Class D.

CORRESPONDENCE

WITH

FOREIGN POWERS,

NOT PARTIES TO TREATIES OR CONVENTIONS,

GIVING A MUTUAL RIGHT OF SEARCH OF VESSELS SUSPECTED OF

THE SLAVE TRADE.

1843.

Class D.

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NOT PARTIES TO TREATIES OR CONVENTIONS,

GIVING A MUTUAL RIGHT OF SEARCH OF VESSELS SUSPECTED OF

THE SLAVE TRADE.

From January 1st to December 31st, 1843, inclusive.

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Class D.—1843.

LIST OF PAPERS.

CENTRAL AMERICA.

No.		Date. 1843.	Receipt. 1843.	SUBJECT.	Page
1.	The Earl of Aberdeen to Mr. Chatfield	May 30		Queries as to Slave Trade and Slavery in Central America	1
2.	Mr. Chatfield to the Earl of Aberdeen	Aug. 12	Oct. 30.	Acknowledgment of preceding; Slavery does not exist in Central America	2

EQUATOR.

		1843.	1843.		
3.	The Earl of Aberdeen to Mr. Cope	May 30		Queries on Slave Trade and Slavery in the Republic of the Equator	3

NEW GRANADA.

		1842.	1843.		
4.	Mr. Steuart to the Earl of Aberdeen	Dec. 31	Mar. 6	Progress of Negotiations	4
5.	Mr. Steuart to the Earl of Aberdeen (One Enclosure)	1843 Jan. 27	April 21	Ditto ditto	4
6.	The Earl of Aberdeen to Mr. Steuart	May 30		Queries as to Slave Trade and Slavery in New Granada	6
7.	Mr. Steuart to the Earl of Aberdeen	Mar. 24	June 2	Progress of Negotiations	6
8.	Mr. Steuart to the Earl of Aberdeen	May 19	July 18	Ditto ditto	7

NEW GRANADA. (*Consular*)—*Carthagena.*

9.	The Earl of Aberdeen to Mr. Kelly	May 30		Queries as to Slave Trade and Slavery in the State in which he resides	9
10.	Pro-Consul Druce to the Earl of Aberdeen	July 19	Aug. 21	Acknowledgment of preceding	9
11.	Pro-Consul Druce to the Earl of Aberdeen	Aug. 10	Sept. 21	Answer to Queries on Slave Trade and Slavery in New Granada	9

NEW GRANADA. (*Consular*)—*Panama.*

12.	The Earl of Aberdeen to Mr. Perry	May 30		Queries as to Slave Trade and Slavery in the State in which he resides	11
13.	Mr. Perry to the Earl of Aberdeen	Aug. 9	Sept. 21	Reply to preceding	11

PERU.

14.	The Earl of Aberdeen to Mr. Adams	May 30		Queries as to Slave Trade and Slavery in Peru	14
15.	Mr. Miller to the Earl of Aberdeen (Four Enclosures)	Mar. 15	July 27	Cannot obtain copies of Peruvian Laws on Slave Trade	14

No.		Date. 1843.	Receipt. 1843.	SUBJECT.	Page
16.	Mr. Miller to the Earl of Aberdeen . . . Two Enclosures	Mar. 16	July 27	Contemplated revival of Slave Trade in Peru . . .	15
17.	The Earl of Aberdeen to Mr. Adams . . .	Aug. 28		To press conclusion of Treaty .	16
18.	Mr. Miller to the Earl of Aberdeen . . .	June 5	October 27	Respecting Peruvian laws on Slave Trade . .	16
19.	Mr. Barton to the Earl of Aberdeen . . . One Enclosure	Aug. 29	Dec. 8	Decree declaring Foreign slaves entering Peru not free . .	17

UNITED STATES OF AMERICA.

		1842.	1842.		
20.	Mr. Everett to the Earl of Aberdeen . . . Three Enclosures	Sept. 19	Sept. 19	Case of the "John A. Robb" .	19
21.	The Earl of Aberdeen to Mr. Everett . . .	Oct. 5		Ditto	
		1843.	1843.		
22.	The Earl of Aberdeen to Mr. Fox . . .	Jan. 18		Mis-statement in President's Message relative to the Right of Visit	23
23.	Mr. Fox to the Earl of Aberdeen . . .	Jan. 24	Feb. 18	President's message as to equipment of American Squadron for the West Coast of Africa	24
24.	Mr. Everett to the Earl of Aberdeen . . . One Enclosure	Feb. 20	Feb. 21	Case of the "Jones." . .	27
25.	The Earl of Aberdeen to Mr. Fox . . One Enclosure	Feb. 27		Slave Trade under the United States Flag . . .	28
26.	The Earl of Aberdeen to Mr. Everett . Two Enclosures	March 2		Case of the "Jones" . .	28
27.	Mr. Fox to the Earl of Aberdeen . . . One Enclosure	Feb. 2	March 12	Case of the "Douglas" . .	58
28.	The Earl of Aberdeen to Mr. Fox . . . One Enclosure	April 11		Slave Trade under the United States Flag . . .	59
29.	Mr. Everett to the Earl of Aberdeen . . One Enclosure	April 26	April 26	Instructions issued to the United States Squadron on the West Coast	60
30.	Mr. Webster to Mr. Everett . . . Communicated by Mr. Everett	Mar. 28	April 29	On the Right of Search .	63
31.	Mr. Everett to the Earl of Aberdeen . . Ten Enclosures	May 9	May 9	"Tigris" and "Seamew" .	69
32.	Mr. Fox to the Earl of Aberdeen . . One Enclosure	April 27	May 15	Visit of a slaver off Cuba, by American brig "Vincennes" .	81
33.	Mr. Everett to the Earl of Aberdeen . . Two Enclosures	May 18	May 18	Case of the "Jones" . .	83
34.	Mr. Fox to the Earl of Aberdeen . .	April 10	May 20	Official publication of Mr. Webster's Despatch of March 27, to Mr. Everett . .	94
35.	The Earl of Aberdeen to Mr. Everett . .	May 27		Instructions to the United States Squadron on the West Coasts	94
36.	Mr. Everett to the Earl of Aberdeen . . One Enclosure	June 5	June 5	"Rhoderick Dhu," "William and Francis" . .	95
37.	The Earl of Aberdeen to Mr. Everett . . One Enclosure	July 3		"Case of the "John A. Robb".	96
38.	The Earl of Aberdeen to Mr. Everett . .	July 15		"William and Francis" . .	99
39.	The Earl of Aberdeen to Mr. Fox . . . One Enclosure	Aug. 14		Slave Trade equipments carried by American vessels from Cuba	101
40.	The Earl of Aberdeen to Mr. Everett . .	Aug. 28		"Tigris" and "Seamew" .	101
41.	Mr. Everett to the Earl of Aberdeen . . .	Aug. 31	Aug. 31	Case of the "John A. Robb" renewed remonstrance .	102
42.	The Earl of Aberdeen to Mr. Fox . . . Four Enclosures	Sept. 11		Case of the "John A. Robb" copies of correspondence .	106
43.	The Earl of Aberdeen to Mr. Fox . . . One Enclosure	Sept. 12		"William and Francis." — Copy of reply to Mr. Everett	106
44.	The Earl of Aberdeen to Mr. Fox . . . One Enclosure	Sept. 12		"Tigris" and "Seamew" .	107
45.	The Earl of Aberdeen to Mr. Fox . . . Two Enclosures	Sept. 12		"Rhoderick Dhu" . .	107
46.	The Earl of Aberdeen to Mr. Fox . . One Enclosure	Oct. 5		American vessels carrying slave goods and equipments—Brazil	107
47.	Mr. Everett to the Earl of Aberdeen . . .	Nov. 13	Nov. 14	"Tigris" and "Seamew" .	108
48.	The Earl of Aberdeen to Mr. Everett . . Four Enclosures	Nov. 22		Transport of slave equipments in American vessels . .	109
49.	Mr. Everett to the Earl of Aberdeen . . .	Dec. 2	Dec. 5	Acknowledgment of the preceding	112

No.		Date. 1843.	Receipt. 1843.	SUBJECT.	Page
50.	The Earl of Aberdeen to Mr. Pakenham . . Two Enclosures	Dec. 29		Instructions issued to British Squadron on the West Coast, under the Treaty of Aug. 1842	113

UNITED STATES. (*Consular*)—*Baltimore.*

51.	The Earl of Aberdeen to Mr. M'Tavish . .	May 30		Queries as to Slave Trade and Slavery in the State of Maryland	117
52.	Mr. M'Tavish to the Earl of Aberdeen . . One Enclosure	June 30	July 27	Reply to preceding . .	117

UNITED STATES. (*Consular*)—*Boston.*

53.	The Earl of Aberdeen to Mr. Grattan . . .	May 30		Queries as to Slave Trade and Slavery in the State of Massachusetts . . .	121
54.	Mr. Grattan to the Earl of Aberdeen . . .	July 15	Aug. 14	Reply to preceding . .	121

UNITED STATES. (*Consular*)—*Charleston.*

55.	The Earl of Aberdeen to Mr. Ogilby . . .	May 30		Queries as to state of Slave Trade and Slavery in the States of North and South Carolina .	125
56.	Pro-Consul Moodie to the Earl of Aberdeen .	Aug. 24	Nov. 20	Reply to the preceding . .	125
57.	Mr. Ogilby to the Earl of Aberdeen . . .	Oct. 23	Dec. 6	Asks for Copies of the Act passed in 1843, "for the more effectual Suppression of the Slave Trade."	129

UNITED STATES. (*Consular*)—*Mobile.*

58.	Colonel Fitzgerald to the Earl of Aberdeen . One Enclosure	Jan. 20	Mar. 16	Statistics of Population of Alabama	131
59.	The Earl of Aberdeen to Colonel Fitzgerald .	May 30		Queries as to state of Slave Trade and Slavery in the State of Alabama . .	132
60.	Colonel Fitzgerald to the Earl of Aberdeen .	Aug. 12	Aug. 30	Reply to preceding . .	132

UNITED STATES. (*Consular*)—*New Orleans.*

61.	The Earl of Aberdeen to Her Majesty's Consul	May 30		Queries as to state of Slave Trade and Slavery in the State of Louisiana . .	135
62.	Pro-Consul Lingham to the Earl of Aberdeen .	July 17	Aug. 14	Reply to preceding . .	135

UNITED STATES. (*Consular*)—*Norfolk.*

63.	The Earl of Aberdeen to Mr. Gray . . .	May 30		Queries as to state of Slave Trade and Slavery in the State of Virginia . .	137
64.	Mr. Gray to the Earl of Aberdeen . . .	July 24	Sept. 14	Reply to preceding . .	13

7

UNITED STATES. (*Consular*)—*Portland.*

65.	The Earl of Aberdeen to Mr. Sherwood . .	May 30		Queries as to state of Slave Trade and Slavery in the States of Maine and New Hampshire . . .	139
66.	Mr. Sherwood to the Earl of Aberdeen . .	July 15	Aug. 1	Reply to preceding . .	139

UNITED STATES. (*Consular*)—*Savannah.*

No.		Date. 1843.	Receipt. 1843.	SUBJECT.	Page
67.	The Earl of Aberdeen to Mr. Molyneux	May 30		Queries as to state of Slave Trade and Slavery in the State of Georgia	143
68.	Mr. Molyneux to the Earl of Aberdeen	Nov. 20	Dec. 31	Reply to preceding	143

BARBARY STATES. (*Morocco.*)

		1843.			
69.	The Earl of Aberdeen to Mr. Drummond Hay	Dec. 16		Introduction of Mr. Richardson, Agent of the Anti-Slavery Society	145
70.	Mr. Drummond Hay to the Earl of Aberdeen. One Enclosure	Dec. 11	Dec. 24	Arrival of Mr. Richardson	145
71.	The Earl of Aberdeen to Mr. Drummond Hay	Dec. 31		Mr. Richardson's Anti-Slavery Mission	147

BARBARY STATES. (*Tunis.*)

		1842.	1843.		
72.	Sir Thomas Reade to the Earl of Aberdeen. Two Enclosures	Dec. 10	Jan. 23	Proclamation of the freedom of all children born of black parents	149
73.	Sir Thomas Reade to the Earl of Aberdeen	Mar. 21	April 12	Negro who took refuge at the British Consulate for fear of being sold as a slave	151
74.	The Earl of Aberdeen to Sir Thomas Reade. Three Enclosures	July 20		Austrian vessel "Febo"	151
75.	Sir Thomas Reade to the Earl of Aberdeen	Nov. 15	Dec. 9	Negro who took refuge at the British Consulate from his master's cruelty	152
76.	Sir T. Reade to the Earl of Aberdeen	Nov. 20	Dec. 9	M. Gaspari	152
77.	The Earl of Aberdeen to Sir T. Reade	Dec. 19		Negro who took refuge at the British Consulate from his master's cruelty	153

BARBARY STATES. (*Tripoli.*)

78.	Colonel Warrington to the Earl of Aberdeen. One Enclosure	Feb. 5	June 10	Instruction to Vice-Consul Gagliuffi respecting Slave Trade	155
79.	Colonel Warrington to the Earl of Aberdeen. One Enclosure	March 14	April 12	Letter from Vice-Consul Gagliuffi. His reception at Sukna, &c.	155
80.	Colonel Warrington to the Earl of Aberdeen. Five Enclosures	May 19	June 10	Arrival of caravans with slaves. Remonstrance to Pacha	157
81.	Colonel Warrington to the Earl of Aberdeen. One Enclosure	June 2	July 3	Arrival of slaves	159
82.	Colonel Warrington to the Earl of Aberdeen. One Enclosure	June 9	July 3	Slave Trade in the interior	160

EGYPT.

83.	Colonel Barnett to the Earl of Aberdeen. One Enclosure	April 19	May 7	Continuance of slave-hunting by the Pacha's troops	161
84.	The Earl of Aberdeen to Colonel Barnett	July 6		Continuance of slave-hunting by the Pacha's troops	162
85.	Colonel Barnett to the Earl of Aberdeen	Aug. 1	Sept. 10	Continuance of slave-hunting by the Pacha's troops	162
86.	Colonel Barnett to the Earl of Aberdeen	Aug. 20	Sept. 10	British vessels carrying slaves in the Red Sea	163
87.	The Earl of Aberdeen to Colonel Barnett	Sept. 22		British vessels carrying slaves in the Red Sea	163
88.	Colonel Barnett to the Earl of Aberdeen	Sept. 6	Sept. 27	Slave-hunts by the Pacha's troops	163
89.	Colonel Barnett to the Earl of Aberdeen	Nov. 14	Dec. 5	British vessels carrying slaves in the Red Sea	164
90.	The Earl of Aberdeen to Colonel Barnett. One Enclosure	Dec. 23		Slave-hunts by the Pacha's troops	165

TURKEY.

No.		Date. 1843.	Receipt. 1843.	SUBJECT.	Page
91.	Sir Stratford Canning to the Earl of Aberdeen . Three Enclosures	Oct. 31	Nov. 23	Arrival of Greek vessel at Canea, in Crete, with slaves .	171
92.	Sir Stratford Canning to the Earl of Aberdeen . One Enclosure	Dec. 5	Dec. 27	Arrival of Greek vessel at Canea, in Crete, with slaves .	172

CRETE. (*Consular.*)

93.	M. Ongley to the Earl of Aberdeen . . .	Oct. 6	Oct. 28	Arrival of Greek vessels at Canea, in Crete, with slaves .	173

ALBANIA. (*Consular.*)

94.	The Earl of Aberdeen to Mr. Saunders . .	Aug. 16		Case of the Ionian boa "Madonna Mirtiotissa" . .	174

MUSCAT.

95.	The Earl of Aberdeen to Captain Hamerton .	May 30		Queries as to Slave Trade and slavery in the dominions of the Imaum of Muscat . .	175
96.	The Imaum of Muscat to the Earl of Aberdeen .	Feb. 3	June 7	Acknowledges receipt of Lord Aberdeen's letter of November 9, 1842 . . .	175
97.	The Earl of Aberdeen to the Imaum of Muscat . One Enclosure	Aug. 2		Vessels from the Imaum's dominions supplying the slave market at Quillimane . .	175

Class D.—1843.

CORRESPONDENCE

WITH

FOREIGN POWERS.

CENTRAL AMERICA.

No. 1.

The Earl of Aberdeen to Mr. Chatfield.

SIR, *Foreign Office, May* 30, 1843.

I HAVE to desire that you will do your utmost to obtain, for the information of Her Majesty's Government, answers to the following Queries:—

1. What is at present the amount of the population of the State in which you reside, and what the number of whites, and of coloured people, forming that population, distinguishing males from females, and free people from slaves? What was the amount of the population of the same State in the year 1832, and what was the amount in the year 1837, distinguishing the particulars as in the case of the present time?

2. Is it supposed that any slaves have been imported into the country within the last ten years, either direct from Africa, or from other quarters; if so, how many in each year?

3. Is the slave protected by law equally with a free man in criminal cases?

4. What protection is there by law to a slave against ill-conduct on the part of his master?

5. Is the evidence of a slave received in a court of law?

6. Is the slave well or ill-fed, well or ill-treated?

7. Is the slave considered generally to enjoy as good health and to live as long as a free person?

8. Is the slave population considered to be on the increase or decrease; and from what causes?

9. Is the manumission of slaves of common occurrence?

10. Have the laws and regulations in respect to slaves become more or less favourable to them, within the last ten years?

11. Is there in the State in which you reside, a party favourable to the abolition of slavery? And what is the extent and influence of such party? And is such party on the increase or otherwise?

12 Is there any difference in the eye of the law between a free white and free coloured man?

13. Are free coloured men ever admitted to offices of the State?

14. You will state whether you have drawn your answers from public documents, or from private information; and you will state whether any periodical census is taken of the population within the district of your Consulate; and what was the last period at which it was taken.

You will be careful to make your reply to each question as concise as possible.

I am, &c.

F. Chatfield, Esq. (Signed) ABERDEEN.
&c. &c.

No. 2.

Mr. Chatfield to the Earl of Aberdeen.

Central America, Guatemala, August 12, 1843.
(*Received October* 30.)

MY LORD,

I HAVE the honour to acknowledge the receipt of Circular Slave Trade Despatch of the 30th of May.

By the 13th Article of the Federal Constitution, slavery was wholly abolished in Central America in the year 1824; it therefore seems that the Queries contained in that Despatch do not apply to this country; and no census has ever been taken of its population.

I have, &c.

(Signed) FRED. CHATFIELD.

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

EQUATOR.

No. 3.

The Earl of Aberdeen to Mr. Cope.

Foreign Office, May 30, 1843.

QUERIES as to state of Slave Trade and Slavery in the Republic of the Equator.

(See No. 1.)

NEW GRANADA.

No. 4.

Mr. Steuart to the Earl of Aberdeen.

Bogota, December 31, 1842
(*Received March* 6, 1843.)

My Lord,

In acknowledging the receipt of your Lordship's Despatch, dated the 27th August, 1842, I shall confine myself to simply informing your Lordship that I immediately complied with the Instructions it contained by communicating to the Granadian Minister that Her Majesty could not ratify in its present shape the Treaty signed at Bogota for the Suppression of the Slave Trade, on the 28th of February, 1842; and at the same time I urged upon this Government the adoption of one of the Articles which your Lordship directed me to propose in substitution of the objectionable Article, No. 14, of the Treaty.

I have since had a conversation with the Granadian Minister on the subject, and also with the President, and I entertain strong hopes that the wishes of Her Majesty's Government will be acceded to.

The last Congress, however, did not sanction the Treaty, the question having been discussed in the Senate without any decision having been come to.

As it would have been impossible to have brought our negotiations to a close during the present month, (more than the half of that period being public holidays,) I have omitted on this occasion to forward to your Lordship a copy of the note I addressed to Mr. Ospina on this subject, thinking it better to send the whole correspondence next month, when Mr. Ospina promises me the question shall be brought to a conclusion.

I have, &c.

(Signed) R. STEUART.

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

No. 5.

Mr. Steuart to the Earl of Aberdeen.

Bogota, January 27, 1843.
(*Received April* 21.)

My Lord,

I regret that I cannot yet inform your Lordship that the Government of New Granada have acceded to the wishes of Her Majesty's Government on the subject of the Treaty for the Suppression of the Slave Trade. I have the honour to transmit to your Lordship a copy of the note I addressed to the Granadian Minister, in obedience to your Lordship's Instructions, but to which I have not yet received a reply, although on more than one occasion since I last addressed your Lordship on this subject, Mr. Ospina has verbally assured me that he saw no difficulty in bringing the question to a satisfactory termination.

Although not instructed to do so by your Lordship, I took advantage of the occasion of my first conference with Mr. Ospina, on the subject of a more comprehensive Treaty with Great Britain, based upon the Abolition of Slavery in New Granada, to urge also upon this Government a compliance with the wishes expressed by Her Majesty's Government for the conclusion of a satisfactory Treaty for the Suppression of the Trade in Slaves; and I ventured to go the length of intimating, that the Abolition of Slavery in this country would not in itself be a sufficient inducement to the British Government to enter into new commercial

arrangements with New Granada, if their anxious exertions for the Suppression of that detestable Traffic were not corresponded to by the Granadian Government.

I have, &c.

(Signed) R. STEUART.

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

Enclosure in No. 5.

Mr. Steuart to the Canadian Minister for Foreign Affairs.

Bogota, January 7, 1843.

THE Undersigned, Her Britannic Majesty's Chargé d'Affaires, has the honour to acquaint his Excellency Senor Mariano Ospina, Granadian Minister for Foreign Affairs, that he has received Despatches from Her Majesty's Government informing him, that a difficulty exists in recommending to Her Majesty to ratify the Treaty for the Suppression of the Slave Trade, signed at Bogota on the 28th of February last, by Mr. Adams, late Her Majesty's Chargé d'Affaires to this Republic, and the Granadian Plenipotentiary.

Her Majesty's Government, though they regret that the exercise of the right of search should be confined within the narrow limits prescribed by the 3rd Article, are willing to agree to this restriction. They also accede to the regulation by which national tribunals are substituted for mixed commissions, as well as on several minor points, in which the Treaty differs from the Draft originally proposed by the Queen's Government.

In respect, however, to the Article limiting the duration of the Treaty to fifteen years, while Her Majesty's Government do justice to the zeal of the British Plenipotentiary, and to the good faith and intention of the Granadian Plenipotentiary, they are of opinion that this period is so much less than that which may be expected to be necessary for effectually accomplishing the purposes of the Treaty, that they cannot recommend to Her Majesty to ratify this part of the arrangement; and the Undersigned is directed to submit this point again to the consideration of the Government of New Granada.

As the Treaty now under discussion is not one which has for its object to promote any interests of Great Britain, or to obtain for Great Britain any advantages at the expense of New Granada, the present is not a case in which there exists between the negociating parties any conflict of opposing interests.

The two parties have a common object in view, which each is equally desirous of accomplishing, but from the accomplishment of which neither party can derive any other advantage than that which results from the performance of a good deed, and from having been instrumental in preventing a great crime.

The British Government having for many years past given the most anxious attention to this matter, is fully able by its own experience to judge what means are efficacious or necessary for accomplishing the desired result; and Her Majesty's Government hope, that in a matter in which no selfish interest of England is concerned, the Government of New Granada will believe that they would not propose arrangements more energetic than are really necessary for the purpose in view; and, on the other hand, Her Majesty's Government being firmly persuaded that the Government of New Granada desires the proposed end, are convinced that they will not object to the means by which alone that end can be with certainty attained.

With the view of rendering the proposed Treaty efficacious for the purposes which both of the negociating parties have so much at heart, Her Majesty's Government were willing to limit the duration of the Treaty to the period of twenty-five years, with an arrangement that, at the expiration of that period, the regulations agreed upon for carrying into practical execution the fundamental principles of the Treaty, should be subject to revision at the desire of either of the contracting parties.

The Undersigned has the honour again to submit to his Excellency Senor Ospina, the expediency of agreeing to this proposition, and to urge upon the Government of New Granada that any shorter period will prove inefficacious for the purposes of the Treaty. The Undersigned might further urge upon the consideration of Senor Ospina, the example of other South American States, with whom Great

Britain has already concluded Treaties for the Suppression of the Slave Trade, perfectly satisfactory on this point; but, entirely satisfied that the Government of New Granada requires no example to stimulate their exertions in this beneficial object, the Undersigned rests his pretensions to obtain from the Granadian Government the concession he now desires, upon the good policy of the proposal he has the honour to submit; but, above all, upon the conviction he entertains of the sincere desire of the Granadian Government to co-operate with Great Britain for the utter extinction of the detestable Traffic in Slaves.

Should the Government of New Granada still entertain serious and unconquerable objections to an extension of the period of the duration of the Treaty to the term of twenty-five years, the Undersigned is authorised to submit to the consideration of his Excellency Senor Ospina, that an article similar either to Art. 14 in the Treaty concluded by Her Majesty with the Mexican Republic, on the 24th February, 1841, or to the additional Article of the Treaty concluded on the 3rd July last, by Her Majesty with the Queen of Portugal, shall be substituted for Article 14 in the Treaty signed by Mr. Adam and the Granadian Plenipotentiary. Of these Treaties, the Undersigned has the honour to transmit copies to Senor Ospina, in his separate Despatch of this date; and he begs to express to his Excellency his earnest hope that, by adopting one of the arrangements now proposed, this negociation, the object of which both parties appear to have equally at heart, may at length be brought to a satisfactory conclusion.

The Undersigned avails himself of this opportunity, &c. &c.

(Signed) ROBERT STEUART.

His Excellency Senor Mariano Ospina,
&c. &c. &c.

No. 6.

The Earl of Aberdeen to Mr. Steuart.

Foreign Office, May 30, 1843.

QUERIES as to state of Slave Trade and Slavery in New Granada.

(See No. 1.)

No. 7.

Mr. Steuart to the Earl of Aberdeen.

Bogota, March 24, 1843.
(*Received June* 2.)

MY LORD,

BEFORE the Granadian Government could resume negociations with me on the subject of the commercial advantages which the Government of Her Majesty might be disposed to concede on the extinction of slavery in this Republic, it became necessary to collect various data with respect to the number of slaves and the operation of the existing laws for their emancipation. All information is collected very slowly in this country, and until last week sufficient returns had not been received by the Government to enable them to proceed. Mr. Ospina had verbally intimated to me, that he hoped to resume the subject in the course of the present week; but the whole attention of the Government has been occupied with the proceedings of Congress, and consequently no conference has taken place.

From my Despatch, containing an analysis of his Report to Congress, your Lordship will observe, that M. Ospina has stated that difficulties had arisen as to the ratification of the Treaty with Great Britain for the Abolition of the Slave Trade, but that negociations were pending which would be communicated to Congress if concluded before the termination of the Session. At the very first moment that the state of public affairs will permit, I shall renew my instances with the Government on this subject.

I have, &c.

(Signed) ROBERT STEUART.

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

No. 8.

Mr. Steuart to the Earl of Aberdeen.

Bogota, May 19, 1843.
(*Received July* 18.)

MY LORD,

I REGRET that I cannot report to your Lordship any great progress in the negociations opened by me with the Granadian Government, for the abolition of slavery, as directed by your Lordship's Despatch of the 1st Nov., 1842.

I have already mentioned to your Lordship that the time of the Minister of the Interior and Foreign Affairs is so constantly occupied during the Session of Congress, in attending the Chambers, preparing Reports, &c. for the Legislative body, as to render it impossible to carry on any other business which may require much consideration.

The negociations, therefore, are in too crude a state to be submitted in their present shape to Her Majesty's Government. With reference, however, to the subject of the exportation of treasure (uncoined), alluded to in my other Despatch, of this day's date, I may explain to your Lordship, that I entertain well-grounded hopes of inducing the Government of New Granada to consent to the exportation of gold and silver bars, on payment of an export duty, which should be added to the funds applicable to the manumission of slaves; those at present destined by law being wholly inadequate to accomplish that object, within a reasonable period.

I forbear to say more at present on this subject, than to assure your Lordship that no effort shall be wanting on my part, not only to obtain the consent of this Government to the Treaty with Great Britain, for the extinction of the Slave Trade, but to induce them to take more active measures for the absolute Abolition of Slavery in the Republic.

I have, &c.

(Signed) R. STEUART.

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

NEW GRANADA. (*Consular*)—*Carthagena.*

No. 9.

The Earl of Aberdeen to Mr. Kelly.

Foreign Office, May 30, 1843.

QUERIES as to state of Slave Trade and Slavery in the State in which he resides.

(See No. 1.)

No. 10.

Mr. Druce to the Earl of Aberdeen.

British Consulate, Carthagena, July 19, 1843.
(*Received August* 21.)

MY LORD,

I HAVE the honour to inform your Lordship that by the Royal Mail Steam Packet Company's schooner "Liffey," which arrived here on the 5th instant, your Lordship's Despatch of the 30th of May last, addressed to P. W. Kelly, Esq., was received; and answers to the Queries contained therein will be forwarded immediately the necessary information can be obtained.

I have, &c.

(Signed) JAMES DRUCE,
Pro-Consul.

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

No. 11.

Mr. Druce to the Earl of Aberdeen.

British Consulate, Carthagena, August 10, 1843.
(*Received September* 21.)

MY LORD,

I HAD the honour to acknowledge the receipt of your Lordship's Despatch (Slave Trade) of the 30th of May last, on the 19th ultimo; and having since obtained the information required, I now beg to wait upon your Lordship with answers to the several Queries therein contained.

1st. The census of the Republic of New Granada has not been taken since the year 1835, when the population amounted to 1,686,038, viz. 791,614 free males, 18,194 slaves; free females, 855,584; slaves, 20,646. It is not possible to give the proportion of white and coloured people, no such distinction being made in forming the census; neither can the amount of the population of the years 1832 and 1837 be ascertained, as the census was not taken at these periods.

2nd. It can be safely affirmed that no slaves have been imported into this country during the last ten years, either from Africa or any other quarter.

3rd. In criminal cases the slave is equally protected with the free man, and even more so, an officer being appointed by law under the denomination of "Personero Municipal," for the express purpose of defending them, in conformity with a Royal order of 1789, and which has been continued to the present time.

4th. In the case of a slave being treated with undue severity, the master is liable to a penalty of fifty dollars for the first offence; for the second, one hundred dollars; and two hundred for the third. If the master persists in his ill-treatment of the slave, he renders himself subject to a criminal prosecution; and if the "Personero Municipal" can produce sufficient proof that the slave has been killed, wounded, or anywise maimed, the value of the slave is also confiscated, and applied to the funds of the State. If the slave, from the severity of the treatment received from his

master, is incapacitated for further labour, the master is compelled to maintain and clothe him during the remainder of his life.

5th. Only in cases difficult to be proved, such as treason against the State, adultery, or bad treatment of a wife by the husband, is the testimony of the slave admitted in a court of law.

6th. Slaves are well fed and well treated; this may be attributed not only to the spirit of the laws, but also to the general kindness of the masters.

7th. Slaves in this country enjoy as good health and live to as great an age as any other portion of the population.

8th. A law of the 21st of July, 1821, declares free the children born since that period upon their obtaining the age of 18 years; and as the introduction of slaves is prohibited by law, it follows that the slave population in this country is rapidly decreasing.

9th. A law also exists which assigns funds for the manumission of slaves, and it may be calculated that by the application of said funds, about fifty are yearly emancipated.

10th. All the laws passed in this country during the last ten years, have been favourable for the slaves.

11th. There is no party existing in this country which has in view the sudden abolition of slavery, the law having already provided for their gradual emancipation.

12th. All free men in this country enjoy equal privileges; no distinction of colour is observed in the eye of the law.

13th. Coloured men are admitted to all offices of the State, provided they possess the legal requisites, such as age, property, and general capacity.

14th. The census of the district of this Consulate is only taken at the period when the general census of the Republic is formed, which, according to law, is every ten years; the last, as already stated under No. 1., was formed in the year 1835.

The foregoing information has been obtained from both public and private sources; and, as requested by your Lordship, I have made my replies to the Queries as concise as possible.

I have, &c.

(Signed) JAMES DRUCE,
Pro-Consul.

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

NEW GRANADA. (*Consular*)—*Panama*.

No. 12.

The Earl of Aberdeen to Mr. Perry.

Foreign Office, May 30, 1843.

QUERIES as to State of Slave Trade and Slavery in the State in which he resides.

(See No. 1.)

No. 13.

Mr. Perry to the Earl of Aberdeen.

Panama, August 9, 1843.
(*Received September* 21.)

MY LORD,

IN conformity with your Lordship's Instructions, conveyed in a Despatch of 30th of May, I have used every exertion to procure the information required, and I lament that from want of sufficient official documents, some of the answers to the Queries are not sufficiently explicit.

1. The population of the Isthmus amounts to 74,579: viz.—

Free men	36,020
Free women	37,679
Slaves, male	410
Slaves, female	470

Of every 100 persons about 10 are whites, 15 blacks, 20 Indians, 25 mixed Indian and black, called Zambos, and 30 mixed white and Indian, called Meztizos. There was no census of the population taken so early as 1832. The population in the year 1837 was 72,665: viz.—

Free men	33,628
Free women	37,740
Slaves, male	716
Slaves, female	581

2. No slaves can be introduced into the Republic, as it is contrary to law.
3. The slave is protected equally with a free man in criminal cases.
4. A slave is protected by law against ill treatment from his master, and he can, if dissatisfied, procure for himself another master.
5. A slave's evidence is taken in Court.
6. Slaves in this province are well fed and well treated.
7. Slaves being chiefly of the African race, endure this climate better than the mixed breeds.
8. Slaves are on the decrease, for by the law of Congress of 21st of July, 1821, the children of all slaves were declared free, in order to extinguish gradually slavery.
9. By a law passed in 1841, a tax was put of 3 per cent. on succession to all real property, to furnish a fund for the manumission of slaves; but as only two slaves were redeemed in this province during the last year, the funds received must be otherwise employed.
10. The laws and regulations passed during the last ten years respecting slaves, have been favourable to them.
11. There appears to be no feeling on the part of the inhabitants of this part of the Republic to see what remains of slavery abolished.
12. There is no difference in the eye of the law between a free white and a free coloured man.
13. Free coloured men are admitted to offices of the State.

14. The statistical information contained in this Report has been taken from public documents. There is no periodical census taken of the population. The last was taken this year.

I have, &c.

(Signed) WILLIAM PERRY.

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

PERU.

No. 14.

The Earl of Aberdeen to Mr. Pitt Adams.

Foreign Office, May 30, 1843.

QUERIES as to state of Slave Trade and Slavery in Peru.

(See No. 1.)

No. 15.

Mr. Miller to the Earl of Aberdeen.

Lima, March 15, 1843.
(*Received July* 27.)

MY LORD,

WITH reference to the late Mr. Sealy's Despatch to your Lordship (Slave Trade) of the 14th of June last, covering copies of the communications that had passed between the Minister for Foreign Affairs of Peru and himself, respecting the copies of Peruvian laws relative to the Traffic in Slaves, which your Lordship had directed to be requested from the Government of this Republic; I have the honour to transmit, herewith, copies and translations of the Correspondence which I have since had with the Peruvian Foreign Department upon the same subject; and I regret to inform your Lordship that my efforts to obtain the required copies have hitherto proved unsuccessful.

I have, &c.

(Signed) G. C. MILLER.

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

First Enclosure in No. 15.

The British Pro-Consul to the Peruvian Minister for Foreign Affairs.

Lima, December 13, 1842.

UNDER date of the 8th of June last, Her Britannic Majesty's late Acting Consul-General in this Republic, Mr. George Timothy Sealy, had the honour to inform the Peruvian Minister for Foreign Affairs that Her Majesty's Government being 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,—had given directions to its Representative in Peru to address an official application to the Peruvian Government, requesting that an authentic copy might be supplied to him of all the laws and acts of this description, whether of a temporary or permanent character, which might at any time have been issued by the Peruvian Government, or by its Municipal and Colonial Authorities: and an application, therefore, to this effect was at the same time made by the late Mr. Sealy.

The Peruvian Minister for Foreign Affairs, in his reply of the 11th of June, kindly assured Mr. Sealy, that he had directed the preparation of the required copies of Peruvian laws relative to the Slave Trade, and that so soon as they were ready, he would have the satisfaction of transmitting them to him.

These copies have not yet, however, been received at Her Majesty's Consulate-General; and, considering it probable, that, in the midst of the numerous avocations of M. Lazo, the correspondence above referred to may not have come under

his notice, the Undersigned British Pro-Consul ventures to solicit the attention thereto, feeling confident that it will afford sincere gratification to the Government of M. Lazo, to be enabled to comply with the request made by Mr. Sealy to the Peruvian Government, by express desire of that of Her Britannic Majesty.

The Undersigned avails, &c.

(Signed) G. C. MILLER.

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

Second Enclosure in No. 15.

The Peruvian Minister to the British Pro-Consul.

(Translation.) *Lima, December* 15, 1842.

THE Undersigned, Minister for Foreign Affairs, has received the esteemed note of the British Pro-Consul, dated the 13th inst., in which, by order of his Government, he requests from the Undersigned copies of the laws and administrative acts which may have been issued in Peru relative to the Traffic in Slaves.

The Undersigned will very shortly transmit to Mr. Miller the copies which he solicits; and in the mean time he has the honour of renewing to him the assurance of his distinguished regard.

The British Pro-Consul, (Signed) BENITO LAZO.
&c. &c.

Third Enclosure in No. 15.

The British Pro-Consul to the Peruvian Minister.

Lima, March 4, 1843.

UNDER date of the 15th of December last, the Minister for Foreign Affairs of Peru favoured the Undersigned British Pro-Consul with a promise that he would very speedily transmit to him the copies of Peruvian laws and administrative acts relative to the Traffic in Slaves, which had been solicited by him from the Government of Peru, in virtue of Instructions from that of Her Britannic Majesty.

The copies in question not having yet been received at Her Majesty's Consulate in this city, the Undersigned ventures to remind M. Davila, charged with the Ministry of Foreign Relations of Peru, of the promise of his Government above alluded to; and he trusts that he may, without being deemed importunate, likewise express a hope that that promise will be fulfilled by the Peruvian Government at its earliest convenience.

The Undersigned avails, &c.

The Senor Dr. Don Jose Davila, (Signed) G. C. MILLER.
&c. &c.

Fourth Enclosure in No. 15.

The Peruvian Minister to the British Pro-Consul.

(Translation.) *Lima, March* 13, 1843.

THE serious and multitudinous matters to which the Undersigned has had to devote his attention by reason of the rebellion that has broken out in the South of the Republic, have not permitted him to transmit to the British Pro-Consul the copies of Peruvian laws and administrative acts relative to the Traffic in Slaves which he was pleased to ask of this Ministry. The Undersigned will profit by the first opportunity that may present itself to him to effect the transmission of the said documents, which, under date of the 4th instant, were anew solicited by Mr. Miller; to whom in the meantime he renews the assurance of his high respect and distinguished consideration.

The British Pro-Consul, (Signed) JOSE DAVILA.
&c. &c.

No. 16.

Mr. Miller to the Earl of Aberdeen.

Lima, March 16, 1843.
(*Received July* 27.)

MY LORD,

I HAVE the honour to transmit herewith a copy of a note which I have addressed to M. Davila, charged with the Despatch of Foreign Affairs of Peru, renewing the request made to the Peruvian Government, on the 8th of June last, by the late Mr. Sealy, (see Enclosure No. 1, in his Despatch to your Lordship, Slave Trade, of the 14th of June, 1842,) namely, that that Government would give a peremptory refusal to entertain the plan for importing slaves from Africa into Peru, proposed thereto in the year 1841; and that it would obtain the necessary authorisation for the conclusion of a Treaty with Her Britannic Majesty for the Suppression of the Slave Trade.

I likewise inclose herein a copy and translation of M. Davila's reply to my note, in which he states that the matters therein referred to are still pending before the Council of State; to the consideration of which body I beg to acquaint your Lordship they were submitted upwards of eighteen months ago.

This delay affords strong ground for presuming that the object of the Peruvian Government is to evade giving a direct refusal to entertain the plan for reviving the Slave Trade of Peru, as well as the question of the Treaty proposed to it by Great Britain for the Abolition of the Traffic.

I have, &c.
(Signed) G. C. MILLER.

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

First Enclosure in No. 16.

The British Pro-Consul to the Peruvian Minister.

Lima, March 4, 1843.

UNDER date of the 8th of June last, Her Britannic Majesty's late Acting Consul-General in this Republic, Mr. George Timothy Sealy, had the honour of addressing to the Minister for Foreign Affairs of Peru a note, requesting that the Peruvian Government would give a peremptory refusal to entertain the plan for reviving the Slave Trade of Peru, projected in the year 1841 by certain individuals in Lima; and furthermore exhorting the Peruvian Government to obtain the necessary authorisation for the conclusion of a Treaty with Her Britannic Majesty for the Suppression of the Traffic in Slaves.

The Minister for Foreign Affairs of Peru, in acknowledging the receipt of the abovementioned note on the 11th of June last, stated that his Government had consulted the Council of State upon both the points to which that note related; but that not having at that time received their answer, he was unable to reply thereto as he would have wished: he at the same time, however, informed Mr. Sealy that in order to do so as quickly as possible, he had that day moved the Council of State to give its opinion.

A very long period having elapsed without the promised reply having as yet been received, the Undersigned British Pro-Consul feels it incumbent upon him to address the present communication to M. Davila, charged with the Ministry of Foreign Relations of Peru, for the purpose of renewing the request of the late Mr. Sealy before alluded to; and in so doing it appears proper again to 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, and by the 14th Article of which 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."

The Undersigned begs also 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 Britannic 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 in Slaves, Her Majesty

expects that Peru will at least adhere strictly to the stipulations which she has actually contracted to this end.

The Undersigned begs likewise to draw afresh 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 Britannic Majesty for the total abolition of the Slave Trade; and, finally, he has anew to express the earnest hope of Her Majesty's Government, that the Peruvian Government will not thus stand almost single among the civilised powers of Christendom in declining to conclude a Treaty for the effectual and final extinction of a traffic proscribed by all.

The Undersigned avails, &c.

The Senor Dr. Don José Davila, (Signed) G. C. MILLER.
&c. &c.

Second Enclosure in No. 16.

The Peruvian Minister to the British Pro-Consul.

(Translation.) *Lima, March* 13, 1843.

THE matters respecting the Traffic in Slaves to which the British Pro-Consul refers in his esteemed communication, dated the 4th instant, being still pending in the Council of State, the Undersigned, with a view of calling its attention thereto, in order that they may be despatched, has transmitted to that body a copy of the communication above alluded to.

The Undersigned, &c.

The British Pro-Consul, (Signed) JOSE DAVILA.
&c. &c.

No. 17.

The Earl of Aberdeen to Mr. Adams.

SIR, *Foreign Office, August* 28, 1843.

I HAVE received Mr. Vice-Consul Miller's Despatch, of the 16th of March last, enclosing a copy of a note which he had addressed on the 13th of that month to the Peruvian Minister for Foreign Affairs, renewing the request made on behalf of Her Majesty's Government to the Government of Peru on the 8th June 1842, that a peremptory refusal should be given to entertain the plan proposed in the year 1841, for reviving Slave Trade in Peru; and urging the conclusion of the Treaty for the Suppression of Slave Trade, a Draft of which was proposed to the Peruvian Government so long ago as 1839.

You will not fail to support these representations to the Peruvian Minister on the part of her Majesty's Government; you will point out to the Peruvian Government the great importance which Her Majesty's Government attach to the conclusion of the Treaty for the Suppression of Slave Trade; and you will use your utmost endeavours to bring the negotiation to a satisfactory conclusion.

I am, &c.

W. P. Adams, Esq. (Signed) ABERDEEN.
&c. &c.

No. 18.

Mr. Miller to the Earl of Aberdeen.

Lima, June 5, 1843.
(*Received October* 27.)

MY LORD,

I HAVE the honour to transmit herewith, a copy of a note which I addressed, under date of the 12th ultimo, to the Government of his Excellency General Vivanco, requesting it to supply me with an authentic copy of the laws of Peru relative to the Traffic in Slaves.

As your Lordship will perceive, from the enclosed copy and translation of the reply to my note, the Peruvian Government has promised very shortly to furnish the required copy.

I have, &c.

(Signed) G. C. MILLER.

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

First Enclosure in No. 18.

The British Pro-Consul to the Peruvian Minister.

Lima, May 12, 1843.

HER Britannic Majesty's Government being 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, has directed its Representative in Peru 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 that Government, or by its Municipal and Colonial Authorities.

And the undersigned British Pro-Consul has now the honour of addressing himself to M. Gomez Sanchez, Minister-General of Peru, with the object of soliciting that the required copy may be furnished to him as soon as convenient, for transmission to Her Majesty's Government; by whom the courteous compliance of the Minister-General with this request will not fail to be duly appreciated.

The Undersigned, &c.

The Peruvian Minister-General, (Signed) GEO. C. MILLER.
&c. &c.

(Translation.) Second Enclosure in No. 18.

The Peruvian Minister to the British Pro-Consul.

SIR, *Directorial Palace in Lima, June* 3, 1843.

IN consequence of a note which the British Pro-Consul addressed on the 12th of May last, to the general Ministry of the Republic, soliciting copies of the laws and administrative acts of the Government of Peru relative to the Traffic in Slaves, the Undersigned has ordered the said copies to be prepared, and he will very soon transmit them to Mr. Miller.

