The same evening I saw Captain Gilbert receive a note, which he said was from the mate, requesting him to come on board, as he said there were some officers from the "Dolphin" there. He went on board and returned shortly afterwards, and told me that the vessel was taken charge of by the English officers. The next day, which was Sunday, Captain Gilbert and myself went on board before breakfast, and found the vessel in charge of an officer, and I think three armed men, the American colours then flying. We went on shore, and then a large body of men went on board the "Jones" from the "Dolphin," and from the shore they appeared to be overhauling and opening the cargo. On Monday morning we went off to the barque in a boat, and when we came alongside we were ordered to keep off, and then we went ashore.

Soon afterwards Captain Gilbert went to the Consul's office and took the barque's papers in his pocket, and we went off again in a boat towards the ship, and when we got within hail, we were ordered off by Mr. Murray, the English officer, who had the charge of her. Captain Gilbert said, "I am James Gilbert, the master of the barque 'Jones,' of New York, and I wish to come on board my vessel." Mr. Murray said, "I can't help it; you can't come on board now." We then returned to the shore. Captain Gilbert and myself then went to the American Consul's to take his advice and direction what we should do, and he addressed a letter to Lieutenant Littlehales, remonstrating against the seizure of the barque. This letter was returned unopened, with a message that the English Government recognised no American Consul at St. Helena. Thereupon Captain Gilbert wrote a letter to him, offering him every satisfaction as to his national character, and as to the legal and fair proceedings and intention of his voyage and the regularity of his papers, and received no answer. About the time these things were going on I heard a report that the officers of the "Dolphin" were desirous of getting possession of Captain Gilbert and myself, and in order to give them an opportunity of so doing, if they wished it, we frequently put ourselves in their way; but they said nothing to us. The barque remained there until the 18th, when she sailed for Sierra Leone, in charge of the British. Mr. Davis, the mate, the cook, and the steward, and a Mr. Pike, who had formerly been a British officer, went in her.

Captain Gilbert and myself went before the American Consul and made a Protest, and stated all the facts in relation to the seizure. All our clothing was on board, and we were not permitted to take anything from on board; and I was obliged to stay at St. Helena about two months, and was there at great expense, having to buy everything necessary for me at a high rate; and I at last came home in a whale ship the "Mystic," having to purchase provisions for the passage. While I was in a New York vessel, on the voyage from which I last returned at Cape Mesurado, I saw the valise of Mr. Frye, the supercargo of the "Jones," in the possession of a Mr. Daley, who came from Sierra Leone. I knew it well, having frequently seen it on board the "Jones." I understand, while at Sierra Leone, that Mr. Davis had sold many other things belonging to the "Jones." At the request of Messrs. P. J. Farnham and Company, the owners of the barque "Jones," I have made an estimate of certain items of loss occasioned by the capture of the "Jones" by the British, at St. Helena, from accounts which have now come to my hands; which accounts were drawn up by me while on board the barque "Jones."

1. It appears from said accounts of the goods put into and taken out of the factory at Ambriz, at several times, that after the sales and shipments at St. Helena there was on board the barque at the time she was seized—

	Milreis.
In specie	8395·549
In old copper, chains, horse, iron ballast, palm-oil, &c.	941·87
A quantity of oil, &c., shipped at Loando	1137·015
A quantity of ivory, at cost, on the coast	1224·30

Which make on board 11698·734 Milreis.

There were also on board 39 bales of cotton goods, East India coloured cottons, taken on board at St. Helena; also certain articles of the outward cargo, neither of which I can fix their proper value to.

2. The value of the barque "*Jones*" I can only estimate from the fact that I was present when Captain Gilbert was offered from 12,000 to 14,000 dollars for her.

3. The stores on board I suppose to be worth 800 dollars.

4. The probable profits on the goods which were on board the barque at the time she was seized, (not including the specie,) in trade on the coast of Africa, I estimate at about 50 per cent. on the prime cost of the goods.

5. I have no doubt a loss was occasioned to the owners by the absence of the barque from Ambriz. She was detained at St. Helena from the fact that Mr. Taplin, who, with Mr. Daley, had been put in charge of the Ambriz factory, having no experience at all in the trade, and Mr. Daley had been on the coast only six months, and during that time under the direction of another factor; also from the fact that the British factory, which was a rival in the trade, was absolutely breaking up, and from the fact that the facilities for purchasing ivory were expected to be greater while we were absent at St. Helena than they had been before.

6. I think we should have received, in freight and passage-money, from the coast to South America, if the barque had not been detained at St. Helena, about 1500 dollars.

I wish to observe that some of the accounts in the above statements may appear to differ from the amounts I have stated in my Protest, made at St. Helena; and the reason is, that I have now had an opportunity to examine the accounts which were sent home from St. Helena, and I have now been able to make more accurate statements.

I have been about seven or eight years engaged in the trade to the coast of Africa, and from there to Rio, in the employ of P. J. Farnham and Co., being the only trade in which I have been engaged.

(Signed) FRANCIS W. SEXTON.

Commonwealth of Massachusetts, Essex, ss.

November 27, 1841.

Then Francis W. Sexton made solemn affirmation, under the pains and penalties of perjury, to the truth of the above affidavit, by him subscribed.

Before me,

(Signed)

JOHN GLEN. KING,

Justice of the Peace.

Fourth Enclosure in No. 161.

Deposition of Mr. Robert Upton.

I, ROBERT UPTON, of Salem, in the Commonwealth of Massachusetts, merchant, do on oath declare, that I have for many years been engaged in the trade from the United States to South America, and have transacted business to a large amount in that trade for the last 10 years. In December, 1840, the barque "*King Philip*," of Salem, belonging to me, was at Monte Video, and there took in a cargo of dry hides on my account, which cost there 32,644 dollars 16 cents, which cargo of hides was afterwards, in the month of February, 1841, sold in the United States for 47,692 dollars 66 cents.

(Signed)

ROBERT UPTON.

Commonwealth of Massachusetts, Essex Co.

City of Salem, ss. :

On this 14th day of December, A.D. 1841, Robert Upton, Esq., personally well known to me as a resident merchant of this city, made oath to the truth of the above affidavit, by him subscribed.

Before me,

(Signed)

JOHN GLEN KING,

Justice of the Peace.

Fifth Enclosure in No. 161.

(D.)

Deposition of Mr. James Daley.

I, JAMES DALEY, of lawful age, do on oath depose and say, that I was at Ambriz as master of the brig "CIPHER," of Salem, about September, 1840, and had some knowledge of the state of things in the factory of Messrs. P. J. Farnham and Co. at that place. The persons who had been left in charge of the factory when the barque "Jones" sailed from St. Helena, were in the habit of gross intoxication, and riot and disorder, and waste of property; losses of every kind was the consequence of this intemperance and neglect of business; I, myself, though not at all authorized to do so, felt it my duty to go into Mr. Farnham's factory and take out a cask of rum, and carry it away from the people who were constantly getting intoxicated with it. It was a matter of common knowledge at Ambriz that the property of Mr. Farnham's factory was most shamefully wasted and squandered by the agents left in care of it, while the "Jones" was at St. Helena, all which might and would have been prevented if there had been there an agent of common prudence and faithfulness. I am confident that a very great loss was occasioned to Mr. Farnham by the waste of property and the neglect of business of the men in the factory of P. J. Farnham and Co. while the barque "Jones" was at St. Helena. I was formerly in the employ of P. J. Farnham and Co., and am well acquainted with Francis W. Sexton, and have been connected in business with him, and know him to be an able and correct man of business, and have no doubt that if he had been permitted to return in the "Jones" when she expected to return, without being detained at St. Helena by the British, a great part of the waste of property and loss in trade and business would have been prevented.

I have been more or less engaged in the African trade for about nine years, and for about five years have been constantly engaged in the Ambriz trade, and consider myself well acquainted with the trade on the coast, and from the coast to South America. It is a matter of great importance to the success of trade that there should be a full assortment of goods in every factory.

I know that Mr. Farnham's factory at the time I was there, and while the "Jones" was absent at St. Helena, was not well supplied, and I have no doubt that if the "Jones" had returned when she was expected, bringing a good assortment of coloured East India cotton goods for Mr. Farnham's factory, which I have been informed she had on board when she was seized at St. Helena, it would have been a very great help to the trade of the factory in the hands of a capable and faithful agent such as Mr. Sexton.

When I was at Angola I was informed that there were several persons waiting for the "Jones" to come back from St. Helena to go over to Rio with Captain Gilbert, and passengers generally carry considerable freight when they go over.

About two years before this I went from Loando to Rio, and had a very considerable number of passengers and a handsome freight in the brig "Edwin," belonging to Messrs. P. J. Farnham and Co., the owners of the barque "Jones."

(Signed) JAMES DALEY.

Commonwealth of Massachusetts,

Essex, City of Salem, ss. :

On the 27th day of November, A.D. 1841. The above-named James Daley was sworn to the above affidavit by him subscribed before.

(Signed)

JOHN GLEN KING,

Justice of the Peace.

Sixth Enclosure in No. 161.

Deposition of Joseph Taplin.

I, JOSEPH TAPLIN, of Salem, in the County of Essex, and Commonwealth of Massachusetts, do on oath depose and say, that I was second officer on board the barque "*Jones*," of New York, James Gilbert, master, on her late voyage from Boston to the coast of Africa, and then to South America; she sailed from Boston about the 13th of March, 1840, with a cargo of crockery, lumber, powder, boats, oars, some bales of cotton, flour, and bread, and many other articles intended for the trade on the coast of Africa. The first port we made on the coast of Africa was Ambriz; at Ambriz we landed part of our cargo, and while we lay there we were boarded by an English man-of-war, the "*Waterwitch*;" the boarding officers went down into the cabin with the captain, and after staying a short time, they came up and left the barque, and to my knowledge found nothing to object to or complain of. From Ambriz we went to Loando on the coast, and while we were going up we were boarded by the English man-of-war "*Brisk*;" the officers went below with the captain and examined the barque's papers, and upon coming up, immediately left the barque, and made no complaint. We laid four or five weeks at Loando, and then we landed several articles of our cargo, which were sold; and while we lay there, several merchants came on board to examine and purchase different articles of the cargo. From Loando we went back to Ambriz, and from there, after a stay of a day or two, she sailed for St. Helena. She had specie on board, ivory, and, I think, a quantity of oil, lumber and boats, some flour, some bread, some crockery, syrups, mead, lemon, furniture, boxes of soap, tobacco, candles, and other articles. I remained at Ambriz in Mr. Farnham's factory to take charge of the property there belonging to the owners of the "*Jones*" in company of a Mr. Daley, and there I was to wait until the "*Jones*" returned, which was expected in about two months to bring other articles. I suppose there was property left in our charge to the amount of at least twenty thousand dollars, and with the goods which were to come from St. Helena, we should have had an assortment of goods for the trade to South America, where she was going when she returned from St. Helena, either to Rio de Janeiro or to Monte Video. While I was on board the "*Jones*," she was not in any way concerned in the Trade in Slaves; there was no slave on board of her; and I am certain she was not fitted out with any intention of having anything to do with that trade, but that her voyage was merely a trading voyage, and her cargo and equipments were adapted only to the purposes of trade on the coast of Africa and South America. While we were at Loando, Mr. Davis, the chief mate, was several times very much intoxicated, as he always was when he could get any liquor to drink. I have now just returned to Salem from this voyage; I mean I have not been at home more than a fortnight. I returned in the "*Saluda*," owned by the owners of the "*Jones*." The "*Saluda*," owned by P. J. Farnham and Co., sailed from New York for Ambriz, and thence to Loando; then back to Ambriz, and there I embarked in the "*Saluda*" for Rio de Janeiro with the property of the owners which I have mentioned, and which was intended to have been carried up in the barque "*Jones*," and would have been carried to Rio in her if she had not been prevented from coming back to Ambriz by the capture of her by the British brig-of-war "*Dolphin*." While we lay at Ambriz, the brig "*Herald*," of Salem, belonging to Mr. Brookhouse, arrived there, and took the funds of the owner which lay there, and with them sailed on her voyage to Monte Video, in South America; and while we were at Rio in the "*Saluda*" we heard of the arrival of "*Herald*" at Monte Video.

(Signed) JOSEPH TAPLIN.

*Commonwealth of Massachusetts, Essex, ss.:**August 6th, A.D. 1841.*

Then Joseph Taplin personally appeared and made oath to the truth of the afore-written affidavit by him subscribed before me.

(Signed) JOHN GLEN KING,
Justice of the Peace.

Seventh Enclosure in No. 161.

Deposition of Henry Thomas.

I, HENRY THOMAS, of lawful age, do on oath depose and declare, that I was cook on board the barque "*Jones*," of New York, on her late voyage, when she was seized by the British armed brig the "*Dolphin*." I shipped in Boston, and we sailed from there on a voyage to South America and the coast of Africa on the 14th day of March, 1840, and arrived at Ambriz on the coast of Africa in the latter part of the month of June following; and there discharged part of our cargo, and took in some ivory; from there we went up to Loando; and there some cargo was discharged; and took in some oil, I believe, and other things; and from there went back again to Ambriz, and lay there, I believe, about a week or upwards; and then we sailed for St. Helena, and arrived there in a passage of about 15 or 16 days; we there discharged some cargo, but not much, and took in some bale goods, and some iron ballast, and also a horse; we had got nearly ready for sea, and some of the crew were not willing to go back to the coast of Africa; and they refused to go back. The captain and Mr. Sexton both told the people that if they would consent to go back to Ambriz he should not remain on the coast more than three days, and then would sail direct for South America; and he and Mr. Sexton both said they would give the people a writing to do so. Then some said they would go, and others said they did not want to go, and if they were taken it would be against their wills. The officers of the "*Dolphin*" often came on board the barque while the captain was on shore, and on Saturday a boat came from the "*Dolphin*," bringing Mr. Murray, the lieutenant, and Mr. Pike, and the purser, and a boat's crew. They asked Mr. Davis, the mate, where the captain was; he said he was on shore; they asked him if he left the ship's papers on board; the mate said he did not know. The mate then wrote a note to send up to the house of Mr. Corrol, the Consul, to the captain, and it was carried ashore by the "*Dolphin's*" boat. They could not find the captain, and as soon as the boat returned, and they found they couldn't find the captain, they returned on board the brig "*Dolphin*" again. That same evening a guard of four men, with an officer, came on board; they were armed with muskets and cutlasses, and stayed on board all night; and the officer told them not to let any boat come alongside without hailing them, nor to come too close before they did hail them. In the morning, which was Sunday, the captain came on board and changed his clothes, and then went ashore. Afterwards two boats came from the "*Dolphin*" with men, and as soon as they got on board they hoisted the boats off the hatches, took off the hatches, and took out the bales, and Lieutenant Murray said to Mr. Davis, "We can't find anything now, we will leave it till to-morrow." They then went on board the "*Dolphin*," leaving an armed guard of men and a midshipman. On Monday morning Captain Gilbert and Mr. Sexton came off to the barque, and got within 10 yards of the vessel before the sentinel saw them; and Mr. Murray came to the gangway, and saw it was our captain, and said, "Keep off, sir, keep off; don't come on board." The sentinel stood in the gangway with his musket loaded. The boat then went ashore, and soon came off again with the captain and Mr. Sexton; and when she came within 20 or 30 yards, the sentinel ordered her to keep off. Captain Gilbert then stood up in the boat and said, "I am James Gilbert, the master of this barque "*Jones*," and I want to come on board my vessel." Mr. Murray said, "Sir, keep off, you must not come on board;" and said to the sentinel, "If he comes any nearer, put a ball through him!" when the boat went ashore. About 20 men came on board from the "*Dolphin*," and took out the whole cargo, and removed and overhauled the ballast we had taken on board at St. Helena, so that they got down to her keelson, and then said they could not find anything, and they put the ballast and cargo back as they found it. They then went aft and rummaged the cabin, and Mr. Murray said he was expecting to find boxes of irons for slaves, and from what information he had, he expected there was a slave copper on board; he couldn't find anything he was looking for in any part of the vessel. He then called the carpenter down with his broad axe, and the first thing he did was to break open Mr. Sexton's bureau. They hauled out every drawer, and looked over every paper they could find; they then broke open all the trunks they could find, except one which Mr. Davis told them was Mr. Frye's, and contained only his things, Mr. Frye having died in Ambriz. Mr. Davis was in the cabin helping the officers and showing them where to search. They then broke open the captain's state-room, and Mr.

Davis told them to look under a trunk. They did, and found a large heavy trunk; and it took four men to lift it and get it over the sill of the state-room door into the cabin. After they got it into the cabin they took the axe and forced the lid open, and it was full of bags of money, the bags sealed; they then passed these bags of money up one after another over the gangway into the gig, the man-of-war's boat alongside. There was a small trunk of the captain's also, which they broke open; it contained the barque's papers, and a little mitten with some gold in it, which belonged to the captain; they took away the papers and the money too. I suppose it was the captain's money; it was in his trunk. They went on board the "Dolphin," the three officers, with the boat's crew, and passed the money right into the "Dolphin." The overhauling of the cargo took from Monday until Wednesday, as I think, and I believe it was on Wednesday that the money was carried on board the "Dolphin." On Friday, the day we sailed, an iron-bound water-cask was brought on board the barque from the "Dolphin," which was said to contain the money taken from the trunk. On the Tuesday before we sailed, Mr. Davis wrote a paper and brought it to the men to sign, and they all signed it. He said, if we did not sign it, we couldn't get clear from the barque not to go the voyage. I did not read it; he carried it on board the "Dolphin," and gave it to the commanding officer. We then sailed on the next Friday for Sierra Leone: Mr. Murray had charge of her. We touched a few minutes at Ascension, and arrived at Sierra Leone after a passage of about 13 days. Mr. Davis lived in the cabin with Lieutenant Murray during the passage. Captain Gilbert had a barrel of porter and a barrel of wine in his state-room, which they used during the passage to Sierra Leone, until Mr. Murray found that Mr. Davis got drunk so often that he was obliged to put it back into the state-room and nail it up. Mr. Davis was so much intoxicated that he could hardly take the sun once during the passage.

The day after we arrived at Sierra Leone, the first thing they did was to hoist the horse out and carry him ashore; and all the time I was there, Mr. Murray used this horse as if he was his own; he was a beautiful and very fine horse. On Tuesday, late in the afternoon, the prize-crew were sent on shore to the barracks. And the same afternoon Mr. Murray came on board with Mr. Arnold, who put a seal upon everything that was open. The cask which contained the money had been carried on shore the same day we landed the horse; and the cask was afterwards brought on board empty, with the head knocked in. Mr. Murray then told Mr. Davis and myself to pack up our things; and we did, and went on shore late in the afternoon that day. The barque was then in the care of Mr. Arnold, who left a guard on board of her night and day. The trial of the barque took place while I was there; Mr. Davis and the steward went up to be questioned by the judge about three times a-week, and I was not called upon. Mr. Davis said I was of no use to condemn the barque, that only he and the steward could condemn her. After I heard that the ship had been cleared, and that they had turned her out of court, I went to Mr. Murray and asked him if the barque was going to America again, because if she was, I wanted to go in her. He said no, you need not be afraid of ever seeing her in America again, for if we can't condemn her one way, we will condemn her as not being seaworthy, for Mr. Arnold is going to buy her and make a timber-ship of her; for she will do very well for that purpose; and if you should go to England, you may perhaps see her there as a timber-ship. She was tried in two Courts, as I was informed. After the first trial, Mr. Murray brought a paper to Mr. Davis to sign, and offered to give him the salvage of the hull of the ship if he would sign it. Davis said, that if Mr. Murray would give him a writing that he should have the salvage, he would bring her to judgment and condemn her immediately. Soon after, Mr. Davis was taken sick, and while I was attending on him, Mr. Murray and Mr. Pike, and two more officers, came into the room where Mr. Davis was sick, and wanted to see him; the woman that tended him told them that he was too sick, and couldn't see him; they said they would see him, and turned her out of the room; they then went in, and set him up in his bed, and put a pen in his hand, and he signed a paper with a stamp on it, as it seemed to be, as Mr. Murray asked him to. The officers then laid him down again, and went out; and Davis died the next day. I was then attending upon him, and was sitting at the head of the bed. The last words he said before he died were, "I know I have done wrong, and I am very sorry for it." I heard the steward say that Mr. Murray asked him if he had not a slave-copper on board; that he

told Mr. Murray that there was not, but that he heard the captain say that he had a large copper ashore, which he thought would do better for the ship, and that the one they had on board would do for Mr. Sexton's factory.

I saw nothing in this voyage that looked like being concerned in the Slave Trade, or like any preparation for it. It was a voyage of trading in goods and merchandize, like all others I have known, and nothing else. In every vessel I have sailed in, there have been more irons than there were in this vessel. I have known 10 or 12 pairs on board a ship in the European trade.

his
(Signed) HENRY + THOMAS.
mark.

Commonwealth of Massachusetts, Essex, ss.
February 9, 1841.

Subscribed and sworn to before me.

(Signed) JOHN GLEN KING, *Justice of the Peace.*

Eighth Enclosure in No. 161.

Deposition of Mr. John Francis.

I, JOHN FRANCIS, of Salem, in the county of Essex, of lawful age, do on oath depose and say, that I was master of the ship "*William Henry*," of Salem, owned by David Pingril, merchant of this city. That on the 7th day of September, 1840, I arrived at St. Helena, in the said ship, and found lying there the barque "*Jones*," of New York, Captain Gilbert, belonging to Messrs. P. J. Farnham and Co. On the 8th I went on board the "*Jones*," to see the master, and Mr. Davis, the chief mate, with whom I was acquainted. I there talked with Mr. Davis for a considerable time, but the captain was not on board. Mr. Davis seemed then to be perfectly sober, and made no complaint to me of any difficulty or trouble of any kind, and expressed no dissatisfaction with the barque, her voyage, or her captain, although he had a good opportunity to do so, if he had chosen, as Captain Gilbert was not on board, and I had a considerable long talk with him alone. Another object I had for going on board, was to see some salt cod-fish in drums, some of which I thought of buying.

The next morning I saw Mr. Davis at St. Helena, about the time he came on shore, and I conversed with him, and he seemed then quite sober and right.

During the day I was sitting in the store of Mr. Carrol, the American Consul, and Mr. Davis came in in a high passion, and began shaking his fists on the counter, and says, "Where's Mr. Carrol? Don't you think it damned hard that I can't get two dollars, and the vessel has got 15,000 dollars in specie on board." He then made a good many threats, and said, "He'd be damned if he didn't fix the barque yet." I then reasoned with him, and talked a good while with him, and tried to cool him; he then said he had taken from the captain when he came on shore all the money he thought he should want, but was going to stay longer than he expected, and wanted 2 dollars more, and couldn't get it from the supercargo. He then went into the Consular Office, which is back of the store, and I there heard him have very high words with Mr. Carrol; at the time he made these threats and remarks he had several of the crew with him. He never mentioned to me, in any way, that the barque had been engaged, or intended to be engaged, in the Slave Trade, or anything of the kind. Mr. Davis was then much intoxicated; and after all this had been said to me and Mr. Carrol, he then said to me, "For God's sake speak to Mr. Carrol, and tell him I didn't mean what I said; and don't say a word about it in Salem."

Afterwards, late in the afternoon, I saw him again on the Pier-head, and he was as bad as ever, repeating all his threats and other things he had said before: I had my boat on shore, and offered to take him on board his vessel; he said, "No, I'll be damned if I go unless I have the two dollars." I then told him I would give him the 2 dollars if he would go on board; he said no, he wouldn't go until he had had his cruise out. He said several times he'd be damned if he would ever go in the vessel again. I had a nephew on board the "*Jones*," who was very young, and he told me that the mate and the crew were determined not to go back to the coast of Africa, and had agreed together that they would not go, but that he was willing to go wherever the barque went; and I told

him that that was his duty, and that he ought not to join in any conspiracy against the captain, or to break up the voyage. I understood from him and others, that Mr. Davis and the crew had determined not to go back to the coast of Africa, and to prevent the barque going there by some means or other. The same day, at seven o'clock in the evening, I sailed from St. Helena.

(Signed) JOHN FRANCIS.

Commonwealth of Massachusetts, Essex, ss.

August 13, 1841.

Then Captain John Francis, personally known to me, appeared and made oath to the truth of the afore-written affidavit, by him subscribed.

Before me,

JOHN GLEN KING, *Justice of the Peace.*

Ninth Enclosure in No. 161.

Deposition of William Cook.

I, WILLIAM COOK, of lawful age, do on oath depose and say, that I was first officer on board the brig "Leander," William Potter, master, on her late voyage to the coast of Africa. In March last the "Leander" was at the port of Sierra Leone, and then I saw the barque "Jones," of New York, which had been taken possession of by the British man-of-war, the "Dolphin," at St. Helena, and sent into Sierra Leone. I went on board the barque "Jones," in company with Captain Potter; she then seemed almost falling to pieces, her seams were all open, her sails, some of them hanging from the yards, and some lying about deck in a decayed condition, and past all mending; the companion-way doors were off, and rough boards nailed across. There were three small black boys on board her, who had been put on board for ship-keepers, as I understand; and, as they said, the barque was in such a condition that she could not be so fitted up and repaired at that place as to enable her to leave Sierra Leone; in short, I thought her worthless, and that nothing whatever could be done with her.

It was commonly said and believed, and I have no doubt of the truth of it, that all Captain Gilbert's instruments, and the charts of the barque "Jones," were given to Mr. Davis, her mate, by the British officers. He sold the charts to Captain Taylor of Waverley. The woman with whom Mr. Davis boarded at Sierra Leone told me that Davis was the means of having the barque taken, and this was the common belief at Sierra Leone.

While I was on board the barque "Jones," I observed that her cargo was left scattered all over the decks, so that you could hardly step without treading upon it. Everything seemed to be in confusion, and in great neglect; her rigging was all laying about on the decks and on the cargo, and Captain Potter and myself both remarked upon the decayed and neglected state of the rigging.

Just as I got into the boat to go on board the "Jones," Captain Potter remarked to me, that as this was an American vessel we were going on board, we ought to notice her appearance and situation particularly, as we might possibly be called upon when we got home to tell what we saw; and we did notice everything about her carefully and particularly.

(Signed) WILLIAM COOK.

Commonwealth of Massachusetts, Essex, ss.

August 19, 1841.

Then William Cook appeared and made oath to the truth of the afore-written affidavit by him subscribed.

Before me,

JOHN GLEN KING, *Justice of the Peace.*

Tenth Enclosure in No. 161.

Deposition of Mr. Frederick G. Ward.

I, FREDERICK G. WARD, of Salem, in Massachusetts, do on oath declare and say, that I was at Sierra Leone in December, 1840, as master of the brig "Ganges," of Salem, owned by Benjamin Upton, and others; that I found there on my arrival the American barque "Jones," of New York, owned by

Messrs. P. J. Farnham and Co., which vessel had been seized by the British brig-of-war "Dolphin," under pretence that she had been, or intended to be, engaged in the Slave Trade. Her sails, as far as I could see, seemed to be ruining from neglect; some of them were black with mildew; and the vessel laying there parched in the sun, was greatly suffering from want of care, and, as I fully believe, would be in a short time rendered worthless. I heard a great deal said by people there, whom I believe to be credible and respectable merchants of that place, of the utter neglect of all care for the preservation of this vessel, her sails and rigging; and that there seemed to be no one who took any pains to secure her from the effects of the climate and the weather: while at Sierra Leone, I was told that the "Jones" had been tried and cleared, and that she would be delivered up to any one who would claim her.

I afterwards, on the voyage, fell in with the British brig of war "Dolphin," at Lagos, and had some conversation with Lieutenant Murray of the "Dolphin," who was the officer who had charge of the "Jones," when the "Dolphin" took her. I told him I had seen her at Sierra Leone, and that I was told there that she had been tried and cleared. He said, yes, she had been tried and cleared, but the captors had appealed, and he believed she would yet be condemned.