In the meanwhile, &c.

Her Britannic Majesty's Pro-Consul, (Signed) M. ROS.
&c. &c.

No. 19.

Mr. Barton to the Earl of Aberdeen.

H. M. Consulate, Lima, August 19, 1843.

MY LORD, (*Received December* 8.)

I HAVE the honour to transmit herewith, for the information of your Lordship, a translation and copy of a Declaration of the Peruvian Government; published in their Gazette, the "Peruano," on the 16th instant.

I have, &c.

(Signed) JOHN BARTON.

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

CLASS D.

(Translation.) Enclosure in No. 19.

Ministry of Foreign Affairs and Public Instruction.

THE Consul-General of the Ecuator having solicited that the Government declare, if runaway Slaves from that country that enter Peru ought to be considered free, in virtue of the laws that have existed in the republic; and if any person can bring in the Slaves they want, and under what conditions, in respect of seigniory, the following Decree has been dispatched:—

Lima, August 12, 1843.

As the last tendency of our Laws, upon the condition of Foreign Slaves that come into the Territory of the Republic, contained in the Article 146 of the Constitution of 1843, declares them free; and as this Constitution was done away with by that of 1839,—Let it be declared, that from the publication of the said Constitution of 1839, the Government recognizes no Law that alters the condition of Foreign Slaves that enter the Territory of Peru. Communicate it and publish it.

(Signed) VIVANCO.

By order of His Excellency,

(Signed) PARDO.

UNITED STATES.

No. 20.

Mr. Everett to the Earl of Aberdeen.

Grosvenor Place, September 19, 1842.
(*Received September* 19.)

THE Undersigned, &c. has received the Instructions of his Government to give information to the Earl of Aberdeen, &c. of an outrage on the American vessel "*John A. Robb,*" committed by Lieutenant Commandant Matson, of Her Majesty's armed vessel the "Waterwitch."

It appears from the papers in the case, copies of which are herewith transmitted, that about the 27th of last March, the aforesaid vessel was taken possession of at sea by an armed force from the "Waterwitch;" and that a few days afterwards, viz., on the 5th of April last, she was boarded by Mr. Matson and one of her ship's company, Peter Hutchinson, forcibly taken out against the will, and in opposition to the protest of the master of the "*John A. Robb.*"

The fact of the removal of the seaman is admitted by Mr. Matson in the certificate furnished by him, which will be found among the papers accompanying this note. The justification of the outrage alleged by Mr. Matson, viz., that "no agreement whatever was made by the seaman," if intended to mean that he was not regularly and legally shipped, is disproved by the testimony of the American Consul at Rio de Janeiro, and by the documents herewith transmitted.

On what evidence Mr. Matson proceeded to rebut that of the vessel's papers, in support of the extremely improbable suggestion that "the seaman was on board the vessel without any agreement whatever," is not stated, nor very easy to conceive.

This point, however, is not important to be settled, as it does not change the character of the transaction. The act of Lieutenant Commandant Matson was entirely unwarranted on his own statement of the case, and will, the Undersigned has no doubt, be promptly disavowed by Her Majesty's Government. He has been directed to lose no time in representing the case to the Earl of Aberdeen, in order that the conduct of Mr. Maton may receive that reprehension from his superiors which it obviously calls for, and that proper measures may be taken by Her Majesty's Government to prevent the recurrence of similar causes of complaint.

It may be proper to observe that the American Consul at Rio de Janeiro, whose report of the transaction is found among the papers herewith transmitted, is one of the officers whose character and conduct are so honourably noticed in the letter of Her Majesty's Charge d'Affaires at Rio de Janeiro, of August 31, 1841, and in the Despatch of the Earl of Aberdeen to Mr. Fox, of the 19th of last November.

The Undersigned, &c.

(Signed) EDWARD EVERETT.

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

First Enclosure in No. 20.

Mr. Slacum to the Hon. D. Webster.

Consulate of the United States, Rio de Janeiro,
May 20, 1842.

SIR,

I HAVE the honour to transmit herewith, documents in relation to an occurrence of a very unpleasant character, and which has just been brought to my notice.

By the accompanying Deposition of the Master of the barque "*John A. Robb,*" of Baltimore, you will perceive that that vessel was taken possession of while *at*

sea (the distance from the place where she anchored to the shore being about 12 miles), and afterwards, to wit, on the 5th of April last, again boarded by Lieutenant Commandant Matson, of Her Britannic Majesty's vessel of war "Waterwitch," and a seaman, named Peter Hutchinson, forcibly taken out. The latter part of this outrage is confirmed by the enclosed certified Copy of a Memorandum given by Lieutenant Matson of the "*John A. Robb.*" The seaman, Hutchinson, an Englishman, was shipped at this Consulate according to law, and in my presence, and the proper certificates, under my official hand and seal, were placed upon the Shipping Articles and List of Crew.

Whenever a Mariner is shipped at this port, my invariable rule is to cause the person to be brought before me. I then describe to him the voyage and terms of contract, and if he assents thereto I take the description of his person, &c., and transfer the whole to the proper papers, that is, the list of crew and duplicate shipping articles, all of which was done in the case referred to.

The "*John A. Robb*" sailed this morning for Baltimore. The Crew's List and Shipping Articles, containing the Consular Certificate, with which she sailed for Africa, and which the Master swears he produced to the Commander of the "Waterwitch," may, of course, be obtained through the Collector of that port.

I would here observe, that John German and Robert Donovan, the two other seamen alluded to, were still on board the "*John A. Robb.*" On their arrival here, they made no complaint, but, as I am informed by the Master and owner, were anxious to remain in the vessel. This circumstance I mention, to show that no investigation on my part was necessary, not that it has any bearing upon, or in the slightest degree palliates the conduct of Lieutenant Matson.

I have, &c.

(Signed) G. W. SLACUM, *Consul, U. S.*

The Hon. Daniel Webster,
&c. &c.

Consulate of the United States, Rio de Janeiro.

Personally appeared before the Undersigned, Consul of the United States, at the City of Rio de Janeiro, H. Ordeman, Master of the barque "*John A. Robb,*" of Baltimore, who, being duly sworn, declared, That he sailed in said vessel in capacity aforesaid from this port, on or about the 17th day of February last past, on a voyage hence to Cabinda, Coast of Africa; that the vessel arrived off the Port of Cabinda on or about the 27th of March, and came to an anchor; that soon after, the vessel was boarded by Her Britannic Majesty's ship of war "Waterwitch," Lieutenant Commandant Matson, when an officer and armed guard were put on board. That as soon as the sea-breeze set in, they weighed anchor and stood into the port, the English officer and guard still on board; orders were then given by the English officer to hold no communication with the shore, which were obeyed until about 11 o'clock, that is, about four hours after the order was given, when the officer and guard, with the exception of two seamen, left the vessel, and the same afternoon commenced discharging. And declarent further said, that the two seaman so left on board remained until the vessel was discharged (with the exception of two days), under orders from the officer to break open and examine any suspicious-looking package; that three or four days after coming to anchor as aforesaid, the commander of the "Waterwitch" came on board the "*John A. Robb,*" and desired to see all the foreigners on board. The crew was mustered, and the English commander requested them to state their grievances, when Peter Hutchinson, John German, and Robert Donovan complained of ill-treatment, and desired to leave the vessel. The commander of the "Waterwitch" then asked to see the Shipping Articles, which, together with the List of Crew, were exhibited, when he declared, as Peter Hutchinson had made no agreement, he must take him out; whereupon declarent remonstrated, pointing to the Consular Certificate on the Shipping Articles and List of Crew, but without avail. He was forced to give the man up, and he was taken on board the "Waterwitch." And declarent further said, that the Commander of the "Waterwitch" gave him a written memorandum, which is in possession of the American Consul at this place. And further declarent said not.

(Signed) HERMAN ORDEMAN.

Sworn before me, at Rio de Janeiro, the 19th day of May, 1842.

(Signed) G. W. SLACUM, *Consul, U. S.*

Consulate of the United States, Rio de Janeiro.

I, the Undersigned, Consul of the United States at the city of Rio de Janeiro, hereby certify the foregoing to be a true copy of the original on file in the Consulate.

Given under my hand and seal of office, this 20th day of May, 1842.

(Signed) G. W. SLACUM, *Consul, U. S.*

Seal.

Her Majesty's brig "Waterwitch," Cabinda, April 9, 1842.

This is to certify, that having received a written complaint from three British seamen of their having been grossly abused and beaten by the Master and Mate of the "*John A. Robb,*" of Baltimore, I boarded that vessel on 5th instant, when they all repeated the complaint in the presence of the Master and Mate, and requested to be taken on board the "Waterwitch;" but as two of them had signed an agreement to return in the vessel to America, I refused to comply with their request; but the third (Peter Hutchinson) not having made any agreement whatever, I entered him as a volunteer on board Her Majesty's brig under my command.

Signed) J. H. MATSON,
Lieut. and Commander.

Consulate of the United States, Rio de Janeiro.

I, the undersigned Consul of the United States at the City of Rio de Janeiro, hereby certify the foregoing to be a true copy of the original on file at this Consulate.

Given under my hand and seal of office, this 20th day of May, 1842.

(Signed) G. W. SLACUM, *Consul, U. S.*

Seal.

Second Enclosure in No. 20.

The Collector of Customs at Baltimore to Mr. Webster.

Custom House, Collector's Office, Baltimore, July 20, 1842.

SIR,

I HEREWITH transmit the Crew List of the barque "*John A. Robb,*" with the Consular Certificate annexed, called for in your communication of 19th instant. The Shipping Articles not forming a part of the records of this Office, I cannot forward it to-day, but have sent to the Captain of the vessel for it, and when received will transmit it to you. It is requested the Crew List may be returned to this Office.

I am, &c.

(Signed) N. F. WILLIAMS, *Collector.*

The Hon. Daniel Webster,
&c. &c.

Third Enclosure in No. 20.

LIST of PERSONS composing the Crew of the Barque "*John A. Robb*," of Baltimore, whereof is Master Robert Walker, bound for Cadiz, and a Marker.

Names.	Places of Birth.	Places of Residence.	Of what Country Citizens or Subjects.	Description of their Persons.				
				Age.	Height.		Complexion.	Hair
					Ft.	In.		
Herman Ordeman . .	Baltimore . .	Baltimore .	U.S. of America	24	5	7½	Light . .	Light.
David D. Douglas. .	Rhode Island .	Ditto . .	Ditto . . .	19	5	7½	Ditto . .	Light brown.
John Hazard . . .	Delaware . .	Ditto . .	Ditto . . .	27	5	10¼	Dark . .	Black curly.
Isaac Conner . . .	New York. .	Ditto . .	Ditto . . .	23	5	9¼	Light . .	Sandy.
John Williams . .	Baltimore. .	Ditto . .	Ditto . . .	17	5	1½	Dark . .	Brown.
Isaac Lake . . .	Maine . .	Ditto . .	Ditto . . .	19	5	7	Ditto . .	Dark.
William Green . .	Baltimore. .	Ditto . .	Ditto . . .	17	5	5¾	Brown . .	Ditto.
William Wylie . .	Ditto . . .	Ditto . .	Ditto . . .	26	5	6½	Light . .	Auburn.
John Bowring (boy) .	Ditto . . .	Ditto . .	Ditto . . .	14	4	6	Fair . . .	Light brown.
John German . . .	England . .	Ditto . .	Great Britain .	27	5	8	Light . .	Light.
Robert Donovan . .	Ditto . . .	Ditto . .	Ditto . . .	21	5	4	Ditto . .	Dark.
William R. Gardner .	United States .	..	United States .	22	5	3	Ditto . .	Sandy.
Peter Hutchinson . .	England . .	..	Great Britain .	23	5	5	Dark . .	Dark.

(Signed) ROBERT WALKER.

Consulate of the United States, Rio de Janeiro.

I, the Undersigned, Consul of the United States at the city of Rio de Janeiro, hereby certify that William K. Gardner and P. Hutchinson have shipped at this Consulate on board the above-named vessel.

Given under my hand and seal of office, this 12th day of February 1842.

(L. S.) (Signed) G. W. SLACUM, *Consul, U. S. A.*

Consulate of the United States, Rio de Janeiro.

I, the Undersigned, Consul of the United States of America for the city of Rio de Janeiro, do hereby certify that the persons hereinafter named and described have engaged at this port on barque "*John A. Robb*," Robert Walker, Master.

Names.	Places of Birth.	Places of Residence.	Of what Country Citizens or Subjects.	Description of their Persons.				
				Age.	Height.		Complexion.	Hair.
					Ft.	In.		
John Seymour . . .	New York .	..	United States.	41	5	10	Dark . .	Dark.
Jeremiah Fielding . .	United States .	..	Ditto . . .	22	5	11	Ditto . .	Ditto.

Ifurther certify that John Williams and William K. Gardner were discharged according to law, and that Peter Hutchinson was taken out by a British man of war.

Given under my hand and seal of office, this 19th day of May, 1842.

(L. S.) (Signed) G. W. SLACUM, *Consul, U. S. A.*

I, Robert Walker, do solemnly, sincerely, and truly swear, that the within list contains the names of the crew of the barque "*John A. Robb*," together with the places of their birth and residence, as far as I can ascertain the same.

Sworn to this 29th day September, 1841, before me,

(Signed) J. K. LAW, *Deputy Collector, Baltimore.*

(Signed) ROBERT WALKER

I do certify that the within is a true copy of the list of the crew of the barque "*John A. Robb*," of Baltimore, whereof Robert Walker is Master, taken from the original on file at the office.

Given under my hand and seal of office at the Custom-house, the 29th day of September, in the year of our Lord 1841.

(Signed) J. K. LAW, *D. C.*

I do certify that the within-named Herman Hardiman, David D. Douglas, John Hazard (negro), James Connor, John Williams, Isaac Lake, William Green, William Wylie, John Bowring, who compose part of the company of the above-named barque "*John A. Robb*," whereof Robert Walker is at present Master, have produced to me proof in the manner directed in the Act, intituled, "An Act for the relief and protection of American Seamen;" and pursuant to the said act, and to the act supplementary to the act concerning Consuls and Vice-Consuls, and for the further protection of American Seamen, I do hereby certify, that the said persons abovenamed are citizens of the United States of America.

Given under my hand and seal of office, the 29th day of September, 1841.

(L.S.) (Signed) J. K. LAW, *D. C.*

No. 21.

The Earl of Aberdeen to Mr. Everett.

Foreign Office, October 5, 1842.

THE Undersigned, &c., has the honour to acknowledge the receipt of the note of Mr. Everett, &c., dated the 19th ultimo, complaining of the conduct of Lieut. Matson, of Her Majesty's brig "Waterwitch," in boarding the American vessel "*John A. Robb*," and forcibly removing from that vessel one of the ship's Company, named Peter Hutchinson.

The Undersigned has not failed to refer Mr. Everett's complaint to the Lords Commissioners of the Admiralty, for investigation. It appears, that their Lordships have not as yet received any information upon the subject of this transaction; but they have lost no time in calling upon the Commander in Chief of Her Majesty's Ships on the Cape of Good Hope Station, forthwith to require from Lieut. Matson such explanation as that Officer may have to give relative thereto; and as soon as the answer shall have been received and communicated to this Office, the Undersigned will have the honour of addressing a further note to Mr. Everett upon the subject.

The Undersigned, &c.

Edward Everett, Esq. (Signed) ABERDEEN.
&c. &c.

No. 22.

The Earl of Aberdeen to Mr. Fox.

Extract.

SIR, *Foreign Office, January* 18, 1843.

The statement, relative to what is called the Right of Search, is of serious import; because, to persons unacquainted with the facts, it would tend to convey the supposition, not only that the question of the Right of Search had been discussed by the Plenipotentiaries at Washington, but that Great Britain had made concessions on that point.

The President must well know that the Right of Search never formed the subject of discussion during the late negotiations, and that neither was any concession required by the United States Government, nor made by Great Britain.

The engagement entered into by the parties, as inserted in the Treaty of Washington, for the Suppression of Slave Trade, was unconditionally proposed and agreed to.

Her Majesty's Government saw in it an attempt on the part of the United States, to give a practical effect to their repeated declarations against the African Slave Trade; and they recognised, with satisfaction, an advance towards the humane and enlightened policy of all Christian States, from which they could not but anticipate much good.

Great Britain will scrupulously fulfil the conditions of this engagement; but from the principles which she has constantly asserted, and which are recorded in the correspondence between the Ministers of the United States in this country and myself, which took place in 1841, she has never receded, and will not recede. I have no intention to renew, at present, the discussion upon this subject. It is the less necessary to do so, because my last note has remained for more than a year without having received any answer; and because the Secretary of State has declared, more than once, to the British Plenipotentiary at Washington, that the explanations contained in it were entirely satisfactory.

The President may be assured, that Great Britain will always respect the just claims of the United States. We make no pretension to interfere in any manner whatever, either by detention, visit, or search, with vessels of the United States, known or believed to be such. But we still maintain, and will exercise, when necessary, our right to ascertain the genuineness of any flag which a suspected vessel may bear.

If in the exercise of this right, either from involuntary error, or in spite of every precaution, loss or injury should be sustained, a prompt reparation will be afforded; but that we should entertain, for a single instant, the notion of abandoning the right itself, would be quite impossible.

These observations have been rendered necessary by the late Message to Congress. The President is undoubtedly at liberty to address that assembly in any terms which he may think proper; but if the Queen's servants should not deem it expedient to advise Her Majesty also to advert to these topics in Her Speech from the Throne, they desire nevertheless to hold themselves perfectly free, when questioned in Parliament, to give all such explanations as they may feel to be consistent with their duty, and necessary for the elucidation of the truth.

You will read this Despatch to the United States Secretary of State, and should he desire it, you will furnish him with a copy.

I am, &c.

H. S. Fox, Esq. (Signed) ABERDEEN.
&c. &c.

No. 23.

Mr. Fox to the Earl of Aberdeen.

Washington, January 24, 1843.
(*Received February* 18.)

My Lord,

I have the honour herewith to inclose a printed copy of a Special Message transmitted by the President to Congress, on the 18th instant, in relation to the strength and expense of the United States squadron, to be employed on the Coast of Africa, for the Suppression of Slave Trade, in compliance with the stipulations of the Treaty recently concluded between the United States and Great Britain.

I have &c.
(Signed) H. S. FOX.

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

Enclosure in No. 23.

Message from the President, United States, in compliance with a resolution of the Senate, in relation to the strength and expense of the Squadron to be employed on the Coast of Africa.

TO THE SENATE OF THE UNITED STATES,

IN reply to the resolution of the Senate of the 14th December, I transmit, herewith, the accompanying letter from the Secretary of the Navy, and a statement, thereto appended, from the Bureau of Equipment and Construction.

Washington, December 30, 1842. JOHN TYLER.

SIR, *Navy Department, December* 29, 1842.

ON the subject of the resolution of the Senate of the 14th December, which you have referred to me, I have the honour to report:

The annexed paper (marked A) shows—

1. "The value of the vessels which will be required for the African squadron, under the late British Treaty."
2. "The probable annual cost of repairing said vessels."
3. "The number of men and officers which the equipment of the squadron will require."
4. "The probable annual expense of said squadron, under all the heads of expenditure incident to the service."
5. "The caliber of the guns to be used," and the "other arms."
6. "The whole number of guns which it is expected to have afloat in the United States navy during the year 1843, and the estimated expense of the naval establishment for the year, including all expenses incident to keeping up a navy."

It is to be remarked, that the obligation assumed by the Government to keep a squadron on the coast of Africa does not create any absolute necessity for an increase to that amount of our present naval force Vessels already in the navy will be selected for that service. Of course "the annual cost of repairing said vessels" is but a part of the usual and necessary expenditure for the naval service. It is not proposed to *increase* the navy, with the particular view of supplying this squadron; nor would it be proposed to *reduce* the navy, if this squadron were not necessary. It is merely a part of the customary and *useful* employment of our vessels of war.

It is also to be remarked, that the caliber of the guns and the general armament and equipment of the vessels, cannot, in the nature of things, be the same at all times. The vessels will be changed as the convenience of the service may require, and will not consist, at all times, of the same number of each class. The estimate presented is for sloops of war, brigs, and schooners, which, it is supposed, will be most proper for that service.

In regard to the "probable annual loss of men from deaths, disabilities, and other casualties on board said squadron," it is impossible to give a definite answer. The coast of Africa is considered very unhealthy, and probably not without reason, if we are to judge from the mortality which has often prevailed there among European visitors. This mortality, however, is easily accounted for. Our trading vessels often ascend the rivers, and necessarily pass much of their time in ports. Their crews are exposed to hard labour under the burning heats of the day, and to the noxious exhalations from swamps and morasses at night. Hence, they suffer with what is usually called the African or coast fever, and hence the frightful stories which render that climate so formidable in the eyes of strangers. At a time when the character of the climate was not understood, the crews of vessels of war, neglecting or not knowing the precautions which it requires, suffered scarcely less than those of trading vessels. At this day, however, the African coast has lost its terrors, so far as cruising vessels are concerned. The climate is found to be unhealthy to Europeans *only on shore and in the night time.* There is, on most parts of the coast, good and safe anchorage for ships of war, within a quarter of a mile of the shore, so that there is no necessity that the crews should expose themselves in unhealthy ports. It is found that by keeping at this distance from the land at night, and by protecting the crews by awnings from the intense heat of noon and the floods of rain which fall at particular seasons, they enjoy as good health as in any other part of the world. The "*Vandalia,*" recently returned from that coast, lost but two men in a cruise of seven months; one of these died of consumption, the other of chronic dysentery.

CLASS D.

The few simple precautions necessary to preserve the health of our crews are now well understood, and easily taken. With an ordinary degree of prudence, it may be safely asserted that the coast of Africa will be found *less* unhealthy to our cruisers than the East India seas, and not *more* unhealthy than many ports of the West Indies, the Gulf of Mexico, and South America.

To the question, "Whether it is intended to make the squadron consist of more than eighty guns," I can only say that no such intention is entertained at this time In the estimates which were presented with my annual report, provision was contemplated for no larger force than this for service on the western coast of Africa. Independent of any Treaty stipulation, I should have considered it necessary to keep at least eighty guns distributed among a number of small vessels on that coast. Our commerce is carried on through the whole range of seaboard country, from Goree to the Bight of Biaffrair, a distance of about two thousand miles. Our commerce along this coast may now be estimated at one million of dollars, employing from four to five thousand tons of shipping. If this trade were stationary, it could not be considered fairly entitled to the protection of so large a squadron as one of eighty guns, only in the *quantities* of the commodities hitherto entering into it. But it is not stationary. On the contrary, it is rapidly on the increase; not in new commodities presenting themselves from time to time. We now send to this part of Africa, tobacco, cotton fabrics of various kinds, brown drills, rum, whiskey, muskets, gunpowder, beef, pork, flour, bread, bacon, lard, butter, cheese, salted and dried fish, soap, candles, iron and tin ware, and other articles of American production and manufacture; and we import, in return, palm oil, dyewoods, ivory, gold dust, hides and skins, guns, pepper, and similar articles. The trade in palm oil is of recent date, and is so rapidly increasing in value and extent, as to claim an important place in our import trade. The cultivation of coffee also is rapidly extending itself, and, from the specimens already sent to our country, the African coffee bids fair to rival the best which is now imported. The information which I have received from the most intelligent men, well acquainted with the African coast, fully authorises the belief, not only that our commerce with that country is becoming more and more worthy of attention from year to year, but that it holds out at this time greater inducements to commercial enterprise than any other part of the world. The statistical tables furnished by the Treasury Department afford but an imperfect view of it. A successful voyage to the African coast can scarcely be completed in less than twelve or fifteen months. The articles carried out are of comparatively small value, but the various exchanges which are made in the course of a long voyage among different tribes generally yield a profit of from fifty to one hundred per cent. The *returns* are not always in the commodities of the country subject to entry at our custom-houses. A very large proportion of them—not less, probably, than one-third—is received in gold, and in bills on London and the United States. Hence our statistical tables do not show its full value. It is not, however, so much its present as its prospective value that demands the presence of a naval force. The want of such a force heretofore has enabled the English to exclude us from the most valuable part of the trade of the Gambia and Sierra Leone, and the French to exclude us entirely from the Senegal. The trade in palm oil, already very valuable, and rapidly increasing from year to year, is so conducted that the articles with which it is purchased must be landed and placed in the hands of native chiefs and trade agents. The American trader has nothing to rely on but the integrity and honour of these people—a precarious dependence, which renders the trade of very little value to him. The English, on the contrary, keep a sufficient naval force constantly on the coast, and being thus in a condition to enforce their contracts, the natives do not venture to break them. Hence, this trade is nearly engrossed by the English, and is very valuable to them, although most of the articles necessary to carry it on can be more cheaply furnished by the United States than by them. It is in vain to hope that our commerce with Africa can be maintained even in its present condition, and still more vain to hope that it can be greatly extended, unless we offer it the protection which it would derive from the constant presence of our ships of war. Instead of trading with us, the native chiefs think only of plundering our vessels and murdering their crews. The Mary Carver, alluded to in my annual report, is not the only case of this sort which has already occurred, nor will it be the last, unless the native chiefs shall be taught to respect and fear us, by proper exhibitions of our naval flag. A less force than that contemplated in our Treaty with England would be wholly unavailing along a coast of two thousand miles in extent.

It is worthy of consideration that the colony of Liberia, an object of great interest

to the American people, would derive great confidence and support from the more frequent presence of our ships of war. But the Suppression of the Slave Trade, to which this country is so deeply pledged, requires the full force of eighty guns, distributed among not fewer than five vessels. The coast through which that trade is prosecuted, is not less than twelve hundred miles in extent. The persons engaged in it are adroit, watchful, and daring; their vessels are generally constructed to sail rapidly; they are also well armed, and their crews, when they are detected, have no alternative but victory or death. Wence it is not only necessary that they should be closely watched, but that the vessels sent against them should be strong enough to contend with them. Certainly, the squadron now contemplated is as small as this service would require under any circumstances. The Treaty stipulation, therefore, does not, in effect, impose any new obligations, nor exact any expenditure which would not otherwise have been necessary and proper. The pledge given to England, is but the pledge given to all nations in the Treaty of Ghent, and in the general course of our policy with reference to the Slave Trade. We keep our faith to the civilised world, upon this interesting point, by simply preserving our own consistency, and rendering due protection to the interests of our people.

Entertaining these views of the subject, I cannot undertake to say that I shall not, at any future time, consider it proper to increase the African squadron. This must depend on considerations such as control all similar arrangements for other parts of the world. In the administration of this Department, I feel it to be my duty to afford *adequate* protection, so far as the means at my command will admit of it, to American interests wheresoever they may be found, and to vindicate, as far as I can, the good faith of our country in the eyes of other nations. Whatever naval force these objects may require, in Africa or elsewhere, it is my intention to furnish, if I shall be permitted to do so.

The President of the United States, A. P. UPSHUR.
&c. &c.

No. 24.

Mr. Everett to the Earl of Aberdeen.

46, *Grosvenor Place, February* 20, 1843.
(*Received February* 21.)

Mr. Everett presents his compliments to the Earl of Aberdeen, and has the honour to transmit to his Lordship a copy of a letter, received by the "Caledonia," from the owners of the barque "Jones." Mr. Everett hopes that Lord Aberdeen will have it in his power to authorise Mr. Everett to make a satisfactory communication to his Government in reference to this vessel, by the steamer of the 4th of March.

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

Enclosure in No. 24.

Messrs. Farnham and Co. to Mr. Everett.

Sir, *Salem, January* 30, 1843.

Some months since Mr. Simmons of Boston, at our request, addressed you on the subject of our claim upon the British Government for the unlawful seizure, by one of their public armed vessels of war, of our barque "*Jones*," and cargo, at St. Helena, and your reply to this letter was communicated to us as soon as it was received. Since that time we have heard nothing of the progress made in the examination of our claim, and we are still wholly uninformed of the nature of the objections to it which delay its settlement. The pecuniary situation of the claimants is such as makes it a matter of the most vital importance to them, that their rights in relation to this claim should be promptly established, and they are assured by the Department of State that such is the wish and intention of the Government. We are, therefore, again induced to take the liberty of entreating your Excellency to take all such measures as your wisdom shall know to be proper and effectual to bring it to an adjustment at the shortest possible time; and we shall esteem it a particular favour if we may be informed of the nature and extent of the objections made to it by the British Government.

We remain, &c.

(Signed) P. J. FARNHAM and Co.

No. 25.

The Earl of Aberdeen to Mr. Fox.

SIR, *Foreign Office, February* 27, 1843.

I HEREWITH transmit to you a copy of a Despatch and of its Enclosure, from Her Majesty's Consul at the Cape Verde Isles, containing information on the subject of Slave Trade, said to be carried on under the United States Flag.

You will communicate the substance of these papers to the United States Government, and express the hope of Her Majesty's Government, that the Government of Washington will enquire into the matter, with a view of preventing, under the United States Flag, proceedings connected with Slave Trade.

I am, &c.

H. S. Fox, Esq. (Signed) ABERDEEN.
&c. &c.

Enclosure in No. 25.

Mr. Rendall to the Earl of Aberdeen, dated December 27, 1842.
(See Class B, No. 192.)

No. 26.

The Earl of Aberdeen to Mr. Everett.

Foreign Office, March 2, 1843.

THE Undersigned, &c. has the honour to acknowledge the receipt of a note from Mr. Everett, &c. dated the 20th ultimo, requesting that he may receive an early communication from Her Majesty's Government, respecting the claim which has been made upon them by the owners of the barque "*Jones*."

Her Majesty's Government having in the course of last month received copies of all documents relating to the legal proceedings of the Vice-Admiralty Court at Sierra Leone, in the case of the "*Jones*," and having previously obtained from Lieutenant Littlehales a full declaration of the circumstances which occurred up to the time at which the "*Jones*" left St. Helena for that Colony, the Undersigned is now enabled to acquaint Mr. Everett with the result of the examination which Her Majesty's Government have made into the representations contained in Mr. Stevenson's note to Viscount Palmerston, of the 16th April, 1841, and Mr. Everett's note, of the 16th September last.

But, first, the Undersigned will have the honour to state shortly the leading circumstances of the case.

It appears that while the barque "*Jones*" was at anchor in Her Majesty's port of St. Helena, in September, 1840, Lieutenant Littlehales, commanding Her Majesty's brig "Dolphin," received information tending to show that the character and proceedings of that vessel were such as to excite a suspicion that her presence in British waters was a contravention of British law.

Upon this, Lieutenant Littlehales considered it imperative on him to examine her papers. And, accordingly, having first ascertained that they were not lodged at the Custom-house, he endeavoured to procure the production of them from the Master of the "*Jones*" by a personal interview.

This interview took place in the presence of Messrs. Murray and Rowe, Officers of the "Dolphin," Mr. Pike, Admiralty passenger in that vessel, and Mr. Carroll, Consular Agent for the United States in St. Helena, who, however, it appears, had not been formally recognised in that capacity. Lieutenant Littlehales had already stated, in a previous interview with the latter gentleman, and in answer to a question as to his right to see the papers, that he did not claim the right to call for them on shore, but that afloat he had that right, and that it might be a convenience to both parties if they were shown to him at once. The same question was put to Lieutenant Littlehales, by the Master of the "*Jones*," and the same answer returned.

The Master, however, peremptorily refused to show them at all.

The Master was afterwards, on board his own vessel, again formally requested by Lieutenant Murray, the second in command of the "Dolphin," to exhibit his papers. But he again peremptorily and distinctly refused.

These circumstances, connected with a previous misrepresentation on the part of the Supercargo, who stated that the papers were at the Custom-house, induced Lieutenant Littlehales to give greater credence to the report he had first received, respecting the suspicious character and occupation of the vessel; and he then proceeded to search her.

He took the precaution, usual in such cases, to place a guard on board to prevent communication with the shore; not interdicting to the master and supercargo free ingress and egress, but desiring that the master, whenever he came on board, should be requested to produce the ship's papers. This was done, but the master did not produce them.

Lieutenant Littlehales finding on board some slave-irons, and a letter making an agreement, as it appeared to him, for the purchase of slaves; learning, moreover, from the mate and others of the crew, that the Captain had exhibited a fraudulent set of ship's articles, and failing to discover any legitimate papers, thought it his duty to make seizure of the vessel, and to deny the authority of the persons claiming to be the captain, and supercargo, until the required documents should be produced. He accordingly took possession of her on the 14th September, 1840, on the ground that she had violated two acts of the British legislature, the one in being found in British waters without a national character; the other, for being engaged in, and equipped for, the Slave Trade.

Being apprized by the Colonial Secretary at St. Helena that the Vice-Admiralty Court there was at that time illegally constituted, and therefore not competent to try the case, Lieutenant Littlehales sent the "*Jones*" to Sierra Leone, to be tried by the Vice-Admiralty Court in that colony.

She was tried at Sierra Leone accordingly, on the 18th of November, in the same year.

On the first charge of the Captor, namely, that the barque "*Jones*" had, when at St. Helena, no national character, the Judge stated the opinion of the Court, that upon the circumstances which had now been adduced before it, the barque "*Jones*" must be presumed to have had a national character.

On the second charge the Court considered that the Captor had failed in substantiating the accusation preferred against the vessel, that she was employed in and fitted up for Slave Trade; and therefore pronounced her to be restored to her owners, together with all her cargo.

But upon the question of costs, the Court, taking further time to consider, declared its judgment on the 4th December following, that the master of the "*Jones*" had positively and repeatedly refused to produce his papers for inspection to the Searching Officer of the "Dolphin," and thereby had resisted that enquiry which the Officers of Her Majesty's Navy in Commission have a right to make into the character of any mercantile vessel found within British jurisdiction, and suspected of being in any way implicated in the Slave Trade; and that, therefore, if error was committed by the Captor in her seizure, he was led into such error by the wilful misconduct of the Master of the American vessel; and accordingly the Court decreed the costs of the trial to the Captor.

The Judge observed upon this occasion in Court, that if his judgment, either on this point or in decreeing restitution of the vessel and cargo was erroneous, it could be corrected by a higher tribunal, to which the parties interested could resort if they considered themselves aggrieved by the decision.

The Undersigned has further to acquaint Mr. Everett, that it appears that on the 19th December, 1840, the Marshal of the Court, in whose custody the vessel and her cargo were officially placed, represented to the Court that the owners had not yet claimed the vessel and cargo, and that certain articles on board the "*Jones*" were of a perishable nature, and that it was desirable, for the benefit of the owners, that these should be sold.

Upon this representation an order was then made, that these articles should be sold, and the proceeds be paid into the Registry of the Court.

On the 3rd of February, 1842, the Marshal further represented to the Court, that no claimant had yet appeared before it for the vessel and cargo; that both the vessel and cargo were daily deteriorating in value, and that it would be for the benefit of the persons interested to have the same sold, by virtue of a decree from the Court.

Thereupon, on the 4th of the same month, the Court decreed that the vessel and cargo should be sold, and that the nett produce should be paid into the Registry.

The proceeds of the vessel and her cargo, deposited in the Registry of the Vice-

Admiralty Court of Sierra Leone, after deduction of the necessary expenses, are represented to amount to 1635*l.* 3*s.* 7*d.*, besides 12 bags of coin in Macuta pieces, which were on board at the time of capture, and were retained in the Registry; the whole of which will be made over to any person duly authorised by the parties interested to receive it.

Such are the principal circumstances attending the seizure and adjudication of the "*Jones.*"

With respect to the claim for compensation which has been made upon Her Majesty's Government by the Government of the United States, in behalf of the owners of the "*Jones,*" the Undersigned has to acquaint Mr. Everett that, having referred to the proper Law Adviser to the Crown the whole of the papers upon this case, that Officer has reported that, under all the circumstances of the case, he is of opinion that Commander Littlehales was justified in his proceedings with respect to the "*Jones.*"

The vessel having been seized whilst lying at anchor within British territory, for an alleged breach of British municipal law, there is no ground for the assertion made by the Master in his representation to the Secretary of State for the United States, as to the "insulting pretence of a right of search," or, so far as they apply to this particular case, for the numerous and repeated comments thereon, in the letter of Mr. Stevenson.

As to the removal of the barque from St. Helena to Sierra Leone, that seems to have been rendered a matter of necessity, by the serious doubts which are proved to have existed at the time, respecting the legal constitution of the Vice-Admiralty Court at St. Helena.

The Undersigned forbears entering into the merits of the case, as tried before the Vice-Admiralty Court at Sierra Leone, because the Judge of that Court having made his decree, it was the duty of the owners, and was so stated by the Judge, if they were dissatisfied with his decision, to have appealed to the Supreme Court, in which there can be no doubt that they would have received ample justice.

As they have not availed themselves of the legal remedy thus open to them, they must be presumed to have acquiesced in the sentence pronounced by the Vice-Admiralty Court, and can have no claim to compensation from Her Majesty's Government.

With respect to various charges against Lieutenant Littlehales, which are conveyed in the protest of Mr. Gilbert, enclosed in Mr. Stevenson's letter of April 16, 1841, and which the Court at Sierra Leone was not called upon to examine, the Undersigned begs to enclose to Mr. Everett an extract from the declaration of Lieutenant Littlehales, addressed to the Lords of the Admiralty.

The Undersigned entirely agrees with Mr. Everett in the opinion, that without any intention to misrepresent, exaggerated statements will naturally find their way into the complaints brought forward upon such occasions as the present; whilst, on the other hand, the party accused will be anxious to represent his conduct to his Government in the most favourable light. At the same time, the Undersigned cannot hesitate to give full weight to a distinct and emphatic denial such as is here opposed to the charges contained in the above-mentioned protest.

The Undersigned is not yet in possession of any explanation from Lieutenant Murray upon those points on which the statements enclosed in Mr. Everett's note of the 16th September last impugn the conduct of that Officer, and of those under his command. But the Undersigned will take the earliest opportunity of addressing Mr. Everett again upon this portion of the subject.

The Undersigned has the honour, in compliance with the request of Mr. Everett, to enclose, for the information of the Government of the United States, copies of all papers relating to the judicial proceedings at Sierra Leone, and begs, &c.

Edward Everett, Esq. (Signed) ABERDEEN.
&c. &c.

Enclosure in No. 26.

Extract of a Letter from Lieutenant Littlehales to the Secretary to the Admiralty, dated 41, *Norfolk-street, Strand, August* 16, 1842.

I BEG most respectfully to call the attention of their Lordships to my distinct and positive *denial* of the following assertion, viz.: That the Master and

Supercargo were *ever* threatened with death, or violence of any description, or spoken improperly to, but merely told they could not be admitted, and were referred to the "Dolphin." That the crew were ever treated as prisoners, or plundered or robbed; on the contrary, as I conceived them to have been cajoled and deceived, they were permitted to remain on board the "Dolphin," with leave to absent themselves as they pleased, until they had procured passages in the different vessels they chose. That the hatches of the barque were *ever* broken open, or the contents of boxes, packages, &c. *ever* torn out, or strewed about the deck, or in any way injured, or that the vessel or anything in, or belonging to her, was wilfully hurt or damaged; or that the search was carried on in any other than in a legal and orderly manner. I positively deny that Mr. Gilbert, the Master, did offer to show me his papers *at any one time throughout the whole proceedings*, or to give me any information on the Monday morning following, or at any other time; and I cannot but again request their Lordships' attention to that part of the statement which describes, as a reason why the papers could not be shown, viz. because they were unattainable, being at the *Custom House*, which was closed; whereas immediately afterwards, on board his own vessel, the Master refused to produce the papers to Mr. Murray, stating *then* that they were at the *Consul's Office*, in whose presence he had declined to show them to me, though I was in my proper uniform, contrary to the assertion made on that subject. I declare that the American ensign was not hauled down, it not having been hoisted at the time of seizure; that no tobacco, no shoes, or a grindstone, were ever removed from the barque; but that a small remnant of duck was issued to her crew, they being destitute of such, and having wages due. The specie was removed to the "Dolphin," as is always done for security, and for the purpose of ascertaining its value; and was sent back to the barque on the eve of sailing. I received or held no communication with the Collector of Her Majesty's Customs, Mr. Young, after having informed that gentleman, in the early part of the seizure, of the barque's detention. I certainly did receive a letter from, or written for Mr. Gilbert, and signed with his name, which remained unanswered for the reasons specified; Mr. Gilbert, in that letter, never offering to produce his papers to me, or give information about them, or did he ever personally come to me. I also received a letter two days after the "*Jones*" had sailed, applying for the wearing apparel of the Master and Supercargo. With regard to the chronometer mentioned in Mr. Gilbert's complaint, this watch was landed from the "*Jones*" on her first arrival, and placed in the Government Time Office, at St. Helena, for the convenience of the Master's ascertaining its rate; and it is distinctly understood that the Harbour Master is not responsible for the same. Having been informed that the chronometer in question was the property of the owners, I applied officially to Mr. Gulliver, harbour master, for it, and sent an officer, who brought it on board, in order that it might be sent with the vessel for adjudication.

Some time after the "*Jones*" departure, an action was brought by the Master, Mr. Gilbert, against the Harbour Master, for the loss of *his* chronometer, which was admitted by his Honour the Judge; and I believe, for I have received no information respecting the same, the cause was gained by the plaintiff, as a cheque for £80, left by the Officers of the "Dolphin" and myself, to free the Harbour Master, was drawn as far back as June, 1841, in the event of damages being given against him. What other expenses are incidental to, or have fallen upon him, I have not yet ascertained.

Second Enclosure in No. 26.

VICE-ADMIRALTY COURT OF SIERRA LEONE.

In the Case of the American Barque "*Jones*," James Gilbert, Master.

Schedule of the Papers in the Proceedings.

1. Affidavit of seizure.
2. Monition.
3. Petition for inspection and survey.
4. Commission of survey.
5. Report of survey.
6. Petition, with interrogatories, on behalf of seizors.
7. Answers to ditto.

8. Petition for publication in seizors' case.
9. Affidavit of Mr. Pike.
10. Additional interrogatories.
11. Cause assigned for hearing.
12. Answers to additional interrogatories.
13. Petition, with affidavit.
14. Amended report of survey.
15. Interlocutory decree.
16. Judgment.
17. Petition for a day to assert appeal.
18. Marshal's report of.
19. Bail bond.
20. Petition of Marshal to sell perishable articles.
21. Commission of unlivery.
22. Deterioration of vessel, affidavit of.
23. Commission of appraisement and sale.

The above-mentioned paper writings, numbered from 1 to 23, I do hereby certify to be true copies of the original documents in the Registry of the aforesaid Court.

(Signed) C. MACRAE,
Assistant Register, Vice-Admiralty Court.

Accompanying are the papers mentioned in the Schedule attached to the Affidavit of Seizure:—

No. 1. Letter from Farnham and Co.
2. Ditto Domingo Masoro Maray.
3. Ditto Pundo de Matto.
4. Log Book.

(Signed) C. MACRAE,
Assistant Register.

Statement of the Moneys in the Registry on account of "*Jones.*"

In doubloons and dollars, being the balance of the proceeds of the sale of vessel and cargo £1635 3 7

IN SPECIE.

No. 1.	Bag	2007	pieces,	silver.
2.	„	1442 & 2d.		„
3.	„	133¼	dollars,	1 Macula piece.
4.	„	704	pieces,	silver.
5.	„	293	„	copper.
6.	„	3000	„	silver.
7.	„	1701	„	„
8.	„	1303	„	„
9.	„	1376	„	„
10.	„	2147	„	„
11.	„	670	„	„
12.	„	243	„	„

(Signed) J. C. CATHCART.
C. MACRAE.
HENRY TUKE.

(A true statement.)

(Signed) C. MACRAE,
Assistant Register, Vice-Admiralty Court.

No. 1.

In the Vice-Admiralty Court of Sierra Leone.

Our Sovereign Lady the Queen against the barque or vessel called the "*Jones*," whereof James Gilbert was Master, her tackle, apparel and furniture, and the goods, wares and merchandise on board the same, taken and seized by her Majesty's brigantine "Dolphin," Lieutenant Edward Littlehales, Commander; and brought to Sierra Leone.