I heard at Sierra Leone, that the seizure of the "Jones" was brought about by the interference of Mr. Davis, the first officer of the "Jones;" and it was the general opinion of the merchants, with whom I talked there, that the British Government would have to pay for her. One of the principal merchants told me that if he had known that the "Jones" belonged to Mr. Farnham, he would have interfered, and have had her given up without any delay or trouble.

(Signed) FREDERICK G. WARD.

Commonwealth of Massachusetts, Essex, ss.
August 7, 1841.

Then Captain Frederick G. Ward, personally well known to me, appeared and made oath to the truth of the afore-written affidavit, by him subscribed.

Before me,

(Signed) JOHN GLEN KING, *Justice of the Peace.*

Eleventh Enclosure in No. 161.

Deposition of John G. Sleeper.

I, JOHN G. SLEEPER, do on oath declare that I was one of the crew of the barque "Jones" when she was taken possession of by the British brig-of-war "Dolphin," Captain Littlehales, commander, at St. Helena.

On the voyage of said barque, we first arrived at Ambriz, on the coast of Africa, some time between the 16th and 20th days of June, 1840. We then discharged cargo and took in cargo; and there Mr. Frye, the supercargo, died, we being there until the 3d of July; the barque went from there to Loando, and there she discharged more cargo and took in some: from there she went back to Ambriz and discharged a little more cargo, and from there sailed for St. Helena. We arrived at St. Helena on the 24th of August, and for the first 13 days we lay there I was sick and in the hospital. After I got out of the hospital, I went on board the barque on Wednesday morning, and found that part of the cargo had been discharged and some taken in for the coast; it was bales of cloth and about 70 tons of ballast: the crew were then talking about going back to the coast; they said they didn't like to go to the coast again; they thought they did not ship to go to the coast; and Mr. Davis, the mate, said the same, and they were unwilling to go. At St. Helena, one day Mr. Davis, the mate, wanted to go on shore; the captain and supercargo were then on shore attending to the business, and he could not be spared and did not go; the second mate had been left on the coast, but the next day the captain did let him go on shore, but did not give him any money. Mr. Davis came to the Consul's store while I was there, much intoxicated, and asked the captain for money; the captain said he should not give him any more. He then said if he would not give him any money he would be damned if he went on board, and would not go the voyage. The next day he came on board and went to his duty as usual. After he came on board, he said he should not go on the voyage, and told the people to stick out, and he would stand by them. He

also wrote a Protest for the people to sign. I do not know that Davis signed it; I was the last person that signed it of the crew, and I did it because I was afraid not to sign it. The crew all came aft to me with Davis, who brought the paper, and I signed it because I was afraid of them. They had often abused me because I was in favour of going the voyage, and threatened me on that account; when I signed it, I did not read it. On Saturday I was on shore, and while I was on shore the officers of the "Dolphin" came on board the barque. The captain was on shore at the time, and so was the supercargo. When I went on board the barque, I was told that the officers of the "Dolphin" had been on board, had asked for the papers, and Mr. Davis told them they were locked up in the state-room; that he had not the key; that they could not go into the state-room, and could not see the papers; and the officers of the "Dolphin" then went on shore. On Saturday night, I think it was, an officer of the "Dolphin" came on board the barque again, and two marines and two sailors came with him, and they were armed with muskets and cutlasses. The captain came on board directly after they came. They asked him to show his papers; but I did not hear his answer. The captain then went down into his cabin and changed his clothes, and when he came up the officer told him there can't be anything taken out of this vessel, and that he had orders not to let any one go ashore. The captain and he talked a few minutes pretty warmly, and, finally, the captain went into the boat and went ashore. They staid on board that night: the next morning the other officers of the "Dolphin," I believe all of them, came on board, and directly afterwards several of the crew of the "Dolphin." Lieutenant Murray of the "Dolphin" told Mr. Davis that he was going to overhaul the vessel, as the captain refused to show his papers: they then overhauled every part of the cabin and all the state-rooms, and the pantry. While they were looking round, the steward of the barque was helping them look, and he brought out five pairs of handcuffs, and showed them to Lieutenant Murray; and he said, "there, this is just what we want;" they were old and rusty. Says he "If we don't find any more on board her that's enough to condemn her;" then he took a hammer and began to knock on the carling's casing, and other places all around the cabin, to see if he could find any hollow places where things were put, and he couldn't find any. Then he set the whole of his men who were on board to overhauling the vessel and placing the cargo on deck; and he came to some casks of salt-fish, about 30 casks: "I think," says he, "here's another very good proof," and he overhauled her down to the kelson and couldn't find anything more; but he said the lumber on board was to make a slave deck. That night the captain didn't come off, and they did not get the papers. There were boats passing to and from the "Dolphin" all the time. Lieutenant Murray afterwards, in the evening, called for an axe, and broke open the captain's state-room door, and there he overhauled everything, the captain's chest and everything there was there; and took the box the money was in and broke that open, and couldn't find anything to find fault with; then they broke open a secretary or writing-desk, and then they found what they called false papers: "These papers," says he, "won't do; here is where the vessel cleared for Monte Video." That was all they could find that night. I believe the crew of the "Dolphin" then left her, except the officer that came on board with the marines and men; and the next morning, which was Monday, all the crew of the "Dolphin" came on board again with Lieutenant Murray and some more of the officers, and had a sentinel stationed at the gangway, with orders not to let any boat come alongside. The captain and supercargo came off in a shore boat: as he came alongside the vessel, the sentinel sung out to that boat to keep off; and they kept coming nearer, and the sentinel sung out again, "Keep off or I shall fire into you!" Captain Gilbert rose up in the stern of the boat and said, "My name is James Gilbert, and I am captain of that barque:" says Lieutenant Murray, "I don't know you, keep away with that boat:" the captain pulled round the stern of the barque and went on board a Boston ship, the "*Ceylon*." In the afternoon Lieutenant Murray passed the word for all the "*Jones's*" crew to come aft; they then went aft, and he told them to get their things all ready to go on board the "Dolphin;" says he, "you may think yourselves well off that you are allowed to take your things with you:" says he, "If you had not signed that Protest you would have been put on shore at the next land we made, with nothing but what you stand in." The crew went forward and got their things ready and put them in the "Dolphin's" boats and went on board the "Dolphin." We saw the commander of the "Dolphin" as soon as we got on board; he said we should be

well taken care of, and he would 'get a passage for us to America as soon as he could. Every day while we were on board the "Dolphin" her crew went on board the "Jones" to overhaul her cargo, until the "Jones" sailed; and at night when they came back to the "Dolphin" they would have some articles which they had taken from the "Jones," such as small teeth of ivory, bottles of lemon syrup, Houghton's bitters, and sarsaparilla, mead, and tobacco; and they also took ten grindstone pairs of shoes, and I saw also one bolt of duck. The money that was in the barque was taken on board the "Dolphin" and counted, and then it was put in a barrel and sent on board the barque again. The "Jones" sailed on Thursday night about 10 o'clock. Lieutenant Murray, Mr. Pike and six or eight men went in the barque; Mr. Pike, I think, went as passenger. The supercargo, Mr. Sexton, told the crew at St. Helena, when they were dissatisfied, that he would go directly to Ambriz to land some cotton goods and then sail directly to Rio; and said, too, "If the 'Sarah Elizabeth' comes in while we are here, we shall not have to go to the coast at all, but will sail direct for Rio from here." One of the men, Benjamin Peabody, said he would go, and the rest said they would not go; I mean, except myself, who never refused to go. Mr. Sexton hired six Kroomen for his boat's crew, to pull his boat at Ambriz, and they went up to Loando, and also a servant to wait upon himself. He was a man who was in the factory there, and was exactly as a man would hire a waiter here; he returned to Ambriz in the barque, and was left there and received his pay. There were Kroomen on board the "Dolphin" hired to pull her boats, just as Mr. Sexton hired. When I got up to Loando these men were not on board the barque, and the crew told me that they had left, one by one, and had received their pay and gone off. I heard Lieutenant Murray say that if they could not condemn the barque as a slaver they should try to condemn her as a pirate.

(Signed) JOHN G. SLEEPER.

Essex, ss. January 28, 1841.

Sworn before me,

(Signed) JOHN GLEN KING, *Justice of the Peace.*

Twelfth Enclosure in No. 161.

Deposition of Henry Eastman.

I, HENRY EASTMAN, of lawful age, do on oath depose and say, that I belonged to the barque "Jones," James Gilbert, master, as one of her crew, when she was taken possession of at St. Helena by the British armed brig, the "Dolphin."

The barque sailed from Boston some time in March 1840, and arrived on the coast of Africa some time in June. We first arrived at the port of Ambriz, and there landed and took in goods, and went up to Loando, and from thence came back to Ambriz, and after taking in goods for St. Helena we sailed for that island, and arrived there the last of August, as far as I can now recollect. We traded there, landed bread, flour, and other articles, and took on board ballast; and while we lay there the boat of the "Dolphin" came on board several times with an officer, as many as five or six times: the officer went into the cabin with Mr. Davis, the mate, whenever the boat came, but what passed between I don't know. The captain was not on board at these times: I mean to say that this took place before the vessel was seized by the "Dolphin," and while the captain was on shore doing the business of the voyage. The barque got all ready for sea, the long-boat was hoisted in, and everything stowed, when, on Sunday, a boat came on board from the British brig "Dolphin," with an officer, two marines, and a boat's crew, all armed with cutlasses and pistols, and the marines had muskets. They first hoisted the long-boat on one side and took off the main hatches, and took up some of the cargo on to the deck: then they opened some of the casks, cases, and bales. Some of the casks had crockery in them, and some of the cases shoes; and the bales contained cotton goods such as we have to trade with on the coast: they worked nearly all day on Sunday, and tore the things pretty well up in the hold; they overhauled all the ballast, or nearly all, that we took on board at St. Helena. The gunner of the "Dolphin" was below, and the lieutenant went down once in a while; the captain came on board and went into the cabin; he

did not stay long, and I did not hear anything that was said by him or to him. The British left an officer and two marines on board all night. The next day a boat's crew came on board again and were overhauling her, knocking the boxes to pieces in the hold, until we were ordered to go on board the "Dolphin," which was after dinner, and then the officer told us to get everything up and go on board the "Dolphin," and we had all our things overhauled as we got over the gangway of the "Dolphin." The officer said the man on shore was not a Consul, and we must stop on board and couldn't go on shore with our clothes, and that they had got to take care of us until something could be done with the barque. They kept us on board until the barque sailed, and then we had liberty to go on shore once in a while. While on board the "Dolphin" we were put on two-thirds allowance, and that is short enough on board an English vessel. The crew of the "Dolphin" frequently said they were sure of their prize-money whether the barque was condemned as a slaver or not, and that it was to be 33*l.* or 34*l.* Our clothes were many of them stolen by the crew of the "Dolphin," and they carried them on board and sold them. They didn't leave me a blanket. We had part of a bolt of duck distributed to us to make trousers, which was taken by them from the cargo of the barque: I knew the duck very well. There was nothing in this whole voyage of the barque that I saw that looked like anything but a common trading voyage, and no appearance of trading in slaves or in anything but the common goods of a voyage to the coast of Africa; while we were on board the "Dolphin" her boats went constantly to the barque both night and day. There was rum brought on board the barque and carried into the cabin and used there. The officers of the "Dolphin" and Mr. Davis, our mate, and the steward, lived in the cabin.

(Signed) HENRY EASTMAN.

Essex, ss. February 2, 1841.

Subscribed and sworn to before me,

(Signed) JOHN GLEN KING, *Justice of the Peace.*

Thirteenth Enclosure in No. 161.

Deposition of Benjamin Peabody.

I, BENJAMIN PEABODY, of lawful age, do on oath depose and say, that I was one of the crew of the barque "*Jones*," James Gilbert, master, at the time she was forcibly seized and taken possession of by the British armed brigantine "Dolphin," Lieutenant Littlehales, commander. We sailed from Boston about the 13th day of March last, and arrived at Ambriz, on the coast of Africa, some time in the latter part of June; we landed cargo and took in ivory there, and then went up the coast to Loando; we landed some cargo and took in some at Loando, and from there went back to Ambriz; there we again landed and took in cargo; and in the month of August, I think it was, but can't tell the day, we sailed for St. Helena; and arrived the latter part or very last of August. We landed the cargo which we brought to land there, and took in some ballast and some bale goods; the captain went on shore and did his business at the Custom-house, as is always done at Foreign ports. On Sunday the officer came on board the barque from the British brig "Dolphin," with a boat's crew, armed with pistols and cutlasses, hoisted the longboat off the hatches and opened them, then they went down below, and the mate sent me on shore with two hands to the captain to come on board. What passed between him and the officer I don't know; and he soon after went on shore again. The men from the British brig afterwards left the barque, but left behind them an officer, one marine, and two seamen, all armed, who remained on board all night. In the morning a crew came on board from the British brig to overhaul the barque, and began to overhaul the cargo of the barque, and while they were engaged in this they sent us on board the "Dolphin" with our things. While the British officers were on board the barque, Mr. Davis brought me a paper to sign, about not wanting to go again to the coast as they said, but I didn't read it, and as the rest signed, I signed. John Avery, who was a man-of-war's man, and said he knew about the laws, told us all we should not fare so well if we didn't sign it. We were kept on board the "Dolphin," and were not allowed to go on board the barque or on

shore until the barque (sailed), and then they allowed us to go on shore. While we were on board the brig, the purser asked us one day, what we landed on the coast, and we told him, as far as we knew, what the goods were we landed on the coast, and he wrote it down, as I suppose, but I didn't read what he wrote, and I signed it: this is all we meant to sign, and if he wrote anything else, I did not know it, and did not mean to sign anything more. The crew of the "Dolphin" went on board the barque every day, and sometimes several times during the day. The jolly-boat was going to and fro almost all the time until the barque went off. I saw Mr. Davis, the mate, intoxicated two or three times during the voyage on board, and while the vessel was in port. While we were on board the "Dolphin," we were not allowed to speak to any one but ourselves, and no one that came alongside was allowed to speak to us, or we to them. I never saw anything on board the barque or in any of the officers that looked like trading in slaves, or anything else but buying and selling goods.

(Signed) BENJAMIN ^{his} PEABODY,
mark.

Essex ss., February 2, A.D. 1841.

Subscribed and sworn to before,

(Signed) JOHN GLEN KING,
Justice of the Peace.

No. 162.

Mr. Everett to the Earl of Aberdeen.

Belvoir Castle, September 22, 1842.

MR. EVERETT presents his compliments to the Earl of Aberdeen, and has the honour to transmit two papers relative to the case of the "Jones," accidentally omitted in Mr. Everett's communication of the 16th.

First Enclosure in No. 162.

P. J. Farnham and Co. to Mr. Webster.

DEAR SIR,

Salem, Massachusetts, July, 14, 1842.

HAPPENING to meet Captain Seymour, whose deposition is enclosed, a few days since in Boston, and hearing him mention the circumstance of his having seen our barque "Jones" at Sierra Leone in March last, I thought it might be worth while to have his evidence taken, to give the Government information as to the present situation of our vessel, and the views of the people of the English settlement where she has been long lying, going to ruin in the sun and rain, as to the true character of the seizure of that vessel, and our just right to compensation promptly and fully.

Another mail-packet having arrived from England, with intelligence that the British Government had allowed the claim for a second vessel of our neighbour and townsman, R. Brookhouse, Esq., a loss trifling in amount and unimportant in its aggravation compared with that of the barque "Jones;" and with no intimation that anything had been done about the "Jones," has filled us, we confess, with great anxiety. We have been particularly led to notice this circumstance from the fact that this last case of Mr. Brookhouse was a capture long subsequent to the "Jones," and in no respect entitled to a prior consideration.

Still trusting that we shall be protected in our rights by our Government, and especially confiding in the love of justice and energetic efficiency of our Secretary of State, we have taken the liberty, on occasion of forwarding to you the deposition of Captain Seymour, once more to ask your attention to our injuries and losses; and remain,

Dear Sir, &c.

(Signed) P. J. FARNHAM & CO.

The Hon. Daniel Webster,
&c. &c. &c.

Second Enclosure in No. 360.

Deposition of Captain Seymour.

I, THOMAS H. SEYMOUR, of Boston, in the State of Massachusetts do on oath declare that in March last I was at Sierra Leone, in Africa, Master of the brig "*Trafalgar*," of Boston; that I there saw the barque "*Jones*," of New York, belonging, as I have since been informed, to Messrs. P. J. Farnham and Co., of Salem, in Massachusetts, and taken by the British brigantine "*Dolphin*," at St. Helena, and thence carried to Sierra Leone. I there understood that she had been tried in the Courts, and that they could not find anything against her. It was a common remark and subject of sneer and ridicule among the merchants there, that any armed vessel should have thought of sending in such a vessel as a slaver. It was spoken of by all I heard mention her as a settled matter that the British Government would have to pay dearly for her. She had been sold by the Government there; after they had made several attempts to induce Americans to take charge of her for 2000 dollars. And when I observed upon the very small price for such a vessel, it was answered that that would make no odds to the owners, as the Government would have to pay for her dearly. I understood that part of the cargo was still on board, that her seams had opened, and that great fears were entertained that she would not hold together long, if, after lying there in the sun, she should be again exposed to the rainy season.

It was reported there that the British Government were to pay 40,000% to the American owners of the barque for damages. I did not hear from any one that it was pretended that there was any reason or just cause whatever for seizing and carrying in this barque; and it was not supposed by any one that the officers who took her could be in any way justified, or that the Government could avoid paying for her.

I understood that the "*Jones*" was then preparing by the person who had purchased her to be sent to Gambia, there to be used as a store-ship. The second officer of my brig, Mr. Roberts, was employed to fit her out for Gambia.

(Signed) THOMAS H. SEYMOUR.

*Commonwealth of Massachusetts,
Essex, ss. July 11, A.D. 1842.*

Then Captain Thomas H. Seymour personally appeared and made oath that the above written affidavit by him subscribed is true.

Before me, (Signed) JOHN GLEN KING,

*A Commissioner to take Affidavits and Depositions to be used in the
Circuit Court of United States for the District of Massachusetts.*

No. 163.

The Earl of Aberdeen to Mr. Everett.

Foreign Office, October 5, 1842.

THE Undersigned, &c., has the honour to acknowledge the receipt of the notes addressed to him on the 16th and 22nd September last, by Mr. Everett, &c., enclosing further documents relative to the capture of the barque "*Jones*," by Her Majesty's brigantine "*Dolphin*," and requesting to be furnished with a report of the proceedings which may have been had at Sierra Leone, in reference to that vessel and her cargo.

The Undersigned in reply begs to inform Mr. Everett, that it is from the want of the Report in question that Her Majesty's Government have been unable as yet to come to a decision upon the case. A renewed application has this day been made to the proper department on the subject, and so soon as Her Majesty's Government shall have received the necessary information the Undersigned will lose no time in communicating to Mr. Everett the decision of Her Majesty's Government on this case.

The Undersigned, &c.

(Signed) ABERDEEN.

*Edward Everett, Esq.
&c. &c. &c.*

No. 164.

Mr. Everett to the Earl of Aberdeen.

46, Grosvenor Place, November 12, 1842.

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, has the honour to transmit to the Earl of Aberdeen, Her Britannic Majesty's Principal Secretary of State for Foreign Affairs, the accompanying papers, lately received from Washington, relative to the capture of the American brig "*Douglass*," in the African Seas, by Her Majesty's vessel-of-war the "*Termagant*," Lieutenant Seagram commander. The detention and search of this vessel formed the subject of a correspondence between Viscount Palmerston and Mr. Stevenson, to which the Undersigned would refer for a history of the affair. He has been instructed to bring it anew under the consideration of Her Majesty's Government; to point out the unsatisfactory nature of Lord Palmerston's explanations; and, in transmitting to the Earl of Aberdeen the additional papers in the case, to press upon Her Majesty's Government the justice of making the so long-delayed compensation.

This case was first submitted to Lord Palmerston in a letter from Mr. Stevenson of the 13th November, 1840. It appears, by his Lordship's reply of the 19th November, that, before any reclamation on the part of the American Government, or the private parties injured, the attention of Her Majesty's Government had been drawn to the affair of the "*Douglass*" by the report of Lieutenant Seagram, containing an account of the transaction; and that officer had been called upon "to explain more fully and particularly the grounds upon which he had considered himself justified in detaining a ship under American colours, with papers showing her to be American property." Lord Palmerston adds, that "Her Majesty's Government have now directed a prompt and searching inquiry to be made into the facts of the case, as stated in Mr. Stevenson's note; and the Undersigned will not fail to communicate further with Mr. Stevenson on the subject, so soon as Her Majesty's Government shall have learned the result of the inquiries instituted."

On the 5th August, 1841, a note was addressed by Lord Palmerston to Mr. Stevenson, containing the result of these inquiries. In this note, after reciting Mr. Stevenson's statement of the case, Lord Palmerston proceeds to observe that—

"The Undersigned has, in reply, to state that, in pursuance of the wish expressed by Mr. Stevenson on the part of his Government, a strict investigation has, by order of the Lords of the Admiralty, been made into the particulars of this case, and the result is as follows:—

"Lieutenant Seagram, commanding Her Majesty's ship the '*Termagant*,' employed in suppressing the Slave Trade on the coast of Africa, had been apprized by the commanding officer of Her Majesty's ships on that coast of an agreement entered into by that officer with Commander Paine, of the United States navy, for searching and detaining ships found trading in slaves under the United States flag; and Lieutenant Seagram having on the 21st October, 1839, met with the ship '*Douglass*,' carrying the flag of the Union, he boarded her and made inquiries as to the voyage on which she was bound."

Towards the close of Lord Palmerston's letter, after reviewing and explaining the facts of the case, his Lordship, evidently referring again to the above-mentioned agreement between Commanders Paine and Tucker, remarks that, "from the foregoing statement it will appear that the visit, the search, and the detention of the '*Douglass*' by Lieutenant Seagram, took place under a full belief on the part of that officer that he was pursuing a course which would be approved by the Government of the United States." The entire justification of Lieutenant Seagram for searching a vessel which he does not allege to have been suspected of being other than American, and for detaining her eight days, after this search proved her to be furnished with papers "showing her to be American property," consists in this reference to Lieutenant Paine's agreement. But the search and detention of the "*Douglass*" took place on the 21st—29th October, 1839, and the agreement between Commanders Tucker and Paine bears date 11th March, 1840.

With this observation the Undersigned might dismiss the argument, and earnestly call upon Her Majesty's Government, without longer delay, to redress a

wrong, the justification of which has so long rested on a foundation purely imaginary; but, inasmuch as this agreement of Commanders Paine and Tucker has on other occasions been made to fill a very prominent place in the discussions between the two Governments, relative to the detention of American vessels in the African Seas, the Undersigned will make a single observation on its nature, viz.: that, being a personal agreement between the two officers, neither of whom, probably—certainly not the American—was authorized to commit his Government to any general arrangement on the subject, it could never, under any circumstances, be fairly construed to have any other reference than to the individuals themselves by whom it was concluded, and to whom in terms it exclusively applied. Its words are: “Commander William Tucker, of Her Britannic Majesty’s sloop ‘Wolverine,’ and senior officer, West Coast of Africa, and Lieutenant John S. Paine, commanding the United States schooner ‘Grampus,’ in order to carry as far into execution as possible the orders and views of their respective Governments respecting the suppression of the Slave Trade, hereby request each other, and agree, to detain all vessels under American colours found to be fully equipped for and engaged in the Slave Trade; that, if proved to be American property, they may be handed over to the United States schooner ‘Grampus,’ or any other American cruiser.” Though somewhat loosely expressed, this agreement, alike in its spirit and its language, is far from having the extension which some of Her Majesty’s officers seem disposed to have given it.

It is matter of surprise that an agreement of this kind, personal in its terms, entered into by a lieutenant of the navy, acting under the usual orders of officers cruising on the African station, without special instructions or full powers, should by any person have been regarded as a public compact, abandoning the principles in reference to the right of search which the Government of the United States had so long and strenuously maintained—principles well known to have formed at the moment the subject of direct and animated discussion between the highest functionaries of the two Governments at Washington and London.

But it is unnecessary to pursue this train of remark, since, whatever the true character of the agreement in question, it was not entered into till nearly five months after the search and detention of the “*Douglass*” by Lieutenant Seagram, and can, of course, furnish no justification for the conduct of that officer.

In the note of Lord Palmerston of 5th August, 1841, after alleging the agreement above alluded to as Mr. Seagram’s justification, his Lordship proceeds to relate the circumstances of the search. It is sufficient on this subject to remark, that the statements of Mr. Seagram are positively denied on oath by the captain of the “*Douglass*,” in the affidavit herewith transmitted to the Earl of Aberdeen. It is not necessary that the Undersigned should inquire into the comparative credibility of the two accounts, because the facts alleged by Mr. Seagram would, though established, form no justification of his conduct.

For a similar reason, the Undersigned forbears to engage in a discussion as to the manner in which the searching party conducted itself on board the “*Douglass*.” The captain of that vessel adheres to his first representation; and, as the details in question are not the material parts of the injury complained of, it is of no great consequence to compare the opposite accounts. The Undersigned will only observe, that the statement that the American flag was hauled down by the captain of the “*Termagant*” was evidently a mere inadvertence in Mr. Stevenson’s original representation of the case. It is, as Lord Palmerston correctly observes, declared by the captain of the “*Douglass*” that he pulled down the flag himself, in consequence of being deprived by force of the possession and control of his vessel.

The conduct of Lieutenant Seagram resolves itself into two parts, which may be separately considered, viz., the original boarding and search of the “*Douglass*,” and the subsequent detention and discharge of that vessel without trial.

As it is not alleged by Lieutenant Seagram that he suspected the vessel to be other than American, and as the justification attempted to be drawn from Lieutenant Paine’s agreement wholly fails, the act of boarding was from the first unwarrantable, and, as the Undersigned supposes, entirely unauthorized by his instructions. On the search, the vessel was, in the language of Lord Palmerston, derived from Mr. Seagram’s original report, found to be furnished “with papers which showed her to be American property.” It might have been expected that, when this discovery was made, the vessel would have been promptly discharged. The reason for her further detention, after she was found and admitted to be

American property, is stated in these words, in Lord Palmerston's letter to Mr. Stevenson :—

“ Lieutenant Seagram reports that, under these circumstances, he should have sent the ‘*Douglass*’ to the United States, to be delivered up to the authorities of that country, but that he had received orders from the commanding officer of Her Majesty's vessels on the coast of Africa not to send any vessels to the United States until he should have been informed what course the United States Government took as to the slave-vessels the ‘*Eagle*’ and the ‘*Clara*,’ which had been sent to the United States by that commanding officer with a view to assist the American Government in preventing the abuse of the national flag of the Union. But Lieutenant Seagram, not having received any information on this point at the end of eight days after the detention of the ‘*Douglass*,’ thought it his duty then to release the ‘*Douglass*,’ instead of detaining her longer or sending her to the United States.”

It is unnecessary to dwell on the extremely unsatisfactory character of this explanation. The two countries having now happily agreed upon a method of co-operation for the suppression of the Slave Trade, the Undersigned will not comment at length upon the highly objectionable intimation contained in this part of Mr. Seagram's report. It need not be said, that nothing could be more unreasonable than to expect, at the latter end of October, information of the result of an Admiralty process against vessels arriving in the United States on the 12th of June. Nor is the inconsequence less apparent, of inferring from the result of such a process against two Spanish vessels (pronounced to be such by Her Majesty's Minister at Washington) what course would be pursued in the Courts of the United States toward an American vessel suspected of the Slave Trade. The Undersigned is persuaded that it is unnecessary for him to urge at length, that in finally discharging the “*Douglass*” for a reason like this, without bringing her before any tribunal, Lieutenant Seagram furnished the strongest condemnation of his own conduct in detaining her eight days, after her character as American property was satisfactorily ascertained.