Appeared personally Augustus Charles Murray, Mate of Her Majesty's brigantine "Dolphin," Lieutenant Edward Littlehales, Commander, and who is duly authorised and empowered, under the Acts of Parliament of the 5th Geo. IV., cap. 113, and 2nd and 3rd Victoria, cap. 73, to make seizures of vessels engaged in the Slave Trade, and made oath, that in consequence of information received of the illegality of the voyage on which the barque or vessel called the "*Jones*," then lying at anchor in the port of St. Helena, was engaged, and having previously received a certificate, dated the 13th day of August last past, which is hereunto annexed, marked (A), signed by the chief officer and crew of the said barque or vessel, declaring their unwillingness to proceed in her, the said Lieutenant Littlehales, accompanied by this deponent, proceeded on shore on the 12th day of September last past, for the purpose of finding the master, James Gilbert, and to demand from him a sight of the vessel's papers; that upon meeting the said master, the said Lieutenant Littlehales requested him to produce the ship's papers, which he the said master declined doing, and thereupon the deponent was ordered, and did then proceed on board the said barque or vessel, and again demanded a sight of her papers, when the said master did again refuse positively to produce them; that on the following day this deponent was ordered to make a thorough search on board of her, when he found the said barque or vessel without either ship's papers or colours; but being then unable to discover any thing further of a suspicious nature, this deponent quitted the vessel, and left an officer and party on board; that on the evening of the same day, having received a communication from the officer left in charge of the said barque or vessel, this deponent went on board the said vessel, when several slave-bolts and shackles were delivered to him, which had been previously found by the steward of the vessel, and given to one of this deponent's crew: and upon further searching the hold of the said barque or vessel, a large quantity of plank, eligible for a slave-deck, a large quantity of salt fish, much more than was necessary for the use of the crew, a few wooden spoons, such as are used by slaves, and some farinha and slave matting were found on board: a seam-place was also observed along the sides of the vessel, which appeared to be left for fitting a slave-deck; and the hatchways were prepared for grating hatches. And this deponent further made oath, that upon reporting the same to Lieutenant Littlehales, he was ordered to seize and detain the said barque or vessel; and the said barque or vessel, called the "*Jones*," whereof James Gilbert was master, and who had previously left or abandoned the said barque or vessel, was accordingly seized and detained on the 14th day of September last past, by reason of her being found in British waters without any national character, and having no ship's papers or colours on board, and for being engaged in, and fitted and equipped for, the Slave Trade, contrary to the provisions of the before-mentioned Acts of 5 Geo. IV., cap. 113, and 2 and 3 Vict., cap. 73. And this deponent further made oath, that the paper writings now produced, marked from No. 1 to No. 4, inclusive, were given or delivered up to this deponent by the said Lieutenant Littlehales, who found the same in the said barque or vessel, and that the same paper writings are now brought and delivered up in the same plight and condition as when so received by this deponent, without any fraud, addition, subduction, alteration, or embezzlement whatever, save the numbering thereof.

(Signed) A. C. MURRAY.

On this 5th day of October, 1840, the said Augustus Charles Murray was duly sworn to the truth of this affidavit before me

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

CLASS D.

Schedule of Papers.

No. 1. Letter from Farnham and Co.
„ 2. Letter from Domingo Mason Maray.
„ 3. Contract with Puredoh Matto, with Supercargo.
„ 4. Log-book.

(Signed) R. DOUGAN, *Proctor.*

(A.)

Barque "Jones," *St. Helena, August* 13, 1840.

WE, the Undersigned, crew of the above-named ship or barque "*Jones,*" commanded by James Gilbert, and owned by Messrs. P. J. Farnham and Co., of New York, United States of America, certify, that we have, each and all of us, refused to proceed to the Coast of Africa in said vessel, for reasons herein mentioned; that we shipped for the Coast of Brazil, with the understanding, from the owners and master, that was the intention of the voyage, and not to exceed eight or nine months, and we have good reason to believe there are two shipping papers on board; that we have applied to W. I. Carroll, Esq., Consular Agent of this port, who has requested us to go back to the Coast of Africa, and are not satisfied with his decision. Signed by me,

(Signed) TOBIAS DAVIS, JUN.
Chief officer of the barque "Jones."

(Signed) HENRY EASTMAN.
RONSON HOSMO.
BENJAMIN × PEABODY.
CHARLES WENTWORTH.
JOHN R. ARARY.
HENRY × THOMAS.
HENRY × JENKINS.
JOHN G. SLEEPER.

(A true Copy.) C. MACRAE,
Acting Registrar, Vice-Admiralty Court.

No. 2.

VICTORIA, by the grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith:—To Colin Macrae, Gentleman, Marshal of our Vice-Admiralty Court at Sierra Leone, and to his Deputy whomsoever, Greeting.

WHEREAS our beloved the Worshipful Logan Hook, Officiating Judge and Commissary of our said Court, lawfully constituted and appointed, in a certain cause or business of forfeiture moved and prosecuted before him in our said Court in our behalf, against the barque or vessel "*Jones,*" whereof James Gilbert was master, her tackle, apparel, and furniture, and the goods, wares, merchandise and effects laden on board the same, taken and seized by our brigantine of war "Dolphin," Edward Littlehales, Esq., Commander, and against all persons in general having or pretending to have any right, title, or interest therein, rightly and duly proceeding at the petition of the Proctor in our behalf, hath decreed James Gilbert, the master of the said ship or vessel the "*Jones,*" and the owners thereof, and James Gilbert in special, and all persons in general having or pretending to have, any right title or interest in the said ship or vessel, her tackle, apparel and furniture, and the goods, wares, merchandise, and effects laden therein, to be monished, cited and called, to judgment at the time and place hereunder written, and to the effect hereafter expressed (justice so requiring:) We do therefore charge and command you, jointly and severally, that you omit not by reason of any franchise or liberty, but that you monish, or cause to be monished, preremptorily and personally, the said James Gilbert, and all persons in general, whom also we monish by virtue of these presents. And by affixing these presents in some conspicuous part of the Public Wharf of Freetown, in the Colony aforesaid, and by leaving thereon affixed a true Copy thereof, you do also monish and cite, or cause to be monished and cited, preremptorily all persons in general, who have or pretend to have any right, title or interest in the said ship or vessel, her tackle, apparel and furniture, and the goods, wares, merchandise, and effects laden therein, that

they appear before Us, or our Judge or his Surrogate, at the Court Hall situated in Water Street, Freetown, in the Colony aforesaid, on the fourteenth day after the service of these presents, between the hours of ten and twelve in the forenoon of such day, then and there to show and allege, in due form of law, a reasonable and lawful cause, if they have or know any, why the said barque or vessel should not be pronounced to have been illegally engaged in the Slave Trade, contrary to the provisions of the statutes in such case made and provided, viz. 5 George IV. cap 113, and 2 and 3 Victoria, cap 73: and as such or otherwise subject and liable to forfeiture and condemnation, and to be adjudged and condemned as forfeited to Us, our Heirs and Successors accordingly. And why the Penalties due by law should not be pronounced for; and further to do and receive in this behalf, as to law and justice shall appertain. And that you duly intimate, and cause to be intimated peremptorily (and personally to the said James Gilbert) to all persons in general, whom by the tenor of these presents we do also respectively intimate, that if they shall not appear at the time and place above mentioned, or, appearing, shall not show a reasonable or just cause to the contrary, our said Officiating Judge, or his Surrogate, doth intend to proceed, and will proceed, to adjudication on the said seizure, and will pronounce the said ship or vessel the "*Jones*," her tackle, apparel and furniture, to have been illegally engaged in the Slave Trade, contrary to the provisions of the statutes in such case made and provided; viz. 5 George IV. cap. 113, and 2 and 3 Victoria, cap. 73, and as such or otherwise subject and liable to forfeiture and condemnation, and will adjudge and condemn the same as forfeited to us, our Heirs and Successors.

And doth further intend to proceed, and will proceed, to pronounce for the Penalties due by law, the absence, or rather contumacy, of the parties so cited and intimated, in any wise to the contrary notwithstanding. And that you do fully certify our said Officiating Judge, or his Surrogate, what you shall do in these presents, together with these presents.

Given at the Registry of our aforesaid Court, under the seal thereof, this fifth day of October, in the year of our Lord One thousand eight hundred and forty, and of our reign the fourth.

(L. S.) (Signed) N. W. MACDONALD,
Deputy Registrar.

This Monition was duly executed by affixing the original, under seal, for a short time on the Public Wharf, and by leaving there affixed a true copy thereof, this fifth day of October 1840, by me.

(Signed) C. MACRAE.,
Marshal, Vice-Admiralty Court.

No. 3.

In the Vice-Admiralty Court of Sierra Leone.

In the Case of the Barque "*Jones*," James Gilbert, Master.

To his Honour Logan Hook, Officiating Judge of the said Court.

The Petition of Robert Dougan, Proctor, on behalf of Lieutenant Edward Littlehales, Commander of Her Majesty's Brigantine "Dolphin," and the Officers and the Crew of the said Brigantine.

Humbly showeth,

That, in the affidavit of seizure filed in this cause, it has been set forth that the said barque or vessel was detained for being fitted and equipped for the Slave Trade, and in order to ascertain fully the nature of the outfit of the said barque or vessel, particularly as regards that part of the equipment referred to in the fourth section of the Act of 2 & 3 Victoria, cap. 73:

Your Petitioner prays, that a commission of survey and inspection may be issued, and that the same Commissioners who are employed by the Courts of Mixed Commissions in such cases may be appointed to execute the same.

And your Petitioner shall ever pray, &c.

(Signed) R. DOUGAN, *Proctor for Seizors.*

Freetown, 6th October, 1840.

No. 4.

In the Vice-Admiralty Court of Sierra Leone.

VICTORIA, by the grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c. &c. &c. To John Charles Cathcart and Henry Norquay, of Freetown, in the Colony of Sierra Leone, Greeting

WHEREAS our trusty and well-beloved Logan Hook, Officiating Judge and Commissary of our Vice-Admiralty Court of Sierra Leone, lawfully constituted and appointed to hear and determine all and all manner of causes and complaints as to ships, goods, and slaves, seized and taken in the Slave Trade contrary to the provisions of the Acts 1 & 5 Geo. 4, cap. 113, and 2 & 3 Vict. 73, in a certain cause of breach of the said laws, moved and prosecuted before him in our said Court, on behalf of Lieutenant Edward Littlehales, commanding our brigantine of war "Dolphin," against the barque or vessel called the "*Jones*," whereof James Gilbert was master, her tackle, apparel, and furniture, and the goods, wares, merchandise, and effects now or lately laden therein, rightly and duly proceeding on the day of the date hereof, at the petition of Robert Dougan, Proctor, for and on behalf of the said Lieutenant Edward Littlehales, hath decreed the said barque, and the goods, wares, and merchandise and effects laden therein, as also her tackle, apparel, and furniture to be carefully inspected:—justice so requiring.

We do therefore by these presents authorise and empower you, jointly and severally, and do hereby strictly charge and command you, that you forthwith inspect and ascertain the nature of her outfit, particularly as regards the equipment of the said barque or vessel for the Slave Trade; and that you reduce the same into a true, perfect, and particular account in writing, and that you transmit a certificate, by you subscribed, of the nature, use, quantities, and qualities thereof, to our aforesaid Judge, immediately after the execution thereof, together with these presents.

Given at Freetown, Sierra Leone, in the Registry of our aforesaid Court, under the seal thereof, this seventh day of October, One thousand eight hundred and forty, and of our reign the fourth.

(L. S.) (Signed) N. W. MACDONALD, *Deputy Registrar.*

No. 5.

In the Vice-Admiralty Court of Sierra Leone.

In the case of the Barque "*Jones*," whereof James Gilbert was Master.

To his Honour, Logan Hook, Officiating Judge of the said Court,

IN pursuance of a commission of survey and inspection to us directed, dated the 7th day of October, 1840, we proceeded on board the said barque "*Jones*," laying at anchor in the harbour of Freetown, in the said Colony, and carefully and minutely surveyed and examined the said vessel, particularly as regards the outfit and equipment of the said barque for the illicit Traffic in Slaves contrary to the provisions of the Act 2 and 3 Victoria, cap. 73, and do report as follows:—

We found the hatches fitted to receive open gratings.

We found the bulkheads as usual in vessels engaged in lawful trade; but there is an extra bulkhead or division placed amongst the cargo.

We found no second or slave deck laid, but we found a very large quantity of plank adapted for forming a slave deck, and we found a seam left open all round the vessel for the reception of a second or slave deck beam.

We found eleven shackles and bolts.

We found no more water than is requisite for the consumption of the crew of the vessel as a merchant vessel.

We found only eleven casks for holding water, not more than was necessary for the vessel's use as a merchant vessel.

We found an extraordinary quantity of salt fish on board, much more than requisite for the use of the crew; and it is such as is usually found on board vessels engaged in the Slave Trade.

We found a large quantity of mats, much more than is necessary for the use of the crew of the vessel as a merchant vessel.

And we hereby do declare that we have taken this survey as minutely, impartially, and correctly as we were able to do, and that we are ready to make oath to the same if required.

Given under our hands at Freetown, in the said Colony, this ninth day of October, in the year of our Lord 1840.

(Signed) JOHN C. CATHCART.
HENRY NORQUAY.

On this 13th of October, 1840, John Charles Cathcart and Henry Norquay, were respectively sworn to the truth and correctness and impartiality of the foregoing survey, before me.

(Signed) L. HOOK,
Officiating Judge, Court of Vice-Admiraltry.

No. 6.

In the Court of Vice-Admiralty of Sierra Leone.

In the case of the Barque "*Jones*," whereof James Gilbert was Master.

To his Honour, Logan Hook, Officiating Judge of the said Court.

The Petition of Robert Dougan, Proctor, on behalf of Lieutenant Littlehales, Commander of Her Majesty's brigantine "Dolphin," and the Officers and Crew of the said brigantine;

Humbly sheweth,

That in order to prove the illegality of the trade in which the said barque or vessel has been engaged, and to obtain evidence of her proceedings from the commencement of the voyage until the time of seizure:

Your Petitioner prays, that the annexed Interrogatories may be administered to Tobias Davis, the Chief Officer, and to Henry Jenkins, Steward of the said barque or vessel, on the part and behalf of the seizor in this case.

And your Petitioner shall ever pray.

(Signed) ROBERT DOUGAN, *Proctor.*

Freetown, 10th October, 1840.

INTERROGATORIES to be administered, with the permission of this Honourable Court, to Tobias Davis, and Henry Jenkins, Steward of the barque "*Jones*," whereof James Gilbert was Master, on the part and behalf of the seizor in this case.

1. Interrogate.—Where were you born, and where have you lived for these seven years last past? Where do you now live, and how long have you lived in that place? To what Prince or State, or to whom are you, or have you ever been, a subject? Are you a married man, and, if married, where do your wife and family reside?

2. Interrogate.—Were you present at the time of taking and seizing the ship, or lading, or any of the goods or merchandises, concerning which you are now examined?

3. Interrogate.—In what place, latitude, or port, and in what year, month, and day, was the ship and goods, concerning which you are now examined, taken and seized? Upon what pretence, and for what reasons were they seized? Into what place or port were they carried, and under what colours did the said ship sail—what colours had you on board when the said ship was taken and seized? If the witness states there were colours on board at that time, let him be asked, where these colours are now? If he states there were none, let him be asked, what became of the colours the ship sailed under; and by whom, and why, or for what purpose, they were removed from the vessel.

4. Interrogate.—What is the name of the Master of the ship or vessel taken? How long have you known the said Master, and who appointed him to the command of the said ship? When did such Master take command of the said ship, and at what time, and what was the name of the person who delivered the possession to the said Master? Where doth he live, where is the said Master's fixed place of abode? If he has no fixed place of abode, then let him be asked, where

was his last place of abode, and where does he generally reside? How long has he lived there? Where was he born, and of whom is he now a subject? Is he married; if yea, where do his wife and family reside?

5. Interrogate.—Of what tonnage or burthen is the ship which has been taken? What was the number of mariners, and of what country were the said seamen or mariners? Did they all come on board at the same port, or at different ports, and who shipped or hired them, and when, and where?

6. Interrogate.—Had you, or any of the Officers or mariners belonging to the ship or vessel, concerning which you are now examined, any, and what part, share, or interest, in the said ship or her lading? If yea, set forth who and what goods or interest you or they have? Did you belong to the said ship or vessel at the time she was seized and taken? In what capacity did you belong to her? How long have you known her? When and where did you first see her, and when was she built? Was the cargo shipped at the first clearing port, previously to your joining her?

7. Interrogate.—What is the name of the ship? How long hath she been so called? Do you know of any other name or names she hath been called by? If yea, what are they? Had she any register or passport on board, and from whom? To what ports and places did she sail during her said voyage before she was taken? Where did the last voyage begin, and where was the said voyage to have ended? Set forth the quality and quantity of the cargo the ship carried from her first clearing port, to the time of the seizure, and what ports such cargo has been delivered at, and what articles have been received in exchange for such cargo, and what has become of such articles? From what ports, and at what time, particularly from the last clearing port, did the said ship sail previously to the seizure?

8. Interrogate.—Who were the owners of the ship or vessel, concerning which you are now examined, at the time when she was seized? How do you know that they were the owners of the said ship at that time? Of what nation or country are such owners by birth? Where do they reside? How long have they resided there? To whom are they subject?

9. Interrogate.—Was any bill of sale made, and by whom, to the aforesaid owners of the said ship, and if any such was made, in what month and year? Where, and in the presence of what witnesses, was such bill of sale made? Where did you last see it, and what has become of it?

10. Interrogate.—Was the said lading put on board in one port, and at one time, or at several ports at several times, and at what ports by name? Set forth what quantities of each sort of goods were shipped at each port.

11. Interrogate.—What are the names of the respective laders, or owners, or consignees of the said goods? What countrymen are they? Where do they now live, and carry on their business or trade? How long have they resided there? And where were the said goods to be delivered, and for whose real account, risk, or benefit? Have any of the said consignees or laders any and what interest, in the said goods? If yea, whereon do you found your belief that they have such interest?

12. Interrogate.—How many bills of lading were signed for the goods seized on board the said ship? Were any of those bills of lading false, or colourable; or were any bills of lading signed, which were different in any respect from those which were originally signed? What were the contents of such other bills of lading, and what became of them?

13. Interrogate.—Was there any charter-party signed for the voyage in which the ship, concerning which you are examined now, was seized and taken? What became thereof? When, where, and between whom, was such charter-party made, and what were the contents of it?

14. Interrogate.—What papers, bills of lading, letters, or other writings, were on board the ship at the time she took her departure from the last clearing port, before her being taken? Were any of them burnt, torn, thrown overboard, destroyed, or concealed; or attempted to be concealed, and when, and by whom, and who was then present?

15. Interrogate.—Is the said ship, or goods, or any, or what part insured? If yea, for what voyage is such insurance made; and what premiums, and when, and by what persons, and in what country, was such insurance made?

16. Interrogate.—Were any papers delivered out of the said ship, or vessel, and carried away in any manner whatsoever, besides those found by the seizor; and when, and by whom, and to whom, and in whose custody, possession or power, do you believe the same now are?

17. Interrogate.—Were any passengers on board the aforesaid ship? What were their names? Of what nation, rank, profession, or occupation? From what place were they taken on board, and when? To what place were they finally destined, and upon what business? Were any of them landed, and at what place? Had any, and which of the passengers any, and what property, or concern, or authority, directly or indirectly, regarding the ship and cargo?

18. Interrogate.—Were all the passports, charter-parties bills of sale, invoices, and papers which were on board the vessel at the time she left her first clearing port, entirely true and fair? or were any of them false or colourable? Do you know of any matter or circumstance to affect their credit?

19. Interrogate.—Towards what port or place was it the intention of the Master to steer the said ship or vessel, after leaving the port at which the said ship was seized? Was her course upon the voyage at all times, when the weather would permit, directed to the place or port for which she was destined by the ship's Articles? Was her course altered at any and at what time, and to what other port or place, and for what reason?

20. Interrogate.—What guns were mounted on board the ship, and what arms and ammunition were belonging to her? Why was she so armed? Had she any and what authority for carrying such guns and arms?

21. Interrogate.—How long did the vessel remain at the port in which she was detained? Was any and what trade carried on there, and who conducted it? Was any cargo or specie landed from the vessel at that place? if yea, state the particulars, and to whom the same was delivered? What articles were purchased at this place by the master? were there any of them particularly adapted for the Slave Trade? if yea, state what these articles were, from whence they were purchased—what became of them, and what was the cause of their not being shipped on board the vessel. Who was the consignee at this port? Was there any application made to the Commander of the seizing ship, for assistance by the crew? for what purpose was such assistance required, and was it given? Were you present when the Commander of the seizing ship, or an Officer from that ship, demanded from the master, the vessel's papers? if so, what occurred at that time? Were the ship's papers given or delivered up to that Officer? Have you ever seen the ship's papers? if yea, when did you last see them? in whose possession were they then, and what has become of them? Were any ship's Articles signed by the crew at the first clearing port? if yea, to what port or place was the vessel stated to be destined? Have you ever seen any other Articles than those so signed? if yea, state at what place they were seen by you, and for what purpose they were used, and to what port or place did it appear the vessel was destined by these other Articles.

22. Interrogate.—What is the whole which you know or believe, according to the best of your knowledge and belief, regarding the real and true property, and destination, and employment in trade, of the ship and cargo, concerning which you are now examined, at the time of the seizure.

(Signed) JOHN CARR.

No. 7.

In the Vice-Admiralty Court, Sierra Leone, Monday, the 12th day of October, 1840;

In the case of the Barque "*Jones*," James Gilbert, Master. On Special Interrogatories administered in behalf of the Seizors;

Tobias Davis, junior, a Mariner, a native of Salem, Massachusetts, United States of America, aged forty years and upwards, a witness produced and sworn.

To the first Interrogatory he saith: He was born at Salem, in the State of Massachusetts, United States of America. Has lived at Salem and Boston the last seven years of his life; has sailed out of Boston for seventeen years; considers Salem his home, as he has lived there ever since he was born; belongs to the State of Massachusetts; is a subject of United States of America; is not married.

To the second Interrogatory he saith: Was on board and present at the time of the taking and seizing of the ship and cargo, concerning which he is now examined.

To the third Interrogatory he saith: The ship and goods, respecting which he is now examined, were seized at St. Helena, on Monday, the 13th or 14th day of

September, 1840. They were seized upon pretence of their being engaged in the Slave Trade. They were carried into the port of Sierra Leone. The ship sailed under American colours prior to her seizure, but did not hoist any colours in her passage from St. Helena to this port. There were American colours on board the vessel at the time of her seizure; they are, he believes, still on board.

To the fourth Interrogatory he saith: The name of the master of the said ship is James Gilbert. Has known the said master but a very short time. Only a few days before sailing in the vessel from Boston, P. J. Farnham and Co. appointed the said master to the command of the said vessel. He took possession of the said vessel at Boston on the 13th March last. Farnham and Co. delivered possession of the said vessel to the said master; they have establishments at Salem and New York. The master's fixed place of abode is at Salem. Does not know how long he has lived there. Cannot say where he was born, but most probably at Salem. He is married. His wife and family reside at Salem.

To the fifth Interrogatory he saith: He believes the ship which has been taken is between 280 and 290 tons burthen. The crew of the vessel was composed as follows: viz. nine seamen, two mates, one cook, one steward, the master, and a supercargo, Mr. Fry, brother of Mr. Fry, the partner in the firm of Farnham and Co. Mr. Fry died at Ambreiz. All the seamen were Americans but one, who was a Spaniard. They all shipped and came on board at the same port, viz. at Boston, United States of America, except the Spaniard who was shipped at Ambreiz. Farnham and Co. shipped all the crew, but the Spaniard, who was brought on board by their agent, Captain Francis W. Sexton, at Ambreiz.

To the sixth Interrogatory he saith: None of the officers or mariners belonging to the said ship had any share or interest in the said ship or her lading. He had himself a small venture on board, but it was independent of the cargo on board; he did belong to the said ship when she was taken; he shipped as chief mate of her at Boston; was in charge of the said vessel when she was seized; has known her only seven months; does not know where the said vessel was built; first saw her at Boston on the 11th or 12th March last; all her cargo, except the powder, was on board of her before he joined her.

To the seventh Interrogatory he saith: The name of the ship is the "*Jones*;" cannot say how long she has been so called; does not know that she has any other name or names; has seen her register or passport but once, did not open it; cannot say whom it was from; she sailed from Boston first to Ambreiz, from Ambreiz to Loando, from Loando back to Ambreiz, and from Ambreiz to St. Helena, where she was taken. Her last voyage commenced on the 13th March, 1840; and was to have lasted eight or nine months only. She was to have gone to Monte Video, or a market on the South American coast; and the voyage was not to have extended beyond the limits of 42° North and 36° South; cannot state either the quantities or qualities of the cargo. [It is, however, what is termed a general cargo. C. M., A. Regr.] Part of her cargo was delivered at Ambreiz, Loando, and St. Helena; cannot detail the different articles delivered at the above-mentioned places, nor the articles taken in exchange; these transactions are all set forth in the log-book; the said ship sailed from Loando, the last clearing port, about the end of July last.

To the eighth Interrogatory he saith: At the time of the seizure of the said barque "*Jones*," P. J. Farnham and Co. were, he believes, her owners. Supposes they were her owners then, as she was owned by them when she sailed from Boston; such owners are Americans by birth; one of them, Mr. Farnham, lives at Salem; the other owner, Mr. Fry, resides at New York; they are both American subjects.

To the ninth Interrogatory he saith: Cannot say whether any bill of sale was made for the said ship to the said owners; has never seen any.

To the tenth Interrogatory he saith: He believes the lading was put on board partly at New York and partly at Boston. It was all on board (except the powder) before he joined the ship; cannot state the quantities of the goods shipped on board of her.

To the eleventh Interrogatory he saith: Cannot state the respective names of the laders, owners, or consignees of the said goods, except that of Captain W. Sexton, already named, who is an American subject; cannot state what countrymen they are; cannot state where such laders, owners, or consignees carry on their business or trade, except Captain Francis W. Sexton, who resides at Ambreiz. The said goods were cleared out for Monte Video; and he believes

on account, and at the risk and benefit of, Farnham and Co.; cannot state what interest any of the laders, owners, or consignees, have in the said goods.

To the twelfth Interrogatory he saith: There were three bills of lading signed at Boston for the goods taken on board there; cannot say whether there were any bills of lading signed for the goods taken on board at Ambreiz or Loando; has never seen any; is not aware that any of the bills of lading were false or colourable; nor that there were any other bills of lading different in any respect from those which were originally signed.

To the thirteenth Interrogatory he saith: He does not know whether there was any charter-party signed for the voyage in which the said vessel the "*Jones*" has been taken.

To the fourteenth Interrogatory he saith: He does not know what papers were on board the said ship at the time of her departure from Loando (the last clearing port) before she was taken; he is not aware that any papers have been burnt, torn, thrown overboard, destroyed, or cancelled; but he believes that the papers belonging to the vessel have been concealed and taken out of the vessel by the master, James Gilbert.

To the fifteenth Interrogatory he saith: He knows not whether the said ship and cargo, or any part thereof, is insured.

To the sixteenth Interrogatory he saith: He knows of no papers having been delivered up or taken out of the vessel besides those found by the seizor, except those which the master, James Gilbert, had in his possession, and took out of the vessel in St. Helena; he believes the said papers are still in the possession of the said James Gilbert.

To the seventeenth Interrogatory he saith: There were two passengers on board the said ship from Loando to Ambreiz; they were Portuguese; and, as he understood, and had every reason to believe, were large slaveholders; the name of the one was Da Costa; does not at present remember the name of the other. They embarked about the middle of last July at Loando, and were destined to Ambreiz, to which place they were carried; cannot state what their business was. They had no interest or authority over the said vessel or cargo, save and except in four puncheons or pipes of spirits which were shipped by them at Loando on board said vessel "*Jones*," and which were delivered to them at Ambreiz. Captain Sexton, the consignee on the Coast of Africa, was passenger in the said vessel from Ambreiz to St. Helena; he remained at St. Helena.

To the eighteenth Interrogatory he saith: He knew only of one paper that was false or counterfeit on board the said vessel; it was a false set of shipping Articles; he knows they were false, and not the Articles which the crew originally signed at her first clearing port; because, on the said vessel, the "*Jones*," being boarded by an Officer from a Portuguese man-of-war at Loando, and the crew mustered, the said master, James Gilbert, produced a set of Articles headed Ambreiz, and not containing all or the correct names of the crew.

To the nineteenth Interrogatory he saith: He does not know where the master intended proceeding with the said vessel from St. Helena; her course upon the voyage was not directed [to the place or port for which she was destined, C. M., A. Regr.] by the ship's Articles, signed at Boston; her course was not altered until she had been out thirty or forty days from Boston, and then it was altered for the Coast of Africa, but he cannot state for what reason; he could get no reason assigned for her course having been so altered, although he repeatedly asked the Captain about it.

To the twentieth Interrogatory he saith: There were two large guns and one swivel mounted on board said vessel; there were also some small arms, such as cutlasses and muskets; her guns and arms were mentioned in her passport. Two more guns and carriages were purchased at St. Helena, but they were not entered on her register or papers; cannot state why she was so armed.

To the twenty-first Interrogatory he saith: The vessel "*Jones*" was at St. Helena about three weeks before her seizure, and remained about one week after her seizure before she sailed for this port. Captain Francis W. Sexton and Mr. Saul Solomon, of St. Helena, carried on the trade between the said vessel and the said island. All the specie found on board the said vessel was taken on board the man-of-war "Dolphin;" is not aware that any specie was landed at St. Helena from the ship "*Jones*;" there was only a small quantity of bread, three dozen or so of chairs, one barrel of pork, about twenty or thirty barrels of flour, landed at St. Helena; but he does not know to whom they were delivered; a boat was also

sold there to a man named Fuller. There were no other articles purchased at St. Helena but the two guns and their carriages, mentioned in the answer to the preceding Interrogatory, except a quantity of old iron, eight casks of old copper, a horse and provender; thirty-nine bales of Indian goods were taken on board there. They had been landed there some time ago from an Indiaman to the care of Mr. Solomon, for and in behalf of Farnham and Co.; cannot state whether these articles are adapted for the Slave Trade; cannot say who was the consignee at St. Helena, but believes it was either Captain Sexton or Mr. Saul Solomon. All the crew of the "*Jones*" requested the Commander of the seizing vessel to see what the nature of the voyage was. The crew were not content with the proceedings of the master, Gilbert; and as they shipped for a voyage to Monte Video and the American coast, and not to come on the African coast, they suspected all was not right, and requested the interference of the Commander of the seizing vessel, as they could not get any satisfactory explanation from the master, Gilbert; the Commander of the "Dolphin" came on board the "*Jones*," and called for the papers of the vessel, which were not produced or forthcoming; he was present when the master of the "*Jones*" was asked for his papers by Mr. Murray, the prize-officer; and the master replied, his papers were on shore. None of the ship's papers were delivered up to Mr. Murray except the log-book, which this deponent gave up to him; has seen the ship's papers but once since he left Boston; they were then in the Captain's possession; cannot say what has become of them. The crew signed Articles at the first clearing port to go to Monte Video, and a market; that is, if they could not make sales at Monte Video, they were to go elsewhere; has seen other Articles than the original ones signed at Boston; they were headed "Ambreiz," that is, from Boston to Ambreiz; they were false, and were produced to the Officer of the Portuguese man-of-war, who boarded the said ship "*Jones*" at Loando. Does not know to what port the vessel was destined by these papers.

To the twenty-second Interrogatory he saith: He cannot give any opinion as to the proper descination or employment of the said ship and cargo at the time of her seizure.

(Signed) TOBIAS DAVIS, JUN.

On the 13th day of October, 1840, reported and acknowledged before his Honour, LOGAN HOOK, Officiating Judge in his Chambers, in presence of

(Signed) N. W. MACDONALD,
Deputy Registrar.

In the Vice-Admiralty Court, Sierra Leone, Monday the 12th day of October, 1840.

On the same Interrogatories, *Henry Jenkins*, a native of Philadelphia, aged 27 years and upwards, a witness, produced and sworn.

To the first Interrogatory he saith: He was born at Philadelphia; has been residing there for the last seven years; has lived there all his life (except when he has been at sea); is an American subject; is married; his wife and family reside at Philadelphia.

To the second Interrogatory he saith: He was present at the time the barque "*Jones*" and her cargo were seized and detained.

To the third Interrogatory he saith: The vessel was seized at the island of St. Helena by Her Majesty's brig "Dolphin" some time in this year, but he cannot state the month or day. He believes she was seized in consequence of his having delivered to the boatswain of the "Dolphin" five pair of slave irons which he had found on board the said vessel the "*Jones*." She was brought to Sierra Leone; she had a white flag up with black letters on it, but no English or American colours, nor any other colours. There were American colours on board at the time of her capture; these colours he believes are now on board the "*Jones*."

To the fourth Interrogatory he saith: The master's name is James Gilbert; never knew him before he sailed out of Boston with him about seven months ago. Mr. Farnham appointed him to the command of the vessel. The master took the command of her at Boston, but cannot state when. Mr. Farnham delivered over the ship to him. The master lives at Salem, he believes; cannot state his fixed place of abode. Cannot state where his general place of abode is. Does not know if he is married or not.

To the fifth Interrogatory he saith: He does not know the tonnage of the said

vessel. The crew consisted of eight men before the mast, two mates, a cook, and steward, besides the master and supercargo, Mr. Fry. Th y are all American subjects; they all shipped at the same port, viz., Boston. They were shipped by a man named Tedman or Tidcombe, a shipping master at Boston.

To the sixth Interrogatory he saith: He had no interest whatever in the said ship or cargo, nor does he think the crew had any; he belonged to the said vessel at the time of her seizure; was steward of the said vessel; only knew her a short time before he shipped on board of her; cannot say where she was built; first saw her about two days before he shipped in her; her cargo was shipped on board before he joined her.

To the seventh Interrogatory he saith: The name of the vessel is the "*Jones*;" cannot tell how long she has had that name; is not aware of her having any other name; does not know if she had a register or passport; she went from Boston to Ambreiz, from thence to Loando, then back to Ambreiz, and from Ambreiz to St. Helena; her last voyage commenced at Boston, and was to have been from that port to Monte Video, and back to Boston, where it was to end; does not know anything respecting the quantity or quality of the cargo on board, except that there was some powder on board; does not know what quantity; some cases and powder were delivered at Ambreiz, and at Loando; does not know the contents of these cases; no articles were taken on board, to his knowledge, in exchange for these goods; cannot state the month or day of the vessel's sailing from the last clearing port previous to her being seized.

To the eighth Interrogatory he saith: Mr. Farnham and Mr. Fry were the owners of the said ship, and believes they are so still; cannot state of what nation or country the owners are; Mr. Farnham lives at Salem, and Mr. Fry at New York; cannot say how long they have lived there.

To the ninth Interrogatory he saith: Does not know of any bill of sale having been made for the barque "*Jones*" to the owners thereof.

To the tenth Interrogatory he saith: He cannot tell whether the lading was put on board at one port or at one time, or at different ports and times. Cannot state the quantities of the goods shipped; her lading was complete with the exception of the powder when he joined the vessel.

To the eleventh Interrogatory he saith: The owners of the goods he believes are Messrs. Farnham and Fry; cannot state what countrymen they are; cannot state the names of the consignees; Messrs. Farnham and Fry carry on their trade at Boston; the goods shipped at Boston were to have been delivered at Monte Video; cannot say on whose account, risk, or benefit; cannot say whether any of the consignees or laders have any interest in the said cargo.

To the twelfth Interrogatory he saith: He cannot tell how many bills of lading were signed for the said cargo; cannot say if there were any false bills of lading; knows nothing of bills of lading.

To the thirteenth Interrogatory he saith: He does not know what a charter-party is; cannot tell whether there was any such document signed or prepared for the voyage.

To the fourteenth Interrogatory he saith: He does not know what papers were on board the "*Jones*" when she sailed from the last clearing port, Loando; does not know if any papers were torn, burnt, thrown overboard, destroyed, or cancelled; before the seizure of the said vessel, there was a false shipping paper or Articles on board; it was produced to the Officer of the Portuguese man of war which boarded them at Loando; it had not all the names of the crew on it, and some were wrong names.

To the fifteenth Interrogatory he saith: He cannot say whether the vessel and goods were insured.

To the sixteenth Interrogatory he saith: The master, Gilbert, took three papers out of the vessel at St. Helena, after she was in charge of one of the officers of the "Dolphin;" he mentioned to the officer in charge that the master was taking papers out of the vessel, but he replied he could not interfere; does not know what the papers were, but remembers one of them had a brood eagle stamped upon it; is sure there were three papers; Captain Gilbert took them on shore in the breast pocket of his coat; cannot say whose possession they are now in.

To the seventeenth Interrogatory he saith: There were two passengers on board the vessel, one was named Fayal; does not remember the name of the other; they were slavetraders; they were taken on board at Loando about two months ago; they went to Ambreiz; Mr. Fayal and a Mr. Capo purchased most of the goods on

board the vessel; cannot tell whether they had any authority or concern, directly or indirectly, in the ship or cargo.

To the eighteenth Interrogatory he saith: Knows nothing about the ship's papers except the Articles he signed at Boston, and which he believes was fair and a genuine paper; but the master had another set of ship's Articles, which were false.

To the nineteenth Interrogatory he saith: It was the intention of Captain Gilbert to have returned from Ambreiz from St. Helena; her course from Boston was not what it ought to have been, had she gone to the port to which she was destined by her papers; cannot say when her course was altered, as he cannot read the compass; cannot state for what reason it was altered.

To the twentieth Interrogatory he says: There were two guns mounted, and two large guns in the hold of the said vessel, which latter two she took in at St. Helena; she had also cutlasses and blunderbusses and ammunition; cannot say why she was armed, or whether she was authorised to carry arms or ammunition.

To the twenty-first Interrogatory he saith: The vessel was three weeks at St. Helena before she was seized, and she remained about one week there after her capture; some of the cargo was sent on shore at St. Helena, but he cannot state what it was; no money was landed to his knowledge; the master purchased some bales of thin cloth at St. Helena similar to what he has seen the slaves on the Coast wear; these cloths were, in his opinion, fit to be employed in the Slave Trade; they were adapted to that trade; cannot state who they were purchased from; they were shipped on board the vessel at St. Helena, and he believes they are on board the vessel now; does not know who was consignee at St. Helena; one of the crew of the "*Jones*" applied to the Commander of the seizing ship for assistance, as he did not wish to return to the Coast of Africa again; and the Commander of the "Dolphin" interfered. He was present when Captain Gilbert was asked for his ship's papers by one of the officers of the "Dolphin;" the master stated that the papers were in the Consul's hands; the papers were not delivered to the Officer; has only seen one of the ship's papers, viz., the Articles which he signed at Boston; he has also seen a false set of Articles which were produced at Loando; saw the ship's papers a day or two before the "Dolphin" boarded them; they were in the master's possession; the crew signed Articles at Boston to go to Monte Video, and a market; the ship did not go from Boston to Monte Video, and has not been there this voyage; saw a counterfeit set of Articles at Loando, which were shown to the Officer of the Portuguese man of war, who boarded the "*Jones*;" cannot tell where the vessel was stated to be destined in those Articles.

To the twenty-second Interrogatory he saith: He cannot tell what the true destination and property, or employment of the said vessel and cargo was, at the time of her seizure.

(Signed) HENRY his mark JENKINS.

On the 13th day of October, 1840, reported and acknowledged before his Honour, Logan Hook, Officiating Judge, in his Chambers, in the presence of

(Signed) N. W. Macdonald, D.R.
Deputy Registrar.

No. 8.

In the Vice-Admiralty Court of Sierra Leone.

In the case of the Barque "*Jones*," whereof James Gilbert was Master.

To his Honour, Logan Hook, Officiating Judge of the said Court,

The Petition of Robert Dougan, Proctor, on behalf of Lieutenant Edward Littlehales, Commander of Her Majesty's Brigantine of War "Dolphin," and the Officers and Crew of the said Brigantine,

Humbly sheweth,

That the evidence on behalf of the Seizor having been taken and filed in the cause,

Your Petitioner prays publication thereof may be decreed.

And your Petitioner shall ever pray, &c.

(Signed) R. DOUGAN, *Proctor.*

No. 9.

In the Vice-Admiralty Court of Sierra Leone.

In the case of the Barque "*Jones*," whereof James Gilbert was Master.

To his Honour, Logan Hook, Officiating Judge of the said Court,

The Petition of Robert Dougan, Proctor, on behalf of Lieutenant Edward Littlehales, Commander of Her Majesty's Brigantine "Dolphin," and the Officers and Crew of the said Brigantine;

Humbly showeth,

That in order to prove every endeavour had been made on the part of the Seizor in this case, to ascertain the national character of the said barque or vessel, by the perusal or production of her papers,

Your Petitioner prays that the accompanying Affidavit of Mr. Pike may be received and filed.

And your Petitioner shall ever pray, &c.

(Signed) R. DOUGAN, *Proctor for Seizor.*

Freetown, October 16, 1840.

In the Vice-Admiralty Court of Sierra Leone.

In the case of the Barque "*Jones*," whereof James Gilbert was Master;

Appeared personally, William Hooper Pike, of the Royal Navy, and made oath that he was at the Island of St. Helena in the month of September last past, as an Admiralty passenger on board Her Majesty's Brigantine "Dolphin," and he well remembers accompanying Lieutenant Littlehales, the Commander thereof, to the Custom-house of that place on the 12th day of the said month, for the purpose of ascertaining whether any papers of the barque or vessel called the "*Jones*," whereof James Gilbert was Master, were there deposited, and that they were then informed by a Clerk in the Office, that no papers belonging to the said barque had been brought there: And this deponent further made oath, that he was also present on the same day with the said Commander Littlehales, and Mr. Murray, a mate of the said brigantine, when the said Commander requested the Master of the said barque, to let him see the vessel's papers, and that a person who was styled the American Consul, was also present at that time, when the said Master declined producing them.

(Signed) W. H. PIKE.

On the 16th day of October, 1840, the said William Hooper Pike was duly sworn to the truth of this Affidavit. Before me

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

No. 10.

FURTHER INTERROGATORIES to be administered, with permission of the Honourable Court, to Tobias Davis, the Chief Officer of the barque "*Jones*," whereof James Gilbert was Master, on the part and behalf of the Seizor.

23 Interrogate.—You have said, in your former examination, in reply to the twenty-first Interrogatory, "That all the specie found on board the said barque was taken on board the man-of-war 'Dolphin.'" State now for what purpose it was taken there, and whether it was not afterwards returned on board the said barque,

24 Interrogate.—You were asked in the same Interrogatory (the twenty-first), "what articles were purchased at St. Helena by the Master. Were there any of them particularly adapted to the Slave Trade? If yea, state what these articles were—from whom they were purchased—what became of them—and what was the cause of their not being shipped on board the said vessel?—and this part of the Interrogatory has not been answered.

Will you now reply to the same as fully as you are able?

(Signed) JOHN CARR.

In the Vice-Admiralty Court of Sierra Leone.

In the case of the Barque "*Jones*," whereof James Gilbert was Master.

To his Honour, Logan Hooke, Officiating Judge of the said Court,

The Petition of Robert Dougan, Proctor, on behalf of Lieutenant Edward Littlehales, Commander of Her Majesty's Brigantine "Dolphin," and the Officers and Crew of the said Brigantine,

Humbly showeth,

That the witness, Tobias Davis, the Chief Officer of the said barque or vessel, not having fully answered the Interrogatories administered to him on the part of the Seizor,

Your Petitioner prays that the said witness may be further examined on the two additional Interrogatories herewith.

And your Petitioner shall ever pray, &c.

Freetown, October 16, 1840. (Signed) R. DOUGAN, *Proctor.*

No. 11.

In the Vice-Admiralty Court of Sierra Leone.

In the case of the Barque "*Jones*," whereof James Gilbert was Master.

The Monition having been returned this day into the Registry of this Honourable Court, the cause is assigned for hearing on Wednesday the 22nd day of October, 1840.

Dated this 19th day of October, 1840.

(Signed) R. DOUGAN, *Proctor for Seizors.*

No. 12.

In the Vice-Admiralty Court of Sierra Leone, Monday the 19th day of October, 1840.

In the case of the Barque "*Jones*," James Gilbert, Master.

On further Interrogatories put on behalf of the Captors, Tobias Davis, a former witness, recalled and examined on his former oath.

To the twenty-third Interrogatory he saith: The specie which he stated in his answer to the twenty-first Interrogatory, had been taken out of the said barque, on board Her Majesty's Brig "Dolphin," was put into a cask on board the said man-of-war, and brought back in said cask headed up and sealed on board of the said barque "*Jones*."

To the twenty-fourth Interrogatory he saith: That in addition to the articles which he had stated in his answer to the twenty-first Interrogatory, were purchased at St. Helena, there were so purchased and put on board the said barque five brass swivels; a boiler was also purchased at St. Helena, to be taken on board the said barque, but was not sent on board. Deponent does not know why it was not sent on board. The master, James Gilbert, informed him it was to come on board. Deponent also heard that a large quantity of farinha was purchased, for the purpose of being shipped on board the said barque "*Jones*." Does not know why said farinha was not shipped. He believes that Mr. Saul Solomon supplied these articles, as they were purchased by him at a public sale of a slave vessel lately condemned at St. Helena. The boiler and farinha were adapted for the Slave Trade.

(Signed) TOBIAS DAVIS.

Acknowledged and repeated before John Thorpe, jun., Esq., Proctor in the Vice-Admiralty Court, Surrogate of his Honour the Officiating Judge, in presence of me, this 28th day of October, 1840.

(Signed) N. W. MACDONALD, D.R
Deputy Registrar.

No. 13.

In the Vice-Admiralty Court of Sierra Leone.

In the case of the Barque "*Jones*," whereof James Gilbert was Master.

To His Honour, Logan Hook, Officiating Judge of the said Court,

The Petition of Robert Dougan, Proctor, on behalf of Lieutenant Edward Littlehales, Commander of Her Majesty's brigantine of war "Dolphin," and the Officers and Crew of the said brigantine,

Humbly showeth,

That in order to prove the Master had the opportunity of coming up in the said barque or vessel, and that the cause of bringing the said barque or vessel to this port for adjudication, was in consequence of the Commander of the seizing ship having been informed that doubts were entertained of the legality of the proceedings in the Vice-Admiralty Court at St. Helena—the evidence being required by this Honourable Court;

Your Petitioner prays that the annexed Affidavit of Mr. Murray, the prize-officer, may be received and filed.