The Undersigned will observe, in conclusion, that it would be unjust to measure the extent of injury inflicted upon the “*Douglass*” merely by the length of time for which she was detained. During the eight days that she was in possession of the prize-crew, she was sailing before the wind and off her course, so that, to the time she was actually detained must be added that required to regain her original position. A moment's reflection will satisfy Lord Aberdeen that an additional period of two or three weeks passed in the neighbourhood of these pestiferous coasts, in a state of painful excitement and anxiety, must have had a most prejudicial influence on the health of the ship's company, and may well be supposed to have laid the foundation of those diseases which, on the return voyage, carried off three of the crew, and left Captain Baker—himself reduced from a state of athletic health to one of extreme debility—to the assistance of a single seaman in navigating his ship to the Havana. In addition to all the other losses occasioned by the delay, the charterer of the “*Douglass*” failed a few days before the return of the vessel, with a consequent loss to her owner of the sum for which she was chartered.

The Undersigned persuades himself that, in giving a candid consideration to the foregoing statements, and especially in adverting to the failure of the sole justification set up for the capture and search of the “*Douglass*,” Her Majesty's Government will come to the conclusion that compensation is due to the owners of that vessel for the losses suffered by them in consequence of her detention.

The Undersigned avails himself of this occasion to renew to the Earl of Aberdeen the assurance of his distinguished consideration.

(Signed) EDWARD EVERETT.

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

&c. &c. &c.

First Enclosure in No. 164.

Deposition of Captain Alvin Baker.

I, ALVIN BAKER, of Marshfield, in the county of Plymouth and commonwealth of Massachusetts, on oath, depose and say, that I was the master of

the American brig "*Douglass*" in the year 1839; that, while making a voyage in the said brig from Havana to the coast of Africa, on the 21st day of October, 1839, the said brig was boarded by Lieutenant Seagram, of her Britannic Majesty's brig "*Termagant*;" and the said brig was taken possession of by the said Lieutenant Seagram on the said 21st of October, 1839, and possession of her retained until the 29th of the same month, eight days, during which time the vessel's papers and passengers' passports were examined, the hatches broken open, and various other outrages committed, by order and under the direction of the said Lieutenant Seagram and those under his command, and the vessel itself was taken, while under seizure as aforesaid, more than 200 miles off her course. And I do further depose and say, that when the brig "*Douglass*" was first boarded, I showed to the British officers the vessel's papers, explained and described to them fully the voyage I was pursuing, its nature, and its objects, and treated them in all respects, so far as I knew, with civility. By mistake, when the "*Douglass*" sailed from Havana, her custom-house clearance was left behind, and the vessel returned, in order to get it, but the custom-house being closed, it could not be had, without a longer detention than I was willing to submit to; and, being advised that the paper would not be important, the vessel went without it. This matter was fully explained to Lieutenant Seagram, and he never was told by me that I could not obtain such a clearance, but, on the other hand, he was expressly told that I had obtained one, and the reason why it was not on board the vessel.

And I do further depose and say, that the said brig "*Douglass*," when seized as aforesaid, was in the pursuit of a perfectly legal voyage, that she never did, and never intended, to participate in any way in the Slave Trade; that the said vessel was not fitted out for that trade; that she had neither leaguers, hoops, staves, a slave-deck, slave-coppers, nor any other slave apparatus on board.

And I do further depose and say, that the hatches of the "*Douglass*" were opened by Lieutenant Seagram, or those under his command, during a heavy shower of rain, and that portions of the cargo and ship's stores were very materially injured by the water thus let in upon them.

And I do further depose and say, that I have ever believed, and do still believe, that the three persons of the crew who died on their homeward passage, died in consequence of their long exposure to the sun on the coast of Africa, and that their long exposure was occasioned by the acts of the British cruisers. I have myself suffered, and am now suffering, from the effects of my long detention on the coast, on the same voyage.

And I do further depose and say, that I never expressed myself as satisfied with the seizure and detention of the "*Douglass*," to Lieutenant Seagram, or any other person. I did say to Lieutenant Seagram that I made no complaint against the manner in which his orders were executed on board the "*Douglass*" by those under his command, whom he put on board the "*Douglass*." My cause of complaint was against the orders themselves, by which my vessel was seized, and myself and crew held as prisoners.

And I do further depose and say, that the paper hereto annexed, and marked A., is the original charter-party under which the brig "*Douglass*" made the aforesaid voyage, and that the paper hereto annexed, and marked B., is the original letter of instructions under which I made the said voyage; that the said papers were made for the purposes for which they purport to have been made, and that I acted under and obeyed the said letter of instructions in making the said voyage.

And I do further depose and say, that the following articles constituted the cargo of the said brig "*Douglass*," on her said voyage from Havana to the coast of Africa, to wit:—456 hogsheads of rum; 98 bundles of shingles; 14,000 feet of boards; 373 pieces of joist for house; 140 smooth boards; 180 iron benches; 6 bundles of iron; 16 doors; 18 pieces of cedar joist; 140 bales of tobacco; 1 dozen of chairs; 1 box of cutlasses; 3 coils of rope; 1 bale of merchandise; 24 barrels of bread; 63 boxes of different articles; 2 crates of tin ware; 1 bathing-tub; 1 rocking-chair; 1 saw; 1 iron stanchion; 1 mortar and pestle; 8 kegs of paint; 34 stone jars; 1 auger; 2 bunches of fish; 146 bales of dry goods; 1 dozen of hams; 38 demijohns; 2 drip-stones; 1 chest; 2 sides of leather and 4 bales; 2½ pipes of wine; 500 bricks; 28 pieces of cooking utensils; 14 baskets of different articles; 6 hams; 16 small kegs; 1 bundle of sponges; 1 bundle of corks; 5 bunches of garlies and onions; 17 sacks of different articles; 2 dozen of hooks and thimbles; 30 skeins of twine and marlin; 2 dozen thimbles; 1½ dozen blocks; 21 bags of different articles. The foregoing articles constituted the

whole cargo, as the records in the Custom-house at Havana will undoubtedly show.

And I do further depose and say, that said brig "*Douglass*" was not engaged in any way, either directly or indirectly, in the Slave Trade, and that she was not fitted out with even the most remote intention of her being so employed. All the objects and purposes of the voyage were precisely what they would appear to be from her papers.

ALVIN BAKER.

*United States of America, Commonwealth
of Massachusetts, Suffolk, ss., Boston.*

ON this 14th day of June, A.D. 1842, personally appeared before me, Charles Hayward, a notary-public for the county of Suffolk, duly appointed and sworn, and a justice of the peace for the said county, residing in the city of Boston, Alvin Baker, and made solemn oath to the truth of the foregoing declaration by him subscribed.

In testimony whereof I have hereunto set my hand and affixed my seal of office this day and year above written.

(L.S.) CHARLES HAYWARD,
Notary-Public and Justice of Peace.

Second Enclosure in No. 164.

(A.)

(Charter-Party.)

Havana, July 10, 1839.

It is mutually agreed this day, between Charles D. Brown, of the good brig called the "*Douglass*," of the measurement of 209 tons, or thereabouts, now lying in Havana, and Charles Tyng,—That the ship being tight, staunch, and strong, and every way fitted for the voyage, and shall be ready to receive cargo on the 15th July, which shall not exceed what she can reasonably stow and carry over and above her tackle, apparel, provisions, and room sufficient for the accommodation of the captain and his crew, and, being so loaded, shall proceed from Havana to the Rio Bras, or Bony, on the coast of Africa. The cargo to consist only of rum, cloths, tobacco, and frame and boards for a house.

The freight to be paid on the true delivery of the cargo, at the rate of 5000 dollars; one half—say 2,500 dollars—to be paid here before sailing, the other half—2,500 dollars—to be paid here when the parties shall hear that the cargo is delivered at Rio Bras or Bony.

The lie days shall be as follows:—The brig shall be despatched on or before the last day of the present month; 30 running lie days for discharging the cargo, commencing from day the vessel comes to an anchor at Rio Bras, or Bony, at the end of which time a demurrage of 30 dollars shall be paid day by day as it may become due.

The cargo to be received and delivered at the side of the vessel on account of the charterer. The charterer is to put alongside of the brig at Rio Bras, or Bony, sufficient ballast when the cargo is out.

It is also further understood and agreed that six passengers shall go in the brig, three in the cabin and three in the fore-castle, they putting all the necessary provisions on board, the brig to find nothing but wood and water; one of the passengers is a cook, and will, if necessary, cook. The three cabin passengers will pay 50 dollars each for their passages; the three in the fore-castle to go free of passage. All port charges and presents to the King at Bony to be paid by the charterers.

To the true performance of this agreement the parties do hereby bind themselves each to the other in the penal sum of 2500 dollars.

Witness to signatures (Signed) CHARLES BROWN.

CHARLES TYNG.

I hereby acknowledge to have received the full amount of this charter in advance, and, therefore, have no further claim on the charterers.

(Received) CHARLES D. BROWN.

Third Enclosure in No. 164.

(B.)

*Mr. Brown to Captain Alvin Baker.**Havana, August 3, 1839.*

DEAR SIR,

ON the eve of your departure for Bonny, in the brig "*Douglass*," chartered by myself, I now address you on the object of her voyage, which is, to proceed as quickly as possible to your port of discharge on the coast of Africa, where you will probably be about two weeks in discharging; then take in ballast sufficient to navigate the vessel in safety, which is to be put on board by the charterers free of expense, with which you will then proceed to sea, shaping your course for either Cape de Verde or Curaçoa. Should you have a favourable time and prospect of making a short run to the Cape de Verdes, you will please to do so; and, on arriving, purchase a cargo of salt: should, however, it be necessary to beat in order to make Cape de Verde, you will then bear away for Curaçoa, and on your arriving purchase a cargo of salt, to the best advantage, and make all sail for this port, where I expect to see you return in about four months from this date. I think it unnecessary to limit the purchase of the salt, as it will always pay more or less freight; but I beg you to be particular in getting it as low as possible as to price, as well as measure, and make as quick despatch as you can for this port. Should you, on your outward passage, speak a vessel from South America, and hear of the raising of the blockade of Buenos Ayres, I should strongly recommend you taking your salt to that market from the Cape de Verdes; and on arrival at Buenos Ayres consign your vessel to some first-rate house, investing the proceed salt in jerked beef, whereby you can secure a full freight at the highest rate for this market; so managing as to place the property at your disposal, but all for my account. Should you conclude to go to Buenos Ayres or Montevideo from Cape de Verdes, and the voyage should do well, you will be remunerated; still I think it not advisable, unless the port of Buenos Ayres is open, or a good prospect of its being soon so, which you may learn before you leave Africa.

I have made many inquiries about the port you are going to discharge your cargo, as well as other ports on the coast, and, from what I can learn from those who have been there, they all agree in saying that the water of the country should be avoided, and I strongly advise you not to suffer your men to go on shore, nor to drink the water of the country, or sleep on deck. You will have no occasion to go on shore; but, if you do, be careful and not remain over night, as, to say the least, it might not be prudent, although, from all the information I can learn, leads me to the belief that it is not near so sickly as it has been during your present stay in Havana; still in all strange places it is well to be careful, and, during your short stay there, the necessary precautions taken, there will, I am informed, be no more risk than we have all to run in different parts of the globe, at home as well as abroad.

I shall watch the papers, in the hope of catching a glimpse of your movements; speak every vessel you can bound home, and desire to be reported, and inquire about the raising of the blockade of Buenos Ayres, and to drop me a letter as often as possible, if only a line at a time.

I shall now close, trusting to see you safe and sound, with the good brig "*Douglass*" and all hands, as early as the 3rd or 4th of December; at all events, to take Christmas dinner with me: this, however, cannot be done should you think it a favourable time to proceed to the river, but which I do not recommend, unless the blockade, as before stated, should be raised, when a splendid freight would be the result. I now have nothing more to say, only that, whether you go to the river, or proceed to this place with salt, either from Cape de Verdes or Curaçoa, you will, I know, do for me as you would for yourself. I only remark, that if you return here, consult the winds whether to go to Cape de Verde or Curaçoa, although, on the whole, I think Curaçoa may be the best port for you to make after leaving the coast, provided you have heard nothing about the blockade.

Trusting you may have a pleasant voyage, I am

Yours very truly,

(Signed) CHARLES D. BROWN.

No. 165.

Mr. Everett to the Earl of Aberdeen.

46, Grosvenor Place, November 22, 1842.

THE Undersigned, &c., has the honour to transmit to the Earl of Aberdeen, &c., a copy of a letter just received from the owners of the "*Tigris*" and "*Seamew*." Lord Aberdeen will recollect, that on the 5th August, a former letter from the same quarter was communicated to his Lordship by the Undersigned, and that the subject of these letters has repeatedly formed a topic of conversation between them in the course of the summer and autumn.

Lord Aberdeen will perceive, from the letter now transmitted of Messrs. Brookhouse and Hunt, that they feel themselves aggrieved by the delay which has taken place, in finally settling a claim, of which Her Majesty's Government has admitted the justice, and has promised payment.

It is now more than eight months since the intention of Her Majesty's Government to make compensation in the case of the "*Tigris*" was announced to the Undersigned, and more than five months since a similar annunciation was made in reference to the "*Seamew*."

Nothing within the knowledge of the Undersigned has since been done towards carrying this purpose into effect, nor has he been made acquainted with any cause for a delay so unexpected, and, to the interests of the owners, so injurious.

On first receiving the promise of Lord Aberdeen, in reference to the "*Tigris*," the Undersigned, placing an entire confidence in the disposition of Lord Aberdeen promptly to fulfil the engagement, took upon himself to assure the owners of the vessel that no unreasonable delay would take place in the final settlement of their claim. The confidence then felt by the Undersigned is in no degree impaired by the delay which has unfortunately taken place, and which he cheerfully ascribes to causes beyond Lord Aberdeen's control, but he submits to Lord Aberdeen that, unless this delay is really unavoidable, it is a matter of just and very serious complaint.

It is one of the greatest aggravations of the wrong inflicted on American commerce, by interruption in the African seas, that the great distance from which information is to be had necessarily occasions considerable delay in investigating the cases; as in the instance of the "*Jones*," where, though two years have elapsed since the original capture, no report has yet been received from Her Majesty's officers. The unavoidable delay thus produced should form a very strong inducement for proceeding with all possible promptitude when the case has passed the stage of inquiry abroad, and awaits only the action of the appropriate Department of the Government at home.

Lord Aberdeen will also feel that, from the moment the justice of the claim is allowed, the relation between Her Majesty's Government and the parties interested is changed. Till this takes place, the wrong, when wrong has been done, is the unauthorized act of the cruising officer; and the willingness and intention of Her Majesty's Government are presumed to make redress as soon as the wrong is satisfactorily established. If, after this is done, and compensation has been promised, a further unnecessary delay takes place, the responsibility rests with Her Majesty's Government, and a just cause of dissatisfaction arises not merely on the part of the individuals whose fortunes may be ruinously affected by the disappointment of calculations formed on the basis of the promised indemnity, and the detention of their property by a foreign power; but also on the part of the Government of the United States, whose duty it is to watch over the rights and interests committed to its protection.

The happy adjustment by the Treaty of Washington of the principal subjects in controversy between the two Governments, and especially the arrangement which it may be safely hoped will preclude for the future all complaints of injuries of this kind, furnish very strong reasons for bringing to a final close, with the least possible delay, the correspondence which has so long been carried on in reference to the past.

The happy effect of the Treaty in restoring a good understanding between the two countries may be seriously impaired by the necessity which this correspondence creates of keeping in fresh remembrance those parts of the former discussions on which the sensibilities of the two countries were most alive, and the Undersigned

CLASS D.

cannot too strongly express his hope to Lord Aberdeen, that his Lordship will enable the Undersigned, by the packet of the 4th December, to make a satisfactory communication to his Government on the subject of the present note.

The Undersigned, &c.

(Signed) EDWARD EVERETT.

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

Enclosure in No. 165.

Messrs. Brookhouse and Hunt to Mr. Everett.

SIR,

Salem, October 31, 1842.

WE had the honour of addressing you on the 16th July, in answer to yours of the 18th June, since which we are without any of your favours.

We would beg leave to call your attention to the subject of our claims on the British Government for losses sustained in consequence of the seizure and detention of our vessels, the "*Seamew*" and "*Tigris*."

We supposed, after the Government had officially acknowledged that we were entitled to indemnity, that there would be no occasion for delay in the adjustment of our claim.

Having submitted all the evidence that was possible under existing circumstances to obtain, and having your assurances that we might depend upon the pledge given by Lord Aberdeen being faithfully redeemed, we were encouraged to hope and expect that ere this we should be advised of some definite action on the subject.

We think that reasonable time has been allowed for the examination of the documents, and as no further evidence has been called for, presume that what we have sent is satisfactory. The consequential losses that we have sustained we believe to be far greater than the amount claimed. We would also state, that of the amount of property left at St. Thomas, belonging to the "*Tigris*," we have not up to this date received one dollar.

Since the date of our last letter, coffee has continued to fall in price, and the difference of value charged in our statement will not cover the actual depreciation in the market.

With regard to the guarantee of the debt by charge of 10 per cent., we consider that it will not pay us for the hazard of assuming it.

We have no doubt but this subject has had your constant attention; but as the delay is subjecting us to very considerable inconvenience in a pecuniary point of view, as well as other considerations, we would most respectfully urge the payment as early as possible; in the meantime, should any item be objected to, you will please advise us as soon as convenient.

With much respect, &c.

(Signed)

ROBERT BROOKHOUSE.
WILLIAM HUNT.

Edward Everett, Esq.,
&c. &c. &c.

No. 166.

The Earl of Aberdeen to Mr. Everett.

Foreign Office, November 23, 1842.

THE Undersigned, &c., has the honour to acknowledge the receipt of the note addressed to him on the 22nd instant, by Mr. Everett, &c., with its enclosure, calling the attention of Her Majesty's Government to the length of time which has elapsed since the Undersigned communicated to Mr. Everett the determination of Her Majesty's Government to grant to the owners of the American vessels "*Tigris*" and "*Seamew*," compensation for the losses they had sustained by the detention of those vessels by Her Majesty's ships "*Waterwitch*" and "*Persian*."

With respect to the case of the "*Tigris*," the Undersigned has the honour to

inform Mr. Everett, that on the 29th of April last, he addressed a letter to the Lords of Her Majesty's Treasury, accompanied by copies of all the documents relating to the case, informing their Lordships that Her Majesty's Government had admitted the justice of the demand for compensation in the case, and requesting that their Lordships would take the necessary steps for having the account for damages said to have been sustained by the owners of the "*Tigris*" investigated, in order that the Governments of Great Britain and the United States might come to a final settlement upon the matter without any unnecessary delay.

And the Undersigned has further to state to Mr. Everett, that on the 9th July last he addressed to the Lords of Her Majesty's Treasury a communication upon the case of the "*Seamew*," similar to his communication respecting the "*Tigris*."

All that remains, therefore, is the investigation of the accounts of the loss occasioned by the detention of these two vessels.

This proceeding, as Mr. Everett is aware, must necessarily occupy some time; but the Undersigned has now further the honour to state to Mr. Everett, that a communication has, by his direction, been this day addressed to Her Majesty's Treasury, repeating that the Undersigned considers it highly desirable that no unnecessary delay should occur in a final settlement of these matters, and expressing a hope that the Undersigned would be enabled shortly to make a satisfactory communication to Mr. Everett upon these points, in conformity with the desire expressed in Mr. Everett's note of the 22nd instant.

The Undersigned, &c.

Edward Everett, Esq.,
&c. &c. &c.

(Signed) ABERDEEN.

No. 167.

The Earl of Aberdeen to Mr. Everett.

Foreign Office, December 19, 1842.

THE Undersigned, &c., has the honour to state to Mr. Everett, &c., that he has had further communications with the Lords of Her Majesty's Treasury on the subject of the United States vessels "*Tigris*" and "*Seamew*," and that their Lordships have concurred with the Undersigned in opinion that it will be advisable that a person should be appointed on the part of Her Majesty's Treasury to confer with Mr. Everett, or some person authorized by Mr. Everett, for the purpose of investigating the claims which have been brought forward by the owners of the United States vessels "*Tigris*" and "*Seamew*," and of determining the amount of compensation which is properly due to them for the detention of those vessels by Her Majesty's ships "*Waterwitch*" and "*Persian*."

The Undersigned has the honour to invite the attention of Mr. Everett to the expediency of adopting this measure; and in the event of Mr. Everett concurring in the arrangement, Mr. William Rothery, who has been selected by the Lords of Her Majesty's Treasury for the purpose, will wait upon Mr. Everett, or upon a person authorized by Mr. Everett, to confer with him on any day and at any hour which may be appointed.

The Undersigned, &c.

Edward Everett, Esq.,
&c. &c. &c.

(Signed) ABERDEEN.

No. 168.

Mr. Everett to the Earl of Aberdeen.

Grosvenor Place, December 23, 1842.

(Received December 26.)

THE Undersigned, &c., has the honour to acknowledge the receipt of the notes of the Earl of Aberdeen, &c., of the 23rd of November and of the 19th instant, on the subject of the "*Tigris*" and "*Seamew*." In the first of these notes the Earl of Aberdeen acquaints the Undersigned that his Lordship, on the 29th of April, addressed a communication to the Lords of the Treasury, transmitting the

various documents relative to the case of the "*Tigris*," informing their Lordships that Her Majesty's Government had admitted the justice of the demand for compensation in the case, and requesting that their Lordships would take the necessary steps for having the account of the damages, said to have been sustained by the owners of the "*Tigris*," investigated, in order that the Governments of the United States and Great Britain may come to a final settlement of this matter without any unnecessary delay. In the same note Lord Aberdeen further acquaints the Undersigned, that a similar communication, in reference to the "*Seamew*," was addressed by his Lordship to the Lords of Her Majesty's Treasury on the 9th of July.

It does not appear from the Earl of Aberdeen's note of the 23rd of November to the Undersigned, that up to that time any step had been taken by the Treasury, in pursuance of Lord Aberdeen's communications above referred to.

In his note of the 19th instant, the Earl of Aberdeen informs the Undersigned that further communication had been had with the Lords of the Treasury on the subject of the "*Tigris*" and "*Seamew*," and that their Lordships had concurred with Lord Aberdeen in the opinion that it will be advisable that a person be appointed on behalf of Her Majesty's Treasury to confer with the Undersigned or some person authorized by him for the purpose of investigating the claims of the owners of the "*Tigris*" and "*Seamew*," and determining the amount of compensation properly due for the detention of those vessels; and Lord Aberdeen acquaints the Undersigned that, should he concur in this arrangement, Mr. William Rothery, the person selected by the Lords of Her Majesty's Treasury for the purpose, will wait upon the Undersigned, or upon any person authorized by him to confer with him, at any time which may be appointed.

The length of time which has been permitted by Her Majesty's Treasury to elapse before entering upon this investigation, makes it the duty of the Undersigned, in signifying his concurrence in the proposed measure, to express the hope that the Earl of Aberdeen will cause the case of the "*Douglass*" to be included in the investigation with those of the "*Tigris*" and "*Seamew*." The Undersigned understood Lord Aberdeen, in their late conversation on the subject, to express the opinion, subject to the concurrence of the law authorities of the Crown, that compensation is due also in the case of that vessel; and as she was captured and detained more than three years ago, the Undersigned is sure that Lord Aberdeen will feel the hardship of subjecting her owner to the possibility of an additional delay, like that which has occurred in entering upon the adjustment of the claims in the cases of the "*Tigris*" and "*Seamew*."

The Undersigned will be happy to see Mr. Rothery at the office of the United States Legation, 46, Grosvenor Place, on Friday, the 30th instant, at half-past eleven o'clock, A.M., at which time the originals of the documents, of which copies have been transmitted to the Foreign Office, in the cases of the "*Tigris*" and "*Seamew*," shall be submitted to Mr. Rothery; and the Undersigned hopes it will be in Mr. Rothery's power, in the interval, to make himself acquainted with the items of which the account of the damages sustained by the owners of the vessels in question is composed.

The Undersigned, &c.

(Signed)

EDWARD EVERETT.

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

No. 169.

The Earl of Aberdeen to Mr. Everett.

Foreign Office, December 29, 1842.

THE Undersigned, &c., with reference to the note which Mr. Everett, &c., addressed to him on the 23rd instant, upon the subject of the United States vessels "*Tigris*," "*Seamew*," and "*Douglass*," has the honour to state to Mr. Everett that Mr. Rothery has received directions to wait upon Mr. Everett on Friday, the 30th instant, at half-past eleven o'clock, conformably to the arrangement proposed by the Undersigned, and accepted by Mr. Everett, in respect to the United States vessels "*Seamew*" and "*Tigris*."

With reference to Mr. Everett's proposal respecting the "*Douglass*," the Undersigned begs to refer Mr. Everett to his other note of this day's date.

The Undersigned, &c.

Edward Everett, Esq.,
&c. &c. &c.

(Signed)

ABERDEEN.

No. 170.

The Earl of Aberdeen to Mr. Everett.

Foreign Office, December 29, 1842.

THE Undersigned, &c., has the honour to acknowledge the receipt of the notes which Mr. Everett, &c., addressed to the Undersigned on the 12th of November last and on the 23rd instant, pressing upon Her Majesty's Government the justice of granting compensation to the owners of the American vessel "*Douglass*," on account of her detention by the commander of Her Majesty's sloop "*Terma-gant*," off the coast of Africa, in the month of October, 1839.

Her Majesty's Government have taken this case into their serious consideration, and the Undersigned is bound to admit that the "*Douglass*," being an American vessel with American papers, and sailing under the American flag, the act of Lieutenant Seagram in seizing her and sending a prize-crew on board, who kept possession of her during eight days, was not justifiable by the law of nations or by any Treaty between this country and the United States.

Such being the case, the Undersigned fully admits that the Government of the United States have a right to claim compensation for the owners of the "*Douglass*," on account of the losses which they sustained by reason of the detention of their vessel. But it will be satisfactory to Her Majesty's Government, and doubtless not less so to the Government of the United States, that this claim should not be made without a full knowledge of the circumstances under which the detention took place, and of the nature of the voyage which it interrupted.

Accordingly the Undersigned has the honour to transmit herewith to Mr. Everett copies of a Despatch, and of its Enclosures, addressed by the senior officer of Her Majesty's naval forces on the coast of Africa to the Admiralty, containing the result of the inquiry instituted in consequence of the representation addressed to Her Majesty's Government by the Minister of the United States, on the 13th of November, 1840.

The Undersigned feels it to be his duty to submit these documents, through Her Majesty's Minister at Washington, to the Government of the United States. If, after having considered them, the United States Government should repeat the claim for compensation to the owners and others interested in the voyage of the "*Douglass*," the Undersigned will be ready to proceed at once with Mr. Everett to examine the amount of the claim, with a view to its immediate settlement. In that case Her Majesty's Government will, at least, have the satisfaction of knowing that they have not willingly lent themselves to the indirect sanction of a Slave Trading speculation, or withheld from the Government of the United States any information which it was in their power to give respecting the real character of the "*Douglass*," or of the adventure in which she was engaged.

The Undersigned, &c.

Edward Everett, Esq.,
&c. &c. &c.

(Signed)

ABERDEEN.

First Enclosure in No. 170.

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

Her Majesty's ship "Wolverine,"

At Sea, lat. 4° 14' N., long. 8° 44' W.

March 18, 1841.

SIR,

(Received June 20.)

IN obedience to the orders of the Lords Commissioners of the Admiralty, conveyed in your letter of the 25th November, 1840, with its Enclosure, from the Foreign Office, I have the honour to report, for their Lordships' information, that

I yesterday met Her Majesty's brigantine "Termagant," off the Kroo coast, and immediately held an inquiry into the detention of the American brig "*Douglass*," by Lieutenant Seagram, the result of which I now transmit in the annexed papers, to which I beg you will attach, according to date, Lieutenant Seagram's expositions of his reasons for detaining her, dated the 28th October, 1840, and transmitted in my letter of the 16th December, 1840, No. 110, which together will, I trust, give all the information on the subject it is possible to gain.

With reference to which I feel it due to Lieutenant Seagram and the officers commanding Her Majesty's ships and vessels of the squadron under my orders, to state, that during the two years I have had the honour of holding the command of this station, I have ever found them exceedingly anxious to perform their duties most zealously and correctly, as well in their bearing and conduct to the vessels navigating under the flags of Powers in friendly alliance with our Government as to the vessels navigating under our own, of which sufficient proofs have, I trust, been given; and that I am convinced neither Lieutenant Seagram nor any other officer commanding under my orders would have taken any measures with vessels navigating under the American, French, or other flags, but those by which they considered they were, as British officers, in the absence of the naval officers of the Powers in friendly alliance with England, assisting the Governments of those flags in preventing the glaring abuses of their national flags, believing it was as strictly their duty to do so as it is to assist the merchant vessels belonging to those Powers to the utmost of their ability whenever and wherever they may require it, for which they felt convinced while so acting they would receive the approbation of those Governments.

With reference to the case in point, I beg to call their Lordships' attention to the strong suspicions against the "*Douglass*" of her being actually engaged in the Slave Trade, as strong, apparently, as in the cases of the "*Eagle*" and "*Clara*," which I ordered to be taken to New York early in 1839; which the American Government could not take cognizance of, being Spanish property, although sailing under the American flag; and in the cases of the "*Asp*" and "*Lark*," detained by me in the river Nun in January, 1840, for being fully equipped for the Slave Trade, under American colours, which were condemned by the Mixed Commission at Sierra Leone, being Spanish property, which two vessels followed the "*Douglass*" out, and were consigned to the Spanish factor, Don Pablo Frexas, who was a passenger on board the "*Douglass*," the freight of which vessel was to purchase the slaves for the cargoes of the "*Asp*" and "*Lark*," and of the other vessels, namely, the "*Palmira*" and "*Recurra*," taken off the Nun since, and condemned by the Mixed Commission at Sierra Leone.

I beg also to call their Lordships' attention to the strong circumstantial evidence of the illegality of the "*Douglass*" voyage, and of her aiding and abetting in the Slave Trade, by her sailing without a custom-house clearance, by her returning to obtain one, and sailing again without one; and by her having a complete slave equipment on board, and seven Spaniards, the same as the vessels above mentioned, condemned as Spanish property.

So glaring was the case, I am firmly convinced, that had I not expressed a desire to Lieutenant Seagram, and the other officers commanding, that they should not send to America any vessels they might find equipped for the Slave Trade under the American flag, until I had received information of the result of my sending the "*Eagle*" and "*Clara*" to New York, to be given up to the American Government, that Lieutenant Seagram would have sent the "*Douglass*" to New York, and that the American Government would have confiscated the vessel, and punished the citizens found on board.

I therefore hope the Government and citizens of the United States will believe that Lieutenant Seagram in this case, as myself, and the other officers commanding in the other cases, had not the slightest intention whatever of violating the rights and laws of America, but had as great and as friendly a regard (I may venture to say brotherly regard) and consideration for the honour of the American flag as any citizen of America could wish.

That such was, and I truly hope still is, the opinion of one of its own naval officers, I transmit the following copy of the agreement, made by Lieutenant Paine, commanding the United States schooner-of-war "*Grampus*," and myself, on the 11th March, 1840, a copy of which was transmitted in my letter to you of the 12th March, 1840.

"Commander William Tucker, (b) of Her Britannic Majesty's sloop "*Wolve-*

rine," and senior officer on the West Coast of Africa, and Lieutenant John S. Paine, commanding the United States schooner-of-war "*Grampus*," in order to carry as far into execution as possible the orders and views of their respective Governments respecting the suppression of the Slave Trade, hereby request each other, and agree to detain all vessels under the American flag, found to be fully equipped for, and engaged in, the Slave Trade; that if proved to be American property they shall be handed over to the United States schooner "*Grampus*," or any other American cruiser, and that if proved to be Spanish, Portuguese, Brazilian, or English property, to any of Her Britannic Majesty's cruisers employed on the West Coast of Africa for the suppression of the Slave Trade, so far as their respective laws and treaties will permit.

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

(Signed)	WILLIAM TUCKER, (b)	(Signed)	JOHN S. PAINE,
	<i>Commander of Her Majesty's Sloop "Wolverine," and Senior Officer on Coast of Africa.</i>		<i>Lieutenant Commanding United States Schooner "Grampus."</i>

I have, &c.

(Signed) WILLIAM TUCKER,
Captain and Senior Officer.

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

Copy. (Signed) WILLIAM TUCKER,
Captain and Senior Officer.

Declaration of Lieutenant Seagram.

At an inquiry, held on board Her Majesty's sloop "*Wolverine*," at sea, in latitude 4° 45' North, longitude 8° 44' West, on the 17th day of March, 1841, by William Tucker, Esq., Captain and Senior Officer in command of Her Majesty's ships and vessels employed on the West Coast of Africa, pursuant to the orders of the Lords Commissioners of the Admiralty, dated the 25th November, 1840, respecting the detention of the American brig "*Douglass*," by Her Majesty's brigantine "*Termagant*," Lieutenant H. F. Seagram commanding.

Lieutenant Seagram appeared, and having heard the letters of the American Minister and Protests of the American master (A. Baker) and mate (W. Arnold) read, declared as follows: viz.—

That the American brig "*Douglass*" was boarded by him, and detained, as a vessel engaged in the Slave Trade, as shown in the accompanying extracts from the log and boarding-book of Her Majesty's brigantine under his command.

That the circumstances of the detention of the said brig were immediately forwarded to the Commander-in-Chief, Rear-Admiral the Honourable George Elliot, C.B., as per his letter of the 30th October, 1839, and in a further exposition in his letter to Commander the Honourable Joseph Denman, of the 28th October, 1840.

He declared further, that on boarding the said vessel, he was received with great incivility, and a disinclination was shown on the part of the master to reply to any questions relating to his voyage, and strong suspicions were excited, by the appearance of a number of Spaniards being on board her, having come from the Havana, and going to a river where no trade but the Slave Trade is carried on; added to which, on demanding the custom-house clearance, it could not be produced, which created a still much greater suspicion as to the legality of her proceedings. And his suspicions were still further excited, and he may say confirmed, by having found Don Pablo Frexas; a notorious and well-known slave-dealer to be the consignee, who gave him permission to examine his freight, under the impression that it was well protected by the American flag. He was, therefore, determined to examine the holds, although the master objected to it with very strong and insulting language, being convinced that the American Government and the American citizens at large would be pleased at his attempt to discover and prevent the abuse of their flag. A stronger case of its abuse in the protection of a slave cargo never was known on the coast of Africa; for, in addition to the agreement in her charty-party, she had leaguers, hoops and staves, slave tiers, plank and other fittings for a slave ship; and he has since learnt, that three com-

plete slave coppers were in her hold at the time. Upon which it was his intention at the time, as indicated in his letter to the Commander-in-Chief, to deliver her over to the Government of the United States but for the reasons therein explained; in addition to which, from the statement of Don Pablo Frexas, she was so leaky, full of rats, and badly found; that he was fearful of making a return voyage in her, loaded as she then was.

That he was also informed by Don Pablo Frexas, that the cargo was Spanish property, shipped as American, in order to escape seizure; that during the period of detention, and while in charge of the officer, Mr. Hancorn, second master, that the master, mate, and crew were treated with every consideration; and that Mr. Alvin Baker declared to him on board the "Termagant" that he had not one cause of complaint to make.

That with regard to the charge of one demi-john of rum having been embezzled from the cargo, he has no means of ascertaining the truth of it, the officer who had charge (Mr. Hancorn, second master) having been invalided, but he believes it cannot have taken place, the hatches having been opened and closed in his (the declarer's) presence; in addition to which he received no complaint from the master (A. Baker), or consignee, Don Pablo Frexas.

That the charge relative to the loss of the three men is as futile as that of detaining vexatiously a legal trader of America; and that the charge contained in the letter from the American Minister, of hauling down the flag of the United States is corrected by Alvin Baker, who has stated in his Protest that he ordered the flag to be hauled down himself; and that in his (the declarer's) intercourse with vessels of the United States, he has always endeavoured to prove by his conduct the high respect and consideration he entertains for the national flag and honour.

(Signed) H. F. SEAGRAM.

Signed and declared, before me, on board Her Majesty's sloop "Wolverine," at sea, in latitude 4° 45' North, longitude 8° 44' West, this 17th day of March, 1841.

(Signed) WILLIAM TUCKER,
Captain and Senior Officer in Command.

(Copy.)

Declaration of Mr. Nobbs.

GEORGE D. NOBBS, Clerk in charge of Her Majesty's brig "Termagant," having heard the letter of the American Minister and Protests of the American master (A. Baker) and mate (W. Arnold) read, declared as follows: viz.—

That having seen papers and log of the American brig "Douglass" produced, found, on the examination of the same, that she had left the Havana with a cargo consigned to two Spaniards on board, who were going to the Rivers Bras and Bony; the cargo consisted of equipment for a slave factory, and also for vessels engaged in the abominable traffic in slaves. Captain A. Baker could not produce his custom-house clearance, but had made a notation in his log on leaving the Havana that he could not procure one, and returned to the harbour for the same, but left again without it.

On the commander placing a party of men with an officer on board to take charge, the Spaniards were taken on board the "Termagant," and our table and spare cabins were given to the two factors. During the time there they appeared anxious to get stock and provisions for their own use, which the commander sanctioned, and ordered him to go with him to observe that nothing else occurred. The boat returned with the fowls, &c., which they consumed at the gun-room table.

The Spanish factor, Don Pablo Frexas, the one going to the Bras, said in my hearing that the cargo was for the purpose of slaving, but it was protected by the American flag, which prevented the commander making her a prize.

(Signed) GEORGE D. NOBBS.

Signed and declared before me on board Her Majesty's sloop "Wolverene," at sea, in lat. 4° 45' N., and long. 8° 44' W., this 17th day of March, 1841.

(Signed) WILLIAM TUCKER,
Captain and Senior Officer in Command.

Declaration of Mr. Crawford.

(Copy.)

THOMAS CRAWFORD, Assistant Surgeon, Her Majesty's brig "Termagant," having heard the letter of the American Minister, and Protests of the American master, A. Baker, and mate, William Arnold, read, declared as follows:—

That soon after the detention of the American brig "*Douglass*," seven Spaniards were received from her, two of whom were received into the gun-room mess, and seemed perfectly satisfied with their treatment; after coming on board, one of the factors, Don Pablo Frexas, asked permission to be allowed to bring some stock on board for himself and the use of his crew. He went in company with Mr. Nobbs, clerk in charge, on board the "*Douglass*," and returned with a few articles, part of which he distributed among his men, the remainder he kept for his own use.

Don Pablo Frexas, one of the factors told him, the declarer, that it was his last trip to the coast, and that he would not have ventured now had he not heard that the vessel detained by the "Buzzard," under American colours, had been liberated in America.

He also stated that he would not put a cargo of slaves on board the "*Douglass*," for she sailed badly, and that he had some beautiful vessels coming out which would outstrip our cruisers in sailing.

(Signed) THOMAS CRAWFORD.

Signed and declared before me, on board Her Majesty's sloop "Wolverine" at sea, in Lat. 4° 45' N., Long. 8° 44' W., this 17th day of March, 1841.

(Signed) WILLIAM TUCKER,
*Captain and Senior Officer in command.**Extracts from the Log of Her Majesty's brig "Termagant."*

Monday, 21st October, 1839.

A.M. 8-30. Observed a sail nearly south; made sail in chase. Lost sight of ditto. 10. Got sight of chase ahead. 11. Hove to, and boarded the American brig "*Douglass*." 12. Light airs and cloudy, with rain. Sent an officer and party to examine brig; found her with slave cargo.

Noon. Lat. 4° 30' N., Long. 4° 40' E. Whydah, N. 56° W. 19° 4'.

P.M. 2. Captain of brig came on board with papers. Sent an officer and party of men to take charge of the brig being engaged in the Slave Trade.

5. Received seven Spaniards, calling themselves passengers. Victualled ditto on two-thirds allowance. Made sail. 8. Calm and fair. Brig in C°.

Tuesday 22nd October, 1839.

A.M. Light airs. 4. Ditto, wr. brig a-head.

Noon. Lat. 4° 13' N., Long. 3° 56', 15° E. Whydah, N. 42°, W. 17° 5'.

P.M. Calm and fine. 4. Ditto, wr. brig bearing W. by N.

8. Calm and fine. Brig W. $\frac{1}{2}$ S.

Wednesday, 23rd October, 1839.

A.M. 4. Calm and clear. Brig in C°.

12. Calm and fine. Brig in C°.

Noon. Lat. 4° 10' N., Long. 3° 42' E. Whydah, N. 40° W. 15° 9'.

P.M. 4. Calm and fine. Brig in C°.

7-30. In gaff foresail. Backed main-topsail. Sent a boat on board brig.

8. Light airs and fair. Up boat, and made sail. Brig in C°.

12. Light airs and fine. Brig astern.

Thursday, 24th October, 1839.

A.M. 8. Light airs and fine. Brig in C°.

Noon. Lat. 4° 30' N., Long., 3° 17' E. Whydah, N. 41° W. 1° 10'.

P.M. 4. Light airs and fine. Brig in sight bearing E. by S.

6. Fresh and cloudy. Brig in C°.

Tuesday, 29th October, 1839.

A.M. 10. Hove to and communicated with the brig "*Douglass*." Sent Prisoners on board ditto.

CLASS D.

11. Gave up charge of the brig to her captain.
11-30. Up boat, and made sail to the eastward.
(True Extracts.)

(Signed) H. F. SEAGRAM,
Lieutenant commanding.

Certified as correct, having been read over in my presence.
(Signed) WILLIAM TUCKER,

*Captain of Her Majesty's ship "Wolverine,"
and Senior Officer in command.*

EXTRACT from the Boarding Book of Her Majesty's Brig "Termagant."

Date.	Where.	Name of Vessel.	Name of Master.	Name of Owner.	How rigged.	Under what Colours.	No. of Men.	No. of Guns.	No. of Tons.	Where from.	Where bound.	Where belonging.	No. of Days out.	Cargo.	To whom con- signed.	Intelligence.
1839. Oct. 21	At sea	Douglas	A. Baker	Fayer & Co.	Brig	American	9	2	209	Havannah and CapeVerdes	River Brass or Bonny.	Duxbury	70	Rum, Tobacco, Plank, &c.	Supercargo	Detained this vessel having slave equip- ment on board.

A true Extract,

(Signed) H. F. SEAGRAM, *Lieutenant commanding.*

Certified as correct, having been read in my presence,

(Signed) WILLIAM TUCKER, *Captain and Senior Officer in command.*

(Copy.)

Lieutenant Seagram to Admiral Elliott.

*Her Majesty's brig "Termagant," West Coast
of Africa, October 30, 1839.*

SIR,

I HAVE the honour to inform you that on the 21st instant I detained the American brig named the "*Douglass*," of Duxborough, United States, Alvin Baker, master, carrying two guns, and kept possession of her until the 29th in expectation of obtaining some intelligence from the senior officer at the rendezvous that would enable me to proceed against her. I learnt from the "*Waterwitch*," which vessel I met on the 28th, that no intelligence had yet arrived from the United States respecting the American flag, and knowing the Mixed Commission Court at Sierra Leone has no power over that flag, and the senior officer had already taken such steps as would lead to the settlement of the question, I felt constrained to liberate the vessel.

The above named American brig "*Douglass*" was chartered from the Havannah for the rivers Brass and Bonny with a large slave cargo (Spanish property); there were seven Spaniards on board; two of these men were to act as factors at the two rivers, the principal man (the supercargo), at the Brass.

The vessels to receive the slaves were to arrive from the Havannah in a short time; they were to be built on the newest and most approved construction at Baltimore for the express purpose, and to sail under the Spanish flag, without equipments for slaves, in order to make certain of their safe arrival without obstruction from any cruisers. I felt regret at the want of power to crush a project of such importance towards the suppression of the Slave Trade, especially as from the skill and enterprise shown on the occasion there is every chance of its success.

I have also the honour to call your attention to the annexed copy of a document, written on the back of that ship's register, signed H. P. Trist, the American Consul at Havannah, authorizing the captain of the "*Douglass*" to carry two guns, wherein he recommends him to oppose by force officers of cruisers who should attempt to search him.

I have since learnt from the officer who was in charge of the brig that a debate took place previous to our boarding whether they should fire or not into the boats of Her Majesty's brigantine "*Termagant*," and they had also ready bags containing musket-balls for the aforesaid purpose; the impossibility of the brig escaping the "*Termagant*" prevented their doing so. I have considered it my duty to forward a copy of the above-mentioned document, as it points out very clearly the spirit of opposition to our attempts to suppress the Slave Trade by an American authority while covering a slave cargo with the American flag.

As the aforesaid instructions, if carried into effect by such vessels conveying

slave cargoes, might lead to a serious misunderstanding with Her Majesty's cruisers on this coast, I have thought proper to forward a copy to the Lords Commissioners of the Admiralty.

(Signed)

H. F. SEAGRAM,
Lieutenant commanding.

*Rear Admiral the Hon. George Elliot, C.B.,
Commander-in-Chief.*

(Copy.)

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

*Her Majesty's sloop "Wolverine," Cape Coast
Castle, December 16, 1840.*

SIR,

WITH reference to your letter of the 22nd June, 1840, I have the honour to forward Lieutenant Seagram's expositions of his reasons for detaining the brig "Douglass."

I have, &c.

(Signed)

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

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

&c. &c. &c.

(Copy.)

WILLIAM TUCKER (b.)

Commander and Senior Officer.

Lieutenant Seagram to Captain Tucker.

*Her Majesty's brig "Termagant," off
New Cestos, December 2, 1840.*

SIR,

AGREEABLE to the orders of Commander Denman I herewith enclose a copy of a document given by the Consul at the Havannah to the brig "Douglass," a copy of the said document has already been transmitted to the Commander-in-Chief.

I have, &c.

(Signed)

H. F. SEAGRAM,
Lieutenant and Commander.

*Captain William Tucker, Her Majesty's sloop
"Wolverine," Senior Officer.*

Second Enclosure in No. 170.

Lieutenant Seagram to Captain Denman.

*Her Majesty's brig "Termagant," off
New Cestos, October 28, 1840.*

SIR,

IN answer to your letter, dated 3rd instant, directing me to inform you for the information of my Lords Commissioners of the Admiralty more fully and particularly the grounds on which I considered myself justified in detaining a ship under American colours, and the papers showing her to be American property.

I have the honour to state that the Slave Trade was carried on under the American flag, and that on boarding the brig "Douglass" (from the Havannah to the river Nun), I discovered a great number of Spaniards on board amongst her crew, and that the cargo was consigned to one of them bound to the river Nun; that the property on board was a slave cargo, consisting of leaguer staves and hoops, slave-tins and pannicans, &c.; that I detained her for the purpose of delivering her up to the American authorities, as I knew that the Court at Sierra Leone was closed against the American flag, having on a former occasion sent up the "Jago" (Spanish property), under those colours, and completely equipped for the Slave Trade. Two vessels under that flag were at that period on their way to New York, sent over in charge of Her Majesty's brig "Buzzard" by the senior officer on the west coast who have expressed a desire that no other vessel should be sent over until the result of his proceedings was known.

I was desirous of getting the sanction of the senior officer to send her to New York, and for that purpose I detained her until the day of my rendezvous, which passed without our meeting, I therefore liberated the vessel.

The vessel proceeded to the river Nun, where the consignee resides as a slave factor. I took a copy of a document signed by the American Consul at the Havannah, considering that he had gone beyond his authority in giving it.

I have, &c.

(Signed) H. F. SEAGRAM,
Lieutenant and Commander.

*Hon. J. Denham, Commander of Her Majesty's
ship "Wanderer," Senior Officer.*

*Consulate of the United States of
America, Havannah.*

On the day of the date hereof before me, Nicholas P. Trist, Consul of the United States of America, personally appeared Alvin Baker, master of the within-named brig "*Douglass*," and, being duly sworn, did declare that, having engaged to take a freight from this port to Bonny on the coast of Africa, and being about to depart for the said destination, he, the said declarant, doth deem it a proper precaution for the safety of his vessel while on the said coast to arm her with two iron guns of the calibre of 2½ pounds, and I, the said Consul, recognizing the right of the said master to take the said precaution, do furthermore hereby give it my full and entire approbation, and I do enjoin it upon the said master as he deems himself worthy of bearing the title of citizen of the United States of America to use the said guns should circumstances be such as to afford any hopes of its being done effectually as long as he has a pound of powder to put into them against any and all assailants, whether they be pirates having plunder in view, or officers of cruisers of any foreign Government pretending only to search his vessel after he shall have exhibited to them this Register, and cautioned them not to violate his country's flag.

I hereunto set my hand and affix my seal of office at the Havannah this third day of August one thousand eight hundred and thirty-nine, and of the Independence of the United States the sixty-fourth.

(Signed) N. P. TRIST, *Consul.*

No. 171.

The Earl of Aberdeen to Mr. Fox.

(Extract.)

Foreign Office, December 31, 1842.

WITH reference to my Despatch to you of the 31st of March last, on the subject of the United States vessel "*Tigris*," I transmit to you the accompanying copies of correspondence which has subsequently passed between the United States Minister and myself with respect to those two vessels.

I am, &c.

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

(Signed) ABERDEEN.

Enclosures in No. 171.

1. *Mr. Everett to the Earl of Aberdeen, June 30, 1842.*
2. *Mr. Everett to the Earl of Aberdeen, August 5, 1842.*
3. *Mr. Everett to the Earl of Aberdeen, November 22, 1842.*
4. *The Earl of Aberdeen to Mr. Everett, November 23, 1842.*
5. *The Earl of Aberdeen to Mr. Everett, December 19, 1842.*
6. *Mr. Everett to the Earl of Aberdeen, December 23, 1842.*

(See Nos. 156, 158, 165, 166, 167, and 168; pages 208, 210, 237, 238, and 239.)

No. 172.

The Earl of Aberdeen to Mr. Fox.

SIR,

Foreign Office, December 31, 1842.

WITH reference to Viscount Palmerston's Despatch to you of the 5th August, 1841, enclosing copies of correspondence respecting the United States vessel "*Douglass*," I herewith transmit to you a copy of a note which I have received from Mr. Everett upon this subject, and of the answer which I have returned thereto.

I have now to instruct you to present to the United States Government a note, drawn up in conformity with my reply to Mr. Everett.

You will communicate to the United States Government copies of the correspondence which formed Enclosures to my note.

You will state the view entertained by Her Majesty's Government of this case, as expressed in that reply, and you will add that Her Majesty's Government have not included the "*Douglass*" with the "*Tigris*" and "*Seamew*" in the investigation which has been entered into for ascertaining the amount of compensation due to the owners of these vessels, because while they admit that the detention of the "*Douglass*" was not justifiable, they consider it necessary to lay the case of that vessel before the Government of the United States, as one of Slave Trade, and to receive from that Government a specific demand for compensation, if, under the knowledge of this fact, any such could be made.

I am, &c.

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

(Signed)

ABERDEEN.

 Enclosures in No. 172.

1. *Mr. Everett to the Earl of Aberdeen, November 12, 1842.*
 2. *Mr. Everett to the Earl of Aberdeen, December 23, 1842. (Extract as regards the "Douglass")*
 3. *The Earl of Aberdeen to Mr. Everett, December 29, 1842.*
(See Nos. 164, 168, and 170; pages 231, 239, and 241.)
-

UNITED STATES.—(*Consular*).

No. 173.

The Earl of Aberdeen to Mr. Ogilby.

SIR

Foreign Office, February 7, 1842.

I HEREWITH transmit to you a copy of a petition addressed to Her Majesty, by George Allen, a British subject of colour, resident in Bermuda, praying Her Majesty to endeavour to obtain the release of a British subject of colour, named Benjamin Parker, who is supposed to be held in slavery at Charleston, in the United States.

I have to desire that you will institute an inquiry into this case, and that you will endeavour to ascertain whether there is any ground for the statement made in the enclosed paper.

You will report the result of your inquiries to Her Majesty's Envoy at Washington, and you will at the same time transmit to me a copy of the Report which you make to Mr. Fox upon this case.

I am, &c.

(Signed) ABERDEEN.

W. Ogilby, Esq.
&c. &c.

Enclosure in No. 173.

Petition of George Allen.

St. George's, Bermuda, December 17, 1841.

MAY IT PLEASE YOUR MAJESTY,

BEING excited by feelings of compassion to sympathise with those that are distressed, particularly persons of my colour, I now venture most humbly to lay before your Majesty a petition in behalf of a case which is most pitiable and unmerciful.

In the winter of the year of our Lord eighteen hundred and thirty-nine, an American vessel put into the port of St. George, in distress, on a voyage from New York, bound to the Island of Antigua, in the West Indies, when, after receiving her necessary repairs, she again proceeded on her voyage.

Being without a sufficient quantity of men, Benjamin Parker, a married man of colour, of respectable character, shipped on board of the said vessel as a seaman. He was never more seen nor heard of until about the beginning of this present month, when the master of an English brig, the "Eliza Kirkbride," then lying at Bermuda, gave information, that when he was at the city of Charleston, a short time before, he had seen in the pilot-boat of that place, a slave of the name of Benjamin Parker, answering to every description of the said Benjamin Parker, of Bermuda, which gives every reason to believe that he was there sold as a slave by the American captain, although a free British subject.

This petition is to beseech your Majesty to be pleased to endeavour to obtain the release of this unhappy slave, for without the intercession of the Royal Government nothing can be done for his unhappy state.

And may the Lord God of heaven and earth bless your Majesty, as well as the Prince Albert and the Royal Family of England, with many happy and prosperous days.

Your Majesty's most loyal and dutiful subject,

(Signed) GEORGE ALLEN.

No. 174.

Mr. Ogilby to the Earl of Aberdeen.

*Her Britannic Majesty's Consulate, Charlestown,
January 20, 1842.*

MY LORD,

(Received February 16.)

THE recent case that has occurred at Nassau, New Providence, of the release of a number of slaves carried in there on board of the American brig "*Creole*," having caused a good deal of excitement throughout this southern county, and the proceedings in Congress on this subject being such as to leave scarcely a doubt but that a strong remonstrance, and a claim for remuneration, will be addressed to Her Majesty's Government by the executive of the United States, I am led to think that it may not be considered inopportune my requesting to be allowed the honour of laying before your Lordship the enclosed copy of a law, which (with the exception of the 4th section) has been rigidly enforced in this State ever since 1823; and by virtue of which all persons of colour that have arrived in any of the ports of the State, as cooks, stewards, or mariners, on board of merchant-vessels, have been committed to gaol, and kept there so long as the vessels remained within the limits of the State; sometimes at a very serious inconvenience to the masters, and considerable expense to the owners of the ships, as your Lordship will perceive from the copies herewith transmitted of the bills furnished by the sheriff of this district, in the two last instances that have occurred of persons of colour having been brought into this port on board of British vessels.

It is but right that I should observe to your Lordship, that this law was passed very shortly after the discovery of a plot for an insurrection amongst the negro population of South Carolina, and at a time when the public mind was in a very excited and alarmed state; and I have reason to believe that it was enacted more with a view to exclude the free coloured people of the northern States than to act upon the inhabitants of the West Indies.

Although I must admit that I consider the law here referred to may, *in some measure*, be justified by the peculiar state of things existing here, yet it strikes me that it might very fairly be brought forward as a "set off" to any complaints made by the Government of this country against the release of slaves arriving in our colonies on board of American merchant-vessels. For if by the laws in force here (and a law of equal severity exists in Georgia), persons who have been guilty of no crime can be taken from under the protection of their national flag and thrown into prison, and even made to suffer corporal punishment, surely the people of the southern States ought not to complain of the laws of England *setting at liberty* persons of the same description, when they arrive within the limits of any of Her Majesty's possessions.

I have, &c.

(Signed) WILLIAM OGILBY, *Consul.*

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

&c.

&c.

&c.

First Enclosure in No. 174.

State of South Carolina—Act of December 20, 1823.