And your Petitioner shall ever pray, &c.

Freetown, 5th November, 1840. (Signed) R. DOUGAN, *Proctor.*

In the case of the Barque "*Jones*," whereof James Gilbert was Master;

Appeared personally Augustus Charles Murray, Mate of Her Majesty's brigantine "Dolphin," and prize-officer of the said barque or vessel, who being duly sworn, made oath, that he has already stated in the affidavit leading the monition, that the master of the said barque or vessel had quitted her previously to her seizure; and he now avers, that the said master did so of his own free will and accord, without any inducement or threat being held out by any person concerned in the detention of the said barque or vessel; and that after the seizure, which took place on the 14th day of September last past, the vessel remained in the roadstead of St. Helena for three days, and the said master, if he had wished to come to this port in the said barque or vessel, had ample time for so doing. That this deponent was not aware, until after his arrival in the port, that the master and crew would become amenable to a criminal prosecution in the event of the said barque or vessel being condemned for having been engaged in the Slave Trade; and he, this deponent, verily believes, that, neither the Commander nor any of the Officers of Her Majesty's brigantine "Dolphin," were aware of the penalties attached to such proceedings; for if he or they had been informed of it, measures would most indubitably have been taken to have compelled the said master and crew to come up in the vessel; but having been entirely ignorant of the fact, the usual number of witnesses which are required by the Navy Instructions to be produced, were only brought up, and that after the said master had quitted or abandoned his vessel, the mate being then in command, was deemed sufficient evidence, with three others of the crew, for every purpose that might be required of them in affording this Honourable Court such information as would prove the course of trade pursued by the said barque or vessel.

And this deponent further made oath that, in consulting with the Commander of the "Dolphin" as to the necessary steps to be taken in bringing the said barque "*Jones*" to adjudication after her seizure, as aforesaid, the said Commander informed this deponent, that he would be compelled to send her to this port for adjudication, as he, the said Commander, had been told by the Colonial Secretary at St. Helena that the Authorities of that place had doubts as to the legality of the proceedings of the Vice-Admiralty Court established there, and that in consequence of such doubts having been thus expressed, the said Commander finally determined to send the said barque or vessel to this port for trial, it being the port to which the "Dolphin" would next proceed.

(Signed) A. C. MURRAY.

On the 5th day of November, 1840, the said Augustus Charles Murray was duly sworn to the truth of this affidavit, before me

(Signed) L. HOOK.

Officiating Judge Court of Vice-Admiralty.

No. 14.

In the Vice-Admiralty Court of Sierra Leone.

In the case of the Barque "*Jones*," whereof James Gilbert was Master.

To his Honour, Logan Hook, Officiating Judge of the said Court,

In pursuance of a Commission of Survey and Inspection, to us directed, dated the 7th day of October, 1840, we again proceeded on board the said barque "*Jones*," laying at anchor in the harbour of Freetown, in the said Colony, and carefully and minutely surveyed and examined the said vessel, particularly as regards the outfit and equipment of the said barque for the illicit Traffic in Slaves, contrary to the provisions of the Act 2 & 3 Victoria, c. 73. A part of the cargo of the said vessel having been removed, we were enabled to make a more accurate survey of the same, and do further report as follows:—

We found close hatches, but they were fitted to receive open gratings.

We found the bulkheads usual in vessels engaged in lawful trade; there is also a bulkhead or division in the hold, which we found on further inspection to be the bulkhead of the forepeak, and it is sometimes used in merchant vessels for storeing ships' stores, such as firewood, coals, &c.

We found 11 shackles or bolts, or 5½ pairs.

We found a large quantity of plank, about 4000 or 5000 feet, which could be used in forming a slave-deck, if required; and we also found a seam left open all round the vessel, which we at first supposed to have been made for the reception of a second deck, but having now more minutely examined the same, it appears to us to have been left open for the purpose of airing the hold.

We found very little water on board.

We found 17 casks capable of holding 1450 gallons of water, and as we have been given to understand, the crew of this vessel, with the captain and super-cargo, consisted of twelve persons, and allowing a gallon per day per man, there would be sufficient quantity for a passage of 116 days, which, in our opinion, is more than necessary for the vessel's use as a merchant vessel.

We found 14 casks of salt fish, some of which were open—a quantity much more than requisite for the use of the crew.

We found 19 mats and long matted bags, which, from the darkness of the hold we took for bundles of mats in our first survey; and we do hereby declare that we have taken this survey as minutely, impartially, and correctly as we were able to do, and that we are ready to make oath to the same if required.

Given under our hands at Freetown in the said Colony, this fourteenth day of November, 1840.

(Signed) JOHN C. CATHCART.
HENRY NORQUAY.

On this 14th day of November, 1840, John Charles Cathcart and Henry Norquay were respectively sworn to the truth, correctness, impartiality of the foregoing survey before me,

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

No. 15.

In the Vice-Admiralty Court of Sierra Leone, Wednesday the 18th day of November, 1840.

Our Sovereign Lady the Queen against the barque or vessel called the "*Jones*," (whereof James Gilbert was Master) her tackle, apparel, and furniture, and the goods, wares, and merchandise on board the same, seized by Edward Littlehales, Esquire, Lieutenant, and Commander of Her Majesty's brigantine of war "Dolphin," as liable to forfeiture; and against all persons in general having, or pretending to have, any right, title, or interest therein.

In pain of parties cited not appearing, Robert Dougan returned monition duly executed, and referred to the affidavit of Augustus Charles Murray, on behalf of the Seizor, and the proofs heretofore exhibited and remaining in the registry of

this Court, and prayed the Judge to pronounce the said barque or vessel to be subject or liable to forfeiture to our Sovereign Lady the Queen, and to condemn the same accordingly, for having been, at the time of the seizure thereof, engaged in, and fitted out, and equipped for the Slave Trade, contrary to the provisions of the Acts 5 Geo. IV., c. 113, and 2 & 3 Victoria, c. 73.

The Judge, at his petition, having heard the said affidavit and proofs, and on motion of Counsel on behalf of Her Majesty, by interlocutory decree, pronounced that the said barque or vessel was not, at the time of the seizure thereof, engaged in, or fitted out, or equipped for the Slave Trade, and thereupon decreed the said barque or vessel called the "*Jones*," her tackle, apparel, and furniture, and the goods, wares, and merchandise on board the same, to be restored to the owners and proprietors thereof; and further directed the question of costs to stand over until the next sitting.

(Signed) L. HOOK,
Officiating Judge.

Friday, 4th day of December, 1840.

On this day, on motion of Counsel on behalf of Her Majesty, praying, that as the said barque or vessel called the "*Jones*" had been seized and detained upon justifiable grounds, the costs should be decreed to the seizor;

The Judge decreed the same accordingly to be paid from the proceeds of the said barque or vessel, it appearing that the master had wilfully refused to produce the ship's papers for inspection, although required so to do by Edward Littlehales, Esq., the seizor.

(Signed) L. HOOK.
Officiating Judge.

No. 16.

Judgment delivered by Logan Hook, Esq., Officiating Judge, 18th November, 1840.

In deciding upon the case of the American barque "*Jones*," whereof James Gilbert was master, I shall trace her voyage from the United States up to the period of her seizure, at St. Helena, in September last.

It appears from the evidence before the Court, that, the ship having taken on board a general cargo of merchandise, sailed from Boston, in America, on the 14th of March of the present year, bound for Monte Video, and a market, with a crew of 14 men, including the master and a passenger. On the 24th of that month, her course was changed for Ambreiz, on the Coast of Africa, where she arrived on the 17th June, after a voyage of 64 days, having remained off Ambreiz for several days, and having landed a considerable portion of her cargo, consisting of flour, biscuit, soap, candles, tea, champagne, fish, furniture, lumber, gunpowder; and after receiving on board a quantity of African produce, she got under weigh for Loando, but had not proceeded far when she was fell in with and boarded by an Officer from Her Majesty's brig "Waterwitch," who, after having remained on board for two hours overhauling the cargo and searching for equipment, probably fancying that she was not an American vessel, but finding nothing to justify her detention, returned to the man of war, and permitted the "*Jones*" to proceed on her voyage to Loando.

This visit and search took place, according to the ship's log book, on the 2nd July; and it is but reasonable to infer that the national character of the "*Jones*" was fully and satisfactorily established in the opinion of the boarding Officer, otherwise the vessel would have been liable to seizure in the absence of proper papers, unless satisfactorily accounted for. It cannot be imagined that an Officer placed in command of one of Her Majesty's cruisers specially employed for the Suppression of the Slave Trade, would have suffered the vessel to have escaped from detention, if found sailing on the high seas without the necessary documents stamping her with the national character of the country whose flag she bore.

I am satisfied of her American nationality up to the time of the search, and I shall now proceed to follow up the course of her voyage from the Coast until she was seized at St. Helena.

Class D.

From Ambreiz the vessel proceeded to Loando, at which place her master landed a considerable quantity of merchandise, receiving in return, ivory and other African produce From Loando the vessel returned to Ambreiz, and after taking on board some more produce, finally sailed for and arrived at St. Helena, on the 24th August, at which place the vessel remained unmolested until the 14th September, a period of 21 days, having during that time discharged a large quantity of flour, biscuit, and other articles, and shipped 39 bales of goods from the town. Such is the account given, in the log-book, of this vessel's proceedings, from the time of her quitting America until her seizure at St. Helena, on the 14th September last.

In the affidavit of seizure made by Mr. Murray, mate of the "Dolphin," it is alleged that the barque "*Jones*" had violated two Acts of the British Parliament, viz., the 2nd and 3rd Vic. cap. 73, and the 5th Geo. IV. cap. 113; against the first, for being found in British waters without any national character, having no ship's papers on board; and against the latter, for being engaged in and equipped for the Slave Trade.

I shall dispose in the first place of the question as regards this vessel's national character, for if it be made to appear to my satisfaction that she was duly documented, and that there are fair and reasonable grounds for presuming that she was entitled to claim the protection of the flag and pass of the United States, the allegation against her, under the Act 2 and 3 Vic. cap. 73, must consequently fail and fall to the ground.

I have had already occasion to remark that the vessel was visited and detained for two hours on the 2nd July last, by Her Majesty's brig "Waterwitch," and I can have no rational doubt but that her papers then exhibited to the boarding Officer, fully proved her American character. The vessel having gone to St. Helena, and having remained there 21 days discharging and receiving cargo, must necessarily have come under the immediate notice of the constituted authorities of that Island; and it cannot be supposed that, at a place where a Custom-house is established, that a vessel would be allowed to lay so long and transact business with the Island upon an extensive scale, and which must have been done with the knowledge and consent of the Collector, without satisfying himself of her national character. To ascertain this point, the first preliminary step would be the production of the ship's papers at the Custom-house.

I have therefore come to the conclusion, that the charge, of the vessel being found in British water without a national character, must be dismissed; and I shall now proceed to examine into the nature of her equipment, under the Act of 5 Geo. IV. cap. 113, and which Act more particularly concerns the circumstances under which this vessel appears to have been seized.

At a former sitting of the Court in chambers, I expressed a desire for further information respecting the absence of the ship's papers; and affidavit has been filed by Mr. Pike, an Admiralty passenger on board of the "Dolphin," in which he states, that he accompanied Lieutenant Littlehales, the Commander of the "Dolphin," to the Custom-house at St. Helena, who asked to see the papers of the "*Jones*," but was told by a Clerk, that no papers of that vessel had been brought there. I am not informed why application was not made to the Collector, who is a responsible Officer, instead of a verbal demand made to a subordinate Officer in his department. I am not satisfied with this explanation, neither am I satisfied with the explanation given for not instituting proceedings against the vessel in the Vice-Admiralty Court at St. Helena, instead of conducting her to this port for that purpose.

The Mate of the "*Jones*" has been examined, and in answer to the third Interrogatory, says, that there were American colours on board at the time of the seizure. To the seventh Interrogatory, he says, that the ship sailed from Loando about the end of July last, saw her register once; and to the sixteenth Interrogatory, he swears, that he saw the master take some papers ashore at St. Helena, and he believes the master has still got them.

The Steward says to the sixteenth Interrogatory put to him, the same thing, and adds, that he saw the figure of an eagle on one of the papers.

I presume that the requisites of the law were duly complied with, such as the production of the register for reporting and entering the ship, after which, upon payment of the tonnage due, it would, as a matter of course, be returned to the master.

On looking at the paper writing marked (A) attached to the affidavit of seizure,

and to which reference was made at the last sitting of the Court, by Counsel, and upon which so much reliance was placed as tending to prove the vessel's equipment for the Slave Trade, and which declaration I shall incorporate in my judgment, in order to show that not a word, not even the least distant allusion, is made by the seamen whose names are affixed to that paper, that the vessel either had or was about to be engaged in the Slave Trade.

"Copy (A), Barque '*Jones*,' St. Helena, 13th August, 1840.

"We, the Undersigned, crew of the above-named ship or barque '*Jones*,' commanded by James Gilbert, and owned by Messrs. P. J. Farnham and Co. of New York, United States of America, certify, that we have each and all of us refused to proceed to the Coast of Africa in said vessel, for reasons herein mentioned; that we shipped for the Coast of Brazil with the understanding, from the owners and master that was the intention of the voyage, and not to exceed eight or nine months, and we have good reasons to believe that there are two shipping papers on board; that we have applied to M. Carrol, Esq. Consular Agent of this Port, who has requested us to go back to the Coast of Africa, and are not satisfied with his decision. (Signed) TOBIAS DAVIS, Chief Officer, and eight Seamen of the vessel." The declaration itself is at once clear and explicit, and their dislike to return to the Coast of Africa at an inclement season of the year, can easily be understood.

It is well known to every person conversant with the character of seamen, that good men in that employment cannot readily be procured for ships coming to this fatal Coast; and most persons who read the various periodicals of the day, must have observed with what difficulty even Her Majesty's ships of war are manned for the Coast; and if these publications are to be relied on, we are told that ships of war destined for the African Coast, are frequently ordered ostensibly for the Brazils, or some other favoured station, in order to induce good men to embark.

The crew of the "*Jones*" have declared that they signed Articles for Monte Video; and I do not wonder at their surprise and disappointment on finding themselves on the Coast of Africa, during the rainy season, and of their reluctance to return in the vessel from St. Helena.

The report by the Commissioners of Survey, to enquire into this vessel's equipment, does not establish a single article of equipment against her. I have looked over that document with the utmost care; but after the most anxious perusal of its contents, with the view of discovering sufficient grounds of seizure in the alleged equipment of this vessel, and of protecting the captors in the performance of an important and difficult duty, I am bound to confess, that this charge has not been proved.

When the case was argued on a former day, the Counsel for the prosecution quoted the case of the "*Vigilante*," 1 Rob. P. 4, as to the credibility of the two witnesses examined in this case; and although I am ready to admit the general principle laid down by Lord Stowell, that those individuals can have no interest in the condemnation of the vessel, yet I am not prepared to say that their conduct in coming forward voluntarily to give evidence against their employers' ship, is altogether free from suspicion. I cannot but remember, on a former occasion, when the mate of the American schooner, "*Courtney*," brought that vessel into this harbour, and surrendered her to a naval officer, for being equipped for the Slave Trade, it came to my knowledge afterwards that he expected a large salvage as a reward for his philanthropy.

The mate and steward of the "*Jones*," the only persons of her crew who arrived in her from St. Helena, have been examined on a long string of Interrogatories; and although they have been produced as voluntary witnesses against the vessel, on behalf of the seizor, the result of their evidence has literally produced nothing which can, by possibility, affect the character of this vessel.

The case of the "*Fo tuna*," in Dodson's Reports, page 83, and of the "*Severn*," in Steward's Reports, had been cited by Counsel, as being applicable to the case of the "*Jones*," but I confess that I can discover no analogy between those cases and the one under investigation before the Court.

The "*Fortuna*" and "*Severn*" were clearly and expressly fitted out for the Slave Trade; they had iron shackles, and bolts on board; they had platforms and bulk-heads erected, and materials on board for the erection of more; their equipment was complete; and condemnation was the result.

Considering that the Captain, in the case of the American barque "*Jones*," has failed in substantiating the charges preferred against that vessel, I pronounce her to be restored, together with all her cargo. With regard to costs, I shall take further time to consider of the matter.

Vice-Admiralty Court, Sierra Leone.

COSTS

In the case of the American Barque, "*Jones*."

JUDGMENT.

Having by a former sentence disposed of the case of this vessel and cargo, decreeing the restoration of both, I shall now decide the question of Costs, which was ordered to stand over for further consideration.

I have in the interim, between the sitting of the Court on the 18th ultimo, and the present time, devoted the utmost circumspection and care in reviewing the grounds upon which I felt it my duty to restore this vessel and her cargo, and after the most anxious consideration of the whole case, my opinion is fixed; and immutable,—that there was nothing in this vessel's equipment that could justify me in pronouncing sentence of condemnation upon her and had the case rested solely on her alleged equipment for the Slave Trade, costs would to a certainty have been given against the seizor.

The Counsel employed in support of the prosecution instituted against the vessel, has, no doubt, from praiseworthy motives, indulged in many lengthened surmises as to her illegal intention and proceedings; but I have yet to learn how a mere intention, supposing for argument's sake such a case to have existed in the present instance, can be visited with confiscation of property, or of costs, unless supported by some collateral proof of the vessel's employment in the Slave Trade. No such indication has been adduced, nor has there been a single paper found on board of this ship that could warrant me in drawing such a conclusion.

"There must," says Sir William Scott, in the case of the "*Abbey*," Rob. vol. v., page 254, "be a legal as well as a moral illegality."

The vessel was seized at St. Helena, a British possession on this Coast, by Lieutenant Littlehales, commanding Her Majesty's brigantine, "Dolphin," for a supposed breach of the municipal laws of Great Britain. Lieutenant Littlehales, accompanied by Mr. Murray, mate of the "Dolphin," proceeded on board of the "*Jones*," when at anchor in St. Helena roads, and demanded of the master a sight of the ship's papers, which was refused; and it further appears that a second demand was made, by those officers, of the master, on shore, who again refused to produce the ship's papers, alleging that they were lodged at the office of the American Consul. Whether such a public functionary is appointed to St. Helena or not, is, I conceive, immaterial in the decision I am about to pronounce.

It is enacted by the 43rd Sec. of the Act, 5 Geo. 4, cap. 113, under which I adjudicated the vessel "*Recete*."

This power of seizure, given to Officers of the Royal Navy in Commission, necessarily implies a right of visit and search of any mercantile vessels found within British jurisdiction; and it consequently follows, that in order to ascertain the national character of a vessel, and whether she be documented in manner required by law, that her papers must be produced for inspection, when required by competent authorities, otherwise there would be an end to the object of the Act of Parliament upon which that authority is given.

I have already remarked that I have carefully reviewed the grounds upon which I gave a sentence of restoration in this case. I did so with a view of discovering, if possible, some probable cause of seizure, as regards this vessel's alleged equipment for the Slave Trade; but I confess that I never saw a case so free even from suspicion.

The vessel's assumed equipment for the Slave Trade, consists of boards, and provisions, and other merchandise, the remains of a valuable cargo, originally shipped in America for the Coast, where a considerable portion of it was sold in barter for lawful produce, as evidenced in the ship's log-book; and there is nothing to show that this book, filed by the Captain's Proctor, is a spurious production.

The resistance, however, to fair enquiry, by the Master of the "*Jones*," in his

having refused to produce his papers for inspection, to the Commander of the "Dolphin," and this circumstance connected with that Officer's impression of the vessel's engagement in the Slave Trade, was probably the cause of leading to the seizure. If, therefore, an error has been committed by the captor, it is an error into which, I am of opinion, he has been led by the wilful misconduct of the Master of the American vessel; and as it is the duty, and no less the inclination, of this Court, to discountenance such illegal opposition as this to constituted authorities, I have no hesitation in ordering the captor his costs. If my judgment, either in this or decreeing restitution of vessel and cargo, on a former day, be erroneous, it can be corrected by a much higher tribunal, to which the parties interested in this vessel can resort, should they consider themselves aggrieved by my decision.

No. 17.

In the Vice-Admiralty Court of Sierra Leone.

In the case of the Barque "*Jones*," whereof James Gilbert was Master.

To his Honour the Judge of the said Court,

The Petition of Robert Dougan, Proctor on behalf of Lieutenant Edward Littlehales, Commander of Her Majesty's brigantine of war "Dolphin," and the Officers and Crew of the said brigantine;

Humbly showeth,

That your Petitioner having received instructions to appeal from the decree given in this cause on the 18th instant, and being desirous of detaining the same in Court within the period allowed by law;

Your Petitioner therefore prays that an early day may be appointed for that purpose.

And your Petitioner shall ever pray, &c.

(Signed) R. DOUGAN,
Proctor for Captors.

Freetown, Nov. 25, 1840.

No. 18.

I, COLIN MACRAE, Marshal of the Vice-Admiralty Court of Sierra Leone, do hereby certify, that having made inquiry after John Charles Cathcart, of Freetown, in the said Colony, gentleman, and Joseph Green Spilsbury, of the same place, merchant, proposed to be securities for Lieutenant Edward Littlehales, the Commander of Her Majesty's brigantine "Dolphin," find from the best information that I can procure, that they are sufficient security for the said Lieutenant Edward Littlehales, in the sum of one hundred pounds of lawful money of the said Colony, and as such report them accordingly,—Witness my hand this twelfth day of December, 1840.

(Signed) C. MACRAE,
Marshal of Vice-Admiralty Court Sierra Leone.

No. 19.

On Saturday, the twelfth day of December, in the year of our Lord One thousand eight hundred and forty, before the Worshipful LOGAN HOOK, Officiating Judge of the Vice-Admiralty Court of Sierra Leone, in his Chambers situated in Freetown, in the said Colony.—Present,

(Signed) N. W. MACDONALD, Registrar, Vice-Admiralty Court;

Barque "*Jones*," whereof James Gilbert was Master;

On which day Robert Dougan produced as sureties John Charles Cathcart, of Freetown, in the said Colony, gentleman, and Joseph Green Spilsbury, of the same place, merchant, who submitting themselves to the jurisdiction of Her Majesty's Vice-Admiralty Court of Sierra Leone, bound themselves, their heirs, executors and administrators, for Edward Littlehales, the Lieutenant and Commander of Her Majesty's brigantine "Dolphin," in the sum of one hundred pounds

of lawful money of the said Colony, unto P. J. Farnham and Company, effectually to prosecute the appeal asserted in this behalf, and to pay such costs as shall be awarded in case the sentence or decree of the Judge of the said Vice-Admiralty Court, of the eighteenth day of November last, shall be affirmed; and unless they shall so do, they do hereby consent that execution shall issue forth against them, their heirs, executors, and administrators, goods and chattels, wheresoever the same shall be found, to the value of the sum of one hundred pounds aforementioned, which caution the said Judge received upon the report of Colin Macrae, Marshal of the said Court, as to the sufficiency of the said sureties.

(Signed) JOHN C. CATHCART.
J. G. SPILSBURY.

No. 20.

In the Vice-Admiralty Court of Sierra Leone.

In the case of the Barque "*Jones*," James Gilbert, Master.

To His Honour, Logan Hook, Officiating Judge of the said Court,

The Petition of Colin Macrea, Marshal of the said Court,

Humbly showeth,

That by a decree passed on the 16th day of November last, the said vessel and her cargo were restored to the owners thereof, who reside, as appears by the evidence given in the cause at New York, in the United States of America.

That the said vessel and cargo cannot therefore be claimed by the said owners for several months to come, and as there are several articles of a perishable nature in the said cargo, which your petitioner would recommend to be at once disposed of, and which consist of the following articles, viz.

Twenty casks salt fish and other provisions;
Five casks palm oil;
Nine casks bread;

That your Petitioner has also in his charge a horse, which was found in the said vessel at the time of her detention, and which it would also be desirable to dispose of, so as to save the expense of finding and taking care of the animal.

Your Petitioner therefore prays, that your Honour may be pleased to direct a Commission to issue for the sale of the said goods and horse as aforesaid, and that the proceeds thereof should be paid into the Registry of this Honourable Court; and that the specie which is in your Petitioner's custody, and was found on board the said vessel by the seizor, at the time of her detention, should also be paid into the Registry of the said Court.

And your Petitioner shall ever pray, &c.

(Signed) C. MACREA,
Marshal, Vice-Admiralty Court.

Freetown, December 19, 1840.

No. 21.

VICTORIA, by the grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c.:—To all and singular our Officers and Ministers, and to all others in whose custody, power, or possession the undermentioned ship and goods, or any part or parcel thereof be or remain:—Greeting,

Whereas our beloved, the Worshipful Logan Hook, Officiating Judge and Commissary of our Vice-Admiralty Court of Sierra Leone, lawfully constituted and appointed in a certain cause of breach of the Slave Trade Abolition Laws, civil and maritime, moved and prosecuted before him, in our said Court, on behalf of Edward Littledale, Esq., Lieutenant in our Royal Navy, and Commander of our brigantine of war, "Dolphin," against the ship or vessel "*Jones*," and the goods, wares, and merchandise on board the same, rightly, and duly proceeding on the day of the date hereof, at the petition of the Marshal of our said Court of Vice-Admiralty,

alleging that part of the said cargo of the said ship is in a perishable condition, and exhibiting a petition of what he has so alleged, and showing the necessity of part of the said cargo being unlivered and sold, hath decreed a commission of unlivery and sale of part of the said cargo (justice so requiring):

We do therefore strictly charge and command you jointly and severally, that you forthwith unlade the goods, wares, and merchandise as aforesaid, from on board the said ship or vessel; that you also expose, or cause to be exposed, the said goods, wares and merchandise for public sale and that you sell or cause the same to be sold to the best bidder; and that you bring or cause to be brought the produce money arising from such sale, into the registry of our aforesaid Court, on or before the first day of January ensuing, to be there kept for the use of the persons who shall be entitled thereto. And that you make, or cause to be made, a true and perfect inventory of the goods you shall so unlade, together with the account of such sale subscribed by you, to our Judge of our said Court, or his Surrogate, together with these presents.

Given at Freetown, in the Colony of Sierra Leone, in our aforesaid Court, this nineteeth day of December, in the year of our Lord One thousand eight hundred and forty, and of our reign the fourth.

(Signed) N. W. MACDONALD,
(L. S.) *Registrar, Vice-Admiralty Court.*

No. 22.

In the Vice-Admiralty Court of Sierra Leone.

In the case of the barque "*Jones,*" whereof James Gilbert was Master.

The Honourable Court will be moved on behalf of the Marshal, at its next sitting, to decree a commission of appraisement and sale in this case, on the ground of the said barque having remained in this harbour from the 1st day of October, 1840, to date, during the whole of which time she has been exposed to all weather; and that as *no claimant has appeared,* whereby the decree of this Court made on the 18th day of November, 1840, restoring the said barque and cargo to the owners thereof could be carried into effect, the said barque and cargo still remain in charge of the said Marshal at considerable expense and risk, and are daily injuring and deteriorating in value; and further, that the proceeds of such sale, after deducting all lawful expenses, be returned into the Registry, and there to remain until claimed by the owners thereof.

Dated this 3rd day of February, 1842.

(Signed) R. DOUGAN,
Proctor and Advocate.

In the Vice-Admiralty Court of Sierra Leone.

In the case of the barque "*Jones,*" whereof James Gilbert was Master.

Appeared personally Richard Lawrence, of Freetown, in the colony of Sierra Leone, master mariner, and Edward Lemon, of the same place, merchant, and made oath, that having been called upon by Mr. John Charles Cathcart, the Marshal of this Court, they lately repaired on board the barque or vessel called the "*Jones,*" and found that the sheathing on her bends was started, and her sides much eaten with worms at the water's edge; that her sails were entirely rotten, her running rigging useless, and her decks much damaged; and that upon opening the hatches and examining the cargo, they found it materially damaged, from the water penetrating through the deck and falling on the bale goods, which will in a short time be of no value. And these deponents further made oath, that the said barque is now lying in this harbour exposed to all weather, and is, consequently, daily sustaining injury, and deteriorating as well as the cargo; and that it will be for the benefit of the persons interested in the said barque or vessel and the cargo on board, to have the same sold by virtue of a decree from this Court.

(Signed) RICHD. LAWRENCE.
EDWD. LEMON.

On the 3rd day of February, 1842, the said deponents, Richard Lawrence and Edward Lemon, were duly sworn to the truth of this affidavit, before me,

(Signed) JOHN MACCORMACK,
Deputy Judge.

In the Vice-Admiralty Court of Sierra Leone.

In the case of the barque "*Jones*," whereof James Gilbert was Master.

Appeared personally John Charles Cathcart, of Freetown, in the Colony of Sierra Leone, Marshal of this Honourable Court, and made oath, that the said barque or vessel arrived in this port on or about the 1st day of October, 1840; that proceedings were subsequently taken against her in this Court, at the instance of Lieutenant Edward Littlehales, the Commander of Her Majesty's brigantine "Dolphin," under a charge of being fitted out and equipped for the Traffic in Slaves; and that on the 18th day of November following, the said barque, together with her tackle, apparel, and furniture, and the goods, wares, and merchandise on board the same, were by decree of the said Court restored to the owners thereof; that since this period, and up to the present time, this deponent's predecessors in office, and this deponent, have had the care and custody of the same; and that no claimant has yet appeared before this Court, whereby the decree of the said Court could be carried into effect. That the said barque has, during the whole of the said period, been lying in this harbour, and that during such time this deponent has often been on board of her, and he verily believes that the said barque and the cargo on board are daily sustaining injury, and deteriorating in value.

(Signed) JOHN C. CATHCART.

On the 3rd day of February, 1842, the said John Charles Cathcart was duly sworn to the truth of this affidavit, before me,

(Signed) JOHN MACCORMACK,
Deputy Judge.

No. 23.

VICTORIA, by the grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith:—To John Charles Cathcart, Gentleman, Marshal of the Vice-Admiralty Court of Sierra Leone, and to his Deputy whomsoever, Greeting.

Whereas a certain barque or vessel, called "*Jones*," whereof James Gilbert was master, was prosecuted in our said Court, in behalf of Edward Littlehales, Esq., Lieutenant and Commander of our brigantine of war "Dolphin," for being fitted out and engaged in the Traffic in Slaves. And by an interlocutory decree made on the eighth day of November, in the year one thousand eight hundred and forty, the said barque or vessel, with the tackle, apparel, and furniture, and the goods, wares, and merchandise, on board the same, were restored to the owners thereof, and *no claimant having appeared before the said Court*, the said barque or vessel still remaineth in the custody of the Marshal of our said Court. And whereas our beloved, the Worshipful John M'Cormack, Deputy Judge and Commissary of our said Court, lawfully constituted and appointed, in the cause aforesaid, civil and maritime, moved before him in our said Court, on behalf of John Charles Cathcart, the Marshal aforesaid, in the case of the said barque or vessel "*Jones*," her tackle, apparel, and furniture, and the goods, wares, and merchandise on board the same, rightly and duly proceeding on the day of the date hereof, at the petition of the said John Charles Cathcart, exhibiting attestations of Richard Lawrence, Edward Lemon, and John Charles Cathcart, setting forth the perishable condition of the said barque or vessel "*Jones*" and her cargo, *granted a decree* for the appraisement and sale of the said barque or vessel, her tackle, apparel, and furniture, and the goods, wares, and merchandise, laden therein (justice so requiring): We do, therefore, by these presents authorise and empower you jointly and severally, and do strictly charge and command you, that you fail not to reduce into writing, a full, true, and perfect inventory of the said barque or vessel "*Jones*," her tackle,

apparel, and furniture, and that you choose one good and lawful person, well experienced in such affairs, and swear him faithfully and justly to appraise the same, according to their true value; and that you appraise and value, or cause to be appraised and valued, and the appraisement being taken, that you expose, or cause the aforesaid barque, her tackle, apparel, and furniture, and the goods, wares, and merchandise on board the same, to be exposed to public sale; and that you sell, or cause the same to be sold, to the best bidder; and that you bring, or cause to be brought, the produce-money arising from such sale into the Registry of our said Court, within one month from the date hereof, to abide the further order of our said Court; and that you duly transmit the said appraisement, subscribed by you and the said appraiser, together with the account of such sale, also subscribed by you, to our Judge of our said Court, or his Surrogate, together with these presents.

Given at Freetown, in our said Court, under the seal thereof, the fourth day of February, in the year of our Lord One thousand eight hundred and forty-two, and of our reign the fifth.

(L. S.) (Signed) N. W. MACDONALD,
Register.

Papers mentioned in the Schedule attached to the Affidavit of Seizure No. 1.

No. 1.

Messrs. Farnham and Co. to Mr. Sexton.

DEAR SIR, *Salem, March* 12, 1840.

YOUR much-esteemed favour of December 4, from Ambriz, per "*Quill*," was promptly delivered on the arrival of that vessel, February 2. Your remarks on the trade with Doctors Wilson and Savay, and others, at Cape Palmas, are noted, but will not be acted upon at present. We have no doubt there is a field there to work in to advantage, but we shall probably omit it till your return. The information, however, is very acceptable. Your sales at other places were so limited, that the profits will not pay for the delay; but we think you will have found a very good market at Loanda for *all* the flour you had on board, *provided* you did not report over 100 barrels. If you obtain the quoted rates, or even 30 dollars per barrel for the 470 barrels remaining, the "*Sarah*" must make a fine voyage, unless she is very badly mismanaged on her return passage, of which there is much reason to fear. We regret much that we were so greatly deceived in Captain Cork.

We know not whose fault it was that the specie was left in New York. The writer found it in the safe after you sailed, and used it; he knew nothing of it before.

We heard of your arrival at Sierra Leone in twenty-four days by the British man-of-war brig "Butterfly," and her prize; but your letters did not come to hand till January 21 (*four months* after they were written), and then by the "*Saladin*."

George and Cork's letters of November 21, *viâ* Rio, came to hand two weeks since, and we hope soon to hear in the same way, or direct. The "*Seamew*" arrived at St. Helena January 6, and sailed 14th, for Africa, and perhaps will soon get home. We hope you closed your sales, however, before she arrived at Loanda. The "*Quill*" is here, and idle, we believe. Nathan Augustus Frye was married last night, and probably will not wish to sail very soon for Africa. It is not known that the "*Jones*" is going to Africa, and we hope she will not be followed very closely; but the "*Jones*" is a fast sailer, and we hope will have a short passage.

Mr. Hunt has just been in to ask plainly if the "*Jones*" goes to Africa. He writes to Captain Bryant by her. He says the "*Quill*" is doing nothing yet.

Yours truly,

Captain Francis W. Sexton,
Ambriz.

(Signed) P. J. FARNHAM & CO.

CLASS D.

No. 2.

Domingo Masoro Maray to Captain Seguesen.

(Translation.)

SIR AND ESTEEMED FRIEND, *Boma, June* 16, 1840.

I HOPE you are well. I inform you now of all the trouble I had respecting the ivory. I am in expectation of "*Chibuca,*" containing 100 teeth of ivory, together with 100 slaves, and yet I shall not be able for the present to purchase them. It would not be amiss if you please to let me have some cash for me to finish this business, and also the barraca. At this moment I am in expectation of the boat from Loango, with her cargo, and also the launch in question. You will hear several more particulars from Juan Maray, who will communicate them to you in person. My desire is, Sir, that you may keep in health.

Your faithful servant,

(Signed) DOMINGO MASORO MARAY.

No. 3.

Contract with Pinedo and Mattos.

Soanda, July 10, 1840.

HEREBY we do certify and bind ourselves to fulfil the contract herewith, viz. that we take or purchase of the American barque "*Jones,*" Francis William Sexton, supercargo, 300 barricas de farinha, at $14,000, 14 milreas, he paying the duties at the Custom-house; also that we have purchased, and bind ourselves thereto, 20 bales of cottons, at $3, 500 milreas for pieces of 30 yards each, we paying the duties.

Payment to be made in the silver of the country.

Our signature being all in good state.

(Signed) PINEDO & MATTOS.

No. 27.

Mr. Fox to the Earl of Aberdeen.

Washington, February 2, 1843.
(*Received March* 12.)

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatches, of the Slave Trade Series to those of the 31st of December, 1842, inclusive.

In obedience to the Instructions contained in your Lordship's Despatch of 31st December, I have this day addressed the accompanying official note to the United States Secretary of State, upon the subject of the American slave vessel "*Douglas,*" and of the compensation claimed by the United States Government for the owners of that vessel, on account of losses sustained through her detention by the Commander of her Majesty's sloop of war "Termagant," off the Coast of Africa, in the month of October, 1839.

I have enclosed, in my official note to Mr. Webster, the same documents which were communicated to Mr. Everett in your Lordship's note of the 29th of December; namely, the letter from Lieutenant Seagram to Captain Denman, of the 28th of October, 1840, and the Despatch from Captain Tucker to the Secretary of the Admiralty, of the 18th of March, 1841, with its six Enclosures.

I have, &c.

(Signed) H. S. FOX.

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

Enclosure in No. 27.

Mr. Fox to Mr. Webster.

Washington, February 2, 1843.

THE Undersigned, her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, has been instructed by his Government to communicate the accompanying documents to the Government of the United States. They relate, it will be seen, to the case of the American vessel "*Douglas*," detained in the month of October, 1839, by the Commander of her Majesty's sloop of war "Termagant," off the Coast of Africa, for being engaged in the illicit Traffic of Slaves.

The case of the "*Douglas*" has already been the subject of official correspondence between the United States Legation in London and her Majesty's Secretary of State for Foreign Affairs, together with the cases of two other American vessels, the "*Tigris*," and the "*Seamew*," to the owners of which her Majesty's Government have agreed to grant compensation, to indemnify them for the losses sustained through the detention of their vessels.

Her Majesty's Government are ready to allow, that the "*Douglas*," being an American vessel, and sailing under the American flag, the act of the Commander of the British sloop of war "Termagant," 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 Great Britain and the United States; and it is therefore admitted that the Government of the United States have a right to claim compensation for the owners of the "*Douglas*," on account of losses 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 of the vessel took place, and of the nature of the voyage which it interrupted.

These circumstances are fully described in the accompanying Despatch and its Enclosures, which contain the result of an investigation instituted by the Senior Officer of her Majesty's naval forces on the Coast of Africa, in pursuance of the orders of his Government.

If, after a full consideration of the facts disclosed by this investigation, the United States Government shall continue to be of opinion that compensation ought to be claimed for the owners of the American vessel "*Douglas*," her Majesty's Government will not refuse to grant it; but her Majesty's Government will in that case have the satisfaction of knowing that they have not voluntarily 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 vessel in question, or of the adventure in which she was engaged.

The Undersigned, &c.

The Hon. Daniel Webster, (Signed) H. S. FOX.
&c. &c.

No. 28.

The Earl of Aberdeen to Mr. Fox.

SIR, *Foreign Office, April* 11, 1843.

I HEREWITH enclose to you an extract of a private letter from an Officer commanding one of her Majesty's cruisers on the West Coast of Africa, relating to certain slave-trading proceedings lately carried on by citizens of the United States under the flag of the Union.

You will communicate the information therein contained to Mr. Webster; and you will request that it may be made known to the Officers in command of the cruisers of the United States on that Coast.

I am, &c.

H. S. Fox, Esq. (Signed) ABERDEEN.
&c. &c.

Enclosure in No. 28.

Extract from a Letter from a British Naval Officer, dated S. Paul de Loanda, Angola, January 18, 1843.

AMERICA has now vessels all over the Coast, and they generally sail in *pairs*, belonging to the same owner, and being all clipper, one is sold immediately on the cargo being disposed of. Off Whydah we fell in with the "*Mary Pauline*" brig and "*Herald*" schooner, of Boston, and the Captain not only told me that he intended to sell the latter to the great slaveholder there, but wrote a note the following morning to beg that he might not be named, which document I gave myself to Captain Foote. Captain Hunt owned the vessels himself. Then at Cabinda I saw the "*Cyrus*," of Philadelphia, which vessel I had left at Port Praia, St. Jago, the Captain having informed me there that he was bound to the West Indies, whilst an English seaman on board her assured me she had slave gear below, and would be at Cabinda in a month, which has now proved correct.

The American squadron will, I believe, have no effect, and the merchant Captains themselves laugh at the idea of any interference with them.

No. 29.

Mr. Everett to the Earl of Aberdeen.

46, *Grosvenor Place, April* 26, 1843.
(*Received April* 26.)

MR. EVERETT, the American Minister, presents his compliments to the Earl of Aberdeen, Her Majesty's Principal Secretary of State for Foreign Affairs, and, by direction of his Government, has the honour to transmit to Lord Aberdeen a copy of the Instructions given by the Navy Department of the United States to the cruising squadron destined to the Coast of Africa under the provisions of the late Treaty.

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

Enclosure in No. 29.

Mr. Upshur to Commander Perry.

SIR, *Navy Department, March* 15, 1843.

YOU will proceed as soon as possible with the squadron under your command to the Coast of Africa. You are charged with the protection of American commerce in that quarter, and with the Suppression of the Slave Trade, so far as the same may be carried on by American citizens, or under the American flag.

The commerce of the United States with the Western Coast of Africa is rapidly increasing and becoming every day more and more valuable. Heretofore it has been conducted under many circumstances of disadvantage, in consequence of the unprotected condition in which it has been left.

In the conduct of your command you will be careful to ascertain its present condition and its probable future course and extent, and you will afford to it all the aid and support which it may require. The rights of our citizens engaged in lawful commerce, are under the protection of our flag; and it is the chief purpose as well as the chief duty of our naval power to see that these rights are not improperly abridged or invaded. To what extent your interposition for this purpose may be required, it is impossible to foresee. The Department relies with full confidence on your judgment and discretion, so to employ the force under your command as to protect the rights and interests of your own countrymen, without violating those of any other people, and therefore deemed it unnecessary, as indeed it would be almost impossible, to give you specific instructions upon the subject.

In regard to the other branch of your duties, viz., the Suppression of the Slave Trade, the following views and Instructions are given for your guidance.

The United States are sincerely desirous wholly to suppress this iniquitous traffic, and with that view have declared it to be piracy. They have recently, by their Treaty with England, come under specific stipulations upon the subject, to which your particular attention is called. I enclose a copy of the Treaty, lately concluded between the two countries, and refer you to the 8th Article of it. The

object which the two Governments have in view, and the mode in which they propose to accomplish it, will be at once perceived from the plain language of this Article. I need not, I am sure, impress upon you the importance of strictly observing this stipulation, and of preserving inviolate the pledged faith of your country upon this point. Nevertheless, the following suggestions may be found useful, in enabling you to understand, fully and precisely, the views of your own Government, upon this delicate and interesting subject.

This Government does not acknowledge a *right* in any other nation to visit and detain the vessels of American citizens engaged in commerce. By the general consent of all civilised nations, vessels suspected of acts which are piracy by the law of nations, *may be* so visited, for the purpose of ascertaining their true character. Even in this case, however, there must be *probable cause*, that, is a reasonable ground of suspicion; and the visit must be made in good faith, and must be conducted with, and limited to, the sole purpose above mentioned. Any wrong done in the exercise of this privilege, beyond what its legitimate object *requires*, makes the visiting power a trespasser. It is also to be observed that he piracy of which I speak, is piracy by the laws of nations, and not that which is made so by the municipal laws of any particular country. Of this latter character is the Slave Trade, which is declared to be piracy by act of Congress. The right, therefore, which by the general consent of nations, exists in regard to vessels suspected of being engaged in piracy, does not extend to those suspected of being employed in the Slave Trade. As to them, there is no right of visitation or search, so far as American vessels are concerned, except by our own vessels of war. But the claim of the United States that their trading vessels shall not be visited for *any* purpose (except on suspicion of piracy), by the cruisers of other nations, presupposes that the vessel visited is *really* American. In *what manner* this fact is to be ascertained, is the only question which presents any difficulty. The flag which the vessel wears, is *primâ facie*, although it is not conclusive, proof of her nationality; it is a mere emblem, and it loses its true character when it is worn by those who have no right to wear it. Any vessel which displays the American flag, claims to be American, and therefore may be rightfully boarded and examined by an American cruiser, if there be any circumstance attending her to justify a suspicion that she is not what she professes to be. But this privilege does not extend to cruisers of any other nation; that is, it cannot be conceded to them as *a right*. The United States certainly do not claim, that the mere hoisting of their flag shall give immunity to those who have no right to wear it. Such a pretension would subject their flag to degradation and dishonour, because it would make it a cover for piracy, and other crimes of similar atrocity; but they *do* claim that their own citizens who rightfully display it, shall have all the protection which it implies. Whenever, therefore, a cruiser of any other nation, shall venture to board a vessel under the flag of the United States, she will do it upon the responsibility for all consequences. If the vessel so boarded shall prove to be American, the act will not be justified by you, but the injured party will be left to such redress either in the tribunals of England, or by an appeal to his own country, as the nature of the case may require. If the vessel prove not to be American, the United States have no cause of complaint, notwithstanding she has worn their flag. These principles are believed to be well understood and settled. Indeed the Article of the Treaty to which I have called your attention was agreed to, with the obvious view of preventing all difficulty or disagreement upon this point. The United States, in stipulating to keep a squadron of not fewer than 80 guns on the Coast of Africa, meant to give to England and all the world an assurance of her determination and ability to protect her own flag against abuse, and thus to remove all pretext for any interference with it by other nations. England accepted this stipulation as satisfactory so far as she was concerned, and therefore she has no reason, and I trust, has no wish, to invade the rights of the United States, in that respect. I advert to the subject here, only to put you in possession of the views of your own Government, for your guidance in forming such arrangements as you may find it convenient to make for co-operation with British cruisers. I should consider it highly desirable that a vessel of each nation should, as far as possible, cruise in company with a vessel of the other, so that each may be in a condition to assert the rights, and prevent the abuse of the flag of its own country. In this way all just grounds of difference or collision will be removed, while this harmonious co-operation of the two Powers will go far to insure the full accomplishment of their common object in the Suppression of the Slave Trade.

On approaching the Coast, your first object will be to make yourself acquainted with the actual condition of the great interests which are entrusted to your protection. With this view, you will communicate, as far as you conveniently can, with the several accredited Agents of our Government; with the Colony of Liberia; and with any and all sources of information on which you may venture to rely. Your operations against the Slave Trade will, of course, be influenced in a great degree, by this information. Your own observation and experience, while heretofore in service upon that Coast, will enable you to direct your inquiries in a proper channel, and has already supplied you with much valuable information.

The cunning of the slave trader, however, is constantly devising new disguises and schemes of deception, by which he may elude detection, and escape the consequences of his crimes. To some of these, it may be useful to call your attention.

It is not to be supposed that vessels destined for the Slave Trade will exhibit any of the usual arrangements for that business. They take especial care to put on the appearance of honest traders, and to be always prepared as if engaged in pursuits of lawful commerce. It is their practice to run into some river or inlet, where they have reason to believe that slaves may be obtained, make their bargain with the slave factor, deposit their handcuffs, and other things calculated to betray them, and then sail on an ostensible trading voyage to some neighbouring port. At the appointed time they return; and as the slaves are then ready to be shipped, they are taken on board without delay, and the vessel proceeds on her voyage. Thus the slavers do not carry within themselves any positive proof of their guilt, except before they reach the Coast, and after they leave it with slaves on board. Nevertheless there are a variety of signs and indications by which their true character may, at all times, be conjectured. Among these are the following:—

1. Double sets of papers. It is well known that false papers may be easily obtained, and at very little cost. No vessel engaged in honest commerce requires them.

2. An unusual number of water casks or tanks: a supply of provisions beyond what the ostensible voyage would require; and any other preparation or arrangement not usual in the trade in which the vessel professes to be engaged.

3. The log-book should be particularly examined. It is understood to be a common practice among slavers to keep two logs; the one representing the true route, and the other a false one.

By exhibiting the false log, they represent themselves as having been in positions which would not expose them to the suspicion of slave trading; but this fraud may be easily detected by judicious questioning.

4 The Shipping List may afford strong presumptive evidence upon the subject. In consequence of the great exposure, hardships, and hazards of the Slave Trade, the wages of sailors engaged in it are generally much higher than are paid in any regular and lawful trade; and, of course, it may reasonably be inferred that a crew shipped at prices extravagant and unusual, are not destined for any usual sea duty.

5. Consular certificates are often forged, and in lieu of the usual consular seal, the impression is made with an American half-dollar.

These are a few of the devices to which the slave trader resorts. In calling your attention to them, I have in view only to impress you with a deep sense of the artful character of the adversaries with whom you have to deal, and of their reckless disregard of all truth and honour, as well as of all law and humanity. Nothing but the utmost vigilance and caution will enable you to detect them. I have no doubt that your own observation and sagacity will soon discover other contrivances for deceiving and escaping you; and I have as little doubt that you will apply promptly and effectually the requisite means of defeating all such attempts.

The service in which you are engaged requires the greatest prudence and the soundest discretion. It is to be borne in mind, that while the United States sincerely desire the Suppression of the Slave Trade, and design to exert their power, in good faith, for the accomplishment of that object, they do not regard the success of their efforts as their paramount interest, nor as their paramount duty. They are not prepared to sacrifice to it any of their rights as an independent nation; nor will the object in view justify the exposure of their own people to injurious and vexatious interruptions in the prosecution of their lawful pursuits. Great caution is to be observed upon this point. There is reason to believe that the flag of the United States has been often used to cover the traffic in slaves; and

it is supposed that no good citizen of the United States will complain, that a cruiser of his own country, acting upon well-grounded suspicion, visits his vessel, in order to ascertain her true character.

But he is, nevertheless, not to be exposed to unnecessary and vexatious detention, nor to any harsh or uncivil treatment. On this point, I am sure I need not give you instructions. While, therefore, the utmost vigilance is to be exerted to detect slave traders, great care must be taken not unnecessarily to interrupt the citizens, whether of our own or of other countries, in their lawful pursuits.

Your cruising ground will extend from the Madeira and Canary Islands to the Bight of Biafra, and from the Coast of Africa to the degree of West longitude. If, however, it should be found necessary, in the prosecution of the objects of your cruise, to go beyond these limits, you will not hesitate to do so.

The many disagreeable circumstances which attend a cruise on the Coast of Africa, added to the danger to health, from any improper exposure in that climate, have induced me to make the following arrangements for the health and comfort of your crew.

A general rendezvous and depôt for provisions and stores will be ettablished at Port Praya; supplies will be sent out at short intervals, and in small quantities, to guard against the danger of losing the stores by the influences of the climate. It is desirable that your vessels should be kept as actively employed as possible consistently with the health and comfort of the crew; but occasional reliefs from duty, and reasonable rest and refreshment on shore will be necessary. With a view to this, it will be well that they leave Port Praya, one at a time, and after such intervals of time as may seem necessary, running down the Coast to the end of their cruising ground, and returning to Port Praya, either along the Coast, or further out at sea, as may seem most advisable. To perform this circuit will probably require about sixty days, at the end of which time fresh supplies will be necessary, and some relaxation to the crews will be proper. These may be sought either at Port Praya or at the Madeira or Canary Islands, as may be most advisable. By this arrangement, active employment will be given to your vessels, and they will be so distributed as to cover the entire space of your cruising ground. The fact that different vessels of war appear in rapid succession at the same points, will impress the natives with a high idea of our vigilance and strength, and will inspire them with a just fear of offending us, by any outrage committed on our citizens or their property. Effectual protection and security will thus be afforded to our citizens engaged in lawful commerce in those countries, while, at the same time, your operations against the Slave Trade will be in no degree interrupted or embarrassed.

I enclose a copy of a letter of Instructions to Captain Ramsay, relative to the recent outrage upon American citizens and their property by the inhabitants of Little Berriba. As Captain Ramsay was prevented from executing the designs of the Department, you will consider the letter to him as Instructions to you, not only in that particular case, but in all others of like kind which may come to your knowledge.

As soon as the necessary vessels can be prepared, they will be sent to the African Coast. In the meantime you will proceed as soon as possible to that station. The "Porpoise," under the command of Lieutenant Lewis, has already sailed, and will wait your arrival at Port Praya. As soon as you shall join her, you will proceed to the execution of the purposes of your cruise.

Before proceeding to sea, you will cause a complete muster-roll of the officers and crew attached to your ship, to be transmitted to the Department.

I am, &c.

Commander Matthew C. Perry, (Signed) A. P. UPSHUR.
&c. &c.

No. 30.

Mr. Webster to Mr. Everett.

Department of State, Washington, March 28, 1843.
(*Communicated by Mr. Everett, April* 29, 1843.)

SIR,

I TRANSMIT to you, with this Despatch, a Message from the President of the United States to Congress, communicated on the 27th of February, and accom-

panied by a Report made from this Department to the President, of the substance of a Despatch from Lord Aberdeen to Mr. Fox, which was by him read to me the 24th ultimo.

Lord Aberdeen's Despatch, as you will perceive, was occasioned by a passage in the President's Message to Congress at the opening of its late Session. The particular passage is not stated by his Lordship; but no mistake will be committed, it is presumed, in considering it to be that which was quoted by Sir Robert Peel, and other gentlemen in the debate in the House of Commons, on the 3rd of February, on the answer to the Queen's Speech.

The President regrets that it should have become necessary to hold a diplomatic correspondence upon the subject of a communication from the head of the Executive Government to the Legislature, drawing after it, as in this case, the further necessity of referring to observations made by persons in high and responsible stations, in the debates of public bodies. Such a necessity, however, seems to be unavoidably incurred in consequence of Lord Aberdeen's despatch; for although the President's recent Message may be regarded as a clear exposition of his opinions on the subject, yet a just respect for Her Majesty's Government, and a disposition to meet all questions with promptness, as well as with frankness and candour, require that a formal answer should be made to that despatch.

The words in the Message at the opening of the Session, which are complained of, it is supposed, are the following:—"Although Lord Aberdeen, in his correspondence with the American Envoys at London, expressly disclaimed all right to detain an American ship on the high seas, even if found with a cargo of slaves on board, and restricted the British pretension to a mere claim to visit and inquire, yet it could not well be discerned by the Executive of the United States how such visit and inquiry could be made without detention on the voyage, and consequent interruption to the trade. It was regarded as the Right of Search, presented only in a new form, and expressed in different words; and I therefore felt it to be my duty distinctly to declare, in my annual Message to Congress, that no such concession could be made; and that the United States had both the will and the ability to enforce their own laws, and to protect their flag from being used for purposes wholly forbidden by those laws, and obnoxious to the moral censure of the world."

This statement would tend, as Lord Aberdeen thinks, to convey the supposition, not only that the question of the Right of Search had been disavowed by the British Plenipotentiary at Washington, but that Great Britain had made concessions on that point.

Lord Aberdeen is entirely correct in saying, that the claim of a Right of Search was not discussed during the late negotiation, and that neither was any concession required by this Government, nor made by that of Her Britannic Majesty.

The Eighth and Ninth Articles of the Treaty of Washington, constitute a mutual stipulation for concerted efforts to abolish the African Slave Trade. This stipulation, it may be admitted, has no other effects on the pretensions of either party than this: Great Britain had claimed as a *right*, that which this Government could not admit to be a *right*. And, in the exercise of a just and proper spirit of amity, a mode was resorted to which might render unnecessary both the assertion and the denial of such claim.

There probably are those who think that what Lord Aberdeen calls a Right of Visit, and which he attempts to distinguish from the Right of Search, ought to have been expressly acknowledged by the Government of the United States; at the same time there are those on the other side who think that the formal surrender of such Right of Visit should have been demanded by the United States, as a precedent condition to the negotiation for Treaty stipulations on the subject of the African Slave Trade; but the Treaty neither asserts the claim in terms, nor denies the claim in terms; it neither formally insists upon, nor formally renounces it. Still the whole proceeding shows that the object of the stipulation was to avoid such differences and disputes as had already arisen, and the serious practical evils and inconveniences which, it cannot be denied, are always liable to result from the practice which Great Britain had asserted to be lawful. These evils and inconveniences had been acknowledged by both Governments. They had been such as to cause much irritation, and to threaten to disturb the amicable sentiments which prevailed between them. Both Governments were sincerely desirous of abolishing the Slave Trade; both Governments were equally desirous of avoiding occasion of complaint by their respective citizens and subjects; and both Governments regarded the Eighth and Ninth Articles as effectual for their avowed purpose, and likely, at

the same time, to preserve all friendly relations, and to take away causes of future individual complaints. The Treaty of Washington was intended to fulfil the obligations entered into by the Treaty of Ghent. It stands by itself, is clear and intelligible. It speaks its own language, and manifests its own purpose. It needs no interpretation. As a fact, as an important occurrence in national intercourse, it may have important bearings, on existing questions, respecting the public law; and individuals, or perhaps Governments, may not agree as to what these bearings really are. Great Britain has discussions, if not controversies, with other great European States upon the subject of Visit or Search. These States will naturally make their own commentary on the Treaty of Washington, and draw their own inferences from the fact that such a Treaty has been entered into. Its stipulations in the meantime are plain, explicit, satisfactory to both parties, and will be fulfilled on the part of the United States, and it is not doubted, on the part of Great Britain also, with the utmost good faith.

Holding this to be the true character of the Treaty, I might, perhaps, excuse myself from entering into the consideration of the grounds of that claim of a Right to Visit Merchant Ships for certain purposes, in time of peace, which Lord Aberdeen asserts for the British Government, and declares that it can never surrender. But I deem it right, nevertheless, and no more than justly respectful towards the British Government, not to leave the point without remark.

In his recent message to Congress, the President, referring to the language of Lord Aberdeen, in his note to Mr. Everett of the 20th of December, 1841, and in his late Despatch to Mr. Fox, says, "These declarations may well lead us to doubt whether the apparent difference between the two Governments, is not rather one of definition than of principle."

Lord Aberdeen, in his note to you of the 20th of December, says, "The Undersigned again renounces, as he has already done in the most explicit terms, any right on the part of the British Government to search American vessels in time of peace. The Right of Search, except when specially conceded by Treaty, is a purely belligerent right, and can have no existence on the high seas during peace. The Undersigned apprehends, however, that the Right of Search is not confined to the verification of the nationality of the vessel, but also extends to the object of the voyage, and the nature of the cargo. The sole purpose of the British cruisers is to ascertain whether the vessels they meet with are really American or not. The right asserted has, in truth, no resemblance to the Right of Search, either in principle or practice. It is simply a right to satisfy the party who has a legitimate interest in knowing the truth, that the vessel actually is what her colours announce. This right we concede as freely as we exercise. The British cruisers are not instructed to detain American vessels, under any circumstances whatever; on the contrary, they are ordered to abstain from all interference with them, be they slavers or otherwise. But where reasonable suspicion exists that the American flag has been abused, for the purpose of covering the vessel of another nation, it would appear scarcely credible, had it not been made manifest by the repeated protestations of their Representative, that the Government of the United States, which has stigmatised and abolished the Slave Trade itself, should object to the adoption of such means as are indispensably necessary for ascertaining the truth."

And in the recent Despatch to Mr. Fox, his Lordship further says "that the President might be assured, that Great Britain would always respect the just claims of the United States. That the British Government made no pretension to interfere in any manner whatever, either by detention, visit or search, with vessels of the United States, known, or believed to be such; but that it still maintained, and would exercise when necessary, its own right to ascertain the genuineness of any flag which a suspected vessel might bear; that if, in the exercise of this right, either from involuntary error, or in spite of every precaution, loss or injury should be sustained, a prompt reparation would be afforded; but that it should entertain, for a single instant, the notion of abandoning the right itself, would be quite impossible."

This, then, is the British claim, as asserted by Her Majesty's Government.

In his remarks in the speech already referred to, in the House of Commons, the First Minister of the Crown said, "There is nothing more distinct than the Right of Visit is from the Right of Search. Search is a belligerent right, and not to be exercised in time of peace, except when it has been conceded by Treaty. The Right of Search extends not only to the vessel, but to the cargo also. The Right of Visit is quite distinct from this, though the two are often confounded. The Right of Search, with respect to American vessels, we entirely and utterly disclaim; nay,

more, if we knew that an American vessel were furnished with all the materials requisite for the Slave Trade; if we knew that the decks were prepared to receive hundreds of human beings, within a space in which life is almost impossible, still we should be bound to let that American vessel pass on. But the right we claim is to know whether a vessel pretending to be American, and hoisting the American flag, be *bona fide* American."

The President's message is regarded as holding opinions in opposition to these.

The British Government, then, supposes that the Right of Visit and the Right of Search are essentially distinct in their nature, and that this difference is well known and generally acknowledged: that the difference between them consists in their different objects and purposes; one, the Visit, having for its object nothing but to ascertain the nationality of the vessel; the other, the Search, being an inquisition, not only into the nationality of the vessel, but the nature and object of her voyage, and the true ownership of her cargo.

The Government of the United States, on the other hand, maintains that there is no such well-known and acknowledged, nor indeed, any broad and genuine difference between what has been usually called Visit, and what has been usually called Search; that the Right of Visit, to be effectual, must come in the end to include Search; and thus to exercise, in peace, an authority which the law of nations only allows in time of war. If such well-known distinction exists, where are the proofs of it? What writers of authority on the public law, what adjudications in Courts of Admiralty, what public Treaties, recognise it? No such recognition has presented itself to the Government of the United States; but, on the contrary, it understands that public writers, Courts of law, and solemn Treaties, have, for two centuries, used the words "visit" and "search" in the same sense. What Great Britain and the United States mean by the "Right of Search," in its broadest sense, is called by Continental writers and jurists, by no other name than the "Right of Visit." Visit, therefore, as it has been understood, implies not only a right to inquire into the national character, but to detain the vessel, to stop the progress of the voyage, to examine papers, to decide on their regularity and authenticity, and to make inquisition on board for enemy's property, and into the business which the vessel is engaged in. In other words, it describes the entire right of belligerent visitation and search. Such a right is justly disclaimed by the British Government in time of peace. They, nevertheless, insist on a right which they denominate a Right of Visit, and by that word describe the claim which they assert. It is proper and due to the importance and delicacy of the questions involved, to take care that in discussing them, both Governments understand the terms which may be used in the same sense. If, indeed, it should be manifest, that the difference between the parties is only verbal, it might be hoped that no harm would be done; but the Government of the United States thinks itself not justly chargeable with excessive jealousy, or with too great scrupulosity in the use of words, in insisting on its opinion, that there is no such distinction as the British Government maintains, between Visit and Search; and that there is no right to visit in time of peace, except in the execution of revenue laws, or other municipal regulations; in which cases the right is usually exercised near the coast, or within the marine league, or where the vessel is justly suspected of violating the law of nations by piratical aggression: but whenever exercised, it is a Right of Search. Nor can the United States Government agree, that the term "right" is justly applied to such exercise of power as the British Government thinks it indispensable to maintain in certain cases.

The right asserted is a right to ascertain whether a merchant vessel is justly entitled to the protection of the flag which she may happen to have hoisted, such vessel being in circumstances which render her liable to the suspicion — first, that she is not entitled to the protection of the flag: and secondly, that if not entitled to it, she is either by the law of England, as an English vessel, or under the provisions of Treaties with certain European Powers, subject to the supervision and search of British cruisers.

And yet Lord Aberdeen says, "that if, in the exercise of this right, either from involuntary error, or in spite of every precaution, loss or injury should be sustained, a prompt reparation would be afforded."

It is not easy to perceive how these consequences can be admitted justly to flow from the fair exercise of a clear right. If injury be produced by the exercise of a right, it would seem strange that it should be repaired, as if it had been the effect of a wrongful act. The general rule of law certainly is, that in the proper and

prudent exercise of our own rights, no one is answerable for undesigned injuries. It may be said that the right is a qualified right; that it is a right to do certain acts of force, at the risk of turning out to be wrong-doers, and of being made answerable for all damages. But such an argument would prove every trespass to be matter of right, subject only to just responsibility. If force were allowed to such reasoning, in other cases, it would follow that an individual's right in his own property was hardly more than a well-founded claim for compensation, if he should be deprived of it. But compensation is that which is rendered for injury, and is not commutation or forced equivalent, for acknowledged rights. It implies, at least in its general interpretation, the commission of some wrongful act.

But without pressing further these inquiries into the accuracy and propriety of definitions, and the uses of words, I proceed to draw your attention to the thing itself, and to consider what these acts are which the British Government insists its cruisers have a right to perform, and to what consequences they naturally and necessarily lead. An eminent Member of the House of Commons thus states the British claim, and his statement is acquiesced in and adopted by the First Minister of the Crown :—

"The claim of this country is for the right of our cruisers to ascertain whether a merchant vessel is justly entitled to the protection of the flag which she may happen to have hoisted; such vessel being in circumstances which rendered her liable to the suspicion—first, that she was not entitled to the protection of the flag; and, secondly, if not entitled to it, she was, either under the law of nations or the provisions of Treaties, subject to the supervision and controul of our cruisers."

Now the question is, *by what means* is this ascertainment to be effected?

As we understand the general and settled rules of public law, in respect to ships of war sailing under the authority of their Government "to arrest pirates and other public offenders," there is no reason why they may not approach any vessels descried at sea for the purpose of ascertaining their real characters. Such a right of approach seems indispensable for the fair and discreet exercise of their authority, and the use of it cannot be justly deemed indicative of any design to insult or injure those they approach, or to impede them in their lawful commerce. On the other hand, it is as clear that no ship is, under such circumstances, bound to lie by, or wait the approach of any other ship. She is at full liberty to pursue her voyage in her own way, and to use all necessary precautions to avoid any suspected sinister enterprize or hostile attack. Her right to the free use of the ocean is as perfect as that of any other. An entire equality is presumed to exist. She has a right to consult her own safety; but at the same time she must take care not to violate the rights of others. She may use any precautions dictated by the prudence or fears of her Officers, either as to delay, or the progress or course of her voyage; but she is not at liberty to inflict injuries upon other innocent parties simply because of conjectural dangers.

But if the vessel thus approached attempts to avoid the vessel approaching, or does not comply with her Commander's order to send him her papers for his inspection, nor consent to be visited or detained, what is next to be done? Is force to be used? And if force be used, may that force be lawfully repelled? These questions lead at once to the elemental principle, the essence of the British claim. Suppose the merchant vessel to be in truth an American vessel, engaged in lawful commerce, and that she does not choose to be detained. Suppose she resist the visit? What is the consequence? In those cases in which the belligerent Right of Visit exists, resistance to the exercise of that right is regarded as just cause of condemnation, both of vessel and cargo. Is that penalty, or what other penalty, to be incurred by resistance to visit in time of peace? Or suppose that force be met by force, gun returned for gun, and the Commander of the cruiser, or some of his seamen be killed: what description of offence will have been committed? It would be said in behalf of the Commander of the cruiser, that he mistook the vessel for a vessel of England, Brazil, or Portugal; but does this mistake of his take away from the American vessel the right of self-defence? The writers of authority declare it to be a principle of natural law, that the privilege of self-defence exists against an assailant who mistakes the object of his attack for another whom he had a right to assail.

Lord Aberdeen cannot fail to see, therefore, what serious consequences might ensue, if it were to be admitted, that this claim to visit, in time of peace, however limited or defined, should be permitted to exist as a strict matter of right; for if it exist as a right, it must be followed by corresponding duties and obligations;

and the failure to fulfil those duties would naturally draw penal consequences after it, till ere long it would become in truth little less or little other than the belligerent Right of Search.

If visit, or visitation, be not accompanied by search, it will be, in most cases, merely idle. A sight of papers may be demanded, and papers may be produced. But it is known that Slave Traders carry false papers, and different sets of papers. A search for other papers then must be made, where suspicion justifies it, or else the whole proceeding would be nugatory. In suspicious cases, the language and general appearance of the crew are among the means of ascertaining the national character of the vessel. The cargo on board, also, often indicates the country from which she comes. Her log-books, showing the previous course and events of her voyage, her internal fitment and equipment, are all evidences for her, or against her, on her allegation of character. These matters, it is obvious, can only be ascertained by rigorous search.

It may be asked, if a vessel may not be called on to show her papers, why does she carry papers? No doubt she may be called on to show her papers; but the question is, where, when, and by whom? Not in time of peace, upon the high seas, where her rights are equal to the rights of any other vessel, and where none has a right to molest her. The use of her papers is, in time of war, to prove her neutrality, when visited by belligerent cruisers; and in both peace and war to show her national character, and the lawfulness of her voyage, in those ports of other countries, to which she may proceed for purposes of trade.

It appears to the Government of the United States that the view of the whole subject, which is the most naturally taken, is also the most legal, and most in analogy with other cases. British cruisers have a right to detain British merchantmen for certain purposes; and they have a right, acquired by treaty, to detain merchant vessels of several other nations for the same purposes. But they have no right at all to detain an American merchant vessel. This Lord Aberdeen admits in the fullest manner. Any detention of an American vessel by a British cruiser is, therefore, a wrong, a trespass, although it may be done under the belief that she was a British vessel, or that she belonged to a nation which had conceded the right of such detention to the British cruisers; and the trespass therefore an involuntary trespass. If a ship of war, in thick weather, or in the darkness of the night, fire upon and sink a neutral vessel, under the belief that she is an enemy's vessel, this is a trespass—a mere wrong—and cannot be said to be done under any right, accompanied by responsibility for damages. So, if a civil officer on land have process against one individual, and, through mistake, arrest another, this arrest is wholly tortious: no one would think of saying that it was done under any lawful exercise of authority, subject only to responsibility, or that it was any thing but a mere trespass, though an unintentional trespass. The municipal law does not undertake to lay down beforehand any rule for the goverment of such cases. And as little, in the opinion of the Government of the United States, does the public law of the world lay down beforehand any rule for the government of cases of involuntary trespass, detentions, and injuries at sea; except that, in both classes of cases, law and reason make a distinction between injuries committed through mistake, and injuries committed by design; the former being entitled to fair and just compensation; the latter demanding exemplary damages, and sometimes personal punishment. The Government of the United States has frequently made known its opinion, which it now repeats, that the practice of detaining American vessels, subject to just compensation, however guarded by instructions, of however cautiously exercised, necessarily leads to serious inconvenience and injury. The amount of loss cannot always be well ascertained. Compensation, if it be adequate in the amount, may still necessarily be long delayed: and the pendency of such claims always proves troublesome to the government of both countries. These detentions, too, frequently irritate individuals—cause warm blood, and produce nothing but ill effects on the amicable relations existing between the countries. We wish, therefore, to put an end to them; and to avoid all occasion for their recurrence.

On the whole, the Government of the United States, while it has not conceded a mutual right of visit or search, as has been done by the parties to the Quintuple Treaty of December, 1841, does not admit that by the law and practice of nations, there is any such thing as a Right of Visit, distinguished, by well known rules and definition, from the Right of Search.

It does not admit that visit of American merchant vessels by British cruisers is

founded on any right, notwithstanding the cruiser may suppose such vessel to be British, Brazilian, or Portuguese.

It cannot but see that the detention and examination of American vessels by British cruisers has already led to consequences; and it fears that if continued it would still lead to further consequences, highly injurious to the lawful commerce of the United States.

At the same time, the Government of the United States fully admits that its flag can give no immunity to pirates, nor to any other than to regularly documented American vessels. It was upon this view of the whole case, and with a firm conviction of the truth of these sentiments, that it cheerfully assumed the duties contained in the Treaty of Washington; in the hope that thereby causes of difficulty, and of difference, might be altogether removed, and that the two Powers might be enabled to act concurrently, cordially and effectually, for the suppression of a traffic which both regard as a reproach upon the civilisation of the age, and at war with every principle of humanity and every Christian sentiment.

The Government of the United States has no interest, nor is it under the influence of any opinion which should lead it to desire any derogation of the just authority and rights of maritime power. But in the conviction which it entertains, and in the measures which it has adopted, it has been governed solely by a sincere desire to support those principles and those practices which it believes to be conformable to public law, and favourable to the peace and harmony of nations.

Both Houses of Congress, with a remarkable degree of unanimity, have made express provisions for carrying into effect the Eighth Article of the Treaty. An American squadron will immediately proceed to the coast of Africa. Instructions for its Commander are in the course of preparation, and Copies will be furnished to the British Government; and the President confidently believes that the cordial concurrence of the two Governments, in the mode agreed on, will be more effectual than any efforts yet made for the Suppression of the Slave Trade.

You will read this Despatch to Lord Aberdeen; and if he desires it, give him a copy.

I am, &c.

Edward Everett, Esq. (Signed) DANIEL WEBSTER.
&c. &c.

No. 31.

Mr. Everett to the Earl of Aberdeen.

46, *Grosvernor Place, May* 9, 1843.
(*Received May* 9.)

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, has the honour to submit to the Earl of Aberdeen, Her Majesty's Principal Secretary of State for Foreign Affairs, a number of additional papers, a list of which will be found below, in support and explanation of the claims of the owners of the "*Tigris*" and "*Seamew.*" These papers have been already placed in the hands of Mr. Rothery, by Mr. John Hillard, the person employed by the Undersigned, to attend to the examination of the claims, in conjunction with Mr. Rothery. The papers have since been returned by Mr. Rothery, to Mr. Hillard, with an intimation that they cannot be considered by him, except by order of Her Majesty's Government. They are accordingly now transmitted by the Undersigned to the Earl of Aberdeen, with a view to their being sent to Mr. Rothery, with directions to have them considered by that gentleman. To avoid the delay which would be necessary for their transcription, they are sent in the original.

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.

List of the Papers.

No. 1. Statement in respect to the "*Tigris.*"
2. Statement in respect to the "*Seamew.*"

3. Letter to the Owners of the "*Tigris*," by Jonathan C. Perkins, in defence and explanation of their claim.
4. Letter to Mr. Everett, by Mr. Choute, a Senator of the United States.
5. Deposition of C. Treadwell.
6. Minute of Agreement between Thos. W. Hunt, and Thomas Hutton, (Charter-party).
7. Statement of claim to compensation for the detention of the "*Tigris*," and "*Seamew*."
8. Extract from sales of cargo of "*Seamew*."
9. Account of losses on sales at Benguela, in consequence of the detention of the "*Seamew*."
10. Deposition of Brown and Frothingham.

First Enclosure in No. 31.

Statement in respect to the "Tigris."

Salem, March 31, 1843.

1. *Demurrage.*—Two objections are made to this item: first, the rate per day: second, the period of time.

In reply to the first, we would state, that it is very possible that a vessel of the size of the "*Tigris*" having no employ, might be procured in England at the rate of £4 10*s*. per day; but when it is considered that this vessel was forcibly taken possession of, and taken from the position where we wanted her to protect our property, and carried to a place where we did not want her, thereby breaking up our voyage, and not allowing us to complete it, we think, under all the circumstances, the rate charged is not too high.

Second, With regard to time, we contend that the vessel having been held by the seizor for the whole period of 84 days, without any authority of law (which is admitted by Lord Aberdeen), we are entitled to receive demurrage for the whole time we were deprived of the control of the vessel. We think, moreover, that it would have been reasonable and just had we have claimed for the additional time it would have required to have placed the vessel back to the port where seized.

2. *Interest.*—Two objections are made to this item, *viz.* the duration of time, and the rate per cent.: with regard to the first, the same argument will apply as in demurrage, the holding possession of the property; the second objection, we contend, that inasmuch as we were paying at the rate of 6 per cent, the legal rate in Massachusetts, and at the same time paying a commercial house in London, Fletcher, Alexander, and Co. 6 per cent., we should be entitled to receive that rate; any less rate would not be an indemnity.

3. *Insurance.*—This item is peremptorily objected to, on the ground that the British Government were the insurers during the time of seizure and detention; we acknowledge the force of the objection, though had the vessel have been lost on her passage, we might have found it difficult to have recovered insurance.

4. *Damages.*—By being compelled to leave coffee at St. Thomas; the objection to this item is, that ample time had been afforded to advise of the capture, and to get the coffee home by other conveyance. To this we would reply, that there was no opportunity of shipping the property home from the Island at that time; but few American vessels trade at St. Thomas; and Mr. De Castro, who held the coffee, after hearing of the seizure of both our vessels, re-sold the coffee; after the "*Tigris*" was given up, we despatched her on another voyage, and ordered her to St. Thomas to take on board the coffee that was left in his hands. On her arrival at that port, Captain Frye found Mr. De Castro was dead, and his estate in the hands of administrators; and although several of our vessels have been to St. Thomas since to collect, have not succeeded in recovering the debt, and it is very doubtful whether it is ever recovered in full.

As an evidence of the unwillingness on the part of masters of vessels to take freight to the United States on that part of the coast, we would state, that we have during the present year received at the rate of $50 (fifty dollars) per ton, for twenty tons of goods, from Ambriz to Salem.

5. *Freight.*—This item is allowed by Mr. Rothery. We charged ½ cent. per pound, thinking that we might bring it home in our own vessels at that rate, but we have since paid one cent. per pound from Africa.

6. *Contract for Barwood.*—The objection to this item is want of proof of the purchaser. Had we have anticipated this objection we might have obtained an

affidavit from St. Thomas from the person with whom the contract was made, but supposed the Captain's affidavit would be sufficient. With regard to the capacity of the vessel, we would refer to our letter of 31st January, by which it will appear the "*Tigris*" could have brought home all the barwood contracted for.

7 & 8. *Loss on Sales.*—For these two items we claim a loss for not being allowed to deliver goods actually sold to the amount of 2,670·18, and for depreciation of outward cargo brought back in damage stated, as per survey, 1,143·38. An offer is made for these two items of 650*l.* as compromise. To the last item it is objected that there is no proof of amount realised by the owners when sold, and that the goods ought to have been sold, and actual loss shown.

Our reply to this objection is, that the most of the goods were better adapted to the African market than any other, and if sold at auction the loss would have been greater than we claim. As it was not known at the time that the British Government would admit our claim for indemnity, we did not wish to incur the risk of a greater loss by sacrificing our goods by an auction sale, and adopted the course we did, being that which would eventuate in the least loss. The goods, after being put into the best condition they would admit of, were shipped as part of the cargo of another vessel. Unless there is good reason to doubt the affidavit of the Master, or call in question the integrity or judgment of the survey, we think we should receive the full sum claimed for both items. If necessary, proofs can be obtained from St. Thomas and Ambriz of the three last items, though to do which would require seven to nine months.

9 & 10.—These items are allowed by Mr. Rothery.

11. *Interest.*—The rate is objected to as in second item; our remarks in reply would be as stated in second item.

Jas. H. Hanson.—This claim is for interest eighty-four days, and for damages on invoice of merchandise brought back to Salem; Mr. Rothery proposes to allow 4 per cent., and one-half of amount claimed. We have no doubt the loss to the claimants is fairly stated.

(Signed) ROBERT BROOKHOUSE.
WM. HUNT.

Second Enclosure in No. 31.

Statement in respect to the "Seamew."

Salem, March 31, 1843.

1. *Demurrage.*—Our reply to the objection of Mr. Rothery, to the rate charged, is the same as in the case of the "*Tigris,*" in addition to which, we would state, that in December 1839, the Master of the "Active," a vessel belonging to us, while at Cape Coast, Africa, chartered his vessel at Messrs. Huttons, English merchants, residents at that place, for a voyage to several ports on the Coast, and thence to the United States, for a period of 90 days, at the rate of $14 per ton, with demurrage for each day exceeding the above period, $30 per day, and we received demurrage for the period of 87 days. At that rate, as we had another vessel at that port at the time, in which our property could be brought to the United States, the Master of "Active" considered it for our interest to accept the charter, which, under other circumstances, would not have been an inducement.

The "Active" is but 13 tons larger than the "*Seamew;*" the value of the "Active" was but $5,000, and the "*Seamew*" $8,000; it was with this view of the comparative value of the vessels, and the circumstances under which the "*Seamew*" was detained, that we consider $40 per day a reasonable charge for demurrage of the "*Seamew,*" and $30 reasonable rate for the "*Tigris,*" and that we should recover for the whole time claimed in both cases.

2. *Damages to the Ship.*—Objection is made to the sum charged. Mr. Rothery offers $500, and Mr. Hillard recommends $750. We still are of opinion that the sum claimed is not too large, yet we are disposed to submit to the opinion of Mr. Hillard, rather than dispute the point.

3. *Damages to Coffee.*—This is objected to, on the ground that the Captain's affidavit is not sufficiently explicit: we supposed it would be considered sufficient at the time; unfortunately, the parties not being here, we can offer no stronger testimony on that point; the circumstance of purchasing 120 gunny bags in St. Helena, is not to be presumed without evidence as intended for damaged coffee; from the

careless manner in which the cargo was handled and stowed after the seizure of the vessel, it is surprising that more new bags were not required to put the coffee in good shipping order, to bring to the United States.

4. *Damages to Coffee Mill.*—Amount claimed, $50. Mr. Rothery proposes to allow $25; the whole item being small, we are not disposed to dispute about the difference.

5. *Interest.*—The same remarks apply to this item, as in the case of the "*Tigris,*" as to the rate, and the whole time should be allowed.

6. *Insurance.*—The same remarks apply as in the case of the "*Tigris.*"

7. *Damages.*—Loss of Markets. There seems to be an error in our documents, claiming difference between the present St. Helena and Ambriez; it should have been between the prices at St. Helena and Loanda and Benguela; the ports to which the "*Seamew*" was bound when seized. We acknowledge St. Helena as a better market for flour than Ambriez, that being a native place, having no European settlement; the error was in drawing up the papers, and not discovered when signed by the Captain.

Loanda, St. Paul's, is a large Portuguese settlement, and is generally a good market for flour in quantities varying from 300 bls. to 400 bls. at a time. Benguela is a smaller settlement, but always a good market for that article in smaller quantities. We attach herewith a certificate, signed by the merchants at Benguela, dated 14th March, 1841, showing the value of flour and other articles at that port, and the quantity that might have been sold at the time the "*Seamew*" wonld have arrived at that port, had she not have been seized by the "Persian."

Captain Briant obtained this certificate at the time it is dated, and would have obtained a similar one without doubt at Loanda, had we gone there, as flour was known to be worth as much at Loanda as it was at Benguela.

We attach also an Extract from Captain Briant's Account Sales that voyage at several ports on the Coast, by which he sold no flour at any place on the Coast less than $12.000 per bl. At Benguela he sold the balance of flour he had remaining, 38 bls., which had been seven months on board, at $13.000 per bl.; this circumstance shews very clearly, that Loanda and Benguela are much better markets for flour than St. Helena; it will also be seen by reference to our instructions, a copy of which have been transmitted, that we expected the whole cargo to be disposed of on the Coast of Africa, that the vessel was only ordered to St. Helena upon the contingency of not being able to close sales at ports in Africa; many years experience has proved that the Portuguese ports in Africa, are much better markets than St. Helena.

8. *Interest.*—This item is allowed for 105 days; but we think that the 125 days should be insisted on, and the rate should be 6 per cent., for the same reason as given in the case of the "*Tigris,*" and so also with all other items of interest.

11. *Wages.*—This is not admitted by Mr. Rothery, though the reason is not stated (as Mr. Hillard says), the claim is a just one, and we know of no reason why it should be objected to.

12. *Expenses at St. Helena.*—This is objected to by Mr. Rothery, and an offer is proposed. We trust the whole will be paid.

14. *Interest.*—On whole claim till paid, for reasons given at length in the case of the "*Tigris,*" we think upon every principle of justice and equity, we should be allowed 6 per cent.

(Signed) J. H. HANSON.
ROBERT BROOKHOUSE, Jun.
JAMES DE FREITAS.

These claims are for interest or property on board, which should be settled upon same terms as claims of owners of the vessel.

James Briant, Master of "Seamew."—This claim is for four months loss of time, during nearly all of which, he was confined a prisoner on board his vessel, suffering many privations, having violated no law of his own or any other country, for all of which, Mr. Rothery proposes to give him £10. Captain Briant's emoluments as master and supercargo, for many years, has been equal to $125 to $150 per month.

(Signed) ROBERT BROOKHOUSE.
WILLIAM HUNT.

Third Enclosure in No. 31.

Mr. Perkins to Messrs. Brookhouse and Hunt.

MESSRS. BROOKHOUSE AND HUNT, *Salem, March* 29, 1843.

I HAVE carefully examined the papers and documents submitted to me by you, relating to your claims in the cases of the "*Seamew*" and "*Tigris*," and beg leave to submit to you the following remarks, as the result of my examination. They are intended to accompany Mr. Hillard's Report of the state of the negotiation, and will be understood by reference to his Report of the objections made to your claims.

"*Tigris*." The first item *Demurrage*.—The objection to this claim is, that the "*Tigris*" would have been on her passage home, shortly after seizure, and that the time she would have occupied ought not to be charged for. This objection to the allowance of demurrage for the full period of 84 days claimed, seems to proceed upon the ground that the voyage was finished, or so nearly finished that it made no difference to the owners whether, for a reasonable passage, she was in the hands of her own master, or in those of the seizors of her. This, however, is an entirely unsupported and erroneous view of the case. It must have been very far from desirable to the owners of the "*Tigris*," to have her in Salem as she was at that time, with a large portion of her outward cargo on board. The voyage was by no means complete, but had been entirely broken up, at the very period when it was plain that if finished it would have been a very successful one. If the voyage had been finished, the argument would be irrefutable, that in point of pecuniary result it would make no difference to the owners whether the vessel and cargo came home under one crew or another, the same care being bestowed on the property by either. But as the voyage was entirely frustrated, it cannot be urged as a matter for consideration that the vessel must in course of time return to Salem. It makes no difference in this view whether she was nearer or less near the period of return.

It is very plain both upon reason and authority, that as the voyage was unfinished, the owners would be entitled to claim that their vessel should be placed precisely where she was taken from; and a fair indemnity requires that she should be clothed with the same advantages as if she were placed there. If the owners have this right to claim that their vessel should be placed where she was taken from, then they are entitled to claim demurrage from the period when she was taken, until she could return to Ambreiz after her liberation. This would be a period of about 144 days from the time of seizure. The owners might reasonably and strictly by law claim demurrage for the whole of this period. The act of the cruiser in sending the "*Tigris*" home, was of no service to the owners at that time. It would have been, if I understand it right, far better for them, if, instead of being sent home, the vessel had been detained the whole period of 84 days at Ambreiz; certainly if she had been so detained at Ambreiz, no objection could be made to demurrage for that period, as little should be made in this case. The objection proceeds upon a baseless assumption, a mere presumption, that 60 days of the passage were expended beneficially to the owners, which seems to be totally unsupported. The owners suffered a greater loss evidently than they claim, but that should not prevent them from recovering what they do claim. The "*Tigris*" arrived in Salem on the 30th December, 1840, and neither she or her cargo were restored fully, as I am assured, until the 14th day of February following, on account of the proceedings of the seizors. The owners of the "*Tigris*" seem by no means desirous of making anything by the seizure, and have made claim only to what appears to be a fair indemnity. They might, perhaps, have stated their claim differently, but the result would have been the same. The period of 84 days is certainly the shortest for which they ought to claim demurrage. During that time the "*Tigris*" was wholly under the control of the seizors, and it does not appear that she did anything for the advantage of the owners. The question then as to the difference between an ordinary passage home and the actual passage of 84 days, does not arise, and cannot fairly be made the criterion of demurrage. It can arise only on an enquiry as to the length of time it would take to restore the "*Tigris*" to Ambreiz, and the days to be added to the 84 to satisfy that enquiry. This same reasoning applies to the question on the amount to be paid for the detention of cargo. The owners certainly had a right in strict reason to demand damages for the detention of this, until it could be placed where it was taken from. But as part of it was return cargo, which might well be kept

at home, and a part outward cargo, which must be sent again to the Coast in order to find a market for it, it was supposed that the damages calculated at the rate claimed for 84 days would meet this part of the demand more properly.

The *rate of demurrage* is objected to, partly on the ground that the affidavits of Messrs. Neal and Rogers affixed to the documents in this case, are not satisfactory; and partly, because the sum claimed is said to be larger than the rate of demurrage for British vessels at the same time. It is not of course objected that the testimony of Messrs. Neal and Rogers is not given in the form of depositions. The statements made by them in their affidavit, if testified in a Court of Justice in this country, in the same form, would establish the price fixed by them beyond controversy; and the precise objection to their statement not being perceived, it is not apparent how it should be altered, whether any additional facts should be stated, or whether the matter should be given in a different form. It is not understood that any exception is taken to the witnesses, certainly none could be fairly, as they are men of large experience and well known here as merchants of the highest standing. The affidavit of none other was offered, because none more intelligent or more conversant with the subject could be found in the country.

It is respectfully suggested that the rate of demurrage for British ships at the same time is hardly a fair criterion. A great difference in respect to demurrage is always found to exist in different countries. There is a difference in the number of seamen, the rate of their wages, their provisions, the plenty or scarcity, and use and value of ships to be employed, and other things, which cause a great variation in the rate of demurrage. This may appear by reference to a note to the case of the "*Anna Catherina*," 6, Robinson's Admiralty Rep. 10, 12, decided in 1805, and by which note it appears, that American vessels were allowed a higher price for demurrage than vessels of other countries: in some cases *one third part* higher. The rate of demurrage varies for different times and places, according to the value of money, rate of wages, number of seamen, value and size of vessels, price of provisions, number of vessels to be employed, and the demand for them.

At the time the "*Tigris*" and "*Seamew*" were taken, the demand for ships of their capacity was very good, and charters high. The affidavit of Messrs. Neal and Rogers seems to be the best proof the case admits of, and being uncontradicted by any other evidence, of the value fixed as the rate of demurrage in this country at that time, it is not very apparent why they do not establish the claim to the $30 and $40 for these vessels beyond controversy.

Other statements and documents accompany this, which show for a vessel of less value than the "*Seamew*" or "*Tigris*," an agreement for a much higher rate of demurrage than that offered, and go to establish the claim as made fully, also another affidavit is sent, of Charles Treadwell, Esq.

I am now led to the consideration of the rate of damage for detention of the cargo. This may be regarded as a matter wholly different from the rate per cent. as interest on the claim for damages since the property was given up.

In case of the detention of cargo, the true enquiry is, what is a fair indemnity, not the rate of interest as interest, but as a rate of damages: six per cent. has been the usual allowance in such cases in this country; that has been given in most of the cases. Some have gone as high as ten per cent.; none less than six. If the question were now made between American citizens, six per cent. would be the least sum allowed. It certainly falls below a fair remuneration. This, it appears, was the sum which the owners were then paying for their advances.