Sec. 1. Be it enacted, by the Senate and House of Representatives now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act it shall not be lawful for any free negro or person of colour to migrate into this State, or be brought or introduced into its

Free negroes or persons of colour not to enter the State.

limits, under any pretext whatsoever, by land or by water; and in case any free negro or person of colour (not being a seaman on board of any vessel arriving within this State) shall migrate into or be introduced into this State, contrary to this Act, he shall and may be carried by any white person before some justice of the peace of the district or parish where he or she shall be taken, which justice is hereby required to summon three freeholders, and form a court to examine such free negro or person of colour, and, on conviction, to order him or her to leave the State; and every free negro or person of colour so ordered to leave the State, and thereafter remaining longer than fifteen days within the same, or having left the State, and thereafter returning to the same, upon proof thereof, made before any magistrate and three freeholders, and on conviction thereof, shall be subjected to be sentenced to such corporal punishment as the said magistrate and freeholders shall, in their discretion, think fit to order; and if, after the said sentence or punishment, such free negro or person of colour shall again remain longer in this State than fifteen days, or, having left the State, shall thereafter return to the same, upon proof thereof before any magistrate and three freeholders as aforesaid, and, on conviction thereof, the said magistrate and freeholders shall adjudge the said free negro or person of colour to suffer corporal punishment a second time; and for every repetition of the offence of remaining in this State contrary to this Act, or of coming into the same after departing therefrom, such free negro or person of colour shall be liable to be proceeded against in like manner; and so on until such free negro or person of colour shall cease to violate this Act.

Sec. 2. And be it enacted, &c., That it shall not be lawful for any free negro or person of colour to come into this State on board of any vessel, as a cook, steward, mariner, or in any other employment on board of such vessel; and in case any vessel shall arrive in any port or harbour of this State, from any other State or foreign port, having on board any free negro or person of colour employed on board of such vessel as a cook, steward, mariner, or in any other employment, it shall be the duty of the sheriff of the district in which such port or harbour is situated, immediately on the arrival of such vessel, to apprehend such free negro or person of colour so arriving contrary to this Act, and to confine him closely in gaol until such vessel shall be hauled off from the wharf, and ready to proceed to sea; and that when the said vessel is ready to sail, the captain of the said vessel shall be bound to carry away the said free negro or person of colour, and to pay the expenses of his detention; and in case such captain shall refuse or neglect to pay the said expenses, and to carry away the said free negro or person of colour, he shall forfeit and pay the sum of one thousand dollars, and be liable to be indicted therefor, and also to suffer imprisonment for any term or time not exceeding six months.

Sec. 3. And be it enacted, &c., That whenever any free negro or person of colour shall be apprehended and committed to gaol, as having arrived in any vessel in the capacity of a cook, steward, mariner, or otherwise, contrary to this Act, it shall be the duty of the sheriff, during the confinement in gaol of such free negro or person of colour, to call upon some justice of the peace to warn such free negro or person of colour never to enter the said State after he or she shall depart therefrom; and such justice of the peace shall, at the time of warning such free negro or person of colour, insert his or her name in a book to be provided by the sheriff for that purpose, and shall therein specify his or her age, occupation, height, and distinguishing marks, which book shall be good and sufficient evidence of such warning; for which services the said justice shall receive the sum of two dollars, payable by the captain of the vessel. And every free negro or person of colour who shall not depart the State, in case of the captain refusing or neglecting to carry him or her away, or, having departed, shall ever again enter the limits of this State, by land or by water, after being warned as aforesaid, shall be dealt with as the first section of this Act directs for free persons of colour who shall migrate or be brought into this State.

Sec. 4. And be it enacted, &c., That it shall not be lawful for any master or captain of any vessel, or for any other person, to introduce or bring into the limits of this State any free negro or person of colour as a passenger, or as cook, mariner, steward, or in any other capacity, on board of such vessel whose entrance into this State is prohibited by this Act; and if any master or captain of any vessel as aforesaid shall bring in or introduce into this State any such free negro or person of colour whose entrance is prohibited as aforesaid, or if any other person shall introduce by land, as a servant, any free negro or person of colour,

How to be dealt with.

Duty of sheriff in case any free negro, &c., shall come as cook, &c., on board of any vessel.

Penalty upon captain of vessel refusing to comply with this Act.

Free negroes to be warned by sheriff not to return.

How to be warned.

Penalty on captain bringing free negroes into the State.

every such person shall, for the first offence, be fined in a sum not exceeding one hundred dollars, and for the second offence be liable to forfeit and pay, for each free negro or person of colour so brought into this State, the sum of one thousand dollars, and shall, moreover, be liable to be imprisoned for any term or time not exceeding six months.

Sec. 5. And be it enacted, &c., That it shall not be lawful for any free negro or person of colour who has left the State at any time previous to the passing of this Act, or for those who may hereafter leave the State, ever to return again into the same, without being subject to the penalties of the first section of this Act, as fully as if they had never resided therein.

Free negroes leaving the State, never to return.

Sec. 6. And be it enacted, &c., That it shall not be lawful for any citizen of this State, or other person, to bring into this State, under any pretext whatever, any slave or slaves from any port or place in the West Indies, or Mexico, or any part of South America, or from Europe, or from any sister State which may be situated to the north of the river Potomac, or the city of Washington. Neither shall it be lawful for any person to bring into this State, as a servant, any slave who has been carried out of the State, if at any time during the absence of such slaves from this State he or she hath been in ports or places situated in Europe, in the West Indies, or Mexico, or any part of South America, or in States north of the Potomac, or city of Washington; and any person who shall bring into this State any slave contrary to the meaning of this Act shall forfeit and pay the sum of one thousand dollars, and the said slave shall be a forfeiture to the State.

Slaves not to be brought into the State from the West Indies or beyond the Potomac.

Sec. 7. And be it enacted, &c., That all free negroes and persons of colour, and all other persons, shall be exempted from the operation of this Act, where such free negroes and persons of colour and slaves have arrived within the limits of this State by shipwreck or stress of weather, or other unavoidable accident; but such free negroes or persons of colour, and other persons, shall, nevertheless, be subject to the penalties of this Act, if the requisites of the same be not complied with within one month after such shipwreck, stress of weather, or other unavoidable accident.

Person shipwrecked exempt from this Act.

Sec. 8. And be it enacted, &c., That this Act shall not extend to free negroes or persons of colour who shall arrive in any port or harbour of this State, as cooks, stewards, mariners, or as otherwise employed in any vessel of war of the United States navy, or on board any national vessel of the navies of any of the European or other Powers in amity with the United States, unless the said free negroes and persons of colour shall be found on shore after being warned by the sheriff or his deputy to keep on board of their vessels. Nor shall this Act extend to free American Indians, free Moors, or Lascars, or other coloured subjects of countries beyond the Cape of Good Hope, who may arrive in this State in any merchant-vessel. But such person only shall be deemed and adjudged to be persons of colour, within the meaning of this Act, as shall be descended from negroes, mulattoes, and mustizoes, either on the father's or mother's side.

Vessels of war also to be exempted.

Free Indians, Lascars, &c.

Sec. 9. And be it enacted, &c., That in case any master or mate of any vessel, on his arrival, shall make any false return to the sheriff or his deputy, of the number of persons he may have on board, whose entrance shall be prohibited by this Act, he shall forfeit and pay the sum of one thousand dollars; and any master of a vessel, or other person, opposing the sheriff or his deputy in the execution of his duty, and all persons aiding and abetting him therein, shall be liable to be indicted, and pay a fine of one thousand dollars, and be imprisoned for a term not exceeding six months.

Penalty on captain of vessel making false return.

Sec. 10. And be it enacted, &c., That any sheriff who shall wilfully neglect or refuse to perform the duties required by this Act shall forfeit and pay five hundred dollars, one-half to the informer, and the other for the use of the State; to be recovered by action of debt in any Court having jurisdiction.

Neglect of sheriff, how punished.

Sec. 11. And be it enacted, &c., That all prosecutions under this Act may be maintained without limitation of time; and all penalties or forfeitures imposed thereby may be recovered in any Court of Record in this State; one-half of which shall go into the public Treasury, and the other half to the person informing: *Provided, however,* That no prosecution shall be permitted against the masters of vessels, or any other white persons, from any part of the United States, in less than three months, or against captains of vessels from foreign ports in less than six months, after the passing of this Act.

Prosecution under this Act.

Second Enclosure in No. 174.

Copy of a Bill furnished by the Sheriff of Charleston District to the Master of the British Schooner "Adeona," which vessel arrived at Charleston on the 3rd November, 1841, and cleared therefrom on the 18th of same month.

Schooner "Adeona," Captain Patton.

To A. H. Brown, Sheriff of C. D.

1841.		Dollars.
Nov. 18.	To arrest, registry, dieting, &c. of J. Simons and B. Nimmon, coloured seamen, 11 dollars	
	91 cents each	23·82
	Constable	2·00
		<hr/>
		25·82

Received payment.

(Signed) JOHN D. MILLER, for Sheriff.

Copy of a Bill furnished by the same to the Master of the British Schooner "Vesper," which vessel arrived at Charleston on the 3rd January, 1842, and sailed therefrom on the 6th of same month.

Captain Yates,

To A. H. Brown, S. C. D.

1842.		Dollars.
January 6.	To arrest, registry, and dieting of three coloured seamen	23·13
	Constable	3·00
		<hr/>
		26·13

Received payment.

(Signed) A. B. CALHOUN, for Sheriff.

No. 175.

Mr. Ogilby to the Earl of Aberdeen.

*Her Britannic Majesty's Consulate,
Charlestown, January 24, 1842.*

(Received Feb. 16.)

MY LORD,

As your Lordship may not, perhaps, be fully aware of the lengths to which State legislation is carried in some parts of this country, or of the degree of independence exercised by the several States of this confederacy in their relations one with another, and also towards the Federal Government, I beg to be allowed the honour of submitting for your Lordship's perusal, the enclosed copy of an Act which was passed at the recent session of the Legislature of this State, entitled, "An Act to prevent the Citizens of New York from carrying slaves, or persons held to service, out of this State; and to prevent the escape of persons charged with the commission of any crime."

I have, &c.

(Signed) WILLIAM OGILBY, Consul.

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

Enclosure in No. 175.

Law of South Carolina.

An Act to prevent the Citizens of New York from carrying Slaves, or persons held to service, out of this State, and to prevent the escape of persons charged with the commission of any crime.

I. Be it enacted, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That it shall not

be lawful for any vessel, of any size or description, owned in whole or in part, or commanded or navigated by any citizen or resident of the State of New York, or any such vessel owned in whole or in part, commanded or navigated by any other person than an actual inhabitant and resident of this State, and departing from any port in this State for any port in the State of New York, to depart from this State, or out of any bay, river, creek, or other water-course of this State, until said vessel has undergone the inspection provided for in this Act, and until the other provisions hereof shall have been complied with: Provided, That nothing herein contained shall apply to any foreign or national vessel.

II. Be it further enacted, That no such vessel as is hereinbefore described shall sail from any port in this State, or depart from the jurisdiction of this State, until such vessel shall have been inspected by an inspector, or other person authorized to act under the provisions of this Act, to see that no slave, or person held to service or labour in this State, shall be concealed on board of such vessel, and until the commander thereof shall have received a certificate of inspection from such officer; and if any such vessel shall depart from this State without such certificate of inspection, the captain or owner thereof shall forfeit and pay the sum of five hundred dollars, to be recovered by any persons who will sue for the same in any court of record in this State, by indictment or information, or by action of debt in the name of the Governor, for the benefit of such person, on the bond hereinafter required to be taken.

III. Be it further enacted, That when any vessel, owned in whole or in part, or commanded or navigated by any citizen or resident of New York, shall come into this State, no matter from what port, it shall be the duty of the inspector, or other officer hereby authorized to act, to take and keep possession of said vessel, until the master or owner, or some other person for him or them, shall have executed a bond, payable to the Governor of this State, with two or more sureties, satisfactory to the officer taking the bond, inhabitants of this State, in the penalty of one thousand dollars, conditioned to pay and satisfy all judgments which may be rendered in consequence of the violation of any of the provisions of this Act; and particularly to pay and satisfy the owner of any slave which may be carried away in such vessel, the full value of such slave, with all other damages sustained thereby by such owner; or if the captain or master of such vessel shall allege his inability to give security, then it shall be his duty to deliver up the papers of his vessel to the inspector, to be retained by him till the departure thereof, and shall moreover make affidavit before some magistrate, that he will not depart with his vessel, or suffer the same to sail from the port or harbour in which she may be, until the inspection hereby required shall have been completed; and moreover, that he will not carry or suffer to be carried out of this State any person in violation of the provisions of this Act. And if the captain or owner, or some other person appointed for them, shall fail or refuse to comply with the foregoing requisitions, the said inspector or other officer, or any police officer by him appointed for that purpose, (authority to appoint whom is hereby given to such inspector or other officer,) shall take and hold possession of said vessel until she is about to depart out of the jurisdiction of the State; and during the time such vessel shall be in possession of such officer he shall be entitled to demand and receive the sum of three dollars per diem, to be paid by the captain or owner thereof; and for payment of which the vessel shall be liable, and she may be held until the same be paid: Provided, nevertheless, That the master or owner of each of the vessels constituting the several lines of packets now trading, or which may hereafter be trading regularly between Charleston and New York, may be permitted, instead of giving a bond on each arrival in this State, to give one bond in the penalty of one thousand dollars, conditioned to pay and satisfy all judgments which may be rendered in consequence of the violation of any provision of this Act, at any time within one year from the date thereof.

IV. Be it further enacted, That no pilot, acting under the authority of the laws of this state, or other person, shall pilot out the jurisdiction of this State, any such vessel as is described in this Act, which has not obtained, or shall not exhibit to him the certificate of inspection hereby required; and if any pilot or other person shall violate the provisions of this Act, he shall forfeit and pay the sum of not less than ten, nor more than one hundred dollars, one-half of which shall go to the informer, and in default of payment, the person so convicted shall be imprisoned not less than one month, nor more than three months.

V. Be it further enacted, That every pilot, or other person, who shall detect any such vessel in attempting to depart from this State without such certificate of inspection, or shall detect or discover on board of any vessel whatever, any slave or person held to service or labour, in this State, or any person charged with the commission of any crime, under the laws of this State, such slave or person being therein concealed in order to depart, or be carried out of the jurisdiction of this State, shall be entitled to a reward of five hundred dollars, to be recovered by action of debt, upon the bond hereinbefore required to be executed in the name of the Governor, for the benefit of such pilot or other person, if any such bond shall have been given, and if not, by action of debt in the name of the pilot, against the owner or master thereof, and the said vessel shall be moreover liable for the payment of the same, and may be attached for that purpose.

VI. Be it further enacted, That if, upon such inspection, or in any other manner, any slave or slaves, or person held to service or labour, or any person charged with any crime, be found concealed on board of any vessel whatever, for the purposes aforesaid, or said vessel be detected in the act of leaving this State, with any such person on board, the captain and owner shall forfeit and pay the sum of five hundred dollars, to be recovered against the obligors of the bond before mentioned, in the name of the State, in case the person so found on board be a person charged with any crime; and in case the person found on board be a slave, or fugitive from service, the captain or owner shall forfeit and pay his or her value, together with all costs, or be recovered by the owner by action of debt on said bond, in any court of record in this State, in the name of the Governor, for the benefit of such owner; and the said vessel shall moreover be liable for all penalties imposed by virtue of any other law of this State.

VII. Be it further enacted, That the executive of this State be and he is hereby authorized and required to appoint one or more inspectors at Charleston, Georgetown, and Beaufort, and at such other places as he shall deem it expedient for the due execution of the provisions of this Act; and that in all places where no inspector may be appointed, the sheriff of the district, either in person or by deputy, shall act as inspector, and perform all duties required by this Act to be performed by an inspector.

VIII. Be it further enacted, That for every inspection under this Act, the inspector or other officer shall be entitled to demand and receive the sum of ten dollars, for the payment of which such vessel shall be liable; and the said inspector or other officer may seize and hold her until the same be paid, together with all charges incurred in taking care of the vessel, as well as in enforcing the payment of the same.

IX. Be it further enacted, That if any inspector or other officer shall have reason to suspect that he will be obstructed or opposed in the discharge of any duty required of him under this Act, he shall have power to summon and command the force of the District, to aid him in the discharge of such duty; and every person who shall resist or obstruct any inspector or other officer, in the performance or discharge of such duty, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined and imprisoned as in other cases of misdemeanor.

X. Be it further enacted, That the bonds authorized and required to be taken under this Act shall be executed before the clerk of the Court of Common Pleas, or a magistrate of the District, and shall be lodged with the clerk of the Court of Common Pleas of the District, and be safely kept by him in his office. For taking every such bond, the said clerk or magistrate shall demand and have the fee of one dollar, to be paid at the time by the person executing the same.

XI. Be it further enacted, That in all questions as to residence and citizenship, arising under this Act, the *onus probandi* shall rest upon the person claiming to be a citizen and resident of this State, or any State other than New York.

XII. Be it further enacted, That this Act shall commence and be in force, from and after the first day of May, one thousand eight hundred and forty-two; but that the Governor of this State may by proclamation, suspend the operation of the same until the end of the succeeding session of the Legislature of this State, whenever he shall be officially informed that the Executive of New York shall have *bonâ fide* consented to comply with the demand of the Executive of Virginia, for the surrender of Peter Johnson, Edward Smith, and Isaac Gansey, as fugitives from justice, and be satisfied that the law of New York, of the sixth

of May, eighteen hundred and forty, entitled, "An Act to extend the right of trial by jury," has been repealed by that State.

In the Senate House, the seventeenth day of December, in the year of our Lord One thousand eight hundred and forty-one, and in the sixty-sixth year of the Sovereignty and Independence of the United States of America.

(Signed)

ANGUS PATTERSON,

President of the Senate.

W. F. COLCOCK,

Speaker of the House of Representatives.

No. 176.

Mr. M'Tavish to the Earl of Aberdeen.

British Consulate, Baltimore, March 16, 1842.

(Received April 21.)

MY LORD,

I HAVE the honour to acquaint your Lordship, that in pursuance of notice, previously given, a convention of the slave proprietors of this State assembled at Annapolis on the morning of the 12th of January, and after remaining in Session until the evening of the 14th, adjourned *sine die*.

Herewith, marked A, I beg leave to enclose, for your Lordship's information, a copy of the proceedings of that body; together with a copy, marked B, of a Bill and Report framed by a Committee of those members to whose consideration were referred the various matters connected with the subject for which the representations of the Slave-holding interest had convened.

By reference to these Enclosures, it will be seen that, the ostensible objects of this Convention were as follows, viz.—

"First. To prevent the escape of slaves from their owners."

"Secondly. To make the free negroes of the State industrious, and to place them beyond the reach of temptations to crime, which a life of idleness readily embraces."

"Thirdly. To arrest the increase of free negroes within the State."

"Lastly. To make the penalties of a character to ensure their own enforcement, as well as to deter from the commission of the offences against which they are designed to guard."

It will be discovered, however, upon an examination of this Bill of Pains and Penalties, prepared, as alleged, in conformity with the foregoing recitals, that its real object is to expel from the State of Maryland the whole of the free coloured population, amounting in number to 60,000 souls, with the view of thereby rendering the slaves, as property, more secure and valuable.

After a discussion of several days, the Bill, with some slight amendments, passed the House of Delegates on the 26th of February, by a vote of 40 to 31, but it was rejected in the Senate by a large majority, on the last day of the Session, namely, the 10th instant.

I have, &c.

(Signed)

JOHN M'TAVISH.

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

First Enclosure in No. 176.

[From the Maryland Colonization Journal, dated Baltimore, January 15, 1842.]

Slave-holders' Convention.

WE omit all other matter for our present number, in order to be able, not only to insert all the Acts or Resolutions passed at the Slave-holders' Convention, but to give place to a full report of the remarks of the members upon the various points mooted, as furnished by the able reporter of the "Baltimore Sun."

It is not our design to make any remarks upon the debates or doings of the
 CLASS D.

Convention, the whole is laid before our readers, and of the wisdom and expediency of the course pursued each one must judge for himself.

One remark, however, we will make, and that rather in connexion with our own cause, than with reference to the Convention, which is: Were it not for the labours of the Colonization Society—were it not for the preparations made for the reception of the free coloured man in Africa—were it not that a home had been prepared for him where he could enjoy privileges and blessings that no other land could offer; we believe that if the propositions recommended to the Legislature by the Convention, should ever become the laws of the land, they would, from their very nature, be null and impracticable. We would also take occasion to ask of our colonization friends, who, in the Convention of June last, opposed the passage of the third resolution, and also the coloured people, who thought it so grievous and oppressive to be warned of wrath to come, whether events, since transpired, have not more than confirmed our predictions? Look at the riots of Cincinnati—look at the strong indication of a change of feeling in the people of the north—at the breaking up of attempted abolition meetings in almost every State in New England—at the expulsion of the coloured claimants to seats in the northern railroads and places of worship—look at the doings of this Convention, composed of men of the highest standing for respectability and talents in Maryland; and then say, was the warning premature? Was it not kindly given? and again, has it been kindly or thankfully received?

[From the "Baltimore Sun."]

Annapolis, January 12, 1842.

The Convention re-assembled this afternoon, at four o'clock, in the House of Delegates, Ex-Governor Howard in the chair. The committee appointed to nominate officers, nominated Robert W. Bowie, as President; Benjamin C. Howard, General Thomas Emory, and Dr. Williams, Vice-Presidents; and George W. Sherwood, and ——— Carter, Secretaries. The Convention concurred therein.

Mr. Bowie was conducted to the chair by Ex-Governor Howard, and made a few remarks, thanking the Convention for the honour they unexpectedly conferred, and at the same time, frankly stating that he was not himself fully aware of the object which the members of that Convention had in view.

The Secretary then proceeded to call over the several counties, and the cities of Annapolis and Baltimore, when it appeared that each was represented, excepting the counties of Carroll, Alleghany, and Caroline.

Governor Howard then proceeded to make some remarks, slightly elucidating the objects of the Convention, and concluded by moving that a committee be appointed by the Chair, consisting of one from each delegation, who should deliberate among themselves, and prepare matter for the consideration of the Convention. The motion was adopted.

Judge Chambers next occupied the attention of the Convention. He would not desire to detain the Convention from the consideration of the important matters which awaited their action; but as it was evident that some little time must elapse before the committee thus to be appointed could get to work, he did not think that their time could be better employed than in a calm and dispassionate view of the circumstances which had called them together. The subject on which they had assembled was one of extreme delicacy; it was evident, that of the two classes composing the free population of this State, the free coloured people had certainly increased very rapidly within a few years past; and that if any decisive action was to be had for the purpose of removing them without difficulty, now was the time, whilst the preponderance of physical strength was still our own, and we had the ability to enforce any legislative action on the subject; yet, at the same time, he would beg of every gentleman to approach the matter calmly, and with a firm determination of viewing the measures originating with others as the result of the same integrity which would actuate the proposition of means proposed by himself; it was evident that measures might be proposed, and be considered by gentlemen proposing them, as mild and moderate, which might be thought by others as harsh in the extreme. Again, he doubted not that there were gentlemen present who would prefer a

medium course, and to their views he most urgently requested the attention of the Convention.

Never mind what might be the result of their deliberations or recommendations in regard to the free coloured population, one thing was certain, that they could, as slave-holders at any rate, adopt some regular system of discipline, and agree among themselves as to the regulation of their property, so as to make them more valuable, and to lessen the influence of the free negroes with them; but even this he almost despaired of being able to effect, as long as the miserable grog-shops which had caused the greatest evil to the negro race, were permitted to exist. The State for a number of years made appropriations for the laudable purpose of promoting the emigration of the free coloured people; but it had evidently failed of the contemplated purpose, inasmuch as that class of persons, so far from diminishing, has actually increased.

The coloured population now were vastly unlike what it had been in years past when there were no free coloured persons; there had been instances of the strongest devotion and most sincere affection, of a devotion amounting to a sacrifice of life on the part of the slave, for the welfare of the master; these had been matters of history in this State, &c.

Colonel William T. Wootten, of Prince George's County, presented a preamble for the consideration of the Convention, looking to the speedy colonization of the free negroes in Africa.

Judge Chambers requested his friend from Prince George's to withdraw his proposition, as he felt satisfied that it could, at that time, effect no good purpose, and had probably been offered hastily and without reflection.

Colonel Wootten assured his learned friend over the way, that whatever might have been his course of action heretofore, the time had passed when he acted either hastily or without reflection; that in the proposition which he had offered, he was actuated rather by philanthropy than his interests as a slave-holder. He advanced it as a settled political maxim, that where two races of people existed in the same country, differing to such an extent that they could never be blended and become one race, separation must take place. This was the case here; and it was as a philanthropist and in mercy to the weaker party, that he urged the consideration of his preamble.

Judge Chambers hoped that the proposition would be withdrawn, as it was evident that the sense of the people in general at this time was favourable to the adoption of measures which would tend to lead the free negroes from this to some other place where they might enjoy greater privileges; "but" said the Judge, "adopt harsh measures, and you create a re-action of public feeling, and all the good effects which might grow out of this Convention are at once annulled."

John Glenn, Esq., of Baltimore city, made a few remarks, when Colonel Wootten withdrew his proposition.

C. H. Pitts, Esq., hoped that the gentleman from Prince George's would renew his proposition; he thought it right and proper that it should be before the Convention, and at the disposition of the Committee to be appointed.

The President announced the committee, when the Convention adjourned to meet to-morrow morning, at 10 o'clock, in the Court-house.

Annapolis, January 13, 1842.

The Slave-holders' Convention met this morning at 10 o'clock, in the Court-house, and the committee yesterday appointed, consisting of Judge Chambers, Chairman, of Kent County; John M. S. Causin, St. Mary's; Benjamin E. Gantt, Anne Arundel; John Parran, Calvert; William Jenkins, Baltimore County; William S. Ridgway, Talbot; James S. Cottman, Somerset; Dr. Joseph Nichols, Dorchester; not represented, Cecil; William S. Wootten, Prince George's; Thomas Emory, Queen Anne's; Joseph M. Palmer, Frederick; James Nelson, Harford; not represented, Caroline; not represented, Worcester; not represented, Washington; William S. Gaither, Montgomery; not represented, Alleghany; not represented, Carroll; John Glenn, Baltimore city; Thomas S. Alexander, Annapolis; Benjamin C. Howard, Howard district; reported that they had had the business of the Convention under consideration, and had agreed in many particulars, but would not be prepared to report fully until this afternoon.

The President and Vice-Presidents are also members of the committee.

The Convention then adjourned until this afternoon at 4 o'clock. I have just seen a member of the committee, and am informed that they have got through with their labours, and will be prepared to report this afternoon.

Annapolis, January 13, 1842.

The Convention assembled at 4 o'clock this afternoon in the hall of the House of Delegates. The President took the Chair, and called the Convention to order.

It was moved and carried, "That all persons, not members of the Convention, should leave the floor of the house, and retire to the lobby."

It was also moved and carried unanimously, "That any person or persons desiring to report the proceedings of the Convention for publication in any newspaper, should be assigned a seat on the floor suitable for the purpose, if his veracity could be vouched for by any gentleman, a member of the Convention."

Three reporters immediately presented themselves, and were accommodated with seats, for the purpose of reporting for the "Maryland Republican," published in Annapolis, and for the "Sun" and "American," published in Baltimore.

The committee proceeded to make their report; and the resolutions being read, Judge Chambers was proceeding to make some remarks in relation to the resolutions which had been read, when Mr. Causin arose, and stated to the Convention that he had been informed that there had been in the House an unknown person, who had in the first instance taken a seat on the floor, as if for the purpose of reporting the proceedings. When the proposition was made to admit reporters on the floor, known to the members of the Convention, this person had left the house, and proceeded to the gallery; he had been turned out of the gallery, and was (according to his information) at that moment in the committee-room, prepared to take notes. He mentioned this matter to the Convention, that they might take such steps as they would deem necessary.

Mr. Alexander, from Annapolis, thought it would be as well for the Chair to appoint two or more persons to call on the individual alluded to, and ascertain from him his purpose in acting as he did, and to know of him if he desired to report the proceedings of the Convention, and if so, to appear in the Convention and state his object.

Carroll Spence, Esq., of Baltimore, thought that it would be doing the individual alluded to too much honour by sending any delegation to wait on a person who had acted as this individual had.

Mr. Tilghman was of opinion that it was best to inquire if there were any abolitionists in the house.

Mr. Pitts thought that the best course which could be pursued would be to take no notice whatever of the individual who had been already alluded to.

Mr. Causin thought it due to the man himself that justice might be done him, abolitionist or not. Within this hall, gentlemen were certainly at liberty to express their views in regard to the domestic institutions of the State.

Governor Howard arose to propose that all proceedings on this subject be suspended.

Judge Chambers hoped the gentleman would withdraw his motion. The most effectual way of silencing traduction would be to make known to the world the proceedings of the Convention. He wished every proceeding of that body to be public and plain as the noon-day.

Mr. Palmer did not think that so much should be made of this matter. He was for admitting the reporter of any paper on the floor.

Mr. Duckett had often desired to see an abolitionist, and for that purpose had left the house, and gone into the yard bare-headed, but before he got there he had evaporated. He had since been informed that he was a reporter for the "Massachusetts Spy" and the "Emancipator."

Here the Convention understood that the person who had caused the delay in the proceedings of that body had been committed to gaol by Justice Huster, for a further examination, and before I dismiss this matter, would state, that I have been informed that the letters and papers found with him appear to be of an abolition and incendiary character, and the probability is that if another is caught here in the same predicament, he will be likely to fare worse. His having been lodged in gaol most probably saved him from the exasperation of the moment, which might have resulted in the enactment of Lynch-law. They then proceeded with business.

Resolved, 1st. A law to prevent all manumissions by will or deed, to take effect in future.

On motion of Judge Chambers, this proposition was laid on the table for the present.

Resolved, 2nd. To prevent manumissions, except upon condition of instant transportation to some place out of the United States, and that at the expense of the manumittee.

Judge Chambers.—The object of legislation had been to prevent, by judicious enactments, the increase of the free coloured population ; but such had not been the result. Proposals had been made to the free coloured people, at considerable expense ; but, through the influence of some unfortunate and misguided men, who were perfectly wild in their conclusions, they had failed to avail themselves thereof. It now became their duty to take such steps as would strengthen their inducements to leave the country.

Mr. Alexander was prepared to debate the second resolution, with the first or without ; but he thought the connection between the two was such that they should be debated together.

The Convention decided on considering the second resolution.

Mr. Alexander objected to the resolution. He thought that any person should have the right to manumit a servant or servants by either deed or will. Public opinion would be against any such law ; and if so, it could not be enacted. He submitted the following as a substitute : "That it is not expedient to place any restraint on manumission as now regulated by law," &c.

Mr. Pitts moved to take up the first resolution of the committee, which had been passed over, and to adopt the substitute offered by Mr. Alexander as a substitute for both.

Mr. Alexander withdrew his proposition.

Mr. Duckett had come here with the hope of being a listener throughout, and not a speaker ; but if this measure was to be defeated without discussion, they might as well go home at once.

Dr. Claude thought the gentleman laboured under a mistake, as the question had been already decided in the affirmative.

Mr. Duckett.—Then, sir, if that is the case, I certainly do not want to speak.

The Speaker informed Mr. Duckett that he was in order, and he accordingly proceeded.

Mr. Duckett viewed the free negroes in this state as a great evil, not only to the slave-holder, but to the slave, and every other class of the community. He was in favour of their removal, but at the same time was not disposed to impose them upon the neighbouring states, but to land them comfortably on a foreign shore. You never can amalgamate, and separation or annihilation must ensue ; but he was for mild, but at the same time effectual, means for carrying out this purpose. He would do nothing to wrong a fellow-being ; would do nothing, or consent to nothing, which his conscience would not approve, and which would not bear the scrutiny of that Great Being who would judge all men equally. He was decidedly opposed to emancipation, unless the party emancipating would furnish full and ample means to carry the emancipated, not only from this state, but from the United States.

Mr. Alexander thought that it would be hard if he had in his possession one, two, or three negro boys, whom, for any reason known to himself, he was disposed to emancipate, and if the proposition offered was carried, he could not manumit them to be free at a certain age, at which he might think them able to take care of themselves ; by the provision of this resolution, he could not carry his object into effect, as he could not manumit them to become free hereafter ; and if suddenly taken ill, he could not manumit them by will. Thus he would be entirely unable to part with his property of this description, whilst he could part with any other kind which he might hold. He could not, therefore, consent that this feature was correct.

Mr. Spence, of Baltimore.—If he mistook not, they had assembled here for the purpose of doing something calculated to protect the slave-holding interest, and for that purpose had resolved themselves into a Convention ; and he thought with the gentleman from Annapolis, that the restraining the right of manumission would have the effect of creating against this Convention the popular feeling. He had observed that when laws of great or unusual severity were enacted, they became nugatory, and were of non-effect. There were now some fifty or sixty

laws on the statute-books of the state which, if enforced, would have done away with the necessity of holding this Convention. Some years since, there were but two classes in this state—the whites and slaves;—since then, a third class had sprung up—the free negroes;—and within the last ten years they had increased in a tremendous ratio. He had resided all his life in the city of Baltimore, and knew the condition in which the free negroes of that city lived—preying upon the community at large, infecting the slaves with bad doctrines, and a nuisance to the city of Baltimore. He hoped the resolution would be adopted: and if any negroes were hereafter manumitted, they would at once be conveyed beyond the bounds of the State, and not left here to disseminate abolition papers among the slaves.

Mr. Thomas F. Bowie was opposed to manumission in any form whatever. The law of 1831 provided for the removal of manumitted negroes, and even made it the duty of the sheriff of each county to enforce the removal of those who would not leave voluntarily; yet no one instance had ever occurred where such law had been put in force, although its condition had been frequently violated, and although the Directors and Board of the Colonization Society were especially charged with this matter; yet they had only been the recipients of those who emigrated of their own will, and have never sought out those who did not wish to leave the State. This was the first slave-holders' Convention which had been called in this country, the necessity for which had originated in the evils produced by the abolitionists of the north; and one of those very men had had the audacity to present himself in this Convention for the purpose of taking notes of their proceedings. He proposed, as a substitute, "That the Legislature be requested to enact a law prohibiting emancipation, either by last will or deed."

The question was then put upon the substitute. Determined in the negative—years 21, nays 62. The question then recurred upon the adoption of the second resolution, as reported by the committee. Decided in the affirmative.

The third resolution then came up for consideration—"To prevent any free negro once leaving the State ever to return to it, unless leaving here as the servant of a white resident of the State, and returning with him as such, and such resident having filed with the clerk of the county a declaration of his intention of taking such free negro with him."

Mr. Pitts moved to amend said resolution, by adding thereto the words "unless detained by sickness, to be vouched by his physician and employer."

Mr. Walter W. Bowie was opposed to the adoption of the amendment. When a free negro left his neighbourhood, he wished to shake hands with him for ever; let him go to Africa, or to the devil. If they did not go for ever, he did not wish them to go at all. A storm was now collecting on every hill and mountain of the north, and would soon be pouring down like an avalanche, and would call for the exertion of every nerve of every Marylander to breast it. He thought it strange that when he endeavoured to be most solemn and most serious, that gentlemen would laugh; however, he thought it best to laugh and grow fat, rather than to cry and grow lean; he did not go in for cry-mongers, any how. He was, however, opposed to permitting a free negro to leave this state, in the employ even of a white resident, with the privilege of returning: he might feign sickness—say that he had the cholera, or was too unwell to travel even in the railroad-cars; and yet, after procuring the certificate of his physician, might return hence with lots of abolition papers to distribute. He was opposed to allowing any such privileges: when he parted with them, he wished it to be for an eternity; and he wanted to see how far gentlemen were disposed to go with him. For ten years past the Colonization Society had been receiving from the state 10,000 dollars per annum, and in the meantime had colonized in Africa 500 coloured persons. The Colonization Society had said that, give them 10,000 dollars per annum, and they would remove the free coloured population; but had it been so? He would appeal to gentlemen, if, on the contrary, during the ten years past, they had not actually increased about 30,000 (and they were equal to the Berkshires in that particular); and he wanted any mathematician on that floor to tell him how long it would take to remove them at the same ratio; and, if the white population decreased in proportion as they had during the same period, he wanted to know how matters and things would stand in 100 years? And to this reflection he wished to call the attention of the Convention. Some of their children might then be living, if indeed there was any space left for them unoccupied by the free negro race. Gentlemen may smile, but we are now at the

end of the log, and have either to make the other class go back, or we may jump off ourselves. Let this matter rest longer, and when we say to them, "Do you go back," the reply will be, "We will not go back, but will not push you much further." Gentlemen had said that a crisis had arrived, and so he said also; but he now wanted to see if gentlemen were prepared to meet that crisis, and would toe the mark. He moved to amend the resolution by striking out all after the word "it."

The motion to amend was withdrawn.

Mr. Glenn, of Baltimore city, moved to amend the resolution by adding thereto the words "or any persons visiting any of the colonies of Maryland on the coast of Africa."

Mr. Thomas F. Bowie, of Prince George's, hoped that the amendment offered by the gentleman from Baltimore city would not be adopted. If free negroes were permitted to go to Liberia and return here, and were dissatisfied with the place, "no matter from what cause," one word from such negroes would have greater influence on such persons than any other representation which could be made. An instance has been stated to him of seventeen persons who were prepared for emigration, but, in consequence of the statements of a dissatisfied free negro who had just returned from Liberia, declined going, and who still remained in Calvert county.

Mr. Palmer, of Queen Anne, was himself opposed to slavery in the abstract; but he did not consider it as opposed either to the laws of God or man. He certainly found nothing in Holy Writ to repudiate it, even among the patriarchs; and it certainly could not be against the laws of man until the Legislature had repealed it. He had been raised in the north, and was therefore endowed with some of the northern feelings, but he had resided long enough in a slave-holding community to be well aware of the disastrous effects resulting from the association existing between the free negroes and the slaves, and knew that some decisive action was necessary for the protection of the slave-holder.

Judge Chambers did not think that the Colonization Society had any connection with this Convention. He thought, however, that many persons took part with the slave-holding interest from the very fact of provision having been made for those who would emigrate. Close this safety-valve, and you lose at once the aid which you receive from this very fact. He had himself known but one instance, and he believed it was the only instance which had occurred, of a dissatisfied return to this country (and he presumed that it was the case alluded to by Mr. Bowie), which was that of a man who was so utterly worthless, and conducted himself so badly, that he could not remain there comfortably, and was therefore glad to get back here, where he was at once made a hero of by those who wished ill to the cause of colonization.

Mr. W. W. Bowie had not intended to make any charges against the Colonization Society; he knew that better and more upright men never existed than those who originated that system, and they had a laudable end in view; but it was apparent to every gentleman that it had failed in the object of its creation. The learned gentleman who had last addressed the Convention had stated that he was a friend to the Colonization Society. Now he would very frankly state that, although not an enemy to said society, he most certainly was not a friend of it. He believed that it had caused all the evils, to mitigate or do away with which this Convention was called together. One thing was certain, the annual appropriation on the part of the State had been annually paid over, and yet where were the fruits of it? 100,000 dollars gone, and for what? To transport 500 coloured persons to Africa—an expense of 200 dollars for each individual. Self-preservation was the first law of nature, and as, from the remarks which he had advanced, it was evident that one of the two parties would have to go to the wall, he was not disposed to give way himself; he possessed a heart bold enough to sustain whatever his mind might generate or his lips give utterance to.

Mr. Gantt called the gentleman to order.

Mr. Bowie informed the gentleman that, if he had kept quiet for a minute, he should have concluded.

The Chair decided the gentleman to be out of order. Decision appealed from and sustained.

The amendment offered by Mr. Glenn was adopted.

Resolution No. 3 was then put upon its passage, and decided in the affirmative.

Gov. Howard would occupy the attention of the Convention for a few mo-

ments prior to the reading of the 4th resolution. Some gentlemen appeared to mistake their position on this floor, and to imagine themselves as sitting here in a legislative capacity, whereas they were here in Convention as slave-holders, to recommend to the Legislature certain measures for the protection of their own immediate interests. He thought it best to adopt all the resolutions reported by the committee, and let them go as they were to the consideration of the Legislature, when he would guarantee that the Chairman of the Committee on Coloured Population would pay all due deference to any suggestions which might be made to him.

This proposition was withdrawn, and the resolutions having been all read, the Convention (10 o'clock) adjourned to meet to-morrow morning.

Thursday Afternoon, 4 o'clock.

Propositions recommended by the Convention to the consideration of the Legislature.

Proposition 1. A law to prevent all manumissions by last will. Also, by deed, to take effect *in futuro*.

Prop. 2. To prevent manumissions except upon condition of instant transportation to some place out of the United States, and that at the expense of the manumittor.

Prop. 3. To prevent any free negro leaving the State ever to return to it, unless he leaves as a servant of a white resident of the State, and returns with him; and such resident shall first file a declaration in the county clerk's office of his intention to take such servant with him; or unless he shall leave the State for the purpose of visiting some one or other of the American colonies on the coast of Africa.

The first proposition was laid over for consideration, and the second and third adopted on Thursday evening.

Friday Morning, 14th instant.

The Convention met at 10 o'clock, and proceeded to business.

Prop. 4. To prevent all free negroes from coming into the State, except as servants of persons travelling in or through the State. Adopted.

Prop. 5. To prevent the transportation of any free negro by railroads, steam-boats, or other common carriers, out of the State, unless vouched for as free by some person known to the conductor of the railroad, or captain of the steam-boat; and no railroad, or steam-boat company shall be liable for refusing to transport any free negro, unless he be vouched for as above; and any person falsely vouching for the freedom of a slave, to be liable to punishment. The company still to be liable for conveying away a slave as heretofore. Adopted.

Prop. 6. To offer a high reward, to be paid by the State, for the arrest and conviction of any person who aids a slave to run away, or induces or attempts to induce a slave to run away. Adopted.

Prop. 7. That the owner of a runaway slave shall pay a reward for the apprehension of such slave; to be graduated by the distance from home where he may be caught. Adopted.

Prop. 9. So much of the Act of 1831 as allows a manumitted negro (with a certificate) to remain in this State to be repealed. Adopted.

Prop. 10. No free negro to have in his possession a gun, pistol, sword, or other offensive weapon. Adopted.

Prop. 11. That the judges of the County Courts and City Court of Baltimore, appoint bailiffs monthly, to attend the arrival and departure of every railroad car, and steam-boat, or other public vehicle of transportation, to carry these laws into effect; to compensate them by a portion of the penalty imposed. Adopted.

Prop. 12. That all free negroes shall be compelled to register themselves on or before the 15th July next, and every 12 months thereafter, in the office of the clerk of the county, when they shall surrender their old certificates; and the clerk, upon request, and being satisfied that any free negro thus registered desires to remove from the county, either temporarily or permanently, shall furnish him or her with a certificate of registration; and if said negro shall remove perma-

nently, he shall file said certificate within 10 days after his arrival in the county to which he may remove; and if his absence shall be temporary, he shall return said certificate to the clerk from whom received, within five days after his return; and no certificate of freedom of an older date shall be good, and the clerk shall annually publish a list of those registered in some convenient newspaper, and send a printed copy to the Secretary of State. Adopted.

Prop. 13. That the State pay the expense of any case which may arise in any State, where the State law may conflict with the Act of Congress of 1793, to test the constitutionality of such law. Adopted.

Prop. 14. To make void all sales or gifts hereafter to be made of slaves to free negroes or mulattoes; the slave so sold or given to be liable to be sold out of the State, and the master so selling punishable by fine in the discretion of the Court. Adopted.

Prop. 15. That an additional provision be made to the Act of 1835, cap. 325, to make it *prima facie* evidence of circulating such papers as are mentioned in the Act of 1835, cap. 325; that the same have been found in the possession of any one within the State. Adopted.

Prop. 16. That every free negro shall give responsible security annually for his or her good behaviour; if such security be not given, such negro so failing, to be brought before some justice of the peace by a constable or any other person, who shall cause him to be hired out, and out of his accruing wages pay the constable or person 10 dollars; and in case such negro thus hired out shall abscond from service, upon his apprehension he shall be sold out of the State. Adopted.

Prop. 17. An Act to render penal the omissions of sheriffs, magistrates, or constables to enforce all laws respecting free negroes and slaves, and every constable, before he proceeds to act as such, shall take an oath well and faithfully to execute all the laws of the State. Adopted.

Prop. 18. Free negroes with real estate to have it sold at their deaths, and the proceeds to be distributed to their legal representatives; and hereafter no free negro to be allowed to hold real estate or leasehold interest which shall have longer than a year to run. Adopted.

Convention adjourned until 4 o'clock.

Friday Afternoon, 4 o'clock.

Prop. 19. That all free negroes who shall have been bound out within the last two years, shall be free whenever they shall determine to leave the State, by paying to the master such sum as the Orphan's Courts shall adjudge; and that it shall be the duty of the Orphan's Court of the several counties in the state and city of Baltimore, from and after the 1st of January, 1844, to bind out at the age of eight years the children of all free negroes then in the State, to serve until they arrive at the age of 21 years for males, and 18 for females; the master shall give security, to be approved by the Orphan's Court, to pay to the child, when it arrives at the respective years of 21 or 18, the sum of 75 dollars for males, and 25 dollars for females, provided the said child shall leave the State; or if, previous to the child's arriving at the age of 21 or 18 years, as the case may be, it shall consent to leave the State, or its parent shall remove out of the State, then the master shall give up such child, and if it has served more than eight years, the master shall pay to the child or its parent such sum as the Orphan's Court shall determine.

Mr. Thomas S. Alexander offered the following as a substitute:

That the law of apprentices shall be so altered that the children of all free negroes and mulattoes who have no visible and certain means of subsistence, should be bound out, &c., to serve until a certain age, &c.

Mr. Alexander, of Annapolis, thought that many free coloured persons were equally competent to bring up their children as many of the whites were, and that such persons having the means of bringing their children up as they should be, ought to have the charge of their children. But he acknowledged, in the present state of society, the right of the white population to see that the children of those free negroes who could not take care of their children, should be bound out.

Mr. Palmer, of Frederick, thought that the adopting of the amendment of the
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gentleman from Annapolis would be little else than the re-enacting of a law already in force. The object of this Convention was not to drive the free negroes from the State, or even to deprive them of their liberties; it was common for white children to be bound out until they were 21 years of age, and he thought that the best course which could be pursued in regard to the negro children would be to bind them out to good masters, who would clothe and feed them comfortably, and raise them to habits of industry, and not leave them to be raised in idleness and vice, in those receptacles of sin and vice, the houses of free negroes. He knew what places such houses were in cities; as to the country he did not know anything of them. He, therefore, should certainly vote for the original proposition, and hoped that the substitute would not be adopted.

Mr. Alexander thought that the bonds of affection were as strong between parent and child among the negro race as the whites; and he thought that gentlemen had better drive the free negroes out of the State at once than thus endeavour to drive them from us indirectly through their affections. He only asked for the better portion of the free negro population of this State, that they should remain here unmolested in their affections whilst they conducted themselves properly; to such he was for extending the protection of the laws. He wished to know if they had any more right over the negroes who were now under the age of 21 years, than they had over those whose age exceeded that number of years. The negro who, in 1841, will be over 21 years of age, will go scot free, and his contumacy is to go unpunished, whilst the young and tender child, who, from regard to its parent, may not be enabled to flee, is to be seized by the arm of the law, and passed over to the hands of those whoever might be enabled to make most profit on it. He asked gentlemen if that was justice?

The question was then taken, on the adoption of the amendment offered by Mr. Alexander, which was decided in the negative.

The question then recurred upon the resolution, as reported by the committee.

Mr. Glenn moved to strike out the year 1844, and insert 1845.

Dr. Claude moved to strike out 44 and insert 48; he was of opinion that humanity demanded a prolongation of the time, and he thought the end could be as well answered in that period as if it was enforced earlier.

Mr. Tilghman proposed to insert 1843; he thought the sooner it went into operation the better. Amendments rejected.

The question was then taken on the proposition, and it was carried.

Prop. 20. That no meeting of free negroes for any purpose shall be permitted after sunset, and all laws inconsistent with this provision to be repealed. Carried.

Prop. 21. That if any free negro who may have a license from any Christian denomination, either to preach or exhort, shall hold or attend any meeting prohibited by law, he shall be subject, for the first offence, to a fine and imprisonment; and, for the second offence, shall be sold out of the State.

Prop. 22. Any retail dealer, who shall sell or give to any negro, slave or free, any spirituous liquor or wine, or shall otherwise, directly or indirectly, furnish intoxicating drink to or for a negro, to be liable to a fine of 100 dollars, one-half to be paid to the informer. (Any person who shall sell or give liquor to a negro, slave or free, except the master of such negro slave, to be liable to the same penalty.)

Mr. Alexander moved to amend said resolution by inserting after the word master the words "or physician." Adopted.

The word mistress was also inserted.

Mr. Duckett thought they were travelling beyond public opinion in adopting any such proposition. He was willing to go as far as any one in imposing penalties on the retail dealers, to prevent them from selling liquor to the negroes; he was not afraid of their giving the negro too much liquor. He did not believe it right that he should be liable to a penalty of 100 dollars for giving to his neighbour's servant a dram on a rainy day, after he had rode to his house with a letter from the master of such negro. Or if a gentleman employed a negro to run an errand, and thought proper to give him a glass of grog, he thought it a perfect absurdity to recommend legislation against it.

Mr. W. W. W. Bowie, of Prince George's—he thought that his friend was wrong in regard to the dealers; he thought that they could give liquor to great

advantage; they could give, give, give, for a year, and then be better off than at the commencement. He did not know how it was, unless it was like the bread cast upon the waters, which we were told of in the Scriptures, that returned after awhile; thrown out a single loaf, it returned a double one. He had been surprised how this magnanimous race of beings (the retail dealers) managed to grow so rich, whilst they were giving away with the right hand, unless the left hand was pointed with, in an ominous manner, at a little sign of 'give. Give what? why, give me tobacco, corn, wool, or anything else you can get hold of honestly, or—dishonestly, from their masters, or any one else they could steal from. And he wished to know how they could prevent the negroes from getting liquor: he knew, and he expected that every person on this floor knew, gentlemen who would as willingly give an order to their hired servant to go to a country store to get liquor as to pay them in hard silver; ay, and he guessed much rather, when they would have to pay a premium for the specie. And how could the farmer get his wheat cut without the whisky; gentlemen had tried molasses and coffee—hot coffee and cold coffee—but it would not cut the wheat. Even as a gentleman this morning had said, they had given them vinegar with their cabbage; but even that would not cut the wheat—it must be the real whisky itself; the tinkling of the gill-cup was sweet music to the ear, and whilst the wheat-fields of the disseminator of hot coffee and molasses continued to groan under the weight of wheat already too ripe, his neighbour, who administered the grog, could have his wheat cut and threshed, whilst the first person could not get any other assistance than his own hands. As for himself, he would not give a copper for a man that would not give a fellow a glass of grog if he wanted it.

He moved to strike out the whole of the second clause. Decided in the affirmative.

Mr. Duckett moved to strike out the word "free." He was in favour of granting to the free negro the privilege of purchasing liquor whilst he remained here.

Mr. Tilghman, of Talbot, hoped that the amendment would not be carried, as by that means the very object which was wished to be attained, namely, "the keeping of the slaves from the use of intoxicating drinks," would be defeated, as the free negroes would become their agents, and purchase for them. The amendment was rejected.

Mr. Tilghman moved to insert the words, "or the agent of any negro, slave, or free." Adopted

The question then recurred on the adoption of the resolution as amended, and it was carried in the affirmative.

It was then moved by W. W. W. Bowie, to reconsider the 8th proposition which had been adopted, and which recommended the re-enactment of the law of 1825, cap. 90, when a substitute was offered by Mr. Pitts, of Baltimore city, providing that "all free negroes convicted of offences punishable with confinement in the Penitentiary should be sold out of the State as slaves for life," &c.; also some of the smaller offences or misdemeanors.

Mr. Pitts advocated this measure as an excellent mode of getting clear of the free negro population, and that so far from being a loss to the State, it would send money into the coffers of the State. He also advocated it, as, whilst the most effectual mode of getting clear of them, it also afforded the convicted negro a more comfortable home than he had here. The convicted negroes commanded a more ready sale in Baltimore than any other commodity which could be placed in the market.

Mr. Thomas F. Bowie was under the impression that the laws of all the States south of Maryland precluded the importation of convicted negroes, at least he had conversed with gentlemen from the southern States, from whom he had derived such information; and he thought that to pass a law such as that recommended in the substitute offered by the gentleman from Baltimore, was legislating in the very face of the laws of the southern States.

Judge Chambers was aware that free negroes had been frequently sold out of the State, and was not aware of any laws prohibiting their being taken to the extreme southern States.

Mr. Pitts knew that negroes had been sold at the Court-house door, and had brought good prices. Where negroes were sold from the State for life, they would

average a nett sum of 400 or 500 dollars; whereas, if confined in the Penitentiary their labour would not more than pay for the expense of keeping them. There were always men ready to buy them, such as Purvis, Slatter, and others, and these men would not buy them unless they could profit by it; and if they had had the profit, and there was any penalty imposed by other States for the bringing of convicted negroes to those States, why upon them would fall the risk, as it should, for with them would be the profit.

Mr. Richardson had hoped to have been, throughout the Convention, a silent listener; he had not troubled the Convention in any point which had arisen, but he felt himself bound to raise his voice against the substitute offered by the gentleman from Baltimore (Mr. Pitts). It was unjust and illiberal. Would gentlemen consent, merely because they have the power to do so, to consign a fellow-being, who was born free, to slavery, through all time, for an offence such as his learned friend had suggested; for a petty crime, for a riot, that most undefinable of all crimes, to constitute which three persons walking together in the street with bludgeons in their hands, is sufficient? What, sir, would my friend, for such an act as that, for walking the streets with a bludgeon, condemn a fellow-being to lasting slavery? If such was his view of the matter, he hoped that no one there would coincide in his views. For the keeping of a disorderly house, the punishment of which, if it exceeds the fine of 10 dollars and imprisonment of a month, the gentleman considers it quite a hard sentence on his client, and yet, for this same offence, we are called on to recommend the penalty of slavery for life—dooming a fellow-creature to slavery, from which there is no redemption; no matter what change may take place in his morals,—no matter how much reformed; for one little offence the clanging of his fetters are to be heard for ever. And the gentleman would wish to make the State of Maryland a dealer in negroes, a barterer of human flesh! Away with the idea.

Mr. Pitts did not think that there could any change be wrought in such persons as would be likely to come under the operations of the law, he would wish suggested. Those who would be affected by a law of this kind, had generally passed their life in vice, and could not, therefore, be weaned from vice to virtue. There was not the remotest prospect of their reformation. His learned friend had appealed in his usual able and eloquent style, to their sympathies. He doubted not that their sympathies were strongly aroused for the unfortunate race of beings who were then under consideration. But he called on gentlemen to lay aside their sympathies and listen to the dictates of reason. It was true that the negro would go into slavery for life; but would he not be better off than when left to the vicissitudes to which the free negro was exposed. It was notorious that negroes in the south were well taken care of; and even the moral condition of the convicted negro, sold into slavery, would be bettered, if anything could better it at all; for he would then be separated from his old associates; he would no longer have the same inducements for pursuing vice, and, turned out to work with the gang, would soon become as good as any of them. He hoped that his substitute would be adopted.

The vote was taken on the adoption of the substitute, and it was rejected.

Mr. Richardson offered the following:—

That it shall be recommended to the General Assembly of Maryland, that they pass a law directing the Courts of Justice of this State, that whenever any free black shall be convicted of any offence, the punishment of which by the law, as it now stands, is confinement in the Penitentiary, that it shall be the duty of the Court to order the convicted party to be sold out of the State for the period that they, in their discretion, might confine him in the Penitentiary; and that if any free person or persons of colour be convicted of any misdemeanor or misdemeanors, other than those which now subject the convicted party to confinement in the Penitentiary, that then the convicted party shall be punished by sale or banishment, in the discretion of the Court, out of the State of Maryland, for a period of not less than six months, or more than ——— years.