They surely should be paid as much as they themselves were paying out for the funds on which the very property was bought. This is claimed rather *in analogy* to interest than as interest on money due, and six per cent is the least amount known to have been paid in such cases in this country. Ten per cent. was said by Judge Story, in the case of the "*Lively*," decided by him in 1812, to be a proper allowance for the detention of a cargo which was not of large value: and six per cent. has been allowed by him and other Judges in numerous other cases in the Supreme Court of the United States, and in their circuits. In an English Case, *Ekins* v. *East India Company*, 1, Pierre Williams, Report, 395, 396, I perceive that the English Court of Chancery allowed on a similar case twelve per cent. upon the value of a ship and cargo, illegally taken, for thirteen years.

In reference to the *rate of interest* due on the amount of damages during the time which has elapsed since the property was restored, it seems to depend entirely on the place where the money due for damages is payable. If payable in

Massachusetts, then by all the rules of *law*, the rate of interest should be that established in Massachusetts, viz. six per cent.—*Conflict* of Laws, by Judge Story, 2nd Ed. pp. 241, 253.

I think it will not be pretended that the sum is not due and payable in Massachusetts. Then the rate should be six per cent.

The damages in this case arose either on the Coast of Africa, or in America; in neither case under British law; in the latter certainly under American law; and in the former, at all events, under American jurisdiction and protection. The rate of four per cent. is certainly not a fair indemnity, and it is very hard to conceive on what ground such a rate can be established. If, however, this be the rate established for detention of money due by any agreement or negotiation between the American and English Governments, there should certainly in this case be no effort to disturb it.

Evidence of the Masters. Another point has arisen in this case, relating to the force and effect to be given to the statements of the masters of the vessels seized. The rule appears to be, that matters depending on the evidence of the masters of the vessels alone, are not to be regarded as sufficiently proved. The source of this rule is not known, and the reason of it is by no means apparent. In a vast number of cases, the enforcement of it would amount to a total denial of justice. Very little is gained by the admission of a claim for indemnity, if the ordinary, and in many cases the only means of establishing it, are rejected. The masters of the vessels in these cases appear to have no interest in any item of the claim made by the owners in their own behalf. The seizure is admitted to be unjustifiable, and is founded on no fault of the masters, nor does the claim involve that question. Their evidence cannot be objected to, and deemed incompetent on the ground of interest. They are highly respectable citizens, and have amongst those who know them every claim to credit. If the question had arisen between the American Government and one of its citizens, or between two citizens of America, the uncontradicted testimony of the master of either of the vessels would be sufficient to fix and establish the claim.

There are cases reported of decisions in Great Britain, where the evidence of the master of a vessel has been regarded as sufficient of itself to establish the points in controversy, in cases similar to those under consideration.

Reference may be had to *The Carolina*, 3, Robinson's Admiralty Reports, 75; *Die Five Damer*, 5, Robinson's Admiralty Reports, 357; *The Peacock*, 4, Robinson's Admiralty Reports, 185—191.

There is no case known to me that establishes a contrary doctrine. The rule laid down there seems entirely arbitrary. There is no authority for it, and it has as little reason to found it on. There are many cases for which, by necessity, no other evidence can be produced. They may become witnesses, *ex necessitate rei*, if for no other reason. These vessels had no supercargo on board. The whole and entire management was entrusted to the masters. They alone of those on board the vessels knew anything of the contracts made, or the profits, &c., of them. There are, to be sure, other parties to those contracts, but their evidence, it appears, cannot be obtained without great trouble, expense and delay; and as no reason or authority was found for excluding the evidence of the masters, or holding it insufficient, it being held sufficient to prove such claims in this country, there seemed to be no cause for sending out to the Coast of Africa to procure the testimony of others. That, however, may still be done in some of the items, as I have no doubt. I notice that a bill has been introduced into the House of Lords of Great Britain, and appears to be rapidly approaching its final passage, providing for a very extensive change in respect to the admission of witnesses; making many persons competent who were not so before. This bill exhibits a tendency to hear and weigh all that can be said in a question, even by those interested. Much more, it is believed, it will allow those to testify, to whom there appears to be no other objection than that they are part and parcel of a transaction, and therefore know most about it, without having any interest in it.

Seventh item in "Tigris," and those of similar character.—The objection made to the seventh item in the case of the "*Tigris*," cannot certainly prevail, on the ground that it is a claim for anticipated or imaginary profits, because the sale had been actually made for money. The only thing to be effected was a delivery of the property. Nothing could vary the profit to be made; it had been actually fixed, though not realised; it was not therefore uncertain; no change in the market could affect it; the market had been made; none of the objections sometimes made to the allowance of general imaginary profits can possibly arise in this

case. It will be observed here, that those who had contracted for these goods at Ambreiz, being in no fault for the non-delivery, they could not be required to complete the bargain at some other time; and on this account it would have been of no service to the owners to have sent the goods to that place again, except for a new trade or sale. It will be observed, too, that the owners are liable for a non-fulfilment of their contract. None of the circumstances of the case excuse their non-delivery of the goods. It will also be seen, that the Master of the "*Tigris*" apprised the seizors that he wished to land these goods, and was refused, though it might have been done without any injury to them.

The objection made, that this claim depends very much upon the evidence of the Master, I think cannot be insisted on. If this evidence were contradicted, as it may be, if untrue, then the owners would be called upon to support it; but the owners have no such fear; and therefore they have relied upon the Master's evidence as the best the nature of the case admits of. Other evidence, such as that of those who purchased the goods at Ambreiz and St. Thomas, may perhaps be procured, but it must be after great delay and expense, and for no apparent reason. The statement of the Master of the "*Tigris*" is, however, supported by that of the Mate, Mr. Burnham, so far as he had or could be supposed to have any knowledge on the subject. He testifies to the sale of the remainder of the outward cargo, and the period fixed for the delivery.

The claim in the matter of the *barwood* must clearly be allowed, before the owners can be made whole. This claim is fully made out by the affidavit of Captain Frye, supported by the evidence of Mr. Burnham, and other evidence, of the capacity of the vessel to carry the quantity said to have been purchased, and also of the prices at which barwood was selling, when the "*Tigris*," in the regular course of her voyage, would have arrived in America. This is not such a claim for imaginary or speculative profits as would be covered by demurrage; the purchase had been actually made, and the sum for which it would be sold is clearly fixed. The owners could not, after the detention, have claimed a completion of the purchase, but they could have been sued for not fulfilling the contract on their part. If this claim is not allowed to its full extent, certainly the freight of it home ought to be paid for, as the "*Tigris*" could have taken it, but was not suffered; but that clearly would not afford an indemnity. It is intimated that demurrage is intended to cover some of these losses of imagined profits. The demurrage in such case must be a liberal sum—certainly not one that falls below the ordinary rate of charter. If true at all, that demurrage covers some profits, it certainly must refer to those which are purely speculative and imaginary; it cannot reach cases where sales for cash are actually made, or where merchants are prevented the fulfilment of contracts actually entered into by them.

It will be observed, too, that demurrage on the "*Tigris*" is not claimed for the period which it would have taken to have placed the vessel back from whence she was taken, to enable her to complete her voyage; and of course the demurrage claimed then has no reference to the profits, and cannot be said to cover any of them. The claim amounts simply to this—the owners were not allowed to complete their voyage; they then call upon the British Government to complete the voyage for them as they would have done themselves, if allowed, or pay them a sum of money equivalent to what they would have realised in case they had finished the voyage themselves. This seems fair and reasonable.

"*Seamew:*" *first item.* Days of demurrage of "*Seamew.*"—It seems to me that no sensible reason can be given for striking out any part of the time claimed for demurrage for the "*Seamew.*" It is very evident the vessel and cargo were detained for no object on the part of Captain Briant, except to suffer the least possible injury, and secure his rights. The whole delay was caused by the act of the British cruiser. It should be met and paid for in that light. An unsupported suggestion, that Captain Briant remained too long at St. Helena, ought not to prevail against the reason and clear facts of the case.

These same remarks apply to the detention of the cargo.

"*Seamew:*" *third item.*—In respect to the third item claimed in the "*Seamew's*" case, the difficulty suggested in the affidavit is certainly rather curious than stringent. After having stated that a certain quantity of coffee had become useless and of no value, and had been condemned by a regular survey, Captain Briant then says, that all of this damaged coffee was thrown overboard. In this he is supported by the evidence of his mate, Mr. Babbidge. It is hardly to be supposed that it would be known at St. Helena *how much* coffee was thrown over-

board; and perhaps it might not even be known there that any was thrown over.

As to the purchase of gunny bags, it is very evident that they were purchased, in part at least, for other parts of the cargo than the 115 bags. After such usage as the cargo had been subjected to, 120 gunny bags would be very soon taken up in repairing the breaches made in the bags filled with that part of the coffee not damaged. This fact would seem to have no necessary bearing one way or the other, especially against an affidavit so supported.

"*Seamew:*" *seventh item.*—The whole ground in the claim of the seventh item of the "*Seamew,*" is entirely mistaken. It is not that Captain Briant was not permitted to sell his flour, bread, stuffs, &c., *at Ambriz;* but that he was not allowed to continue the course of his voyage, and to sell the property where he saw fit. The expression of Captain Briant is, that "the flour, if he had been permitted to remain at Ambriz, would have sold for about $20 per barrel; so of the bread. It is not here stated that the flour would have sold at Ambriz for that price, but that he could have sold it for that, as the evident meaning is, in the prosecution of his voyage, if he had not been taken, as he was, *from Ambriz* by the "Persian." It appears by the affidavit, that Captain Briant was bound to Loanda and Benguela, and he intended to sell this flour and bread stuffs there; and that at the time he was taken he was just starting for those places. It is then very evident from this that he was not going to sell his flour or bread *at Ambriz.* The certificate attached to the papers in this case, of certain merchants at Benguela, where it seems to have been the purpose to sell this flour and bread stuffs, shows with sufficient plainness and fulness that the markets for such articles at that place would have afforded Captain Briant the sales and the price he states in his affidavit, and places his assertions beyond all question. In all these matters Captain Briant is fully supported by his mate, Mr. Babbidge.

I have here given my opinion upon some of the general principles which ought to govern me in the adjustment of the claim, leaving the particulars to be more fully commented on by yourselves, if you so choose. All of which is respectfully submitted by

Yours, &c.

(Signed) JONATHAN C. PERKINS.

Fourth Enclosure in No. 31.

Mr. Choute to Mr. Everett.

MY DEAR SIR, *Boston, March* 31, 1843.

I HAVE been requested of my particular friend Mr. Perkins, of the Essex Bar, the son-in-law of one of the owners of the "*Tigris,*" to express, on behalf of the owners, his obligation to you for the attention which has been bestowed on the case of that vessel; and to request, though quite needless to do so, a continuance of the same kindness. He sends out, by the April steamer, a reply to Mr. Hillard's letter; in which he relates and argues, fully and learnedly, the claim of the owner. I must say, from the examination I have made of the subject, and from Mr. Perkins' ability and fidelity, I think the argument exceedingly deserving of confidence, as a true exhibition of the law of the claim. It would be highly gratifying if it should seem to be worthy to be countenanced and enforced in the negociation. The owners are very worthy persons; the act a palpable and acknowledged wrong; the attempt to mitigate the demand of restitution, we think sharp and untenable.

Mr. Perkins' anxiety not to appear as officiously obtruding himself upon the case or upon the negotiation, leads him to desire me to say thus much. My friendship for him and confidence in him make it very agreeable to me to do so. He was not so fortunate as to have personally known you himself.

I have, &c.

The Hon. Mr. Everett, (Signed) RUFUS CHOUTE.
&c. &c.

Fifth Enclosure in No. 31.

Deposition of Mr. Charles Treadwell.

ESSEX, SS. COMMONWEALTH OF MASS. U. STATES.

I, CHARLES TREADWELL, on oath, depose and say, that I am citizen of Salem, in said county; that I was for many years Master of various vessels engaged in foreign commerce from Salem and other ports in the United States, and for the last six years I have been the official head and President of the Essex Insurance Company, duly established at said Salem by law; during all this time I have been well acquainted with the commerce of Salem and other ports in the United States. I know the vessels called the "*Tigris*" and the "*Seamew*" belonging to Robert Brookhouse and William Hunt, Esquires, merchants of said Salem, and have known them for a number of years past. These vessels have been insured at the above-named Office several voyages since I have been the President thereof. They were valued, the "*Tigris*" at $5000, and the "*Seamew*" at $8000, and in my opinion were, in the years 1840 and 1841, worth those sums respectively. I have, during the years above named, viz. for the last 20 years, been acquainted with the freight and charter of vessels in the port of Salem and other ports; and with the costs of victualling and manning the same, and with the prices paid for the demurrage thereof. And I am of opinion, and fully believe, that a fair price or compensation for demurrage of the "*Tigris*," about 160 tons, in a voyage upon the Coast of Africa in the years 1840, and 1841, with the number of men she is said to have had on board, viz. seven hands, besides the Master, including their hire and provisions for the time, would be at least $30 by the day; and that a fair price for *demurrage* of the "*Seamew*," about 200 tons, during the same period, and on the same voyage, with her number of men, said to have been *eleven* besides the Master, including as above, would be at least $40 by the day, calculated according to the rates of charter, freight, and demurrage of other vessels at the same time in Salem and other ports.

(Signed) CHARLES TREADWELL.

Essex, SS. *Commonwealth of Mass. U. States of America, April* 1, 1843.

Then the above-named Charles Treadwell, who is well known to me, appeared and made oath to the above affidavit, by him subscribed before me.

(Signed) J. C. PERKINS,
Justice of the Peace for the said County.

Sixth Enclosure in No. 31.

Minute of Agreement betwixt Thomas William Hunt, Commander of the United States barque "Active," *and Thomas Hutton, Merchant in Cape Coast.*

IT is hereby contracted and agreed upon betwixt Thomas William Hunt, Commander of the barque "*Active*," of 211 tons burthen, or thereabouts, belonging to the port of Salem, Massachusetts, United States of America, and now lying in the roads of Cape Coast Castle, on the one part, and Thomas Hutton, merchant in Cape Coast, on the other part; that is to say: The said Thomas William Hunt having full power and authority to act in the premises, hereby binds and obliges himself to charter to the said Thomas Hutton the said barque "*Active*," for the purpose of enabling him to purchase, ship, and convey to the said port of Salem, United States, a full and complete cargo of palm oil, or other produce, on the terms and under the limitations following; viz., That the space of three running days from the date of this agreement be allowed to the said Thomas Hutton for the purpose of shipping the merchandise to be used in the purchase of the said cargo of palm oil or other produce. That the said barque shall immediately thereafter proceed to the port of Badagry, or other safe, convenient, and adjacent ports or places where it is proposed to purchase the said cargo of palm oil or other produce.

That 90 running days from the date of the said barque leaving Cape Coast be allowed to the said Thomas Hutton, to enable him to purchase and ship the said

cargo of palm oil or other produce, and to return to the port of Cape Coast Castle. That the said Thomas Hutton shall be at liberty to put on board the said vessel an agent, coopers, and such other servants as may be necessary to the due carrying on of the purchase and shipment of the said cargo; provided always that the said persons so shipped shall be victualled and paid by the said Thomas Hutton.

And the said Thomas Hutton hereby binds and obliges himself to pay to the said Thomas William Hunt, or to his assigns, the sum of 14 dollars per ton, for so much palm oil, or other produce, as may be landed at the said port of Salem, provided the said Thomas Hutton shall put on board a full and complete cargo; but if the said Thomas Hutton shall fail in supplying the said barque with a full and complete cargo, then he hereby binds himself to pay to the said Thomas William Hunt, or his assigns, the sum of 14 dollars per ton, according to the registered tonnage of the said barque; and the said Thomas Hutton hereby further binds himself, in the event of the said barque being detained longer than the space of 90 days aforesaid, in the purchase and shipment of the said cargo of palm oil, and in the passages to and from Badagry, or adjacent ports, to pay the said Thomas William Hunt, or his assigns, for each day so expended after the expiry of the said 90 days, the sum of 30 dollars in the name of demurrage. And it is hereby further contracted and agreed, that all accidents, injuries, or losses, which may arise to the said barque during the currency of this agreement from the act of God, public enemies, fire, and dangers of the seas and navigation, shall be at the risk of the said Thomas William Hunt. And the said parties further contract that the agreement shall be understood and acted upon according to the plain meaning and tenor of the same, and not otherwise.

In witness whereof the said parties to this Agreement have hereunto placed their hands and seals at Cape Coast Castle, this twenty-first day of December, One thousand eight hundred and thirty-nine.

(L. S.) (Signed) THOS. W. HUNT.
THOMAS HUTTON.

Signed, sealed, and executed in my presence.
(Signed) GEORGE MACLEAN, *Governor.*

Seventh Enclosure in No. 31.

Statement of Claims on the British Government for Compensation for Damages by the detention of ship "Seamew" *and brig* "Tigris."

Viz.: Ship "*Seamew.*"

	Dollars.
This sum, as per documents transmitted by the Secretary of State of the United States .	15,332·67
Interest on ditto from February 28, 1841, to April 1, 1843, 2 years, 1 month, and 3 days, at 6 per cent.	1,924·24
	17,256·91

Brig "*Tigris.*"

This sum claimed, as per documents transmitted by Secretary of State of the United States .	12,216·26
Additional claim afterwards transmitted to Mr. Everett	2,028·16
	14,244·42
Interest on on ditto from December 31, 1840, to April, 1, 1843, 2 years and 3 months, at 6 per cent.	1,922·99
	16,167·41

Eighth Enclosure in No. 31.

Extract from Sales of Cargo of ship "Seamew." *On the voyage the vessel was seized by Her Majesty's brig "Persian."*

Princes Island, September 12, 1840.

		Dollars.
5 bbls. ship bread, at	.	8 per bbl.
12 half bbls. do. „	.	5 per half bbl.
10 bbls. flour, „	.	14 per bbl.
8 bbls. do. „	.	12 per bbl.

St. Thomas, October 3, 1840.

4 bbls. pilot bread, at	.	9 per bbl.
1 bbl. ship do. „	.	8 per bbl.
10 half bbls. pilot do. at	.	4·50 per half bbl.
14 „ „ „	.	4·00 „ „
2 bbls. flour, „	.	15·00 „ „
5 bbls. do. „	.	12·00 „ „

Ambreiz, October 23, 1840.

1 bbl. flour, at	.	15·00 per bbl.

St. Helena, February 12, 1841.

230 bbls. flour, at	.	9·00 per bbl.
32 bbls. bread „	.	6·00 „
18 „ „ „	.	5·50 a half bbl.
3 half bbls. do. „	.	4·00 „ „

Benguela, March 17, 1841.

15 bbls. ship bread damaged, at		3·00 per bbl.
5 half bbls. „	„	4 per half bbl.
38 bbls. flour,	„	13 per bbl.

Novo Rodondo, March 20, 1841.

11 bbls. pilot bread, at	7 per bbl.

N.B.—The object of this Extract is to show that flour and bread was unusually high on the whole Coast of Africa, in the latter part of the year 1840. We have no doubt that if the "*Seamew*" had not been molested, that Captain Briant would have effected sales of the whole of his flour and bread at Loanda and Benguela, the ports to which he was directly bound, and to which ports she would have arrived in the month of November, at prices corresponding with those named in certificate from Benguela, the original of which we transmit herewith.

It will appear by this Extract that the 38 bbls. flour which Captain Briant ventured to take over to Benguela from St. Helena, notwithstanding it had been seven months on board the ship, and had very much deteriorated by heat of the climate sold for $13.00 per bbl.

We think this will be sufficient to prove to all parties that St. Helena was not the best market for flour, and that Mr. Rothery is misinformed in regard to Captain, Briant's having sold flour at Ambreiz at $8 per bbl.; but one bbl. flour was sold at Ambreiz, and that to the Commander of the "Persian," at $15 per bbl.

Ninth Enclosure in No. 31.

Account of Losses on Sales at Benguela.

Benguela, March 14, 1841.

THIS is to certify to all whom it may concern, that by the detention of ship "*Seamew*," of Salem, United States of America, James Bryant, Master, by Her Britannic Majesty's sloop of war "Persian," that the damage to owners by not proceeding to Benguela in November, which was the intention of Master of said ship "*Seamew;*" and the Undersigned, merchants, are ready to make oath, if required,

that flour at that time would have brought 20·000 per barrel, and bread 8·000 per barrel; blue baff, 5·000 per piece; and bleached sheeting 4·000 per piece, which at this time has been sold, by being damaged, at 13·000; and bread, by being wormy, for 3·000; and blue baff, at 2·700; and bleached sheetings, 2·700; and from the undersigned information, 100 barrels would have been sold at that time for flour, and 50 barrels for bread, viz.—

(Signed) MANOEL JOAQUIM TEIXA

O negociante do Praio de Benguela:—

(Signed) JOAO MARIA DA SOUZA E ALMA.
MANOEL RODRIGUEZ DA SILVA.
JOZE FERREIRA GOMES.
JACOMO FELIPPE TORREST CA.

Tenth Enclosure in No. 31.

Deposition of Messrs. Brown and Frothingham.

U. S. AMERICA, COMMONWEALTH OF MASS.
SUFFOK, SS. } *Boston, April* 1, 1843.

THE Undersigned, Vernon Brown and N. F. Frothingham, on oath, declare and say, that we are shipbrokers of Boston, in the said county, and have for many years been engaged in that business in the said city of Boston, in letting, hiring, freighting, and chartering vessels, and were engaged in that business in the years 1840 and 1841. We are acquainted with the vessels called the "*Tigris*" and "*Seamew*," belonging to Robert Brookhouse and William Hunt, Esquires, merchants, of Salem, and with the value thereof, and were acquainted with them in the years 1840 and 1841; and we believe that demurrages for vessels of their size, and value, and number of hands, in a voyage on the Coast of Africa during those years, would be reasonable and fair, under the circumstances, at 30 dollars by the day for the "*Tigris*," and 40 dollars by the day for the "*Seamew*;" and we judge this, and make this calculation, from our knowledge of the business of freighting and chartering vessels during those years, and the prices known by us to have been paid for demurrage of vessels of that character during the same period.

(Signed) VERNON BROWN.
N. F. FROTHINGHAM.

Commonwealth of Mass. Suffolk Co.
City of Boston, ss.

I, WILLIAM HALES, Notary Public, by legal authority admitted and sworn, and dwelling in Boston aforesaid, do hereby certify to all whom it may concern, that Vernon Brown and N. F. Frothingham, well known to me as respectable shipbrokers of this city, personally appeared and made oath to the truth of the within affidavit, subscribing the same in my presence.

In testimony whereof I have hereunto set my hand, and affixed my notarial seal, this 1st day of April, 1843.

(Signed) WILLIAM HALES, *Notary Public.*

No. 32.

Mr. Fox to the Earl of Aberdeen.

Washington, April 27, 1843.
(*Received May* 15.)

MY LORD,

I HEREWITH enclose two short extracts from American newspapers, describing the manner in which a Spanish vessel, engaged in illicit Slave Trade, was recently *visited* off the Coast of Cuba, by the United States sloop of war "*Vincennes*."

It will be seen that the United States' Officer, commanding the "*Vincennes*," in visiting this vessel, and in examining the papers to ascertain whether or not she

had a right to assume the character of a Spanish vessel, proceeded in exactly the same manner as would be done under the present Instructions of Her Majesty's Government, by the Captain of a British cruiser in dealing with an American slaver.

Mr. Webster informs me that he has received no report of this occurrence, excepting through the newspapers.

I have, &c.

(Signed) H. S. FOX.

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

Enclosure in No. 32.

A Slaver visited by the "Vincennes."

A LETTER from the United States ship "*Vincennes*" states, that on the off the river Guama, a suspicious vessel was discovered, to which the "*Vincennes*" 20th February, gave chase.

At 2½ o'clock, the "*Vincennes*" came up with and boarded her. On taking possession we (says the letter) found three Spanish Custom-house officers on board, who claimed the vessel as under their orders. The Captain was then ordered to produce his papers, which, after a careful examination, were found to be correct, viz. a Spanish register, sea letter, and an authentic list of her crew and armaments. Lieut. Mitchell having satisfied himself that the brigantine could not be seized, informed the Captain that he was free to pursue his course.

The hatches were now removed by the Officers of this vessel, and we saw the lower decks filled with negroes. These poor wretches were miserably stowed, being closely crowded together; but they seemed healthy, well fed, and quite clean. The brigantine is a beautiful vessel, exceedingly taunt, and very neatly rigged; her present name is "*La Constantia,*" built in New York in 1835-6, sent out and sold under the name of "*La Bolandra,*" (the Flyer); after four or five cruises, she took the name of "*La Scorpion,*" and this cruise assumed her present one of "*La Constantia.*" She is 242 tons burthen, commanded by Captain Juan Antonio Zavala; her crew consisted of 41 souls, and her armament a long 12-pounder, muskets, blunderbusses and cutlasses; was last from the Portuguese Isle of St. Thomas, Coast of Africa, out 28 days. There were on board, when she left, 550 slaves; 34 had died, and two jumped overboard in delirium.

Extract of a Letter from an Officer of the United States ship "Vincennes," *March 5th.*

After a thorough examination of the Isle of Pines, we ran over to the Indian, and then to San Philippi Keys—overhauling sundry fishermen's huts and boats, and some small traders, but found no traces of pirates. We now crossed over to the south side of Cuba, and first entered the Guama river; here we found some huts, but the inhabitants fled at our approach. Joining the First Lieutenant, I pushed in among the Mangrove Islands, and we finally caught an old fisherman asleep in his hut. The old fellow seemed to have no doubt that we were pirates ourselves; but, finally, we opened his heart by some presents, and he directed us to a small town farther west. On clearing the river we saw a suspicious looking sail, bearing down for us. We rapidly neared, until the vessel, seeing the cutter and launch in my wake, wore round and stood off under a press of sail, at the same time casting off a small sloop she had in tow. This we soon came up to, and took possession of. The men in her informed us that the chase was a slaver, well armed, and full of negroes. We pressed on in pursuit, and were soon alongside. The crew of the slaver were anxious to resist, but the Captain would not consent—much to our regret—for then she would have been a prize; besides the *éclat* of the thing; that is, for those who got over it. Lieut. Wainwright had boarded a few minutes before we reached her; but before he got alongside, a Spanish Custom-house boat had boarded the slaver, and the Officers (though doubtless connivers in the trade, and only using their names to cover the prize) hoisted the Spanish flag, and claimed the vessel as under the Spanish authorities. Notwithstanding, we demanded and examined the papers, and, finding them all

correct, we were compelled to declare the vessel to pursue her course. Had she fired a gun, we could have seized her; but there was no excuse for capture, and we gave her up. She was a beautiful brigantine of 242 tons, mounted one long 12-pounder, and with abundance of small arms for her crew of 43 men—and stout-looking fellows they were. She had left St. Thomas, on the Coast of Africa, with 550 slaves, of whom 34 had died, and two jumped overboard in delirium; had been at sea 28 days. As soon as we declared the vessel free, the hatches, which had been covered, were thrown open, and we saw the lower decks filled with negroes. These miserable wretches were stowed as closely as possible, and yet we knew that many of their original number were wanting; otherwise than this dreadful confinement, they seemed well fed, healthy, and well treated; their persons showing no marks of personal cruelty, which we must have seen, as they were perfectly naked. They were divided into four apartments. The space aft, usually occupied as the cabin, was filled with young girls, from 10 to 15 years of age; in the centre were the boys and youths, from 12 to 18. The men in the forward division under the forecastle. The launch on deck contained about 15 boys, who were, we understood, the property or perquisite of the cook. The sick were placed in a sort of canvass apartment on the forecastle. The traffic is every way horrid and atrocious; but we (Americans) can never give material aid in its suppression under existing laws. Nothing but resistance would have entitled us to capture this vessel, which would be viewed by every other nation as a pirate.

No. 33.

Mr. Everett to the Earl of Aberdeen.

46, *Grosvenor Place, May* 18, 1843.
(*Received May* 18.)

My Lord,

The Undersigned, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, has the honour to acknowledge the receipt of the Note of the Earl of Aberdeen, her Majesty's Principal Secretary of State for Foreign Affairs, of the 2nd of March, relative to the seizure of the barque "*Jones*," an American vessel, in the port of St. Helena, on the 12th of September, 1840. The Undersigned would in vain seek to conceal the disappointment and regret with which, after a delay of such extraordinary duration, the causes of which remain wholly unexplained, he has received a communication on this subject of a nature so unsatisfactory.

The case of the "*Jones*" was first committed to the consideration of Viscount Palmerston by Mr. Stevenson on the 16th of April, 1841. The Undersigned infers, from Lord Aberdeen's letter of the 31st of December, 1841, that more than four months elapsed from the time when Lord Palmerston's attention was first called to the subject by Mr. Stevenson, before his Lordship moved the Board of Admiralty to institute an enquiry into the case.

One of the first objects which engaged the attention of the Undersigned, on arriving in London, was to invite the attention of Lord Aberdeen to the case of the "*Jones*," and the other cases referred to in Mr. Stevenson's note of the 16th April: and the Undersigned has great satisfaction in acknowledging the promptitude with which his communications have been attended to, as far as Lord Aberdeen is concerned. But his Lordship will recollect, that when, on the 16th September last, the Undersigned addressed a note to Lord Aberdeen, transmitting additional papers on the subject of the capture of the "*Jones*," and requesting to be furnished with a report of the proceedings at Sierra Leone, in reference to that vessel, his Lordship, under date of the 5th of October, informed the Undersigned, in reply, that this report had not been received, nearly two years having then elapsed since the decision of the Vice-Admiralty Court at Sierra Leone had been given in the case. It is only after a lapse of five months longer that the Government of the United States receive, through his Lordship's note to the Undersigned, of the 2nd March, their first information of the grounds on which a valuable vessel, with her cargo, the property of American citizens, is, while at anchor in a British port, and under the protection of the civil jurisdiction of her Majesty's Colonial Authorities, seized by a subaltern naval Officer, and sent, without her Captain or Supercargo, to a distant tribunal, for an *ex-parte* adjudication. In the interval,

two of the annual volumes, purporting to contain a list of the vessels detained and captured by her Majesty's cruisers employed for the Suppression of the Slave Trade, and adjudicated in the Courts of Mixed Commission and Vice-Admiralty in the course of the year, had been submitted to Parliament by her Majesty's command, and printed, in neither of which is there any report from Mr. Littlehales, or the Court at Sierra Leone, relative to the capture and trial of this vessel. The Undersigned is aware of the length of time required for the transmission of intelligence to and from the African Seas. The average length of the voyage from St. Helena or Sierra Leone to London may be two months. But while this circumstance shows that some delay is unavoidable, it aggravates the injury of any delay which is unnecessary. The judgment of the Court at Sierra Leone was rendered on the 18th of November, 1840. The decree of costs to the captors was made on the 4th of December following, and the report of these decisions might have been received in London, if promptly transmitted, two years ago. So lately as the 5th of last October they appear not to have been received by her Majesty's Government. The Undersigned will have occasion, in the course of this note, to point out the ruinous consequences of this delay to the interest of the owners of the "*Jones*." He now feels it his duty, in advance, to protest against it, and to represent it to the Earl of Aberdeen as a distinct cause of grave and serious complaint.

The task of the Undersigned, in establishing the character of the seizure of the "*Jones*," is rendered easy by the decree of the Court of Sierra Leone, in favour of the owners. In the absence of all defence by counsel or testimony, without even a representative of their rights, in a trial on which no witnesses were heard but those whom the captors had thought fit to select from the ship's company as likely to effect her condemnation, and with an anxious desire on the part of the Judge, as he admits, to give judgment for the captors; under all these inauspicious circumstances, the opinion of the Court was clearly and strongly in favour of the vessel, on both the grounds on which she was seized, viz., being in the waters of a British possession without a national character, and being equipped for the Slave Trade.

It might have been expected, under these circumstances, that a decision would have been given by the Court, which would mitigate, as far as possible, to the owners of the vessel the loss to which they were subjected by the groundless seizure of their property. So far, however, is this from being the case, that by throwing upon them the costs of the proceedings, a judgment, nominally in their favour, is made in reality to amount almost to a decree of confiscation. No account of the costs appears among the papers transmitted to the Undersigned with Lord Aberdeen's note of the 2nd of March; but their amount may be conjectured, from the fact, that a sum of less than 8000 dollars is reported in his Lordship's note to be all that remains from the sale of a valuable vessel and cargo.

The grounds of this decision are, that Lieutenant Littlehales was authorised by 5 Geo. IV.. c. 113, s. 43, to visit and search the "*Jones*;" that this visit and search were resisted by the master of that vessel, and that, therefore, if there was error on the part of the captors, the master of the "*Jones*" is responsible for the consequences.

The Undersigned is disposed, in the outset, wholly to question the legality of Mr. Littlehale's proceedings. The summary powers confided to Her Majesty's cruising Officers for the Suppression of the Slave Trade, large and dangerous at best, must have been conferred for the purpose of being exercised upon the high seas. It cannot have been the intention of Parliament, or of any department of Her Majesty's Executive Government, in the judgment of the Undersigned, to clothe those officers with power of proceeding without legal process, against the rights and property of peaceful traders in port. If the "*Jones*," being regularly entered at the Custom-house of St. Helena, and consequently within the jurisdiction of that colony, incurred, in the mind of Lieutenant Littlehales, the just suspicion of being engaged in the Slave Trade, it was his duty (the Undersigned apprehends) to lodge an information on oath before a magistrate, under whose warrant the proper legal proceedings would have been had. If this course had been pursued, the master and owners of the "*Jones*" would have enjoyed—what every man in a civilised country is entitled to—the protection of the laws to which he owes obedience. As abundant proof of the nationality of the vessel and the legality of her voyage existed in St. Helena, it may well be supposed that her prompt acquittal would have followed the institution of the suit.

Instead of this, as the Undersigned believes, *the only legal and equitable procedure,* Lieutenant Littlehales took forcible possession of a regularly entered vessel; refused to inform her master on what grounds he proceeded; overturned and ransacked her cargo for four days, and then, on the most extraordinary pretence, that Her Majesty's Court of Vice-Admiralty at St. Helena was illegally constituted, ordered her, without her master or supercargo, to the Coast of Africa. The Undersigned repeats that he believes this whole procedure to be as illegal as it was unjust and oppressive. Inasmuch, however, as there are ample means of establishing the right of the owners of the "*Jones*" to indemnity, on broader grounds, the Undersigned waives for the present this view of the case.

The 5 Geo. IV. c. 113, s. 43, being the law under which the Judge at Sierra Leone decreed costs to the captors, refers exclusively to the seizure of vessels concerned in the Slave Trade, and the persons held as slaves which may be found in them. It has no reference to the nationality of vessels. To the search necessary to ascertain whether the vessel was equipped for the Slave Trade, no resistance is even alleged to have been made in the case of the "*Jones.*" None could have been made. The vessel lay under the guns of the "Dolphin;" an armed force sent by Mr. Littlehales had possession of her; her master was excluded from the quarter-deck of his own ship, at the point of the bayonet. As the Court at Sierra Leone professed to adjudicate the case exclusively under the 5 Geo. IV. c. 113, s. 43, and as the search authorised by the provisions of that law was not, as it could not have been, resisted, the ground on which costs were decreed to the captors wholly fails.

It is true the "*Jones*" was charged by the captors with another offence, viz., "in being found in British waters, without any national character, having no ship's papers on board," in contravention of 2 & 3 Vict. c. 73. But that statute creates no such offence. It is also an act for the Suppression of the Slave Trade. It empowers Her Majesty's officers to seize Portuguese vessels concerned in the Slave Trade, and "other vessels engaged in the Slave Trade, not being justly entitled to claim the protection of the flag of any state or nation." Nothing is perceived by the Undersigned in the statute, which makes it *ipso facto* a crime to be in British waters without papers establishing a national character. The act evidently refers exclusively to vessels navigating the sea, concerned in the Slave Trade.

If the "*Jones,*" while in a British jurisdiction was reasonably suspected of being equipped for the Slave Trade, she was of course subject to search by competent authority, whatever her nationality. That search was made by Mr. Littlehales, though, as the Undersigned has already observed, in his opinion without authority. But the search was made without resistance; and if the 2 & 3 Vict. c. 73 is the only foundation on which the "*Jones*" is charged with a separate offence, for which a distinct search of papers was required, he feels authorised to pronounce it wholly unsupported.

The facts of the case are these: It is proved by the judgment of the Court at Sierra Leone, that the "*Jones*" was *bonâ fide* an American ship; her captain and crew, with one exception, American; her voyage an ordinary trading voyage. She had been, while on the Coast of Africa, before arriving at St. Helena, boarded, and for two hours examined and searched, by a party from the "Waterwitch," and permitted to proceed on her voyage; and the Judge at Sierra Leone, anxious as he admitted himself to decide for the captors, and in the absence of all defence, expressed himself in this remarkable manner: "I have carefully reviewed the grounds upon which I gave a sentence of restoration in this case. I did so with a view of discovering, if possible, some probable cause of seizure as regards this vessel's alleged equipment for the Slave Trade, *but I confess that I never saw a case so free from suspicion.*"

Such was the "*Jones,*" when on the 24th August, 1840, for the purposes of lawful commerce, she came to anchor in St. Helena roads. Having a portion of her cargo to dispose of, she was regularly entered at the Custom-house. This could not be done without satisfying the Collector of her national character, and depositing the manifest of her cargo at the Custom-house. An attempt was made before the Court at Sierra Leone to deny that any proof of nationality was given to the Collector. An affidavit was made by Mr. Pike, an Admiralty passenger on board of the "Dolphin," in which he states that he accompanied Lieutenant Littlehales to the Custom-house at St. Helena, who asked to see the papers of the "*Jones,*"

but was told by a Clerk that no papers of that vessel had been brought there. "I am not informed (says the Judge) why application was not made to the Collector, who is a responsible officer, instead of a verbal demand made to a subordinate officer of his department. I am not satisfied with this explanation." And the Judge afterwards adds—"I presume that the requisites of the law were duly complied with, such as the production of the register, for reporting and entering the ship, after which, upon payment of the tonnage due, it would, as a matter of course, be returned to the master."

No exception can be taken to this reasonable conclusion of the Court. If Lieutenant Littlehales went to the office of the Collector to see the ship's papers, he went to a quarter where they could not reasonably be expected, nor legally kept. The manifest of the inward cargo must have been by law at the Custom-house; the register and other papers must have been and were deposited with the American Consul. In that portion of Mr. Littlehale's letter to the Secretary of the Admiralty, of 16th August, 1842, which has been communicated to the Undersigned, Mr. Littlehales says nothing of any such inquiry; nor does he in any part of his statement intimate the least doubt of the nationality of the vessel.

The "*Jones*" having thus legally entered the port of St. Helena, remained for about three weeks discharging and taking in cargo. During this time, controversies and ill-feeling sprung up between Captain Gilbert on the one side, and his mate and some of the crew on the other, and, apparently, by way of avenging themselves on the master for real or supposed wrongs, the vessel was denounced by the latter to Mr. Littlehales as being concerned in the Slave Trade. The Undersigned does not stop to enquire into the truth of the insinuations and charges, of various kinds, made by the mate and his disaffected associates against the master of the "*Jones*," and the character of her voyage, partly because they are immaterial to the case in its present aspects, but still more because the vessel is so amply and honourably acquitted by the Vice-Admiralty Court at Sierra Leone, not merely of all guilt, but of all reasonable suspicion. In fact, the improbability that a vessel equipped for the Slave Trade, would deliberately enter a British port, and voluntarily lie there for some time by the side of a British cruiser, is so great as of itself to create just doubts of the good faith of an officer who would capture her on that ground, especially when the Court, before which she is proceeded against, pronounces her free from the slightest suspicion.

Lieutenant Littlehales, however, in the face of this improbability, considered it his duty, though not acting under the Municipal Authorities, to take cognizance of the case. Late in the afternoon of Saturday, the 12th September, he met Captain Gilbert, the master of the "*Jones*," in company with Mr. Carroll, the American Consul, in the streets of St. Helena. Captain Gilbert did not then know Mr. Littlehales, but was informed by the American Consul who he was. According to Captain Gilbert's statement on oath, this Officer thus made known to him, abruptly requested to see his *manifest*. Captain Gilbert enquired the motive of this demand. The request was repeated by Mr. Littlehales, and Captain Gilbert again enquired his motive for making it. To this, Mr. Littlehales rejoined, that if Captain Gilbert, "complied with his request, it would save much trouble to both parties." Upon this, Captain Gilbert said to Lieutenant Littlehales, "There is a Custom-house at St. Helena," meaning that the Custom-house was the legal place of deposit for the manifest of every duly entered vessel. Upon this remark of Captain Gilbert, Mr. Littlehales suddenly turned away and went to the sea-side. Such is Captain Gilbert's statement, on oath, corroborated by the American Consul, and highly probable in itself, because conforming to what must have been the natural object of Mr. Littlehales' enquiry, and the conditions of the law.

Mr. Littlehales, in commenting upon Captain Gilbert's statement, in his letter to the Secretary of the Admiralty, says, "I cannot but again request their Lordships' attention to that part of the statement, which describes, as a reason why the papers could not be shown, because they were unattainable, being at the *Custom-house*, which was closed; whereas, immediately afterward, on board his own vessel, the master refused to produce the papers to Mr. Murray, stating *then* that they were in the Consul's Office, in whose presence he had declined to show them to me, though I was in my proper uniform, contrary to the assertion made on that subject.

But, Mr. Littlehales here misquotes Captain Gilbert's statement, which is, not that "papers" were demanded of him, but that the "manifest" was demanded;

and not that they could not be got at, because they were at the Custom-house, which was closed; but that (in effect) the manifest was not in his possession, because it was necessarily at the Custom-house. Lord Aberdeen will observe that this is not a difference of recollection between Mr. Littlehales and Captain Gilbert as to what occurred on the occasion in question, but a misquotation, by Mr. Littlehales, of that part of Captain Gilbert's affidavit.

The contradiction between Captain Gilbert's statement in the street to Mr. Littlehales, and his statement on board the "*Jones*" shortly afterwards, when "the papers" were demanded by Mr. Murray, rests on this misquotation, and vanishes as soon as Captain Gilbert's statement, as he really made it, is adverted to. He told Mr. Littlehales in the street, that his "manifest" was at the Custom-house. The law required it to be there; and in the words of the Court at Sierra Leone, "it is to be presumed that the requisites of the law were duly complied with." Captain Gilbert swears that he deposited it there, and there is not the slightest reason to doubt it. He told Mr. Murray on board the vessel, shortly after, that the ship's papers (meaning register, list of crew, and shipping articles, and bill of health) were at the Consul's Office. There the law of the United States, resembling in this point that of Great Britain, required them to be, and there they were.

It is on these facts that the charge of resisting the search is grounded by the Vice-Admiralty Court of Sierra Leone. The Undersigned thinks he should waste the time of Lord Aberdeen and his own, by dwelling on its futility. He will only observe, in this connection, that Captain Gilbert had not the least motive to conceal his papers. The Undersigned has seen authenticated copies of them; they are in all respects legal and regular; and the entire course of procedure by Captain Gilbert was not merely within the law, but such as the law made requisite. After the register has been deposited with the Consul, it cannot be withdrawn by the Master till he exhibits a certificate of clearance. The demand of Mr. Littlehales to have the register produced on board the ship, was one that could not, in strict legality, be complied with. The only place where Mr. Littlehales could legally have seen it, was the Consul's office; and there he did not apply.

Some importance seems to be attached to the fact, that Mr. William Carrol, the American Consular Agent, had not been formally recognised as such. As he was duly commissioned by the Government of the United States, it was not the less the duty of every American shipmaster to deposit his papers in his Office. Mr. Carrol had been, as long ago as the 15th of February, 1833, duly recognised in his consulate capacity, by the Court of Directors of the East India Company, within whose territories the Island of St. Helena was at that time included, nor had his competency to act officially in that capacity ever been called in question till this occasion. The attempt to deprive the "*Jones*," in her hour of peril, of the official protection of the American Consul, by divesting him of the character in which he had been originally recognised by the legal sovereign of the Island, and in which he had acted unquestioned for seven years, forms one of the least satisfactory incidents of the transaction, extraordinary and oppressive in all its parts, on which it is the painful duty of the Undersigned to dwell.

Armed possession was taken of the "*Jones*" on Saturday evening, the 12th September, and her master, as has already been seen, having hastened on board, replied to the demand for his papers, that they were at the Consul's Office, adding that if the Boarding Officer would wait till Monday he would exhibit his papers, and give every information as to his voyage. Leaving his vessel in the hands of the captors, he returned on shore. The following day, *Sunday*, the search commenced by an armed party from the "Dolphin," and of course without resistance. The captain was on shore, the mate treacherously enlisted in the service of the captors. On Monday the 14th, the search proceeded with vigour; and on this day, according to the oath of the captain, the American ensign floating at the mizzen-head was struck, and a white flag, with the device of the "Dolphin," substituted. This assertion is denied by Mr. Littlehales. In reference to his denial of this and other acts of alleged violence and outrage, Lord Aberdeen recognises the justice of a remark made by the Undersigned, in his note of the 16th September last to the effect, that motives to exaggerate and misrepresent must be admitted to exist on both sides in these controversies; but still Lord Aberdeen observes, that he cannot "hesitate to give full weight to a distinct and emphatic denial, such as is opposed by Lieutenant Littlehales, to the charges contained in Captain Gilbert's protest."

The Undersigned would willingly avoid the necessity of giving an opinion on an issue of veracity, between two individuals both alike personally unknown to him. But the observation of Lord Aberdeen just cited compels the Undersigned to say, that he sees nothing in the conduct of Lieutenant Littlehales in this whole affair, on the admitted facts of the case, which entitled his word to be believed, in preference to the oath of Captain Gilbert, or any other respectable American shipmaster.

On Monday morning, in fulfilment of his promise, Captain Gilbert went in a boat toward the ship, with the supercargo, and was forbidden to come on board by the armed guard. This is asserted by him on oath; is confirmed by the oaths of the supercargo and of the boatman who rowed the boat, (an inhabitant of St. Helena,) and by the depositions subsequently taken in America, of one of the seamen of the "*Jones*," who witnessed the scene, and describes it with great particularity. The Undersigned does not know whether Mr. Littlehales is to be understood as denying the main fact. It is remarked indeed in Lord Aberdeen's note of March 2, apparently on the authority of some statement of Mr. Littlehales, which has not been communicated to the Undersigned, that "he (Lieutenant Littlehales) took the precaution, usual in such cases, to place a guard on board to prevent communication with the shore; not interdicting to the master and supercargo free ingress and egress, but desiring that the master, whenever he came on board, should be requested to produce the ship's papers." But in the letter to the Secretary of the Admiralty of the 16th August, 1842, Mr. Littlehales, while he gives a distinct and positive denial to the assertion that the master and supercargo were ever threatened with death, or violence of any description, or spoken improperly to, admits that they were "told they could not be admitted, and referred to the 'Dolphin.'" On what ground Mr. Littlehales was able to give this "distinct and positive denial," that no one of his armed seamen or marines had ever uttered a threat, or an improper word, over the side of the "*Jones*," while forbidding the master, at the point of the bayonet, to board her, does not appear, nor is it material to the main issue.

Captain Gilbert made a second attempt to go on board his vessel on Monday, *with a view to satisfy* the captors of the nationality of the "*Jones*," and with the same want of success. Thus dispossessed of his ship and excluded from her, he applied, as his next resort to the American Consul. The Consul, the same day, addressed a letter to Mr. Littlehales, reciting the leading facts of the case, describing the vessel as the "barque '*Jones*' of New York, United States of America," and enquiring on what ground he had proceeded in taking possession of her. This letter, written in his official character, and in the performance of his official duty, and for the purpose of making an inquiry in all respects reasonable and legitimate, Mr. Littlehales refused to receive, on the ground that Mr. Carrol was not recognised as the American Consul; a point, on which the Undersigned has already given the necessary explanation. Mr. Littlehales having declined to receive the letter of Mr. Carrol, a letter of corresponding purport was addressed to him by Captain Gilbert himself. No technical objection, as in the case of the Consul, existed to the reception of a letter from an American shipmaster in a British port, anxiously inquiring by what right he was dispossessed of his property, and ready, as he affirms, and there is not the slightest reason to doubt, to give Mr. Littlehales whatever information was required. But to this letter, though couched in the most respectful language, no answer was returned.

Captain Gilbert then, in company with the Supercargo and Consul, waited on the Collector of the port at his office, *exhibited to him the ship's register and all her other papers, and minutely stated to him the character of the voyage;* and with this information the Collector professed himself entirely satisfied. After this interview, Captain Gilbert addressed a letter to the Collector, as having the legal control of every vessel duly entered and in port, invoking his official protection. To this appeal the answer returned was, that the Collector had been informed by Mr. Littlehales that the "*Jones*" was detained by him. At the same time the Collector called on Captain Gilbert to pay his port and other duties, one item of which was for the clearance of the vessel.

On Tuesday the 15th and Wednesday the 16th, the overhauling and examination of the cargo of the "*Jones*" went on. During all this time Mr. Littlehales had never in any way stated to Captain Gilbert the ground of his proceedings, nor the motive for the detention and search of the vessel. On the 16th Captain Gilbert,

having been ready for sea at the time of his seizure, repaired to the Office of the Collector, exhibited his *outward* manifest, and demanded a clearance, to which by law he was entitled; but it was refused on the ground that he, the Collector, had been informed by Mr. Littlehales that he had detained a vessel with the words "*Jones* of New York" painted on her stern. Captain Gilbert then addressed a letter to the Collector, reminding him that on his arrival and entry, his papers had been duly exhibited to the satisfaction of him, the Collector; asserting the nationality of the ship; begging him to inform Lieutenant Littlehales of these facts, and to assure him that if he had detained the "*Jones*" from any doubt of her nationality, in consequence of not seeing the papers, they should be exhibited to him at any time or place, or to any one authorised to inspect them. At the same time a letter was written by Captain Gilbert to Major-General Middlemore, Governor of St. Helena, enclosed to the Colonial Secretary in order to its being forwarded to the Governor, invoking his Excellency's protection. The letter of Captain Gilbert to the Governor, was accompanied by another of similar purport from the American Consul. These letters were not answered till after the "*Jones*" had sailed. The Collector then informed Captain Gilbert, that he should transmit the whole correspondence to the Commissioners of the Customs in London; and in their Office (if this promise was fulfilled), the letters may doubtless now be found to confirm the statement of their contents here given.

On the 17th, Captain Gilbert received a letter from the Collector, in answer to his earnest request that he would give Mr. Littlehales the information which he himself possessed of the character of the "*Jones*," which the Collector simply declined doing. Captain Gilbert then renewed the application for his clearance, *the fee for which meantime had been demanded and received*, and it was refused. Perceiving preparations on board the "*Jones*," for sailing, and denied access to her himself, Captain Gilbert again wrote a pressing but respectful letter to the Collector, begging him to give to Mr. Littlehales information of the character of the vessel. On the 18th, it was found in the morning that the "*Jones*" had sailed, taking with her a prize crew from the "Dolphin," the mate, steward, and cook of the "*Jones*," whose evidence it was thought would convict her of being concerned in the Slave Trade, and leaving behind the rest of the ship's company, the Master and Supercargo, to find their way to the United States. The "*Jones*" sailed to Sierra Leone; was proceeded against in the Vice-Admiralty Court; and promptly, and in the most honourable manner, acquitted, the Judge declaring that he had never seen a case so free from suspicion.

The Undersigned has already referred to the pretext on which the cause was removed from St. Helena to Sierra Leone. It is as well calculated as the act itself to excite astonishment. It was, that Lieutenant Littlehales entertained doubts, whether the Vice-Admiralty Court at St. Helena was legally constituted; aud these doubts appear to have been shared by the Colonial Secretary of that Island. No intimation as to the foundation of these doubts is given. The Court at Sierra Leone justly pronounces itself unsatisfied with this explanation. Such, and such only, is the reason assigned by a Subaltern Naval Officer, for sending away a valuable vessel of a friendly Power from the jurisdiction to whose protection she was entitled, where the legal proofs of her national character were deposited, and where those interested in her defence, being forcibly excluded by him from the vessel, were left behind. It is not for the Undersigned to comment on the power with which the cruising Officers of Great Britain, of the lowest ranks, may be clothed; but he confesses he had not supposed that it extended to an enquiry into the constitution of Her Majesty's Courts of Vice-Admiralty; and when, as in the present instance, that power is exerted to the signal injury and oppression of American citizens, it is the duty of the Undersigned to protest against it.

Not the least extraordinary step in this part of the case, is the leaving the Master, Supercargo, and the greater part of the crew behind. Whether they staid voluntarily or were excluded from the ship, is, in this point of view, immaterial. Lieutenant Littlehales captured the "*Jones*," under suspicion of being engaged in the Slave Trade. To the same extent he must have suspected her Captain and crew of being concerned in that criminal traffic. If it was his duty to seize the ship, it was doubly his duty to arrest and detain the men, that they too might be proceeded against. A suggestion having been apparently made to that effect, during the trial at Sierra Leone, the prize-master, Mr. Murray, mate of the "Dolphin," accounted for the circumstance by declaring, on oath, that he neither

knew himself, nor verily believed that the Commander nor any of the Officers of the "Dolphin" were aware, that the Master and crew of the "*Jones*" would be amenable to a criminal prosecution, in the event of the "*Jones*" being condemned for having been engaged in the Slave Trade. Under whatever degree of ignorance the mate of the "Dolphin" might labour, it would seem impossible that an Officer commanding one of Her Majesty's ships of war on the African station, could be uninformed that within the British dominions, and by the provisions of the Act, (5 Geo. IV. 113, the very Act under which the "*Jones*" was proceeded against,) it is a highly penal offence to be engaged in the Slave Trade.

The "*Jones*" sailed, as has been seen, from St. Helena on the 18th of September, and proceeded to Sierra Leone. On the 5th of October she was libelled by the captors in the Vice-Admiralty Court in that settlement; and on the 18th of November acquitted in the most full and satisfactory manner. The question of costs was reserved; and by a subsequent decree, on the ground that search was resisted, costs were given for the captors.

Not satisfied with getting costs in a case where, without counsel or witnesses, on a purely *ex-parte* trial, it had been declared by the Judge that they had detained a vessel under circumstances the least suspicious ever known to the Court, the captors appealed from the decision, by which the restitution of the vessel was decreed. There is too much reason to think that the object of this appeal, (which does not appear ever to have been prosecuted,) was to keep the property still within the reach of the captors for a selfish and corrupt purpose. On this point, and the means by which, as is alleged on oath by the cook of the "*Jones*," (the only person who could be cognizant of the facts, and whose testimony is within reach of the owners,) the Undersigned forbears to enlarge, as he has already transmitted to Lord Aberdeen the documents relative to this point of the case, with his note of the 16th of September; and Lord Aberdeen has intimated to the Undersigned that further enquiry has been ordered.

But this vexatious appeal was not needed to carry into effect the objects imputed to the captors. There was, of course, no one at Sierra Leone to take possession of the property on the part of the owners. The Judge, in his decree of costs to the captors, had intimated, that if the owners were dissatisfied with his decision, they had their remedy by appeal to a higher Court; and Lord Aberdeen, in his note of 2nd of March, repeats this suggestion. But in consequence of the conduct of Mr. Littlehales, in excluding from the "*Jones*" the Master and Supercargo, and taking her to a place where the owners had no representative; of his neglect, for two years, to make any report to Her Majesty's Government of the capture; and of a similar neglect of the Court at Sierra Leone, for two years, to make report of the proceedings in the trial, the owners received no authentic information of the fate of their vessel, till the time in which an appeal can be taken, had expired. Had Lieutenant Littlehales, or the Court at Sierra Leone, made prompt report of their proceedings, it would have reached London in season to enable Lord Palmerston to answer Mr. Stevenson's note of 16th April, 1841, the day he received it. But their delay, of which no explanation has been made, has rendered the remedy by appeal as illusory as, under any circumstances, it must have been tedious and incomplete.

Of the operation, if not the design, of the appeal by the captors, proof was afforded in the course of the year 1841. The Supercargo having found his way to Liberia, and meeting there with Mr. Paine, the Commander of a United States' vessel of war, on the African station, requested him, if he should look into Sierra Leone, to send home the "*Jones*," or any valuables belonging to her, which the Authorities of Sierra Leone might deliver up. Mr. Paine, on arriving at Sierra Leone, applied to the Acting Governor for this purpose, and was told that the property could not be surrendered, except on paying costs, and giving bonds to abide the result of the appeal. The Undersigned transmits, with this note, a copy of a letter from Mr. Paine, (whose name is favourably known to Lord Aberdeen, in connection with the Suppression of the Slave Trade,) from which the above statement is derived; and a letter of explanation from the owners of the "*Jones*," not now needed to vindicate the character of that vessel, but which may be of use in acquainting Lord Aberdeen, more particularly, with the sort of information on which Mr. Littlehales thought it safe to proceed.

This appeal was never prosecuted by the captors; and after the time in which the owners might have appealed had expired, the vessel and property were successively brought to the hammer. Out of the ruins of a valuable ship and cargo,

against which not a reasonable suspicion existed, a sum amounting to about an eighth part of what she would have been worth, had she been permitted to pursue her lawful voyage, is now held subject to the order of the owners, in the Registry of the Vice-Admiralty Court at Sierra Leone.

Lord Aberdeen, in reciting the history of the case in his note of 2nd March, observes, that "the Judge (at Sierra Leone) stated the opinion of the Court, that upon the circumstances which had been *now* adduced before it, the barque '*Jones*' must be presumed to have had a national character." If Lord Aberdeen intended, by this expression, that the circumstances which led the Court to admit the national character of the "*Jones*," were then *first* adduced on behalf of the vessel, the Undersigned is persuaded, that on a review of the facts, Lord Aberdeen will perceive that such was not the case. There was no evidence before the Court, except what the captors brought with them, and chose to adduce. The Court decided in favour of her nationality, on the ground, that it appeared from her log-book that she was detained and thoroughly searched by the "Waterwitch," a few weeks before, (which log-book was delivered to the captors at St. Helena,) and from the circumstance that the vessel could not have been admitted to entry at St. Helena, but on satisfactory proof of her nationality submitted to the Collector. Some corroborating circumstances are also mentioned by the Judge, but none which must not have been known at St. Helena.

Unavoidably long as this note is, the Undersigned has forborne to comment on several points of extreme hardship in this case. He confidently hopes that, on a reconsideration, Lord Aberdeen will feel himself warranted in so modifying his first view of the subject, as to move Her Majesty's Government to make full indemnification for the loss sustained by the owners of the "*Jones*." They are accused of no neglect or wrong, but that of resisting the search, and this resistance is alleged to consist in the refusal of the master to exhibit the papers establishing the nationality of his vessel.

The Undersigned thinks he has proved that no such refusal took place; that they had been exhibited to the constituted authorities of the jurisdiction where he was; that when demanded, on Saturday, 12th September, 1840, on board his ship, (the only place where they could legally be demanded by a cruising Officer,) they were on deposit at the Office of the American Consul; and that the Captain offered, if the boarding Officer would wait till Monday, to procure and exhibit the papers and give all satisfaction as to the vessel and her voyage; that he was twice prevented by an armed guard from coming on board his vessel, on Monday, for that purpose; that his respectful letter to Mr. Littlehales, enquiring the cause of his detention, remained unanswered, although it was the right of Captain Gilbert to receive this information, and the duty of Mr. Littlehales to give it to him in an authentic form; and that the persevering efforts of Captain Gilbert and the American Consul for three succeeding days to obtain the protection of the Civil Authorities, to which he was entitled, on every principle of the law of nations, of justice, and humanity, were unavailing.

Lord Aberdeen will not fail to consider that though the technical offence of being in British waters without papers, is charged by Mr. Littlehales against the "*Jones*," under the evident belief (which the Undersigned presumes to be wholly erroneous), that such want of papers is of itself a cause of capture, Lieutenant Littlehales nowhere affirms that he really entertained any doubt of her nationality; nor with the proof afforded by her log-book and by her admission to entry, is there even a probability that he did doubt it; a consideration that makes his demand for papers at best vexatious.

Above all, Lord Aberdeen will reflect that Captain Gilbert could have no motive for refusing to exhibit his papers; that he had, on the contrary, every motive to exhibit them to Mr. Littlehales; that he did fully exhibit them to the Collector in the progress of the affair at St. Helena; and that all the substantial parts of his account, besides being in themselves probable and coherent in the statement, are confirmed by depositions independently taken in the United States, and on the Coast of Africa; and opposed by nothing but Mr. Littlehales' report not on oath, and in one, and that the most important point, self-contradictory.

The Undersigned dwells with great satisfaction on the encouragement which Lord Aberdeen has already held out, that he will reconsider the case. The Undersigned attaches an importance to the final decision of Her Majesty's Government, far beyond the value of the interests directly involved in the case of the "*Jones*;" and he cannot but fear, that if no farther relief is afforded to the owners of that

vessel, than that which is tendered in Lord Aberdeen's note of the 2nd March, a degree of discontent will be produced on the part of the Government and people of the United States, of a character greatly to be deprecated.

The Undersigned avails himself of this opportunity to renew to Lord Aberdeen the assurance of his highest consideration.

(Signed) EDWARD EVERETT.

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

First Enclosure in No. 33.

Lieutenant Paine to Mr. Badger.

United States Schooner "Grampus,"
Boston, August 14, 1841.

SIR,

I HAVE the honour to report that, while at Cape Messurado, I was requested by Mr. Francis W. Sexton, formerly Supercargo of the barque "*Jones,*" to send home the said barque, or any valuables from her which the authorities at Sierra Leone would deliver to me.

I accordingly introduced the subject in conversation with the Acting Governor, the Queen's Attorney being present, and I learned that the vessel had been cleared, the owners being required to pay costs.

She could not be released except by paying costs, and giving bonds to abide the result of an appeal entered by the capturers.

The only witnesses of importance in the case, were Mr. Tobias Davis, the mate of the "*Jones,*" and master's mate Murray, the officer appointed by Lieutenant Littlehales, the Commander of the "*Dolphin,*" to take the vessel to Sierra Leone.

The cause of the seizure, Mr. A. C. Murray asserts, was that she was found in British waters without any national character, and having no ship's colours or papers on board, and for being engaged in and fitted for the Slave Trade.

The only reason given for sending the vessel from St. Helena to Sierra Leone, Mr. A. C. Murray (prize-master) says, that Lieutenant Littlehales says, that the Colonial Secretary says, that he has doubts as to the legality of the proceedings of the Court of Admiralty at St. Helena.

I have thought it proper to give this specimen of the nature of the evidence on which the Court of Admiralty at Sierra Leone have decided that the owners of the barque "*Jones,*" shall pay costs and expenses.

With regard to the assertion that the vessel had no national character, there are affidavits that the British hauled down the American ensign; and Lieutenant Littlehales knew that the vessel's papers were deposited with the American Consul at St. Helena, when he took possession of her.

The surveyors of Sierra Leone decide, that the vessel had not the fittings of a slaver, though the amended report says, that she had casks for 1450 gallons water, which would be but little more than the law obliges her to have on board.

There was some other evidence equally tending to clear the vessel from the suspicion of direct connection with the Slave Trade.

It is the only instance of really inexcusable interference with American vessels which has fallen under my observation, and I find it impossible to feel otherwise than indignant at this barefaced violation of our flag.

I am, &c.

(Signed) JOHN G. PAINE,
Lieutenant Commanding.

The Hon. Geo. E. Badger,
&c. &c.

Second Enclosure in No. 33.

Messrs. Farnham and Co. to Mr. Webster.

CASE OF THE "JONES."

New York, February 27, 1843.

SIR,

THE Undersigned, claimants for the loss of the barque "*Jones,*" of New York, seized by the British brigantine "Dolphin," at St Helena, on the 16th of

September, 1840, have recently received from the Department of State at Washington, copies of the depositions of four of the crew of the barque "*Jones*," taken before T. Aspinwall, Esq., Consul at London, on the 8th of December, 1840, which they saw for the first time during their late visit to Washington, and respecting which they now ask leave to offer the following remarks and explanations:—

It is true that we cleared the barque for Montevideo, but the Captain, supercargo, mates, and crew were told that she would go first to the Coast of Africa, also to St. Helena, before going to Montevideo; that being the last foreign port she was to visit during her voyage, instead of the first. Our only object in clearing for the *last* port, instead of the *first*, was to keep the voyage from the knowledge of one of our neighbours, who had a ship in port, ready to load and despatch on the same trade. Such practices are common in all the commercial cities in the Union. There was no object in deceiving the crew. The wages to Africa are as low as to any other country as near, and the same four men know not when they shipped, but what the barque would be cleared for Ambreiz, and would be shipped as quickly as if they had known it. The route to Ambreiz is the same for 20 days from Boston, as for Montevideo; therefore the barque did not change her course, when 20 days at sea, but continued on the direct route to Ambreiz from the time she left Boston.

There was on board the barque, as I stated in those depositions, 40,000 feet of lumber; but it is not true that the lumber was for the purpose of laying a slave deck. This lumber was pine boards of less than one inch thick, suitable for boarding houses, and various uses on shore, and adapted to the markets of Loanda and St. Helena, where we have sent many parts of cargoes, since our experience in the trade. A deck for any purpose should be made of three inch plank. 1000 feet would have been sufficient to make a deck for the "*Jones*": none of this description of planks was shipped by us in the "*Jones*."

It is true there were 20 drums of fish (128 lbs.) on board, such as are usually shipped to Portuguese markets. Most vessels from New England and New Brunswick for Brazil, and a market, take more or less; some are entirely loaded with it, packed into drums of 128 lbs., like the 20 drums in the "*Jones*." It would, undoubtedly answer for slaves' provisions, but it would, in fact, no more prove that the "*Jones*" was intended for the Slave Trade, than any other kind of provision better than their usual food, but which they might eat, if they could obtain it.

The statement in one of the depositions, that the "*Jones*" had on board 3, 000 kegs of gunpowder, is so monstrous a falsehood on the face of it, that we need hardly point it out to the contempt and indignation of all who hear it; that quantity would measure 750 tons, and be a full load for two vessels of the size of the "*Jones*"! or even *three* of her size, if of a suitable model for the Slave Trade.

Among the loose hearsay statements contained in these depositions, it is stated, that the deponents "heard" that we were the owners of a vessel called the "Butterfly," which had been seized as a slaver.

We have never been the owners of, nor been directly or indirectly concerned, in any vessel called the "*Butterfly*," nor in any other vessel seized as a slaver, or on any pretence whatever, except the "*Jones*."

It will, of course, have been observed by the Secretary of State, that all these reports and stories which the Consul at London thought it proper to send home, originated on board the capturing vessel, whose officers and crew were directly interested to make all the evidence they could against the "*Jones*," and her owners.

They say there were found on board five pairs of "fetters, or slave irons;" there were probably five pairs of common handcuffs on board—it is customary to have as many on board all vessels of her size in case of mutiny: those five had probably been on board the "*Jones*" ever since her first voyage: we have no recollection of ever buying any for her.

When the "*Jones*" sailed from Boston in March, 1840, she had all the papers necessary to identify her as an American vessel, and our property. The Register had been in use her previous voyage to Europe, India, Europe, and home. There were not, so far as we know or believe, any "false" or foreign, or other irregular papers on board; and if any were found on board, they were taken there by the captors, or others, without the consent or knowledge of the owners, master, or supercargo.

We have traded to Africa eighteen years: have employed in that trade the following vessels: viz. the ship "Saluda;" barques "Jones" and "Gentleman;"

brigs "Clio," "St. Michaels," "Velocity," "Dacon," "Belvidere," "Edwin," "Sarah Elizabeth," "Rudolph Groning," "Mermaid," "Joseph Peabody," "Thomas Perkins," and "William;" and schooner "Dollar." Those vessels, which are the only ones we have ever had in the trade, have taken many slaves (emancipated) *to* Africa, but none *from* there. The seizure of the "*Jones*" has suppressed a portion of the Ivory Trade, but none of the Slave Trade. British merchants have, for two years past, enjoyed the trade that we have been deprived of by the illegal and unjust seizure of the "*Jones*," by a British cruiser, in British waters, without the slightest colour of reason or justice.

We trust we have now fully removed all inference against our claim, if any such could have been created, upon so slight grounds, arising from the unfounded and absurd charges contained in the said depositions: and we most respectfully request that a copy of these explanations may, as soon as possible, be transmitted to His Excellency the American Minister in England, upon whose sincere desire and prompt efficient exertions to do us justice, we have reason to place the most confident reliance.

We have, &c.

The Hon. Daniel Webster, (Signed) J. P. FARNHAM & Co.
&c. &c

No. 34.

Mr. Fox to the Earl of Aberdeen.

Washington, April 10, 1843.
(*Received May* 20.)

My Lord,

The enclosed* Despatch from Mr. Webster to Mr. Everett, conveying the reply of the United States Government to the observations contained in your Lordship's Despatch to me of the 28th of January, upon the disputed Right of Visit, and the interpretation of the 8th Article of the Treaty of Washington, has been published by official authority in the Washington newspapers.

As the Despatch is dated the 28th ultimo, it was probably transmitted to England by the steam-packet from Boston of the 1st of this month, and in that case will of course have been already communicated by Mr. Everett to your Lordship.

Mr. Webster, who left Washington for his home in Masachussetts on the 1st instant, did not, previously to his departure, communicate to me his Despatch to Mr. Everett. I shall have the honour of submitting to your Lordship some observations upon the contents of the Despatch, by the ensuing steam-packet.

I have, &c.

(Signed) H. S. FOX.

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

No. 35.

The Earl of Aberdeen to Mr. Everett.

Foreign Office, May 27, 1843.

The Earl of Aberdeen presents his compliments to Mr. Everett, and has the honour to acknowledge with thanks the receipt of the note addressed to him on the 26th ultimo by Mr. Everett, enclosing a copy of the Instructions given by the Navy Department of the United States to the Cruising Squadron destined to the Coast of Africa, under the provisions of the Treaty concluded at Washington, on the 9th August last.

Edward Everett, Esq.
&c. &c.

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* See No. 35.

No. 36.

Mr. Everett to the Earl of Aberdeen.

Grosvenor Place, June 5, 1843.
(*Received June* 5.)

THE Undersigned has the honour to transmit to the Earl of Aberdeen the copy of a letter from Mr. R. T. Sims, commanding the American barque "*Rhoderick Dhu*," bearing date on the Coast of Africa, 9th January last, and setting forth the particulars of an outrage alleged to have been committed on that vessel by an officer and armed boat's crew from Her Britannic Majesty's brigantine "Fly," on the 4th January, near the mouth of the river Volta.

In transmitting this statement to Lord Aberdeen, the Undersigned is instructed to request that a strict enquiry may be made into the conduct of the Officer implicated, and to express the confident expectation of the President that if the charge be sustained, proper redress will be afforded by Her Majesty's Government, and the offender visited with the punishment due to such a wanton and dangerous violation of the flag of the United States.

The Undersigned considers the present as a proper opportunity to make a renewed reference to the case of the "*William and Francis*," originally submitted to Viscount Palmerston by Mr. Stevenson, on the 16th April, 1841, and mentioned in the note of the Undersigned to Lord Aberdeen, of the 27th December of that year; and of the "*John A. Robb*," which formed the subject of a note from the Undersigned to his Lordship of the 19th September last. The length of time which has elapsed since the occurrences referred to in those cases, especially the former, is so great as to warrant the confident expectation that a satisfactory explanation of the acts complained of will be shortly given, through the Undersigned, to the Government of the United States.

The Undersigned, &c.

(Signed) EDWARD EVERETT.

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

Enclosure in No. 36.

Captain Sims to Captain Foote.

SIR, *British Accra, January* 9, 1843.

ENCLOSED are the newspapers you loaned me at "Ahguah," for the use of which I return many thanks.

I would request your attention to the following statement.

On the 4th January, 1843, at 9 A. M. about 30 miles to the eastward of Quilla, I saw a vessel to the southward, about five or six miles' distance, standing in shore, with wind west, myself at the same time standing off. At 10 A. M. she tacked to the southward; at about 11 A. M. I made her colours to be English, and presumed her to be a man-of-war. Hoisted the American flag. At meridian I tacked to the north-west, and passed within a cable's length of said vessel. She did not take any notice of us. I hauled down my flag, as the wind was quite fresh. At about 30 minutes P. M. she tacked and stood for us; at 1 P. M. she fired a gun; 1 30 P. M. she fired a shot that nearly struck our mizzen mast. I hoisted my flag again, and luffed the barque up; the chase came alongside, and hailed with "back your main topsail and round to, or I'll fire into you." I told him the name of the vessel, where from, and where bound, and asked him not to bring me to with so strong a current, but his answer was the same. I hove to. A boat with an Officer and 12 men came alongside to windward, and climbed up the main chains, the Officer being the last man on deck. The men had each a tomahawk in their hands. I told them to go in their boat. They said they should not. When the Officer came on deck he took no notice of me whatever for some time, and when he did speak, it was to demand my papers. I asked him to walk below and I would show them to him, but that he had no right to demand them. After he had the papers in hand about ten minutes, he threw them on the table, and made another demand, telling me to refuse him, and he would show me what he would do: said the American flag was no protection against the demand.

I asked the Officer the vessel's name: he said it was Her Britannic Majesty's

brigantine "Spy," and asked me if he should put it on paper. The Officer and crew remained on board upwards of 45 minutes, the crew going all over the vessel, insulting and abusing everybody on board.

I mentioned to him that I had been visited by boats from your ship, as well as by the "Persian's," and steamer "Kite," in a gentlemanly and respectful manner. He said that what you and others did was nothing; and if he had commanded the "Spy" he would have knocked the barque's boats about my ears.

You will perceive by this, Sir, that not only myself and all on board, but the American flag, has been abused most shamefully. Had we been pirates we could not have been brought to and boarded in a more disrespectful manner.

I have been many voyages on the Coast, and been visited by many of Her Britannic Majesty's vessels in a respectful manner, but never boarded by an armed boat's crew a minute before the Officer came on deck.

I am sorry, Sir, to be forced to make this complaint, but consider myself bound in duty to do so.

I shall write by the first opportunity to the Secretary of State for the United States the full particulars. I shall also send him a copy of this.

I am, &c.

(Signed) R. T. SIMS,
Master of the American Barque "Rhoderick Dhu."

Captain Foote, R.N.
H.B.M. ship "Madagascar."

No. 37.

The Earl of Aberdeen to Mr. Everett.

Foreign Office, July 3, 1843.

THE Undersigned, &c. has had the honour to receive the note which Mr. Everett, &c. addresed to him, on the 5th ultimo, on the subject of complaints preferred against officers and men of Her Majesty's ships, for conduct alleged to have been pursued by them towards the United States vessels "*Rhoderick Dhu,*" "*John A. Robb,*" and "*William and Francis.*"

With respect to the case of the "*Rhoderick Dhu,*" the Undersigned has to acquaint Mr. Everett, that information having previously reached this country that the master of the "*Rhoderick Dhu*" had complained of the conduct which had been pursued towards that vessel by an officer of Her Majesty's brig, "Spy;" Her Majesty's Government did not wait for a representation of the case by the United States Minister, but at once directed an investigation to be made into the circumstances, in order that any satisfaction which may prove to be due to the United States Government, should be given with as little delay as possible.

Upon the receipt, by the Undersigned, of Mr. Everett's note, Her Majesty's Government repeated those directions, and as Lieutenant Raymond, the Commander of the "Spy," has now returned to England, the Undersigned hopes to be able, very shortly, to reply to Mr. Everett, with respect to the charges against that officer.

With respect to the charges against the Boarding Officer, as that person is not in this country, a longer time must necessarily elapse before his answer can be received.

In the case of the "*John A. Robb,*" the vessel upon which Mr. Everett, in his note of the 19th September last, complains that an outrage was committed by Lieutenant Matson, of Her Majesty's brig "Waterwitch;" Her Majesty's Government have obtained a full report of the proceedings of Lieutenant Matson. The Undersigned has the honour to enclose to Mr. Everett an abstract of that report, so far as it relates to the act which forms the subject of Mr. Everett's complaint. Her Majesty's Government, and the Law Advisers of the Crown, have given a careful attention to the facts there detailed, and it is their opinion that Lieutenant Matson was justified under the circumstances, in the conduct which he pursued towards Peter Hutchinson, the seaman whom he is stated, but incorrectly, to have removed forcibly from the "*John A. Robb.*" The facts appear to be as follows: Lieutenant Matson, after hearing the statement of Hutchinson, and seeing the papers, formed an opinion that Hutchinson had been ill used on board the "*John*

A. Robb," and that "he was as free to quit as he had been to enter that vessel;" but, notwithstanding this, he thought it right, upon the master's refusal, to give up to Hutchinson his clothes and wages, to decline interfering in the matter; and he therefore informed Hutchinson that he could give him no assistance, and that it must depend entirely upon the master; he also told Hutchinson and the master to settle the question between themselves, saying, that he was going on shore, and that his boat would call alongside again in her passage off to the "Waterwitch." When the boat came alongside, Hutchinson having so far settled with the master as to obtain from him his clothes, though not his wages, got into the boat and proceeded to the "Waterwitch."

Had the occurrence, which is here described, been accompanied by any act of violence or authority, such as to justify the character given to it in the complaint which Mr. Everett has transmitted to the Undersigned, Her Majesty's Government would have felt bound at once to tender to the Governm nt of the United States a ready satisfaction for such a proceeding, and they would have visited the author of it with their heavy displeasure.

But under the circumstances above stated, and stated, as Her Majesty's Government have reason to believe, with perfect accuracy, Her Majesty's Government cannot admit that there is any just ground for the charge against Lieutenant Matson of having forcibly taken Hutchinson from on board the "*John A. Robb*;" and they therefore feel that they cannot disavow the act of that Officer, as requested by Mr. Everett; to whose Government that act, and indeed the whole conduct of Lieutenant Matson, in his intercourse with the "*John A. Robb,*" has been inaccurately and very unfairly represented.

On the subject of the "*William and Francis,*" which is also alluded to in Mr. Everett's note, the Undersigned will have the honour of addressing Mr. Everett in a separate communication.

The Undersigned, &c.

Edward Everett, Esq.
&c. &c.

(Signed) ABERDEEN.

Enclosure in No. 37.

Extract from a Letter, Lieutenant Matson to Rear-Admiral Percy, dated H. M.'s Brig "Waterwitch," Simon's Bay, February 2, 1843.

I NOW, Sir, come to the distinct charge of having forcibly taken a man out of the "*John A. Robb.*" After I had returned to Cabinda from the pursuit of the two slavers above mentioned, I received a letter (April 5,) signed "Peter Hutchinson," who stated that he and two other Englishmen, whom he named, had been cruelly ill treated since I left the port, and they earnestly implored my assistance. I immediately went on board the "*John A. Robb,*" and informed the master that I had received a complaint from three British subjects, who had been ill treated by him. He asked who they were; and on my saying the name of one was Peter Hutchinson, he declared there *was no such person on board.* I showed him the signature to the letter; he then sent for the mate, who declared he had *never heard of such a person.* I requested the master to inquire whether any of the crew answered to that name: the mate then went to the main-hatchway and called to the men who were working in the hold, "Any of you there answers to the name of Peter Hutchinson?" Three men then came up, one of whom declared that to be his name, and that he was the author of the letter. They all begged me to take them out of the vessel; stated that they had been cruelly ill used, treated like dogs because they were Englishmen, and suspected of giving information about the cargo. One of them had been knocked down by the mate with an iron pump-handle; one of them had been knocked down by the master, who afterwards jumped upon him until he was insensible; another, because he asked the contents of one of the cases, had been struck by the mate with a handspike, who said, "Damn you, you want to condemn the vessel do you?" Neither the master nor the mate attempted to deny these statements; but the mate said he knocked the man down with the pump-handle for attempting to collar him; and the master, that he had knocked down and jumped upon the others for sleeping on his watch. Although it was evident that these Englishmen had been shamefully ill treated, I endeavoured to make them contented with their situation, and told them that as they were serving

under a foreign flag I could give them no assistance, and that they must abide by the agreement made with the master. They all declared that they had not agreed to come to Africa, and the master persisted that they had done so. I asked to see the agreement, on which he went into his cabin, and remained there five or ten minutes.

On his return to the quarter-deck he produced a copy of "Shipping Articles," which stated, that the crew were to proceed in the vessel from Baltimore to Cadiz and any port in the Mediterranean; but it said nothing of Rio de Janeiro or Africa. It contained the names of his crews, their birth-places, their pay, &c. &c. —also, their signatures. But the name of Peter Hutchinson was written at the bottom either in pencil or very pale ink; there was neither rate of pay nor signature; and I feel convinced that the master had that moment written it. I told the two men who had signed the agreement, that although it did not appear they had agreed to come to Africa, they had bound themselves as the crew of the vessel, and if ill treated by the master, they must apply to the British Consul for redress on their return to Rio de Janeiro. I then asked Peter Hutchinson what verbal agreement he had made with the master; he replied, that meeting him (Ordeman) in the streets at Rio, a few days before the vessel sailed, he had agreed to work on board his vessel, without stating any period; that so long as he did remain he was to receive the same pay as the rest; that he was given to understand the vessel was going to Europe, and did not know she was coming to Africa until he had been several days at sea. The master only remarked, "Oh! you knew it very well."

I then stated to Mr. Ordeman, that I did not consider he could legally detain this man, who was as free to go out of the vessel as he was to come into her; and that if he chose to come into my boat he was perfectly at liberty to do so. The master refused to give up his clothes or wages; on which I told Hutchinson that I could give him no assistance in the matter, it must depend entirely on the master. I left them to settle it between themselves, saying, that I was going on shore, and that my boat could call alongside again on her passage off to the "Waterwitch." She did so, and Hutchinson went in her, the master having given him his clothes, but not his wages; and on the following day was placed on the books of the "Waterwitch."

If any Consul's certificate was attached to the "Shipping Articles," I certainly did not see it; nor was my attention called to it by the master. When I perceived the name of Peter Hutchinson added in the manner above stated, I immediately returned it, considering it as a bungling attempt at an imposition.

I beg, Sir, that you will call their Lordships' attention to the "list of crew," a copy of which forms one of the Enclosures in Mr. Everett's letter, but which was not produced to me on either occasion of my boarding the "*John A. Robb*," I saw only a copy of the Shipping Articles.

This document is called a List of Persons composing the Crew of the Barque "*John A. Robb*," whereof is master Robert Walker, bound for Cadiz and a market; and it is signed Robert Walker. It contains, among others, the name of Peter Hutchinson; but the fact is, that Hutchinson did not join the "*John A. Robb*" until February, 1842, and after Mr. Walker had left her; but it appears that on the 29*th September*, 1841, Mr. Walker did solemnly, sincerely and truly swear, that this list, *signed by himself, and in which is the name and description of Peter Hutchinson*, contains the names of the crew of the "*John A. Robb*." The Consul's certificate, dated at Rio on the 12*th February*, 1842, could not have been attached to this document, when Mr. Walker swears to the truth of it on the 29th September, 1841, at Baltimore, on which day it is also certified by the Deputy-Collector of Customs. It would certainly appear that either this document or its annexes were incorrect, at any rate they do not apply to each other; be that as it may, I declare that neither the original, nor a copy of this List, was produced to me on board the "*John A. Robb*."

These are the most minute particulars relating to those several transactions, the truth of which can be substantiated by the Officers and crew of this brig; for I have on all occasions, when boarding a vessel under these circumstances, taken care to have a witness to all I have said or done, and they are now ready to make oath to the correctness of this statement.

No. 38.

The Earl of Aberdeen to Mr. Everett.

Foreign Office, July 15, 1843.

THE Undersigned, &c., in accordance with the announcement made to Mr. Everett, &c., in his note of the 3rd instant, and in further reply to Mr. Everett's communication of the 5th of June, has now the honour of addressing Mr. Everett on the case of the American barque "*William and Francis*," which was detained and searched by the Commander of Her Majesty's brig "Forester," on the 15th of October, 1840.

On the 16th of April, 1841, Mr. Stevenson, the Minister of the United States at this Court, forwarded to Lord Palmerston a statement of this occurrence, signed by Mr. Peter Flowery, the master of the barque. This statement has since been submitted to Lieutenant Norcock, the officer who commanded the British cruiser, and searched the barque; and Lieutenant Norcock was called upon to answer the charges preferred against himself and his officers, and to give the particulars of the whole transaction.

The Undersigned has now the honour to enclose to Mr. Everett a copy of Lieutenant Norcock's reply.

Owing to an accidental omission in the reference made to the Admiralty, the Undersigned is not yet in possession of any separate statement from the officer who first boarded the "*William and Francis.*" But Mr. Everett will perceive that after the account given by Lieutenant Norcock, it is impossible for Her Majesty's Government to admit the truth of all the charges brought against the British officers by the master of the barque. At the same time, with respect to the most important point in the proceedings of Lieutenant Norcock, that of his having mustered the crew of the "*William and Francis*," and searched the vessel, in consequence of certain representations made to him by some of the seamen, Her Majesty's Government are ready to acknowledge that just and serious cause of offence was given to the master of the American vessel and to the American Government.

Undoubtedly, Lieutenant Norcock having had the papers of the vessel shown to him by the master, and being satisfied, as he states, that they were correct, had but one course to pursue. He should forthwith have quitted a vessel, the occupation of which he had no right to question, and with the voyage of which he had interfered thus far only under a suspicion which had turned out to be undeserved.

Unfortunately, Lieutenant Norcock followed a different course, and one which compels Her Majesty's Government to condemn the conduct of that Officer, and to tender, as they now do, to the Government of the United States full satisfaction for the wrongful detention and search of an American vessel.

The Undersigned, &c.

(Signed) ABERDEEN.

Edward Everett, Esq.
&c. &c.

Enclosure in No. 38.

Lieutenant Norcock to the Secretary to the Admiralty.

Her Majesty's "Warspite," Bermuda,
May, 7, 1842.

SIR,

I HAVE the honour to acknowledge the receipt of your letter this day, containing a copy of certain complaints made against the Officers of Her Majesty's brigantine "Forester," when under my command, on the West Coast of Africa, by the Master of the American barque "*William and Francis.*"

For the information of the Lords Commissioners of the Admiralty, I beg to transmit the following statement of the circumstances connected with the barque "*William and Francis;*" and my most positive denial of the charge made against myself and officers.

On the 15th of October, 1840, the "Forester" being employed off the rivers Nun and Brass, I sent two boats at seven, A.M., to examine the latter river, in charge of Mr. Francis H. May, second master, and second in command of Her Majesty's brigantine, and I weighed anchor at the same time to proceed to

the westward. At this period the Slave Trade was carried on to a great extent in these rivers by the Spaniards, whose vessels came over from the Havana under American colours, with an American master and crew. On their arrival, a Spanish master and crew proceeded on board with the slaves, the Americans going back as passengers. In February, 1840, two vessels, under American colours, master and crew American, were taken out of the river Nun by Her Majesty's ship "Wolverine," Captain Tucker, in which ship I was then serving. Both these vessels were found to have Spanish papers on board, as well as American; and, on finding two American cruisers on the Coast, the master gave them up as Spanish property, as which they were condemned.

At 8 h. 30 m., A.M., of the 15th of October, 1840, a barque was observed working out of the river Brass, on which I gave chase, the boats following me. About noon I observed the boats board the stranger, who had hoisted American colours. but she did not heave-to for them, although well clear of the bar, and the boats had their colours flying.

The barque anchored at about 1 h. 30 m., P.M., and at 2, P.M. I anchored close to her. Our boat was sent to me immediately in charge of the gunner, to report that the master of the barque refused to allow the Officer of the boats to examine his papers; on hearing which I returned in the same boat.

Mr. May, second master, reported to me, "That on arriving alongside the barque, the usual civility of a ladder was not given him; that on reaching the deck he heard the master order his crew to prevent the Englishmen from coming in; and, if necessary, to keep them out with handspikes; that on asking for his papers, the master held them up, but would not allow him to examine them, and that his manner had been most insulting the whole time. Under these circumstances, that he (Mr. May) had ordered four of his boat's crew to watch the master's proceedings, and prevent him from throwing anything overboard (a very common thing on the Coast of Africa); and that, considering the barque very suspicious, he had brought her to anchor, to await for me."

On receiving this report, I immediately remonstrated with the master for his want of civility to an English Officer, and asked for his papers, which he immediately gave me; and, having seen they were correct, I returned them.

The hold being empty and open, no search was requisite, even had I wished it, to ascertain her cargo; and I was on the point of leaving, when the whole crew came aft, and begged me to take them out of the vessel, as the master was in the habit of firing at them when aloft from a musket, and ill-treating them in other ways. On this account I ordered them to be mustered, when I found that the master and first mate were the only Americans on board.

The crew, openly on deck, stated that the barque was trading illegally; had brought over a cargo of rum and specie, consigned to a noted slave-dealer in the river Brass; in payment for which three schooners were to come over from the Havana, and takes slaves in return; and that the first would arrive in a few days.

The master denied all this, and, I positively declare, "offered to have the cabin searched himself, or allow me to do so, if I imagined any papers were concealed there."

The vessel being very suspicious, I searched the cabin, which did not occupy half an hour; but I most positively deny a sealed letter, or cask of any sort, being opened.

I further beg to assert that the master of the barque never said a word about armed men being put over him, and that he did not make a single complaint to me of the conduct of the Officer of the boats; and that I heard nothing of the threat to "blow out his brains" until I received their Lordships' letter.

At 3 h. 30m., A.M., I left the barque, telling the master he was at liberty to proceed on his voyage.

By this statement, their Lordships will observe, that I detained this vessel "two hours," as she anchored clear of the bar of the river at 1 h. 30 m., P.M., and my boats left her at 3 h. 30 m., P.M.; therefore, the master's account of being under charge of four armed men, from 10, A.M. until 5, P.M., is entirely false.

I beg further, most positively, to deny making use of any improper expressions myself, or hearing any officers or men do so towards the master of the barque; and I beg to assure their Lordships, after having served upwards of three years on the Coast of Africa, I never met a more suspicious vessel, or more uncourteous master.

On the 21st of November, the first schooner arrived off the Brass, which I captured; and on the 17th of December the second arrived, and beat off my boats.

I beg to hope that this statement will be sufficient; but should anything further be required, the Officers serving in Her Majesty's brigantine "Forester" at the time of boarding the "*William and Francis*," were as per margin.

I have, &c.

(Signed) S. NORCOCK,
Lieutenant, late Commander of Her Majesty's Brigantine "Forester."

No. 39.

The Earl of Aberdeen to Mr. Fox.

SIR, *Foreign Office, August* 14, 1843.