Colonel Wootten moved to strike out the word “banishment.”

Mr. Duckett thought it should not be stricken out; that it was, as the proposition now stood, left to the discretion of the Court, and unless the offence was highly aggravated, he thought the banishment sufficient.

The motion to strike out was not carried.

Mr. Johnson, of Annapolis, moved the following as an amendment:—

“With the provision that after the period of banishment or sale has expired, the

said negroes shall not be permitted to return to this State, and that in case of doing so such negroes shall be liable to be sold as slaves for life beyond the limits of the State.”—Adopted.

Mr. Duckett moved to strike out the words by “sale or.” He thought banishment from the State sufficient punishment for petty offences, and the negroes thought so also, as they proved by remaining here.

Mr. W. W. W. Bowie would remind the gentleman of the lean state of the treasury; he went in for sale.

The motion was not carried.

The question being put on the adoption of the substitute, as offered by Mr. Richardson and amended, the substitute was adopted.

Mr. Carroll Spence, of Baltimore city, offered a recommendation to the Legislature, which he withdrew at the suggestion of Judge Chambers, when the Convention proceeded to consider the first proposition reported by the Convention, viz., the passage of a law to prevent all manumission by last will or by deed, to take effect *in futuro*.

Mr. Alexander, of Annapolis, offered the following as a substitute:—

“That it is inexpedient to place any further restraint than heretofore recommended on manumissions.”

Mr. Palmer thought that the shortest way to get at this matter would be to reject the original proposition, as reported by the committee.

Mr. Alexander preferred having his own proposition voted on. It was negatived.

Judge Chambers then proposed that the words “after 1st January, 1844,” be inserted.

Mr. Duckett, of P. G., could not see how a law which would be wrong in 1842 could be right in 1844. He could not understand upon what rational principle it was that they were recommended to carry out, two years from this time, what they could not do now. He thought the second proposition reported by the committee, and which had been assented to by the Convention, was sufficiently strong; it was as strong as he was disposed to go, at any rate. As it now stood, manumission could not take place, unless the party manumitting provided for the removal of the manumitted slaves beyond the United States.

Mr. W. W. W. Bowie arose with great diffidence to address the Convention again. This was the greatest question which had yet agitated this Convention. Many questions of interest had been acted upon; but this was one of vital importance, and involved constitutional right. He was last night disposed to go as far, or perhaps farther, than any gentleman on the floor. There were persons about who were abolitionists. He did not mean such abject wretches as those who were only fit to clean the dirt from the gallows’ steps for the meanest wretch who ever ascended them to be hung—such a being as was this day brought before a judicial tribunal; not such lean Yankees, whittled to a mere point, who could not stand the gaze of a noble Southerner; there would be nothing left but a grease spot where he last stood. He thought that he could put that Convention in a way of doing business if he could only effect one thing, that was, if he could only get rid of the members of the legislature who were around him, he could tell the Convention how to manage them. But he was afraid to give any hint before them; and why? Why, because if they were to get an inkling of what he was about, they having to legislate on this matter again, would knock it all in the head. Now, sir, says he, if I could only send the Sergeant-at-Arms to put these members out, as you did the poor abolitionist yesterday, I would go a-head. However, here goes.

We will take it for granted that this resolution is acceded to, and a law passed corresponding in conformity to it—to take effect in 1844. Well, some good old lady, drawing near her latter end, sends for a lawyer to make her will. Down comes the lawyer, twisting and flirting his pen and parchment. He sits down to write the old lady’s last will and testament, and presently she goes on to name some of her negroes to be free at such a time. But you cannot do it, says the lawyer. Why not? says the old lady. Because, ma’am, there was a Convention some time since that recommended the legislature to put a stop to it. Yes, says the old lady, but that was two or three years ago. Ah! but the time has just come. Well, then, the old lady cannot manumit her servants, and she has nothing to do but get well again, disappoint her would-be executor, and get clear of her darkies by deed. Some of the members that passed the law have passed to the other house, some have passed to the other world, and some gone somewhere else.

Mr. Glenn, of Baltimore city, made a few remarks, and the vote was taken on the amendment proposed by Judge Chambers.—Amendment rejected.

The vote then recurred on the original resolution, which was carried in the affirmative.

Mr. Alexander called for the yeas and nays, but withdrew the call.

Mr. Duckett then renewed the call for the yeas and nays, but was not sustained.

Carroll Spence, Esq., of Baltimore city, then made the following proposition, which was unanimously carried :—

“That it be recommended to the legislature to repeal the provisions of the Act of 1827, chapter 15, as far as is inconsistent with this provision.

“Any person or persons who shall persuade or entice, aid or assist, a slave to run away from his master, owner, or employer; and any person or persons who shall harbour or conceal a slave or slaves, knowing him or them to be runaways; and the fact of his or their being on the premises, owned, rented, or occupied by a free negro or negroes, to be *prima facie* evidence of such knowledge, shall be liable to be indicted, and upon conviction shall, if white, undergo a confinement in the Penitentiary for a period not less than ——— years; and if such person shall be a free negro, and convicted of this offence, he shall be sold out of the State, and the whole of the proceeds of such sale to go to the informer, who shall be a competent witness in an action against such negro or negroes; and if such negro be a slave for life, or a term of years, he shall upon conviction be sold out of the State, and his full value paid to the owner.”

Judge Chambers moved that the President appoint a committee of five members of the Convention to prepare a memorial to the legislature on the subject of the proposition adopted by Convention. At the same time Judge Chambers stated that he could not possibly serve on the committee.

The committee appointed was as follows:—General Benjamin C. Howard, Charles H. Pitts, Joseph M. Palmer, Tench Tilghman, Philip F. Thomas.

Mr. Gaither offered a resolution, proposing that each member of the Convention pay 25 cents, to be divided between the door-keeper of the House of Delegates and door-keeper of the Court-house.

Judge Chambers presented a resolution that when this Convention adjourn, it adjourn *sine die*.

Mr. Hanson proposed to recommend to the legislature to impose a licence of ——— dollars on hawkers and pedlars to trade as such.

The proposition was adopted.

Mr. Palmer moved to fill the blank with the sum of 200 dollars.

He thought that the hawkers and pedlars created a great quantity of mischief, that they would cheat every person who dealt with them, and they should pay well for their licence.

The proposition to fill the blank with 200 dollars was accepted.

Mr. Spence, of Baltimore, presented the following proposition:—

“To recommend the repeal of that part of the second section of the Act of 1833, chap. 224, entitled ‘An Act relating to persons of colour, who are to be free after a term of years,’ which says, ‘That the party applying for such grant has distinctly and particularly notified such servants of the existence and effect of this law, and that this information has failed to correct his or her habits before they proceed to issue any such grant for the purpose.’”

Proposition adopted.

Mr. Tilghman, of Kent, proposed a resolution that it be recommended to the legislature to enact a law regulating the holidays of negroes, &c.

He stated that at the commencement of the Convention he had heard something said about the adoption of some general rules towards the domestic arrangements of the slave-holders, and in view of that, offered this recommendation. It was negatived.

John S. Sellman offered the following resolution, which was unanimously adopted:—

“Resolved, unanimously, that the thanks of the members of this Convention be tendered to the president and officers thereof, for the impartiality, promptitude, and ability, with which they have presided over its deliberations.”

Mr. Bowie responded in suitable terms, and the Convention adjourned *sine die*.

Second Enclosure in No. 176.

Report of the Committee on the Coloured Population.

THE Committee on the Coloured Population, to whom were referred the Memorial of the Slaveholders' Convention, and other memorials, orders and leaves in relation to free negroes and slaves, beg leave to report:—

That it has been their object in framing a Bill to meet the serious evils under which the State is labouring from the present condition of this class of its population,—first, to prevent the escape of slaves from their owners,—secondly, to make the free negroes of the State industrious, and place them beyond the reach of temptations to crime, which a life of idleness readily embraces,—thirdly, to arrest the increase of free negroes within the State and, lastly, to make the penalties of a character to ensure their own enforcement, as well as to deter from the commission of the offences against which they are designed to guard.

The Committee, in view of the important charge which has been assigned them, deem it proper further to say, that in a large portion of the State, the slaves are leaving their owners in such numbers, and their efforts to escape are attended with so much success, as seriously to affect the demand for labour and the value of cultivated lands, as well as to induce those who are suffering from this evil solemnly to call upon the Government, towards the support of which they are contributing equally with their fellow-citizens, to guarantee to them the rights of property by proper legislative enactments. And as it appears to your Committee, no matter how limited the number thus demanding protection may be, if the rights of property attached under the laws the obligation to protect is as perfect as the duties of allegiance are undoubted. And if there be those who, being themselves for the present removed from the operation of this evil, decline to surrender their predilections or prejudices for the benefit of those who are suffering—surely a just regard for the supremacy of the laws—for the dignity and character of the State—for the support of the agricultural interests, and for the rights of the citizen thus inadequately guarded, would disarm them of any hostility to the measures contemplated by the Committee.

The evils arising from the idle and vagrant habits of a large portion of the free negroes of this State, both to themselves, to slaves, and to property holders of every description, are too universally felt and acknowledged to need illustration, and have not failed to be a matter of solicitude to your committee in the preparation of the accompanying Bill. And it would seem obvious that whilst the free negro remains subject to disabilities, political, civil, and social, such as the policy of the laws and the habits of our citizens alike impose, no course could be so well calculated to promote the happiness and honesty of this class of our population, and prevent an interference with the proper contentment of our slaves from examples of idleness, as that which will ensure their constant employment, and place them, as near as may be, upon an equality with the slave. In the attainment of this object, indeed, some apparent severity cannot be avoided. But when it is recollected that this severity is administered to promote the happiness and respectability of these people, and to rid the State of evils of the most serious character, neither the good citizen nor the faithful legislator could hesitate to sanction such a measure by his hearty approbation and support.

It is believed that an increase of the free negro population is deprecated by all. And to guard against such an event, the committee rely, principally, upon prohibiting the entry or return of such persons into the State, as well as upon a restraint upon manumission, unless the party exercising this licence places the slave beyond our limits. This last provision—the restraint upon the privilege of manumission—will doubtless meet with some objection, and the committee have not recommended its adoption without consideration. But sympathy must bow to the necessities of the times. The highest considerations of interest dictate, that a State like Maryland, already having within her limits more free blacks than any other State in the Union, should not be further burdened. It should also be recollected, that the right to manumit is but a licence granted by the legislature, and which the master in Maryland has been exercising for less than half a century—that he who now exercises it does so at the expense of his neighbour, and that the proposed prohibition will not prevent any master from giving freedom to his slave, since he can either transport such slave to another State and there exercise the power of manumission, or can manumit him at home, and furnish him with the means of going out of the State.

The committee have endeavoured to devise some means by which to ensure a rigid execution of the provisions of the Bill which they now submit. This they believe may be accomplished by the nature of the penalties which they have adopted, since they are of a character to deter all from a violation of the law, and at the same time to induce their own enforcement where such violation shall be committed. This object, of course, could not be secured unless they are of a nature to afford the superficial observer an occasion to stigmatize them as cruel, or at least as excessive. But your committee would have it borne in mind, that the most vexatious and galling laws are not unfrequently those which impose penalties for their infraction, that induce the criminal to hazard the chances of the detection. If, for example, the free negro who shall come into this State contrary to our laws, knows that if he is detected he will be made a slave for life; the strongest motive is presented why he should not brave the hazard which would arise from the offence, and the necessity for punishment would be beyond all comparison less frequent than if any fine were imposed, because its infliction the negro would be willing to risk or provide for, for the sake of accomplishing a favourite object.

All of which is submitted.

(Signed)

E. HAMMOND, *Chairman.*
 GEORGE BRENT,
 JOHN M. S. MACCUBBIN,
 S. HAMILTON,
 VALENTINE BRYAN.

Third Enclosure in No. 176.

A Bill reported by Mr. Hammond, Chairman of the Committee on Coloured Population entitled,, "An Act for the better security of Negro Slaves in this State, and for promoting Industry and Honesty amongst the Free People of Colour."

Sec. 1. Be it enacted by the General Assembly of Maryland, That no free negro or mulatto shall, after the passage of this Act, come within the limits of this State for any time or with any purpose whatever, from any State, district, territory or country; and if any such negro or mulatto shall so come into the State, it shall be lawful for any person or persons to arrest, capture, and take and hold, in his, her or their possession, any such negro or mulatto, and to carry such negro within days after such arrest, before the Orphans' Court of the county or district where said arrest shall be made, and if the requisite proof shall be offered to the said Court, that said negro or mulatto shall have come into this State contrary to the provisions of this section, then said Court shall adjudge and declare said negro or mulatto to be a slave for life, and said negro or mulatto to be the property of said person or persons so arresting and capturing said negro or mulatto as aforesaid, and shall furnish said person or persons with a copy of the judgment, order or decree, passed in the case, under the seal of the Court, which said copy shall be evidence of the passage of said judgment, order or decree; and if any free negro or mulatto shall pass beyond the limits of this State for any time or with any purpose whatever, and shall return within the limits of the State, he or she shall be taken and considered to have violated the foregoing provisions, provided that nothing in this Act shall apply to a free negro or mulatto who leaves this State with a white resident thereof, and as the servant of such person, and shall return with such white person, if such resident, before leaving the State with said negro or mulatto, shall file in the county or district clerk's office, a declaration of his intention to leave the State, and to take with him such negro or mulatto within days of the time when he shall actually so leave the State, and provided further, that nothing in this Act contained shall apply to any negro or mulatto who is actually travelling in or through this State, as the servant of a white person so travelling, and if any negro or mulatto shall be arrested and taken before the Courts as aforesaid, for a violation of this section, the fact that said negro or mulatto is found within this State shall be *primâ facie* evidence of a violation of the provisions of this section; and if any person or persons shall arrest or bring before the Courts as aforesaid, any negro or mulatto coming into this State contrary to the provisions of this Act, with an intention of relieving such negro or mulatto from the penalties of the law, he or she shall be guilty of a high offence against the supremacy of the State, and, upon conviction, shall be fined not

less than three hundred dollars nor more than two thousand dollars, or confined not less than two years nor more than three years, in the Penitentiary, at the discretion of the Court.

Sec. 2. And be it enacted, That any free negro or mulatto who shall be in the State at the passage of this Act, contrary to the laws heretofore made, and shall not leave the State on or before the first day of August next, such negro or mulatto shall be liable to arrest to trial before the Orphans' Court, and be adjudged to be the property of the person or persons making the arrest, in the same manner as prescribed by the first section of this Act, provided, that until the second day of August next, nothing in this section contained shall be so construed as to exempt said negroes or mulattoes from the operation and penalties of laws already existing.

Sec. 3. And be it enacted, That if any free negro or mulatto shall come into this State, unless as the servant of some white person, with whom said negro or mulatto is actually travelling, in any railroad car, steam-boat, or by means of any common carrier, the owner or owners of such railroad car, steam-boat, or other common carrier, whether the same be a natural person or a body corporate, shall be liable to indictment in the County Court of any county or district into or through which said negro or mulatto passed in such steam-boat, railroad car, or by means of any other common carrier, or in the City Court of the city of Baltimore, if said negro or mulatto shall so pass into or through said city, and upon conviction shall be fined not less than five hundred, nor more than one thousand dollars, one half to be paid to the informer, and the balance to be paid into the Treasury of the State; and the agent of the owners of such steam-boat, or railroad car, or any common carrier, who shall receive such negro or mulatto, and suffer him or her to come into this State as aforesaid, shall be liable to indictment as aforesaid, and upon conviction shall be fined not less than two hundred nor more than five hundred dollars, one half to the informer and the other half for the use of the State; and it shall be the duty of every railroad company, steam-boat company, and every common carrier of any kind or description whatsoever, before receiving any negro or mulatto passing for or representing himself or herself as free, to be transported or carried beyond the limits of the State, and before actually so transporting or carrying such negro or mulatto, to take the written voucher of some white person known to reside in this State, that such negro or mulatto is free; and if the said company or other common carrier shall receive said negro or mulatto for transportation as aforesaid, or shall actually so transport such negro or mulatto without taking the voucher as aforesaid, such company or other common carrier shall be liable to a fine of not less than one thousand dollars nor more than five thousand, to be recovered in the manner and for the uses above mentioned; and upon the trial for a failure to take a voucher as aforesaid, the failure to produce the same by the defendant or defendants, shall be *prima facie* evidence that the same shall not have been taken; and any person falsely vouching for the freedom of any such negro or mulatto shall be deemed guilty of a felony, and shall be, upon conviction, sentenced to a confinement of not less than two years, nor more than ten years, in the Penitentiary: Provided, that nothing herein contained shall be construed to discharge such companies or other carriers from their liability to the owner or owners of any slave, where they have aided in the escape of said slave from his or her master, owner, or employer, by receiving, carrying, or transporting said slave; but if any such company or other common carrier shall receive, carry, or transport any negro or mulatto slave so as to aid him or her in effecting an escape from his or her master, owner, or employer, whether the said slave be finally recaptured or not, the said company or other common carrier shall be liable to the master, owner, or employer for the loss which he or she may have sustained on account of the escape or running away of said slave: Provided also, that no company or other common carrier shall be liable for not taking or carrying any free negro or mulatto, where a white person, claiming such negro or mulatto as a servant, shall not actually accompany him or her.

Sec. 4. And be it enacted, That it shall not be lawful for any negro or mulatto, free or slave, to be transported upon any railroad or steam-boat upon the Sabbath-day or a holiday, unless said negro or mulatto is in the company of a white person, who claims him or her as his or her servant, or unless the agent, conductor, or captain on said railroad or steam-boat, as the case may be, shall receive a written voucher from some white man known to reside in this State, that such negro is

going upon lawful and proper business; and for a violation of the provisions of this Act, the company or person owning such railroad or steam-boat shall be liable to a fine of one hundred dollars, to be recovered by indictment, one half to be paid to the informer, and the balance to be paid over to the Treasurer of the Western Shore for the use of the State; and any such person giving a false voucher shall be liable to the said company or person owning such railroad or steam-boat in the sum of fifty dollars, to be recovered before any single magistrate in an action of debt, as small debts are now recovered.

Sec. 5. And be it enacted, That on or before the first day of October next, every free negro or mulatto, of fourteen years of age and upwards, residing in this State, and every free negro or mulatto who shall, after the first day of October next, attain the age of fourteen years, shall go before some justice of the peace of the county, district, or city in which he or she may reside, for the purpose of being registered, and of giving security for his or her good behaviour in the manner hereinafter provided, and every free negro or mulatto shall annually, from the time of giving such security and being registered respectively as aforesaid, apply to some justice of the peace of the county, district, or city where he or she may reside, for the purpose of renewing the security for his or her good behaviour, and of being registered; and if any such negro or mulatto shall fail to be registered as aforesaid, he or she may be arrested and brought before the Orphans' Court of the county or district, as the case may be; and upon its failing to appear to such Court that the said negro or mulatto shall have been duly registered, the Court shall direct that said negro or mulatto shall be banished from this State, or shall direct the said negro or mulatto to be sold for such time as the Court may adjudge proper, and the proceeds of which sale, after deducting the expenses of the arrest and proceedings thereon, shall be paid over to the person or persons making such arrest; and if such negro or mulatto shall fail to give or renew the securities for his or her good behaviour as aforesaid, then said negro or mulatto may be arrested by any person or persons, and be carried before any justice of the peace of the county, district, or city where he or she may be found, and upon its failing to appear to the said justice of the peace that the said negro or mulatto has given security as aforesaid, said justice shall hire out said negro or mulatto for such time, and upon such terms, as he may deem proper, and the amount for which said negro or mulatto shall be hired, shall be paid over in advance to the justice, and after deducting the costs of the examination, the balance shall be paid over to the person making the arrest, provided, that said negro or mulatto shall not be hired out for less than twelve months, nor upon such terms as shall allow to the persons making the arrest less than ten dollars; and if any negro or mulatto so hired out shall run away before his or her term of service shall have expired, then, upon proof of the fact to the satisfaction of the Orphans' Court of the county or district where the person to whom such negro or mulatto was hired resides, the said Court shall, unless it shall appear that such negro or mulatto was induced to run away by the cruel treatment of the person so hiring him or her, order the sheriff of the county or district to sell said negro or mulatto as a slave for life out of the State, and the said Court shall, out of the proceeds of said sale, compensate the person from whom such negro or mulatto shall have run away for the loss which the Court may think that he or she may have sustained in consequence of the running away and sale of said negro or mulatto, and the balance of such proceeds of sale shall be paid over to the Treasurer of the Western Shore, for the use of the State. And if any free negro or mulatto, after he or she shall have registered as aforesaid, shall wish to go into another county of this State to reside for a period of not more than thirty days, he or she shall get from the clerk of the county or district a certificate of his or her registry and intention to remove temporarily to such other county or district, which certificate shall authorize said negro or mulatto to remain in said county or district for the period mentioned therein, and upon the return of said negro or mulatto to the county from which he or she temporarily removed as aforesaid, he or she shall, within five days thereafter, surrender said certificate to the clerk by whom it was issued, and if he or she shall fail to do so, he or she shall be liable to be dealt with as if he or she had not registered in the time and manner heretofore provided for. And if any free negro or mulatto shall, after being registered as aforesaid, desire to remove permanently to another county, he or she shall procure a certificate from the clerk of the county or district Court that he or she has been registered according to law, and that it is his or her desire to remove into some county or district, and the said negro or mulatto so removing shall, within ten days of his or her removal, surrender said

certificate to some justice of the peace of the county, district, or city into which he or she removes, which said justice shall register said negro or mulatto, and take security for his or her good behaviour, in all respects as if said negro or mulatto was to be registered for the first time under this Act; and if he or she shall not surrender such certificate within the said ten days, or shall not register, he or she shall be liable in the same manner as is above provided for, for a failure to register; and if he or she shall not give security for his or her good behaviour within the said ten days, he or she shall be liable to be dealt with as is hereinbefore provided for, for a failure to give such security. And if any negro or mulatto shall remove into another county to reside without a certificate as aforesaid, he or she shall be treated as one who has failed to register. And all free negroes or mulattoes, now holding certificates of freedom, shall surrender the same upon their first application to be registered, and upon their failure to do so, the justice before whom such negro or mulatto shall appear shall refuse to register such negro or mulatto, provided, however, that if the said justice shall be satisfied that any such free negro or mulatto has never had such certificate, or has returned the same to the office from which it shall have been issued, or has lost the same, the said negro or mulatto may be registered.

Sec. 6. And be it enacted, That if any free negro or mulatto shall be prevented from applying for the purpose of being registered, or for the purpose of giving security for his or her good behaviour, or from surrendering his or her certificate within the time required by this Act, by bodily infirmity, he or she shall not, during such infirmity, be liable to the penalties of this Act for such failure.

Sec. 7. And be it enacted, That it shall be the duty of every justice of the peace to whom any negro or mulatto shall apply for the purpose of giving security for his or her good behaviour, as provided for by the foregoing section, to take from him or her a bond with sufficient surety or sureties, conditioned that the said negro or mulatto will not be guilty of a breach of any of the criminal laws of the State within one year after the date of the said bond, and to register such negro or mulatto as is provided for by the foregoing section. And every justice of the peace shall keep for public inspection a separate record of the names of all negroes and mulattoes who have been by him registered under this Act, with a description of each person, and his or her distinguishing marks carefully noted at the time opposite to each name, and he shall, without delay, furnish to the clerk of the county, or of the district, as the case may be, the name of every such person, together with the description and distinguishing marks as it appears upon his said record, distinguishing whether such person gave security for good behaviour, or was registered as provided for in the foregoing section. And it shall be the duty of said clerks to keep three several records of the names of such persons who have given security for good behaviour, who have been registered, and to whom certificates have been granted, together with the description and distinguishing marks furnished by the justice of the peace. And the clerks of each county or district shall have, within twenty days after the passage of this Act, and annually thereafter, a copy of the fifth section of this Act put up at three or more of the most public places in the county or district, and have the same published once a-week for two months in a newspaper, if there shall be one published in the said county or district. And the cost of every such certificate shall be twenty-five cents, to be paid by the applicant. And the said justices of the peace shall be paid the sum of twenty-five cents for each registry, and the like sum in each case in which he shall take security for good behaviour, to be paid by the negro or mulatto.

Sec. 8. And be it enacted, That in all cases where certificates are granted to free negroes or mulattoes under this Act by the clerks aforesaid, it shall be their duty clearly to designate the particular county, district, or city into which said negroes or mulattoes desire to go, and the particular county or counties, or district through which he or she shall have to pass, and such certificate shall be of no avail in any other counties or districts than such as are designated in the certificate.

Sec. 9. And be it enacted, That every free male negro or mulatto of not less than sixteen years of age, who has not property to the annual value of fifty dollars, or who shall not be hired to some white person for the term of at least twelve months, shall be dealt with in the manner in which negroes and mulattoes who have not the necessary means of support, and are not of good and industrious habits, and are to be dealt with under the Act of eighteen hundred and thirty-nine, chapter thirty-eight, provided, that this section shall not go into effect until the first day of

June next, provided, that nothing in this section contained shall apply to the city of Baltimore.

Sec. 10. And be it enacted, That from and after the first day of January, in the year eighteen hundred and forty-four, it shall be the duty of the several Orphans' Courts in the several counties of this State, and of the Orphans' Court of Howard district of Anne Arundel county, to cause to be brought before them by writs issued to the sheriffs of the counties and district, or to any of the constables of the respective counties, or of the said district, all free negro or mulatto children of the age of eight years or upwards, and to hire out such children as servants by proper indentures, to respectable persons, to serve until the male children shall arrive at twenty-one years of age, and the females at eighteen years of age, and to take from such persons bonds, with good and sufficient security, conditioned, that said children shall be properly clothed and treated, and that said children, at the termination of their period of service, shall be returned to the county in which they shall be bound out, and that said children shall not be removed beyond the limits of the State, and that said masters shall pay to such negroes or mulattoes, if males, the sum of seventy-five dollars each at the termination of their term of service, provided they shall leave the State, and twenty-five dollars each to the females upon the same condition. And if any negro or mulatto thus bound out shall, after he or she has attained his or her sixteenth year, run away from the person to whom he or she shall be hired, the Orphans' Court of the county or district where the master resides, upon his or her production before it, and being satisfied that said negro did run away, may, at the request of his or her master, order the sheriff to sell him or her as a slave for such time as the Court may deem fit, and out of the proceeds of said sale shall pay to the master a reasonable compensation for the loss and expenses incurred from the running away, detention, capture and sale of said negro or mulatto. And if any such negro or mulatto who shall receive the sum of money mentioned as aforesaid, upon condition that he or she shall leave the State, shall remain in this State for a longer period than thirty days after he or she shall receive his or her money as aforesaid, he or she shall be in all respects treated as a negro who has come into this State contrary to the provisions of this Act.

Sec. 11. And be it enacted, That if any free negro or mulatto shall wish to remove beyond the limits of this State, the clerk of the county or district in which he or she may reside, on application, shall give to the said negro or mulatto a certificate under the seal of the county or district, describing as particularly as may be the said negro or mulatto, and reciting the intention of said negro or mulatto to remove from this State, and the said certificate shall be deemed a sufficient pass for him or her beyond the limits of the State, provided, however, that the certificate shall be considered as valid for not more than ten days after its date, and that if said free negro or mulatto shall not remove, it shall be returned to the clerk by whom it was issued, within days from its date, and if said negro or mulatto does not remove from the State, or return the said certificate as aforesaid within the time limited, or shall not at all times have the said certificate in his or her possession, from the time of issuing the same to the time when it shall be returned, he or she shall be deemed and treated as a negro or mulatto who has come into this State contrary to the provision of this Act.

Sec. 12. And be it enacted, That no free negro or mulatto shall hereafter acquire a leasehold interest therein for a longer period than the term of one year, and that every conveyance, contract, or agreement, inconsistent with this provision, shall be utterly null and void. And that where real estate, or any interest therein, shall be now held by any free negro or mulatto, other than for the term of one year, upon the death of such free negro or mulatto holding the same, it shall be sold under the direction of the Orphans' Court of the county or district where it is situated, and the proceeds shall be distributed in all respects as though such real estate, or interest therein, had been personal property, and for this purpose the said Court shall appoint a trustee or trustees, and take from him or them proper bond and security for the performance of the trust.

Sec. 13. And be it enacted, That it shall not be lawful for the owner or owners of any slave, hereafter to sell, give, or transfer such slave to any free negro or mulatto, and every such sale, gift, or transfer, shall be utterly null and void.

Sec. 14. And be it enacted, That it shall not be lawful, after the passage of this Act, for any negroes or mulattoes, free or slave, to assemble after sunset, and every such negro or mulatto who shall attend any such meeting or assemblage, shall be

brought before some justice of the peace, and, upon conviction, be adjudged to receive not more than thirty-nine lashes; and if any white person shall instigate or participate in any such unlawful meeting or assemblage, he or she shall, upon indictment and conviction, be fined not less than one hundred, nor more than one thousand dollars, or sentenced to confinement in the Penitentiary for not less than two years, nor more than five years, at the discretion of the Court; provided, however, that nothing in this section shall be construed to prevent meetings of negroes or mulattoes for religious purposes in the city of Baltimore, provided that such meetings shall not continue longer than ten o'clock at night, and are under the immediate control of some responsible white person, and if anything is done or uttered in or by said meetings, calculated to excite discontent among, and stir up to insurrection the people of colour, or calculated to induce a slave to abscond from his or her master or owner, such white person shall, upon indictment and conviction, be sentenced to undergo a confinement in the Penitentiary for not less than two, nor more than ten years.

Sec. 15. And be it enacted, That if any free negro or mulatto who shall have a licence from any religious denomination either to preach or exhort, shall hold or attend any meeting of negroes or mulattoes prohibited by law, he shall for the first offence be fined one hundred dollars, to be recovered upon indictment and conviction, and the said one hundred dollars shall be paid over to the informer, and for the second offence he shall, upon indictment and conviction, be sold out of the State, one half of the proceeds of such sale, after deducting the necessary expenses, to be paid to the informer, and the balance to be paid to the Treasurer of the Western Shore for the use of the State. And if any such free negro or mulatto, having such licence, shall say or do anything calculated to create discontent and stir up to insurrection the negro population of this State, or calculated to induce any slave to abscond from his or her owner or owners, he shall, upon indictment and conviction, be fined not less than fifty dollars, nor more than one thousand dollars, to be paid over in the manner last aforesaid, and it shall therefore be unlawful for such free negro or mulatto to preach or exhort, and if he shall thereafter preach or exhort, or attempt to preach or exhort to any meeting of negroes or mulattoes, he shall be indicted, and, upon conviction, shall by the Court be ordered to be sold as a slave for life out of the State, and the proceeds of sale, after deducting the necessary expenses, shall be paid over, one half to the informer, and the balance to the Treasurer of the Western Shore for the use of the State, provided that nothing in this section contained shall be construed to protect such licensed free negro or mulatto preacher or exhorter from, or in any manner interfere with, the operations of any laws now in force to prevent discontent or insurrection among the coloured population of the State.

Sec. 16. And be it enacted, That after the passage of this Act no free negro or mulatto shall be suffered to keep or carry any gun, sword, pistol, dirk, or any military or dangerous weapon, or any powder or lead, and any free negro or mulatto who shall violate the provisions of this section, upon conviction before some justice of the peace, shall for the first offence pay the cost of prosecution, and forfeit the sum of two dollars for each and every weapon so found in his or her possession, and each and every such weapon to the use of the informer; and for the second offence shall, in addition to such costs and forfeiture, be punished with stripes not exceeding thirty-nine; any negro or mulatto slave who shall violate the provisions of this Act, shall, upon conviction before some justice of the peace, be punished for each and every such offence with stripes not exceeding thirty-nine, if such justice shall deem such corporal punishment necessary, and the weapon or arms found in the possession of such slave shall be forfeited to the informer; and that if any white person shall, after the passage of this Act, sell or give to any free negro or mulatto any gun, sword, pistol, or dirk, or any military or dangerous weapon, he shall, upon indictment and conviction, be fined, at the discretion of the Court, not less than one hundred, nor more than five hundred dollars, one half to be paid to the informer, and the other half to the Treasurer of the Western Shore for the use of the State, provided, however, that nothing in this section contained shall be construed to prevent a negro or mulatto from having in his or her possession any such weapon or arms whilst he or she is actually using or carrying such weapon or arms in the lawful employment of his or her owner or white employer.

Sec. 17. And be it enacted, That from and after the passage of this Act, it shall not be lawful for any person or persons to grant freedom to, and effect the manumission of, any slave or slaves belonging to such person or persons, by his, her, or

their last will and testament, and any manumission of any slave or slaves to take effect at the death of the testator or testators, or at such other periods as may be limited in such last will and testament, shall be null and void, and of no effect whatsoever in law; and that it shall not be lawful for any person or persons to manumit or grant freedom to any slave or slaves belonging to such person or persons, by any deed to take effect in future, or at the expiration of years, or upon any contingencies whatsoever.

Sec. 18. And be it enacted, That no manumission of any slave or slaves shall hereafter be good or valid, unless the person or persons so manumitting shall instantly transport at his or her, or their own expense, such slave or slaves as shall be by them manumitted, to some place beyond the limits of the State of Maryland.

Sec. 19. And be it enacted, That if any person or persons other than a slave shall persuade or entice, aid or assist, a slave to or in running away from his or her master, owner, or employer, or if any person or persons other than a slave shall harbour or conceal, or attempt to harbour or conceal, any slave with a knowledge or expectation that he or she is a slave, such person shall be indicted, and upon conviction shall, if a white man, be sentenced to the Penitentiary for not less than ten years nor more than fifteen years, and if such person be a free negro or mulatto he or she shall be sold out of the State as a slave for life, and the proceeds of such sale shall be paid over to the informer, and the fact that such runaway slave is on the premises owned, rented, or occupied by a free negro or negroes, shall be *prima facie* evidence that of a knowledge or expectation that such runaway is a slave.

Sec. 20. And be it enacted, That if any person shall arrest any runaway slave, who at the time of arrest shall be more than thirty miles from the home whence he or she shall so run away, and shall deliver up, or offer to deliver up, such a slave to his or her master or mistress, the master or mistress shall pay to the person making the arrest the sum of one hundred dollars, if such slave shall be over sixteen and under forty-five years of age; or the sum of fifty dollars, if such slave shall be under sixteen or above forty-five years of age; or if the said master shall so elect, he shall within twenty days after he is notified that said slave has been taken up, sell the said runaway slave, and pay over to the said person making the arrest one-third of the amount of such sale: Provided that nothing in this Act contained shall apply to any person or persons making an arrest of a runaway slave, when such person shall reside less than thirty miles from the home whence said slave shall run away.

Sec. 21. And be it enacted, That if any person shall induce, or attempt to induce, a slave to runaway from his or her master, owner, or employer, or shall in any way aid a slave in running away, and shall be arrested and be convicted of such offence, it shall be the duty of the Court before whom such person shall be convicted to certify the fact of such conviction, and the name of the person who appears to have arrested such person so convicted, to the Treasurer of the Western Shore, who, upon the receipt of such certificate, shall pay over to the person thus appearing to have made such arrest the sum of five hundred dollars, out of any unappropriated money in the treasury.

Sec. 22. And be it enacted, That the fifth section of the Act of eighteen hundred and thirty-one, chapter two hundred and eighty-one, be and the same is hereby repealed.

Sec. 23. And be it enacted, That if any master, owner, or employer of any negro or mulatto slave shall willingly suffer him or her to go at large as free, such master, owner, or employer shall be liable to a fine of not less than one hundred, nor more than three hundred, dollars, to be recovered by indictment in the County Court of the county or district where such master, owner, or employer resides, or in the City Court of the city of Baltimore, as the case may be, which sum of money shall be paid over to the treasurer of the Western Shore for the use of the State.

Sec. 24. And be it enacted, That the second section of the Act of eighteen hundred and thirty-three, chapter two hundred and twenty-four, relating to persons of colour, who are to be free after the expiration of a term of years, be and the same is hereby repealed.

Sec. 25. And be it enacted, That from and after the passage of this Act it shall not be lawful for any licensed retailer or retailers, or for any person or persons accustomed to make and sell distilled spirits or other liquors, or for any store-keeper, to suffer any free negro or mulatto, or any negro or mulatto servant or slave,

to be in his or her, or their store-house, or other house wherein he, she, or they may be accustomed to sell distilled spirits or other liquors, or goods, wares, merchandise, or produce, between sunset in the evening and sunrise of the succeeding morning: Provided always, that nothing herein contained shall be construed to extend to the case of such aforesaid servant or slave, as shall have a written order or written license for that purpose from his master, mistress, overseer, or other person in whose employment he may actually be, with the consent of his owner or owners.

Sec. 26. And be it enacted, That if any person or persons shall suffer or permit any negro or mulatto to be in his, her, or their house, contrary to the provisions of this law, the person or persons so offending shall forfeit or pay for every such offence the sum of fifty dollars, the one half to the informer and the other half to the county or district, or city, where such offence was committed, in case such negro or mulatto was free; and the one half to the informer, and the other half to the master, mistress, or owner, in case such negro or mulatto was a servant or slave at the time the offence was committed, to be adjudged and recovered on indictment and conviction, or confession of the party accused in the county, district, or City Court.

Sec. 27. And be it enacted, That if on the conviction aforesaid the person or persons so convicted shall fail or be unable to pay the fine aforesaid, the county district, or City Court shall in their discretion order the said person or persons so convicted to be confined in the public gaol in the county for a term not exceeding three months.

Sec. 28. And be it enacted, That in all prosecutions that may hereafter be had under the foregoing provisions of this law, it shall be proved to the satisfaction of the petit jury who shall by the issue joined, that a free negro or mulatto, or a negro or mulatto servant or slave, was in any store or other house as aforesaid within the time prohibited by this law, such evidence shall be sufficient to establish the fact that such negro or mulatto was suffered and permitted to be there by the possessor and occupier of such storehouse or other house, unless he, she, or they shall be able to show by credible testimony that he, she, or they, or his, her, or their agents or clerks did not know that such negro or mulatto was in such storehouse or other house, or, knowing the same, used all necessary means to remove forthwith such negro or mulatto from such storehouse or other house.

Sec. 29. And be it enacted, That any person who shall receive from any negro or mulatto any goods, chattels, or other personal property, shall be considered as dealing with such mulatto or negro, and subject to like pains and penalties, to be recovered in like manner: Provided always, that it shall be lawful to receive of a negro or mulatto goods, chattels, or personal property, in such cases and under such circumstances as by the laws now in force such goods and chattels, or personal property, might be bought of a negro or mulatto, but in none other.

Sec. 30. And be it enacted, That in all cases where application shall hereafter be made for a license or permit to retail liquors in any county, city, or district, it shall be the duty of the Court or the judge as the case may be, and in those counties where no judge resides it shall be the duty of the clerk of those counties to inquire and examine whether said license or permit is intended to be used for the use and benefit of the person or persons only in whose name or names the same is applied for, or for the use or benefit of any other person or persons, and the said Court or judge, or clerks, as the case may be, may in their discretion examine upon oath or affirmation, as the case may be, in whose name the license or permit is applied for, whether the same is intended for his, her, or their own use, or for the use and benefit of any other person or persons, and if it shall appear on such inquiry and examination that said license permit is intended for the use or benefit of any other person or persons, then it shall not be lawful to grant the same.

Sec. 31. And be it enacted, That if any sheriff, justice of the peace, or constable shall fail faithfully to enforce or to attempt to enforce the laws of this State respecting free negroes and slaves he shall be indicted, and upon conviction shall be fined not less than twenty dollars, nor more than one hundred dollars, to be paid to the treasurer of the western shore for the use of the State. And it shall be the duty of the grand juries to have summoned before them the constables and sheriffs, and to examine them touching the laws of this State in relation to the coloured population thereof. And it shall be the duty of all constables and sheriffs to disperse all unlawful assemblages of negroes and mulattoes which shall come to their knowledge, or of which they shall be informed.

Sec. 32. And be it enacted, That informers shall in all cases under this Act be considered and taken to be competent witnesses.

Sec. 33. And be it enacted, That after the passage of this Act, the fact that a free negro or mulatto is taken up or arrested in this State shall be *primâ facie* evidence that he is here contrary to the laws thereof.

Sec. 34. And be it enacted, That for the purpose of more effectually enforcing the laws of this State relating to free negroes and slaves, the Commissioners of the Tax or Levy Courts, as the case may be, of the several counties and of Howard district, and the Mayor of the city of Baltimore, shall appoint annually three slave holders in each election district of their respective counties and of Howard district, and in each ward of the city of Baltimore, as the case may be, whose duty it shall be to see that the laws relating to the people of colour in their respective districts or wards are enforced, and particularly to give notice to sheriffs, constables, and justices of the peace of actual or probable violations of said laws, and they shall report to the judges of the County Courts, and of the court of Howard district of Anne Arundel county and of the City Court of Baltimore, at their respective sessions, the names of such persons as they may believe should be examined by the grand juries in relation to said laws, and the said courts shall lay before the grand juries a list of such names, and the said courts shall at each of their sessions call the attention of the grand juries to this Act, and the fact of calling the attention of the grand juries to this Act shall be noted upon the records of the courts by and at the express order of said courts, and any failure of said courts to give an order for such entry, shall be reported to the General Assembly by the clerks under a penalty of twenty dollars.

No. 177.

Mr. Ogilby to the Earl of Aberdeen.

*Her Britannic Majesty's Consulate,
Charleston April 29, 1842.*

MY LORD,

(Received June 18.)

IN compliance with the instructions contained in your Lordship's Despatch of the 7th of February last, I have the honour to transmit to your Lordship herewith, a copy of the Report which I have this day made to Her Majesty's Minister at Washington, as the result of my inquiries, relative to the supposed enslavement here, of Benjamin Parker, a British subject of colour, formerly an inhabitant of the island of Bermuda.

I have, &c.

(Signed) WILLIAM OGILBY, *Consul.*

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

Enclosure in No. 177.

Mr. Ogilby to Mr. Fox.

*Her Britannic Majesty's Consulate,
Charleston April 29, 1842.*

SIR,

I HAD the honour to receive, by the mail brought by the North American steam-packet of last month, a Despatch from the Earl of Aberdeen, dated, "Foreign Office, February 7th, 1842," transmitting a copy of a petition addressed to Her Majesty from Bermuda, relative to a British subject of colour, named Benjamin Parker, who is said to have been shipped as a seaman and carried off from that island, on board of an American vessel, bound for Antigua, in the winter of 1839, since which time nothing has been heard of him, except that the master of the British brig "Eliza Kirkbride," stated, that he saw a seaman of that name, and answering to the description of the coloured man above referred to, on board of a Charleston pilot-boat when he was here in December last; from which statement, the petitioner infers, that the said Benjamin Parker is probably now held in slavery in this city, although a free British subject, and therefore prays Her Majesty

to endeavour to obtain his release; and, in fulfilment of the instructions contained in said Despatch, I have the honour to report to your Excellency, that, immediately on receipt thereof, I took steps to ascertain if there was any ground for the allegation made in the paper therein enclosed, and whether or not Benjamin Parker of Bermuda was now here, or had ever been brought to this country; but, although I have made the most diligent inquiries, and have been kindly assisted therein by the collector and the surveyor of this port, I have not been able to discover any traces of him whatever, and taking into consideration the control that the last-mentioned officer has over some of the pilot-boats, and the opportunity he has of knowing the persons belonging to all of them, it is scarcely possible that a free British subject could be kept as a slave on board of any of them, without the circumstance coming to his knowledge. I am therefore constrained to arrive at the conclusion, that the master of the "Eliza Kirkbride" was in error, both as to the name and identity of the coloured seaman he saw on board the pilot-boat in this harbour in December last.

I cannot pretend to speak as to *all* the States of the union, or to say what information your Excellency may be in possession of respecting the admission of slaves into this country, but I can unhesitatingly declare, that during the 12 years I have resided at Charleston, I have never known an instance of a slave having been introduced into my consular district from a foreign country.

Your Excellency is doubtless aware, that the laws of the United States not only impose a very heavy penalty on any one introducing a slave from abroad, but make the vessel liable to forfeiture, on board of which the slave arrives, and so vigilant are the officers of the customs at this port, that I believe it to be almost impossible that the within-named seaman could have been introduced here as a slave, without some of the officers of the General Government being made acquainted with the circumstance.

It may possibly be supposed, by those who have taken an interest in this case, that Benjamin Parker might have been brought here as a free person of colour, and subsequently sold as a slave; but this appears to me to be equally improbable, for the laws of the State of South Carolina subject every free person of colour who comes within her limits to imprisonment until they can be sent out of the State; and there is a society here, called "The South Carolina Association," whose duty it is to hunt up all such cases, and to cause the legal penalties to be enforced in all instances where the laws have been violated by negroes or free persons of colour, or wherein negroes or free persons of colour have been unlawfully dealt with by free white persons. In conclusion, I beg to assure your Excellency, that I shall not lose sight of this matter, and that if I am enabled to discover any traces of the coloured man here spoken of, I shall immediately furnish you with the particulars.

I have, &c.

(Signed) WILLIAM OGILBY, *Consul*.

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

No. 178.

Mr. Crawford to the Earl of Aberdeen.

*British Consulate,
New Orleans, June 8, 1842.*

MY LORD,

I HAVE the honour to transmit to your Lordship copies of an Act of the Legislature of the State of Louisiana passed at their last Session, with regard to coloured persons, to which I beg leave to call your Lordship's attention.

This Act differs from those previously existing, inasmuch as in the latter, exception was made with regard to persons of this class coming from sea in the merchant service, and who were required to depart in a given time. No such exception is now made. It may be doubted whether the present Act is constitutional,—the General Government having the sole power to regulate commerce. Great jealousy exists here with regard to coloured persons, and I have had much trouble in protecting such, Her Majesty's subjects, from vexations, arrest, and imprisonment; and I am greatly inclined to think that the new law will be more salutary in its effects with regard to this class of persons, as by it they will be com-

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pelled to leave the State, and it can hardly be presumed they will return with a knowledge of the consequences fully made known to them.

Your Lordship will therefore be best able to judge what measures ought to be taken to prevent persons of colour embarking from British ports in vessels bound to New Orleans.

There is hardly a vessel, British or American, entering this port, which has not on board at least a cook or steward, a coloured person, many of whom are British subjects.

These persons for the most part are entirely unprovided with any legal proof of their nationality, and it is consequently extremely difficult to obtain their liberation when arrested.

I have, &c.

(Signed)

JOHN CRAWFORD.

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

Enclosure in No. 178.

An Act more effectually to prevent Free Persons of Colour from entering into this State, and for other Purposes.

SECTION 1. Be it enacted, by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That from and after the time specified in this Act, no free negro, mulatto, or person of colour, shall come into this State, on board of any vessel or steam-boat, as a cook, steward, mariner, or in any employment on board said vessel or steam-boat, or as a passenger; and in case any vessel or steam-boat shall arrive in any port, or harbour, or landing, on any river of this State, from any other State or foreign port, having on board any such free negro, mulatto, or person of colour, the harbour-master or other officer having charge of such port, or any person or persons residing at or near said landing, shall forthwith notify the nearest judge or justice of the peace in the parish in which said port or harbour or landing is situated, of the arrival of said vessel or steam-boat; whereupon the said judge or justice of the peace shall immediately issue a warrant to apprehend and bring every such free negro, mulatto, or person of colour, before him; and, on the execution of said warrant, by bringing before him such free negro, mulatto, or person of colour, he shall forthwith commit him or her to the parish gaol, there to be confined until said vessel or steam-boat shall be ready to proceed to sea, or to her place of destination, when the master or commander of such vessel or steam-boat shall, by the written permit or order of the said judge or justice of the peace, take and carry away out of this State every such free negro, mulatto, or person of colour, and pay the expenses of his or her apprehension and detention.

Sec. 2. Be it further enacted, &c., That the said judge or justice of the peace shall require from every master or commander of every vessel or steam-boat, on board of which any such free negro, mulatto, or person of colour shall have been brought into this State, that he give bond, with securities, in a sum not to exceed five hundred dollars for each and every such free negro, mulatto, or person of colour, to pay the expenses and charges of the arrest and detention of every such free negro, mulatto, or person of colour, and to carry him or her away out of this State; and if, for three days after the arrival of such vessel or steam-boat, the master or commander thereof shall neglect to give such security, the master and the owners of said vessel or steam-boat shall jointly and severally be liable to a penalty of one thousand dollars for each and every such free negro, mulatto, or person of colour.

Sec. 3. Be it further enacted, &c., That if the master or commander of any vessel or steam-boat, on board of which any free negro, mulatto, or person of colour shall have been brought into this State, shall refuse or neglect to transport and carry out of this State such free negro, mulatto, or person of colour, then the said judge or justice of the peace shall order the same to be done by the sheriff of the parish; and, in the parish of New Orleans, by either of the sheriffs or marshal of New Orleans, who shall thereupon be bound to transport or send out of the State such free negro, mulatto, or person of colour, at the proper cost and charge of said free negro, mulatto, or person of colour, if he or she have the means to pay the

same; and if not, at the expense of the State, to be paid out of the penalty recovered under this Act, or otherwise, on the warrant of the said judge or justice of the peace.

Sec. 4. Be it further enacted, &c., That every free negro, mulatto, or person of colour, who, after having been transported or sent out of this State, in pursuance of this Act, shall return into the same, shall, on conviction thereof before a court of competent jurisdiction, be punished by imprisonment at hard labour for five years; and if such free negro, mulatto, or person of colour shall be found in this State thirty days after the expiration of said imprisonment, he shall be indicted therefor, and on conviction shall be punished by imprisonment at hard labour for life.

Sec. 5. Be it further enacted, &c., That the harbour-master and wharfinger of each municipality of New Orleans shall report to the recorder of said municipality the arrival, within the limits of the same, of any vessel or steam-boat having on board any free negro, mulatto, or person of colour; and the recorder of each municipality shall perform within the same all the duties imposed on justices of the peace by the several provisions of this Act.

Sec. 6. Be it further enacted, &c., That any person who shall introduce or bring into this State any free person of colour, in violation of this Act, shall be punished, on conviction thereof, by fine not exceeding two hundred dollars for the first offence; and, for the second, by imprisonment not exceeding six months, and by fine not exceeding one thousand dollars.

Sec. 7. Be it further enacted, &c., That any person who shall employ, or harbour, or entertain as a boarder or lodger, any free person of colour residing in this State contrary to law, shall, on conviction thereof, be punished by a fine not exceeding two hundred dollars for each offence.

Sec. 8. Be it further enacted, &c., That the provisions of this Act shall not be so construed as to prevent free negroes or persons of colour, who are natives of Louisiana, or have been residing therein since the first January, eighteen hundred and twenty-five, from leaving or returning to this State, provided that they shall not have established their domicile in a free State of the Union.

Sec. 9. Be it further enacted, &c., That no inhabitant of this State shall carry, or knowingly permit to be carried away, any slave belonging to him out of this State, into any other State or foreign country, by the laws of which slavery is not tolerated; and that all slaves carried out of this State, in contravention to this section, shall be subject to all penalties and regulations provided for in this Act, or in pre-existing Acts, against free persons of colour; and, in case such slave or slaves be subject to a mortgage or privilege in favour of any creditor, that said creditor shall have the right to sue in damages the owner of said slave or slaves for a sum not exceeding one thousand dollars for each slave thus carried out of this State.

Sec. 10. Be it further enacted, &c., That nothing herein contained shall be so construed as to deprive an inhabitant of this State of his right of property in a slave who, contrary to the consent and will of his master, shall have gone out of the limits of the State into any other State or territory of the Union, or in any foreign country where slavery does not exist; and that said owner, in case he shall recover the possession of his slave, shall be entitled to his full property, and that said slave shall never be admitted to claim his freedom as resulting from the fact of his having set his foot upon the soil of any State, territory, or foreign country where slavery is not acknowledged, all laws to the contrary notwithstanding; and that the owner of any such slave shall be subject to none of the penalties or dispositions contemplated in this Act, or in pre-existing Acts, for introducing or causing to be introduced within the limits of this State, the slave or slaves he may have thus recovered or be in possession of.

Sec. 11. Be it further enacted, &c., That the master of any ship or steam-boat or other vessel, arriving in the port of New Orleans from any country out of the United States, or from any other State of the United States, shall, within twenty-four hours after his arrival, make report in writing to the mayor of the city of New Orleans, or, in his absence, to the recorder of the municipality within the limits of which said ship, steam-boat, or vessel may be moored, on oath or affirmation, of the name, age, or occupation of every free negro or coloured person on board of said steam-boat or vessel, under a penalty of one hundred dollars for each free negro or coloured person not reported.

Sec. 12. Be it further enacted, &c., That from and after the passage of this Act, it shall no longer be lawful to bring into this State any slave entitled to freedom

at a future period, or a "statu liber;" and any person who shall bring or cause to be brought such slave or "statu liber" into the State, contrary to the true intent and meaning of this Act, shall be liable to criminal prosecution, and, on conviction, shall be punished by a fine not exceeding one thousand dollars, and imprisonment not exceeding six months, or both, at the discretion of the courts, and shall besides be compelled to pay the expenses of conveying the said slave back to the place whence he was brought here, or elsewhere out of the State.

Sec. 13. Be it further enacted, &c., That it shall not be lawful for any person residing in this State knowingly to purchase any such "statu liber;" and any person so purchasing shall forfeit the said slave thus purchased, and shall be liable for all the expenses of transporting said slave out of the State; and the said slave shall be sold for the term he has to serve, and on the condition of his being transported, by the purchaser, out of the State; one-half the proceeds to go to the informer, and the other half to be paid into the State treasury, on a suit brought by the attorney-general, or by any district attorney; or, on the refusal of the attorney-general or district attorney, by any person interested in the forfeiture, or any other citizen.

Sec. 14. Be it further enacted, &c., That all "statu liberi" now in the State shall, when they become free, be transported out of the State, at the expense of the last owner, by proceeding before the parish judge, at the suit of any citizen; and such "statu liberi," when transported out of the State, shall, on returning into the State, be liable to all the penalties provided by law against free negroes or persons of colour coming into the State.

Sec. 15. And be it further enacted, &c., That this Act shall take effect and be in force six months after its promulgation.

(Signed) WM. C. C. CLAIBORNE,
Speaker of the House of Representatives.

(Signed) FELIX GARCIA,
President of the Senate.

Approved, March 16, 1842.

(Signed) A. B. ROMAN,
Governor of the State of Louisiana.

No. 179.

Mr. M' Tavish to the Earl of Aberdeen.

*British Consulate, Baltimore,
September 9, 1842.*

MY Lord,

(Received October 3.)

INFORMATION having reached me about three weeks ago from a highly respectable source, that an atrocious attempt was then being made to entice into this State a young coloured lad, a native of Bermuda, for the purpose of having him sold as a slave for life, I lost no time in adopting the necessary measures to defeat so iniquitous a proceeding.

Being put in possession of the two Letters, copies of which I have herewith the honour to transmit, addressed by Mr. Lewis Tappan to the commercial firm of Messrs. W. E. Mayhew and Co., of this place, I immediately applied for and obtained a writ of Habeas Corpus in the case of John Bean, the name of the individual referred to in Mr. Tappan's letters; and, at the same time, employed a vigilant police-officer to watch the arrival of the schooner by which the boy Bean was reported to have been surreptitiously sent hither.

The "*General Marion*" got into port about 36 hours after I had made the above-mentioned arrangements, and a coloured seaman, named John Bean, was certainly found on board of that vessel, acting as cook; but, except in name, he bore no resemblance whatever to Her Majesty's alleged Bermudian subject; the person in question being a grey-headed free negro, a native of Maryland, and at least fifty years of age.

From the result of this proceeding I am very much inclined to believe that some one has been wantonly imposing on the active zeal of that philanthropic abolitionist