I HEREWITH transmit to you a copy of a Despatch which I have received from Her Majesty's Consul-General in Cuba, containing information of the equipment of vessels under the flag of the United States, for the purpose of Slave Trade.

You will communicate this information to the United States' Government, who will doubtless take the proper steps for making enquiry into this matter, and for preventing the flag of the Union from being used as a protection to Slave Trading adventures.

I am, &c.

H. S. Fox, Esq. (Signed) ABERDEEN.
&c. &c.

Enclosure in No. 39.

Mr. Crawford to the Earl of Aberdeen, dated July 10, 1843.
(See Class B. No. 49.)

No. 40.

The Earl of Aberdeen to Mr. Everett.

Foreign Office, August 28, 1843.

THE Undersigned, &c., has the honour to inform Mr. Everett, &c. that he has received from Her Majesty's Treasury, two Reports from Mr. Rothery, the gentleman appointed by Her Majesty's Government to investigate and settle with Mr. Everett, or such gentleman as might be deputed by Mr. Everett, the claims preferred by the owners of the American vessels "*Tigris*" and "*Seamew*," on account of the detention of those vessels by Her Majesty's cruisers "Waterwitch" and "Persian," respectively.

Mr. Rothery, giving an account of the result of his conferences with Mr. Hillard, the gentleman deputed by Mr. Everett for this service, states, that he had agreed with that gentleman that the amount to be paid by Her Majesty's Government, as compensation in the case of the "*Tigris*," is twelve hundred and six pounds nineteen shillings and threepence (1206*l.* 19*s.* 3*d.*) sterling; and in the case of the "*Seamew*," is fourteen hundred and fifty-two pounds, nineteen shillings (1452*l.* 19*s.* 0*d.*) sterling.

The Undersigned has accordingly requested the Lords of Her Majesty's Treasury to liquidate these claims, and he has now to inform Mr. Everett that their Lordships have directed the Paymaster of Civil Services to pay these abovementioned sums to any person whom Mr. Everett shall authorise to receive the same on account of the owners of the vessels in question.

I am, &c.

Edward Everett, Esq. (Signed) ABERDEEN.
&c. &c.

No. 41.

Mr. Everett to the Earl of Aberdeen.

Grosvenor Place, August 31, 1843.
(*Received August* 31.)

My Lord,

The Undersigned, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, has the honour to acknowledge the receipt of a note of Lord Aberdeen, Her Britannic Majesty's Principal Secretary of State for Foreign Affairs, dated the 3rd July, and accompanied by an extract from a letter of Lieutenant Matson, commanding Her Majesty's brig "Waterwitch," to Rear-Admiral the Hon. J. Percy, dated 2nd February, 1843. In pursuance of the purpose already intimated in conversation to the Earl of Aberdeen, shortly after the receipt of his Lordship's note, the Undersigned now invites the attention of his Lordship to a reconsideration of the case of the seaman removed by Lieutenant Matson from the American vessel "*John A. Robb*," which forms the principal topic of Lord Aberdeen's communication of the 3rd ultimo.

When the Undersigned first addressed the Earl of Aberdeen on this subject, in a note dated 19th September, 1842, he was under the impression that the first boarding of the "*John A. Robb*," on the 27th March, 1842, by an armed party from the "Waterwitch," had reference, in common with all the subsequent proceedings complained of, to the removal of the seaman, Peter Hutchinson.

The Undersigned has since learned, that the act of boarding and taking possession of the American vessel on the 27th, had no connection with the removal of Hutchinson. In the extract from Lieutenant Matson's letter to Rear-Admiral Sir John Percy, communicated to the Undersigned, no explanation is given of the previous transactions, and the Undersigned is left at a loss for the motives for such a proceeding.

That he did not call the attention of Lord Aberdeen more pointedly to this part of the case, in his note of the 19th of December last, was owing wholly to the impression just mentioned. Lord Aberdeen will doubtless agree with the Undersigned, that an explanation of this part of the conduct of Lieutenant Matson, is justly due to the Government of the United States: and that if it should appear, that forcible possession was taken of an American vessel by this officer, it will be deemed by Her Majesty's Government an offence of more than ordinary aggravation.

The Undersigned will now proceed to restate the case of the seaman Peter Hutchinson; and in doing this, he cannot forbear, in advance, to express the opinion, that the whole proceeding, in all its parts, was unwarrantable, in direct violation of the public law, and highly offensive in its character. This opinion is independent of the accuracy of the statements made by Lieutenant Matson in defence of his conduct. The Undersigned will be obliged, in the course of this note, to call in question the correctness of a part of those statements; but the admission of their entire accuracy would furnish, in his judgment, no justification of the conduct of Lieutenant Matson. While the American vessel "*John A. Robb*" was at anchor off Cabinda, a portion of the African Coast not subject to Great Britain, Lieutenant Matson, well knowing the "*John A. Robb*" to be an American vessel, boarded her, caused her crew to be mustered, and proceeded to inquire into the alleged ill-treatment of three of the seamen, British subjects, who had addressed him a letter complaining that they were forcibly detained and ill-used by the Master of the "*John A. Robb*," and soliciting him to take them on board the "Waterwitch." This he refused to do in the case of two of them, because they had agreed to return in the vessel; but he complied with the request of the third, "because he had made no agreement whatever."

The Undersigned, before commenting on this account of Lieutenant Matson's proceedings, must call Lord Aberdeen's attention to the extraordinary nature of this proceeding at the outset, rendered peculiarly unwarrantable by the great notoriety of the recent discussions between the two Governments of the principles of public law as to the inviolability of foreign vessels. It was well known to Lieutenant Matson that his Government disclaimed, in the most emphatic manner, all right to board an American vessel in time of peace, knowing her to be such, for any cause whatever.

Notwithstanding this knowledge, in consequence of receiving a letter from a seaman on board a vessel known by him to be an American, complaining of ill-

treatment, he boards the vessel, musters the crew, inquires into their treatment, and finally accedes to the request of the seaman to be removed to the "Waterwitch," in which he was allowed to enter as a volunteer. It is plain, that if the bare reception of such a letter gives to a British cruising Officer the right to board an American vessel, there can be very few not subject to this exercise of power, inasmuch as one or more British seamen are found in a large portion of the merchant vessels of the United States.

In fact, as nothing would be easier than for a discontented American seaman to write a letter to the Commander of a British cruiser in the character of an Englishman, every American vessel that floats would be subjected in this way to the discretion and power of every British cruiser. The conduct of Lieutenant Matson was as destitute of excuse, from the urgency of the case, as it is of justification on any principle of public law. It happens, no doubt, occasionally, in the American merchant service, as in every other, that seamen are abused; as it also happens, in that and every service, that severity is necessary to punish misconduct and preserve discipline.

When a sailor on board an American ship is ill treated, he has his remedy in the Courts of law on his return, and rarely fails to find sympathy on the part of a jury. An English sailor ill treated on board an American vessel, would possess this remedy to the same extent as a native citizen.

He would have such farther remedy as his Government might choose to accord him, if his case was deemed to require interference. That in addition to these remedies, he should possess a third, in the power of invoking the summary protection of any British cruiser within his reach, is a doctrine against which it cannot be necessary for the Undersigned to argue. Lieutenant Matson, in his letter to Rear-Admiral Percy, states, that on his enquiry into the manner in which the seamen had been treated, the captain and mate did not attempt to deny their statements, and that "it was evident these Englishmen had been shamefully ill treated." But it appears from Lieutenant Matson's own representation of the case, that the statements of the seamen were denied by the captain and the mate in the most material part, that is, the reasons *why* they were subjected to the treatment complained of. There is nothing evident in the case, but that complaints of ill treatment were made by the seamen, and that the captain and mate alleged that the treatment complained of had been incurred by their own misconduct.

It is stated by Mr. Slacum, the American Consul at Rio de Janeiro, that on the arrival of the vessel at that port a few weeks afterwards, no complaint of ill-treatment was made by the two other seamen alluded to, and that he was informed by the master that they were anxious to remain on board the "*John A. Robb.*"

But the Undersigned forbears to pursue this enquiry as irrelevant to the question as to the propriety of the conduct of Lieutenant Matson in boarding the American vessel, and instituting an investigation of the manner in which the crew were treated. In Lord Aberdeen's note of the 3rd of July, the justification of Mr. Matson's conduct is rested upon the assumption that the statement that Peter Hutchinson was *forcibly* removed from the "*John A. Robb*" is incorrect, and that the interference of this Officer was confined to a consent to receive Hutchinson on board the "Waterwitch," on his being voluntarily discharged by the American captain, and that "he (Lieutenant Matson) informed Hutchinson that he could give him no assistance, and that it must depend entirely on the master."

The Undersigned is convinced that, if Lord Aberdeen will look again at the letter of Mr. Matson, he will perceive that an expression, referring exclusively to the giving up the clothes and payment of the wages of Hutchinson, has been erroneously understood to apply to the whole transaction; that the matter about which Mr. Matson told Hutchinson he could give him no assistance, was simply the obtaining his clothes and wages, and that Mr. Matson does not deny that he intended to cause, and did cause, the removal of Hutchinson from the ship; not, it is true, by the application of physical force, but by stating to the master that Hutchinson was at liberty to go,—that he could not legally detain him, and that if he chose to come into his boat he was at liberty to do so,—and by duly sending his boat for him, and entering him as a volunteer on board the "Waterwitch."

The certificate of Mr. Matson admits of no coherent interpretation, on any other supposition. It is in these words:—"This is to certify, that, having received a written complaint from three British seamen of their having been grossly abused and beaten by the master and mate of the '*John-a-Robb*' of Baltimore, I boarded that vessel on the 5th instant, when they all repeated the complaint in the presence

of the master and mate, and requested to be taken on board the 'Waterwitch.' But as two of them had signed an agreement to return in the vessel to America, I refused to comply with their request; but the third (Peter Hutchinson), not having made any agreement whatever, I entered him as a volunter on board Her Majesty's brig under my command. (Signed) H. J. MATSON, Lieutenant-Commander of H. B. M. S. 'Waterwitch.' Cabinda, April 9, 1842."

Had the captain of the American vessel voluntarily discharged Hutchinson, that fact, and not the absence of any agreement on the part of the seaman, would have been assigned by Mr. Matson as the reason for taking him; or rather, if the transaction had been a voluntary one, on the part of the American captain, no certificate of reasons for removing the seaman would have been asked for or given.

Mr Matson expressly states, that they all three requested to be taken on board the "Waterwitch." With respect to two the request was refused: with respect to the other it was granted, not because the captain agreed to give him up, but because, in Mr. Matson's opinion, he had no right to hold him.

In fact, so far from representing the captain of the American vessel as voluntarily giving up Hutchinson, Mr. Matson describes him as endeavouring, in his opinion, by a false entry on the ship's papers, to persuade Mr. Matson that the seaman had shipped, and was, consequently, in Mr. Matson's judgment, not liable to removal.

In full accordance with these facts, the captain, as soon as he arrived in port, made a formal protest against Mr. Matson, before the American Consul, for having received the seamen.

But the Undersigned forbears to enlarge on this point, under the impression that, on a reperusal of the note to Rear-Admiral Percy, Lord Aberdeen will unite in the opinion, that Mr. Matson did not mean to assert that the American captain, of his own free will, voluntarily gave up the seaman.

It was, of course, out of the question for the American shipmaster to attempt to detain him by force, after the commander of an armed ship had acceded to his request to be removed, and had stated to the captain of the "*John A. Robb*," that he could not legally hold him, that he should enter him as a volunteer on board the "Waterwitch," and send his boat alongside to receive him. Although, in the judgment of the Undersigned, the fact whether Hutchinson had shipped on board the "*John A. Robb*" is immaterial to the merits of the case, yet he deems it important, in order to place the conduct of Mr. Matson in a clear light, to state the evidence on that point.

In the first place it is affirmed by the American Consul, Mr. Slacum, of Rio de Janeiro, that Hutchinson was shipped in his office and in his presence, in the usual way, the nature of the voyage having been explained to him; and the usual Consular certificate of this fact was made on the list of the crew and the shipping Articles. Mr. Slacum is favourably known to Lord Aberdeen by official report; he is personally known to the Undersigned as a gentleman of superior intelligence and unquestioned probity. An official copy of the list of the crew has been furnished to the Undersigned, and a transcript of it is among the papers transmitted to Lord Aberdeen, with the original statement of the Undersigned of the 19th September last. HisLordship has seen on that paper, the copy of Mr. Slacum's Consular certificate, that he shipped Hutchinson on board the "*John A. Robb*" on the 12th of February, 1842.

Lieutenant Matson, in his representation to Rear-Admiral Percy states, that when Captain Ordeman was asked to produce Hutchinson's agreement, "he went into his cabin, and remained there five or ten minutes. On his return he produced a copy of 'Shipping Articles.' The name of Peter Hutchinson was written at the bottom, either in pencil or very pale ink; there was neither rate of pay nor signature, and I feel convinced that the master had that moment written it." "If any Consul's certificate was attached to the Shipping Articles, I really did not see it, nor was my attention called to it by the master. When I perceived the name of Peter Hutchinson added in the manner above stated, I immediately returned it, considering it as a bungling attempt at imposition."

The Undersigned, as Lord Aberdeen will recollect, has exhibited to his Lordship, at the Foreign Office, a portion of the original Shipping Articles, (the residue having been accidentally destroyed after the return of the vessel to Baltimore,) and Lord Aberdeen has seen upon this document the names of Gardner and Hutchinson, the two persons shipped at Rio de Janeiro, with a part of Mr. Slacum's certificate directly under them, all legibly written in ink, a little darker even

than those parts of the document which were written in America some months before.

The Undersigned admits that this document is unfortunately in such a mutilated state, that it would have been of little value itself as a piece of evidence, had not its authenticity been fully sustained by Mr. Slacum's statement, that he did enter the names of Gardner and Hutchinson upon "the Shipping Articles," with a certificate of having shipped them.

Mr. Matson refers to the copy of the "list of the crew," as among the Enclosures of the note of the Undersigned of the 19th September, which had been forwarded to him. The Captain of the "*John A. Robb*" declares on oath, that he exhibited the list of the crew with the Shipping Articles to Mr. Matson.

That Officer affirms that it was not exhibited to him. Why it should have been withheld, containing, as it does, the official proof of the fact to be established, the enlistment of Hutchinson, is not easy to be conceived. But Mr. Matson, after denying that he had ever seen the "list of the crew," proceeds to call in question the accuracy of the document.

The alleged inaccuracy consists in this, that a list of the crew, containing Hutchinson's name is given, which list is signed by Robert Walker as Captain; whereas, Hutchinson did not join the vessel till February, 1842, when Walker had left her; but, continues Mr. Matson, "it appears that on the 29th September, 1841, Mr. Walker 'solemnly, sincerely, and truly swears,' that this list signed by himself, and in which is the name and description of Peter Hutchinson, contains the name of the crew of the '*John A. Robb*.' The Consul's certificate, dated February 12, 1842, could not have been attached to this document, when Mr. Walker swears to the truth of it on the 29th September, 1841, Baltimore, on which day it is also certified by the Deputy Collector of the Customs. It would certainly appear, that either this document or its annexes were incorrect, at any rate they do not apply to each other."

It is with regret that the Undersigned notices this attempt of Mr. Matson to impeach the characters of Mr. Walker and Mr. Slacum, in reference to this document, and without the slightest reason. The Undersigned has already explained in person to Lord Aberdeen the trifling irregularity on which Mr. Matson's criticism is founded. The certificate of Walker, and that of the Collector of Baltimore, of course, applied to the list of the crew as shipped at Baltimore in October, 1841. In February, 1842, the captain, Walker, had left the vessel, the mate, Ordeman succeeded him, and Gardner (as mate) and Hutchinson (as seaman) were shipped at Rio Janeiro.

This is the fact, to which Mr. Slacum gives his Consular certificate in the following words: "I the Undersigned, Consul of the United States, at the city of Rio de Janeiro, hereby certify, that W. R. Gardner and Peter Hutchinson have shipped at this Consulate on board the above named vessel. Given under my hand and seal of office, this 12th day of April, 1842. (Signed) G. W. SLACUM, Consul, United States of America.

In addition to this certificate, Mr. Slacum appears to have entered the names of Gardner and Hutchinson at the foot of the original list of the crew; an undoubted irregularity, in reference to Walker's original certificate.

It might have been supposed, however, but for Mr. Matson's statement, that the explanation of the case as thus given, was sufficiently obvious, and the state of the facts too plain to admit any suspicion of the character of the document or of the parties by whom it is authenticated.

But, however this may be, it seems beyond doubt that Hutchinson was regularly shipped at Rio de Janeiro, and in this fact, the justification set up by Mr. Matson, in the assumed absence of agreement on the part of that seaman, falls to the ground. But, as the Undersigned has observed, he deems this point, however decided, immaterial to the issue. The complaint of the American Government is, that Mr. Matson boarded an American vessel, knowing her to be such, without authority, for the sake of redressing the alleged wrongs done to a British seaman, whom, at his request, and against the will of the master, he removed from the American vessel; and the Undersigned persuades himself that, on a revision of the case, Lord Aberdeen will perceive that the expression in Mr. Matson's note, in which he was supposed to state that he informed Hutchinson that "he could give him no assistance in the matter, it must depend entirely on the master," did not refer to the main occurrence: which was really, as far as the captain of the American vessel is concerned, compulsory.

CLASS D.

In the closing paragraph of Lord Aberdeen's note of the 3rd July, after stating that Her Majesty's Government are unable to disavow the act of Mr. Matson as requested by the Undersigned; it is observed that "the whole conduct of Lieutenant Matson, in his intercourse with the '*John A. Robb*' has been inaccurately and very unfairly represented to the Government of the United States."

In reply to this observation, the Undersigned would observe, that he trusts Lord Aberdeen, on a re-examination of the case, will come to a different conclusion.

As far as the Undersigned can judge, the case seems to have been correctly and truly stated to the American Government. The Undersigned deems it his duty farther to say, that if Lieutenant Matson, before writing his letter to Rear-Admiral Percy, was in possession of the documents transmitted to the Earl of Aberdeen, with the note of the Undersigned of the 19th September, and if he had consequently seen Mr. Consul Slacum's official statement, that Hutchinson's shipment was duly entered and certified by himself on the "Shipping Articles," at the time when he says, "I feel convinced that the master had that moment written it" (viz. the name of Hutchinson,) the Undersigned cannot but consider the imputation conveyed by this remark as altogether groundless and unwarrantable: and he is also of opinion that Mr. Matson's attempt to impeach the character of the "List of the crew," on the ground of the irregularity above alluded to, is equally unreasonable and unfair.

The Undersigned avails himself of this opportunity 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.

No. 42.

The Earl of Aberdeen to Mr. Fox.

SIR, *Foreign Office, September* 11, 1843.

I HEREWITH transmit to you, for your information, copies of a correspondence with the United States Minister at this Court, on the subject of a complaint preferred by the Government of the United States, against the proceedings of Her Majesty's ship "Waterwitch," with respect to the United States vessel, "*John A. Robb.*"

I am, &c.

H. S. Fox, Esq. (Signed) ABERDEEN.
&c. &c.

Enclosures in No. 42.

1. *Mr. Everett to the Earl of Aberdeen, September* 19, 1842.
2. *The Earl of Aberdeen to Mr. Everett, October* 5, 1842.
3. *The Earl of Aberdeen to Mr. Everett, July* 3, 1843.
4. *Mr. Everett to the Earl of Aberdeen, August* 31, 1843.

(See Nos. 20, 21, 37, and 41.)

No. 43.

The Earl of Aberdeen to Mr. Fox.

SIR, *Foreign Office, September* 12, 1843.

I HEREWITH transmit to you, for your information, a copy of a note which I have addressed to the United States' Minister at this Court, in reply to the complaint preferred by Mr. Stevenson, in his note of the 16th April, 1841, against the proceedings of Her Majesty's ship "Forester," with respect to the United States barque "*William and Francis.*"

I am, &c.

H. S. Fox, Esq. (Signed) ABERDEEN.
&c. &c.

Enclosure in No. 43.

The Earl of Aberdeen to Mr. Everett, July 15, 1843.

(See No. 38.)

No. 44.

The Earl of Aberdeen to Mr. Fox.

SIR, *Foreign Office, September* 12, 1843.

WITH reference to my Despatches of the 31st March, 1842, and the 31st December, 1842, on the subject of the decision come to by Her Majesty's Government to grant compensation to the owners of the United States vessels "*Tigris*" and "*Seamew*," on account of the loss sustained by the capture of those vessels by Her Majesty's ships "Waterwitch" and "Persian," I herewith transmit to you, for your information, a copy of a note which I have recently addressed to the United States Minister at this Court, stating that Her Majesty's Treasury were prepared to pay over to him the amount of indemnity agreed upon.

I am, &c.

H. S. Fox, Esq. (Signed) A BERDEEN.
&c. &c.

Enclosure in No. 44.

The Earl of Aberdeen to Mr. Everett, August 28, 1843.]

(See No. 40.)

No. 45.

The Earl of Aberdeen to Mr. Fox.

SIR, *Foreign Office, September* 12, 1843.

I HEREWITH transmit to you, for your information, copies of Correspondence with the United States Minister at this Court, on the subject of a complaint preferred by the United States Government against the proceedings of Her Majesty's ship "Spy," with respect to the United States barque "*Rhoderick Dhu.*"

I am, &c.

H. S. Fox, Esq. (Signed) ABERDEEN.
&c. &c.

Enclosures in No. 45.

1. *Mr. Everett to the Earl of Aberdeen, June* 5, 1843.
2. *The Earl of Aberdeen to Mr. Everett, July* 3, 1843.

(See Nos. 36 and 37.)

No. 46.

The Earl of Aberdeen to Mr. Fox.

SIR, *Foreign Office, October* 5, 1843.

I HEREWITH transmit to you, for communication to the United States Government, an Extract from a Report on Slave Trade, as now carried on in the neighbourhood of Rio de Janeiro. The Report has been recently forwarded to Her Majesty's Government by Her Majesty's Commissioners and Consul in that city; and the extract enclosed relates to the employment of American vessels in carrying from Brazil to Africa goods and equipments, intended to be used in Slave Trade.

I am, &c.

H. S. Fox, Esq. (Signed) ABERDEEN.
&c. &c.

Enclosure in No. 46.

Extract from a joint Report of Her Majesty's Commissioners and Consul at Rio de Janeiro, dated 17th July, 1843.

DURING the present and preceding year, the Slave Traffickers have fitted out fewer vessels, owing in some measure to the employment of American shipping in transporting to the Coast of Africa the merchandise, equipments, and other necessary articles. Other vessels either take all the articles on board at Rio de Janeiro, or proceed for that purpose to some of the outports.

The Slave Dealers, in their agreement for the purchase of American ships, attach a secret condition to the purchase-money, that a portion thereof shall remain unpaid until the vessel shall have made one or two trips to the Coast of Africa, with cargoes of merchandise from the purchaser, under her ostensible American character, after which a public transfer to the foreign owner takes place. Under this arrangement, the means for purchasing and carrying away the negroes are securely landed at the spot. The slave vessels of Brazil proceed to the place where their living cargoes are awaiting (in the barracoons) the looked-for arrival; and within a few hours they are loaded and despatched on their return voyage.

No. 47.

Mr. Everett to the Earl of Aberdeen.

Grosvenor Place, November 13, 1843.
(*Received November* 14.)

MY LORD,

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, has the honour to acknowledge the receipt of the note addressed to him on the 28th of August by the Earl of Aberdeen, Her Majesty's Principal Secretary of State for Foreign Affairs. In this note Lord Aberdeen acquaints the Undersigned, that he has received from Her Majesty's Treasury two reports from Mr. Rothery, the gentleman appointed by Her Majesty's Government to investigate and settle with the Undersigned, or such gentleman as might be deputed by him, the claims preferred by the owners of the "*Tigris*" and "*Seamew*," on account of the detention of those vessels by Her Majesty's cruisers "Waterwitch" and "Persian" respectively.

Lord Aberdeen informs the Undersigned, that Mr. Rothery, in giving an account of the result of his conferences with Mr. Hillard, the gentleman deputed by the Undersigned for this service, states that he had agreed with that gentleman that the amount to be paid by Her Majesty's Government as compensation in the case of the "*Tigris*," is twelve hundred and six pounds nineteen shillings and threepence (1206*l.* 19*s.* 3*d.*) sterling; and in the case of the "*Seamew*," is fourteen hundred and fifty two-pounds and nineteen shillings (1452*l.* 19*s.*) sterling; and Lord Aberdeen further makes known to the Undersigned, that he had accordingly requested the Lords of Her Majesty's Treasury to liquidate this claim, and that their Lordships had directed the Paymaster of Civil Services to pay the above mentioned sums to any person authorised by the Undersigned to receive the same, on account of the owners of the vessels in question.

The Undersigned, in reply to the note of the Earl of Aberdeen, has the honour to state, that Mr. Hillard was deputed to confer with Mr. Rothery, in order to the settlement of the claims of the owners of the "*Tigris*" and "*Seamew*," but that he was not authorised to compromise those claims by accepting, on behalf of the owners or of the Government of the United States, any sum less than the full amount of the claims. The Undersigned himself is not clothed with this power, and could not of course confer it on Mr. Hillard. No intimation was given by the Undersigned to Mr. Rothery, in acquainting that gentleman that Mr. Hillard was deputed to confer with him, that he was authorised to compromise the claims; and Mr. Hillard has informed the Undersigned that from their first interview, he gave Mr. Rothery distinctly to understand that he was not authorised to make any settlement of the question. Accordingly, Mr. Hillard was not invited by Mr. Rothery to sign his report.

After Mr. Rothery had drawn up his report, and before submitting it to the Lords Commissioners of Her Majesty's Treasury, that gentleman waited upon the Undersigned, and requested him to unite with himself (Mr. Rothery) in signing the said

report. This the Undersigned declined to do, assigning, among other reasons for his refusal, that he had sent to the owners of the "*Tigris*" and "*Seamew*" a statement of the objections taken by Mr. Rothery to some items in their claims, in order to give them an opportunity, if possible, to furnish farther evidence, or to urge additional arguments, in support of the items objected to. The Undersigned urged upon Mr. Rothery the propriety of waiting till these owners could be heard from in reply and the unfairness of hastening to make a report without allowing a little farther time for so reasonable a purpose, when so much time, greatly to the injury of the claimants, had been lost by the omission of the Treasury, for several months, to give effect to the Earl of Aberdeen's notification that Her Majesty's Government had determined to compensate the owners of the "*Tigris*" and "*Seamew*." The Undersigned supposed that Mr. Rothery left him satisfied with the justice of these observations. Lord Aberdeen may perhaps recollect that the Undersigned had the honour of mentioning most of these facts in an interview with his Lordship at the Foreign Office, he believes, on the 14th of August.

The Undersigned lost no time in transmitting Lord Aberdeen's letter of the 28th of August to Washington; and the owners of the "*Tigris*" and "*Seamew*" having informed the Secretary of State that they have sent to the Coast of Africa for further evidence in support of some portions of their claims objected to by Mr. Rothery, the Undersigned has been instructed to make known this circumstance to the Earl of Aberdeen, and to express the wish, should any such evidence be received, that it may be taken into due consideration. Till the owners of the "*Tigris*" and "*Seamew*" have had this opportunity of doing justice to their claims, it will not be in the power of the Government of the United States to come to a decision whether the amount of compensation tendered by Her Majesty's Government, in Lord Aberdeen's letter of the 28th of August, ought to be declined or accepted.

The Undersigned, &c.

(Signed) EDWARD EVERETT.

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

No. 48.

The Earl of Aberdeen to Mr. Everett.

Foreign Office, November 22, 1843.

THE Undersigned, &c., has the honour to acquaint Mr. Everett, &c., for the information of his Government, that Her Majesty's Government have recently received, from various quarters, information that great facilities still continue to be afforded to the Trade in Slaves, by the use of vessels under the United States flag.

In a report on the state of Slave Trade in Brazil, recently received from Her Majesty's Commissioners and Consul at Rio de Janeiro, it is stated that American shipping is employed in transporting to the Coast of Africa merchandise, equipments, and other articles necessary for Slave Trade operations.

It is further reported, that it is a custom with the slave dealers, in purchasing American vessels, to attach to the purchase a secret condition, to the following effect, namely, that a portion of the purchase money shall remain unpaid until the vessel shall have made one or two trips to the Coast of Africa, with cargoes of merchandise from the purchaser, under her ostensible American character; after which, a public transfer to the foreign owner takes place. Under this arrangement, the means of purchasing and carrying away the negroes are securely landed on the Coast. The slave vessels of Brazil proceed to the place where the living cargoes are awaiting their arrival (in barracoons), and within a few hours are loaded and despatched on their return voyage.

Again, in a Despatch dated the 30th of May last, Her Majesty's Consul at Bahia has reported that a system has been recently introduced there, which greatly facilitates the importation of slaves into that province, that fast-sailing American vessels arrive there from the United States, and after discharging, are sold to a company of slave dealers, the master engaging to take the vessel to the Coast of Africa under American colours; and that a cargo of tobacco or rum is put on board, and sent direct to some well-known depôt on the Coast, where it is exchanged for slaves; that the American master then gives up the command; the

slaves are put on board; Brazilian colours hoisted, and the vessel sails on her return voyage.

The Undersigned transmits herewith to Mr. Everett a copy of the Despatch in question. Mr. Everett will observe that Her Majesty's Consul, in addition to the general information above recited, has reported an instance of the course complained of in the case of the American brig "*Yankee.*" And the Undersigned regrets to add that this is not the only instance of the kind reported to Her Majesty's Government, in which success has attended similar operations.

The Undersigned has further the honour to transmit herewith to Mr. Everett a copy of a letter from Commander Wilson, of Her Majesty's ship "Cygnet," dated the 27th of June last, reporting his having visited the American schooner "*Leda,*" W. Pearce, master, on the Coast of Africa. In placing this paper in Mr. Everett's hands, the Undersigned begs to draw the particular attention of Mr. Everett to the expression of Lieutenant Wilson, "that the '*Leda*' was probably interrupted in the act of shipping slaves."

The Undersigned also transmits to Mr. Everett a copy of a Despatch dated the 25th of August, from Her Majesty's Consul at Bahia, reporting that that very vessel (the "*Leda*") with the same master, had recently landed a cargo of slaves in the vicinity of that city. The practice is, however, not one of recent adoption. The American brig "*Sophia*" was engaged in transactions precisely similar as long ago as the year 1840. In that year she was several times boarded by Her Majesty's cruisers; and on being recognised as an American vessel, was of course not molested by them. Yet this vessel, after having gone to Benguela under American colours, is reported to have sailed from thence on the 21st May, 1841, with 750 slaves on board.

Again, in the month of May, 1842, Captain Tucker, of Her Majesty's sloop "Iris," reported having boarded the American schooner "*Illinois,*" in Whydah Roads, but, conceiving her to be *bonâ fide* American, he in no way interfered with her. However, on the 21st of the same month, that vessel, having in the meantime shipped a cargo of slaves, and having met Her Majesty's ship "Dolphin," ran ashore in order to avoid capture, still with American colours flying; and slaves were seen to be landed from her.

The Undersigned transmits herewith to Mr. Everett a copy of Captain Tucker's report on this case.

Again, in a letter dated the 19th of May last, from Captain Foote, the Senior Officer of Her Majesty's Squadron on the West Coast of Africa, that officer stated that American vessels are in the habit of coming to the Coast of Africa with slave cargoes, and every fitting for slaves. Captain Foote adds, that if they have not been already sold at the Havana, they are sold at Whydah or Lagos, and are then completely fitted for receiving slaves, the American Captain and crew remaining on board until the cruiser is thought to be off the Coast watering; and then the Spanish or Portuguese Captain and crew go on board; and the Americans either remove to another American vessel in the roads, or go on shore, as the occasion may require.

The Undersigned does not doubt that in all these cases the vessels taking on board slaves have previously divested themselves of their nationality; and he is desirous of being understood as not charging on the American nation the disgrace of actually carrying slaves for purposes of Slave Trade in American vessels. But Mr. Everett and the United States Government will at once perceive the great impediments which these practices necessarily throw in the way of Her Majesty's cruisers. For during the outward voyage of all vessels of this class to Africa, they have in every respect the appearance of *bonâ fide* American vessels, and as such are not amenable to the authority of Her Majesty's cruisers. But if slave equipments were transported to Africa in the vessels of almost any other civilised nation, such vessels would be liable to capture by Her Majesty's cruisers, and to condemnation by the proper tribunal.

The Undersigned begs to state to Mr. Everett that Her Majesty's Government place the most implicit reliance on the repeated declarations made by the United States Government of their desire to discountenance and prohibit all Slave Trade under their flag; and Her Majesty's Government anticipate the most beneficial results from the employment of the United States squadron on the Coast of Africa. But Her Majesty's Government have thought it due to the known humanity and good faith of the Government of the United States, not to withhold from them the information contained in this note; and they do not doubt that the United States

Government will use their best endeavours to prevent the exertions of Her Majesty's cruisers for the Suppression of the Slave Trade from being crippled, by the fraudulent use of the American flag, or by the unjustifiable assumption of American nationality.

The Undersigned, &c.

Edward Everett, Esq. (Signed) ABERDEEN
&c. &c.

First Enclosure in No. 48.

Mr. Porter to the Earl of Aberdeen, Bahia, May 30, 1843.
(See Class B. No. 278.)

Second Enclosure in No. 48.

Lieutenant Wilson to the Secretary to the Admiralty.

SIR, *H.M.S. Brig "Cygnet," off Whydah, June* 27, 1843.

I HAVE the honour to acquaint you, for the information of my Lords Commissioners of the Admiralty, that on the evening of this day, whilst standing in for Whydah, I observed a suspicious looking schooner heave to in the roads, with American colours flying, this being the method usually adopted by slavers when embarking a cargo of slaves. On approaching her she filled, and made sail along the land, probably being interrupted in the act of shipping slaves. I therefore considered it my duty, in conformity with their Lordships' directions on this subject, to ascertain her right to hoist the American flag. On the schooner observing my intentions she altered her course, and passed within hail, when I sent an Officer to examine her papers. She proved to be the American schooner "*Leda*," W. Pearse, master, belonging to Gloucester, from Bahia, bound to Lagos. The master did not wish his log to be signed, and the Officer immediately returned.

This vessel, similar to the "*Illinois*" and "*Shakspeare*," the circumstances relating to which have already been fully stated to their Lordships, will doubtless, when an opportunity occurs, pass into other hands, and take a cargo of slaves from the Coast.

The master of the "*Leda*" confessed that his appearance was suspicious, but stated that he had hove to off Whydah for the purpose of procuring an anchor and cable.

I have, &c.

The Hon. Sidney Herbert M.P. (Signed) EDMUND WILSON.
&c. &c.

Third Enclosure in No. 48.

Mr. Porter to the Earl of Aberdeen, Bahia, August 25, 1843.
(See Class B. No .282.)

Fourth Enclosure in No. 48.

Captain Tucker to Captain Foote.

Her Majesty's Ship "Iris," at Sea, Lat. 5° 31′ *N.*
SIR, *Long.* 1° 47′ *E. May* 22, 1842.

HAVING, in my letter of yesterday's date, reported my boarding at Whydah, on the 19th instant, the French brig "*Amalie*," of Nantes, Captain and others of Nantes, owners, J. P. Couronne, Captain, under suspicious circumstances, I beg also to report, that I boarded there, on the same day, the American schooner "*Illinois*," of Gloucester, New Boston, Pason and Co. owners, T. Swift, master, who was on shore; the mate, who had charge of her, lifted, himself, one of the main hatches, all the hatches being laid on, and tarpaulins covered over them. On my asking him if he had any objection to my looking into the hold, where I found

a number of water casks (puncheons), apparently filled with water, being perfectly clean, and without the smell of palm oil, but which he said contained palm oil, and, on my remarking that they were very clean and clear of palm oil, he replied, "they came off so to him, and he took them in as they were;" I perceived, also, one plank on one of the casks near the main hatchway, which was shaped and appeared to have been fitted as part of a slave deck, the hatch being only partially lifted, I was proscribed confirming my suspicions of her being engaged in the Slave Trade, being unwilling to give the slightest cause for dissatisfaction to the American Government, by asking the mate to lift the hatch a little higher.

On the 20th, having been drifted to leeward by the current, the "Dolphin" communicated by signal, light airs and calms, on the 21st, at daylight, the "Dolphin" and a schooner were in sight, chased the schooner, which, about 9. 30. A. M., was observed to hoist her colours, which could not be distinguished from this ship. About 10. 20. she was observed to run on shore, and carry away her mainmast; the "Dolphin," at about 10. 50., was observed to anchor, and fire guns; about 0. 30. P. M. the "Iris" anchored, and Lieutenant Cumberland reported the schooner which had run on shore was the American schooner "*Illinois*," which had been at anchor some days in the roads; that she had, previous to running on shore, American colours flying, and, to his astonishment, instead of anchoring, she was run on shore on purpose, and several slaves were observed to escape from her; upon which I directed Lieutenant Cumberland to send some Kroomen through the surf to board her, and, if possible, to find her flag and papers, to ascertain if she had changed her nationality, and if there were any poor slaves on board previous to his firing at and destroying her; and I proceeded on board the merchant vessels named in the margin, to ascertain their nationality, and to gain all the information possible relating to the schooner, which is as follows: that, about noon, on the 20th instant, she (the American schooner "*Illinois*") weighed, and stood out to the south-west, under a Spanish flag, returned again towards evening, with the Spanish flag still flying; took in her slaves, and sailed about 10 P. M., and was lost sight of about midnight; was seen again early on this morning, running for the roads, with the American ensign flying, and the brigantine "Dolphin" and "Iris" in chace; that she came into the roads and on shore on purpose, and, as they, the informants supposed, to avoid being captured with slaves on board.

"William Ludwig," of Bremen, "L'Emperio," of Genoa.

I have the very great pleasure to report, that Lieutenant Cumberland, commanding her Majesty's brigantine "Dolphin," executed my orders to send Kroomen to examine the schooner for her national flag and papers, and, for the sake of humanity, if any poor slaves were left on board, previous to firing at and destroying her, performed the duty most completely, and with great judgment and coolness, the surf at the time being high, and breaking on the vessel, and particularly that most painful part of his duty, whilst engaged in the cause of humanity, of protecting his Kroomen from hostile attacks of bodies of armed men, who came down and fired upon them, which he dispersed, by a few well-directed, and, I believe, not one unnecessary shot.

I have, &c.

(Signed) WILLIAM TUCKER, *Captain.*

Captain Foote, H. M. S. "Madagascar,"
&c. &c.

No. 49.

Mr. Everett to the Earl of Aberdeen.

Grosvenor Place, December 2, 1843.
(*Received December* 5.)

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, has the honour to acknowledge the receipt of a note from the Earl of Aberdeen, Her Majesty's Principal Secretary of State for Foreign Affairs, of the 22nd instant, with its enclosures, relative to the indirect participation of citizens of the United States, in the Slave Trade. The Undersigned will avail himself of the first opportunity of forwarding Lord Aberdeen's note, with the papers accompanying it, to Washington, for the information of the Government of the United States.

Lord Aberdeen does not need to be assured of the anxious desire of the Govern-

ment of the United States, that an entire stop should be put to the Traffic in Slaves, especially so far as their own citizens are concerned. The difficulties are great in the way of accomplishing this end, in reference to modes of pursuing the traffic, of which the commencement is lawful, and of which the unlawful portion begins without the limits of the United States, and after transfers of property have taken place, that exempt it from the operation of American laws. The existence and magnitude of these difficulties are felt in this country, as well as in the United States.

This circumstance, however, is not mentioned by the Undersigned, as a reason for not endeavouring to effect the great end in view by legislation, adapted, as far as possible, to countervail the methods resorted to by Slave Traders, to evade the operation of existing laws. The President of the United States has on a former occasion invited the attention of Congress to the subject; and the Undersigned is not without hopes that means may be found, as far as American capital or the citizens of the United States are concerned, of putting a final and entire stop to this nefarious traffic.

The Undersigned avails himself of this opportunity 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.

No. 50.

The Earl of Aberdeen to Mr. Pakenham.

SIR, *Foreign Office, December* 29, 1843.

BY the 8th Article of the Treaty between Great Britain and the United States, signed at Washington on the 9th August, 1842, it is provided that copies of the orders given to the Squadrons maintained by each Goverement on the Coast of Africa, to enforce separately and respectively the laws, rights, and obligations, of each of the two countries, for the Suppression of the Slave Trade, are to be communicated by each Government to the other respectively. In accordance with the stipulations of that Article, I now transmit to you, for communication to the Government of the United States, the accompanying copy of Instructions, which, under the Treaty, have recently been issued by Her Majesty's Government to the Senior-Officer of Her Majesty's ships and vessels on the West Coast of Africa. I also transmit to you, for your information, a copy of Instructions given by the Navy Department of the United States to the Cruising Squadron of the United States Government, stationed on the Coast of Africa under the above-mentioned Treaty.

I am, &c.

(Signed) ABERDEEN.

The Right Hon. Richard Pakenham,
&c. &c.

First Enclosure in No. 50.

By the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, &c.

Instructions for Captain John Foote, of Her Majesty's ship "Madagascar," *Senior Officer of Her Majesty's ships and vessels on the West Coast of Africa.*

WE transmit to you herewith an extract of the Preamble of a Treaty between Her Majesty and the United States of America, dated the 9th of August, 1842, and a copy of the Eighth Article thereof, by which it is stipulated that the contracting parties shall each maintain on the Coast of Africa a naval force of not less than 80 guns, for the purpose of enforcing, separately and respectively, the laws, rights, and obligations of each country, for the Suppression of Slave Trade; that the two squadrons are to be independent of each other, but that the Officers in command shall receive such orders from their respective Governments as shall enable them to act in concert, and co-operate with each other: and we desire that you will take every opportunity, and use your utmost efforts, to carry out the objects of the Treaty as here described; remembering that it is for this purpose, above all

others, that Her Majesty's ships upon the West Coast of Africa are placed under your command.

With this view you are to take the earliest opportunity of putting yourself in communication with the Senior Officer of the United States Squadron, for the purpose of coming to such an understanding as may best conduce to the end which your respective Governments have in view.

It will be the duty of yourself and of the Commanding Officers of Her Majesty's ships under your orders, upon all occasions to communicate to the Officers of the United States any information which may be of service in detecting the frauds of the Slave Traders; and especially to give notice of any vessel supposed to belong to the United States, and suspected of being engaged in the Slave Trade, which may be met with or heard of in the course of a cruise; and you will give directions to the Officers under your orders to pay strict attention to this duty.

The occasions upon which it may be convenient for a vessel under your orders to cruise in company with a vessel of the United States, will depend on circumstances which can best be judged of on the spot, and must be left to your own decision; or to that of the Commanding Officers of vessels under your orders, when the latter are separated from a Senior Officer, and provided that the adoption of such a course will not interfere with their instructions from you. The system of joint cruising should be adopted, whenever, in the judgment of the Officers of both nations, it can be done with advantage; and under any such arrangement, the Commanding Officers of Her Majesty's ships on the African station, will continue to be guided by the instructions under which they act when cruising singly, so far as relates to the visit, search, and detention of vessels belonging to nations with whom Great Britain has concluded Treaties for the Suppression of Slave Trade, and of vessels not entitled to claim the protection of the flag of any nation. But in the event of meeting with a vessel believed to be British, and suspected of being engaged in the Slave Trade, the Commander of the British cruiser will invite the Commander of the cruiser of the United States to join him in visiting her. So also in the case of a vessel hoisting British colours, and suspected of having no right to carry them. If, on the other hand, a vessel should appear under the colours of the United States, and if the British Commander should not have reason to believe that she is other than a vessel of the United States, he will carefully abstain from all interference with her, unless his co-operation shall be requested by the Commander of the United States cruiser. It is only when the British Commander shall have reason to believe that the United States flag is dishonestly used, and that the vessel is engaged in the Slave Trade, and either is British, or belongs to a nation which has given to Great Britain the right to detain her vessels when so engaged, that he is, in co-operation with the Officer of the United States, to cause her to be visited and dealt with according to her nationality.

In carrying this part of his instructions into execution, he will do right to leave the Commander of the United States cruiser to take the first step of visiting the vessel, and ascertaining whether she is entitled to bear the flag of his country, provided that in so doing no such delay is incurred as may enable her to escape altogether unvisited. The Commanding Officers of Her Majesty's vessels on the African Station are to bear in mind, that it is no part of their duty to capture, or visit, or in any way to interfere with vessels of the United States, whether those vessels shall have slaves on board or not, and you will give strict instructions to the Commanding Officers of the vessels under your orders to abstain therefrom; at the same time you will remember that the Government of the United States are far from claiming that the flag of the Union should give immunity to those who have no right to bear it; and that most assuredly Great Britain never will allow vessels of other nations to escape visit and examination by merely hoisting an United States flag, or the flag of any other nation, which has not granted to Great Britain the Right of Search. Accordingly, when from intelligence which the Officer commanding Her Majesty's cruiser may have received, or from the manœuvres of the vessel, or other sufficient cause, he may have reason to believe that the vessel does not belong to the nation indicated by her colours; he is, if the state of the weather will admit of it, to go ahead of the suspected vessel, after communicating his intention by hailing, and to drop a boat on board of her, to ascertain her nationality, without causing her detention in the event of her really proving to be a vessel of the nation the colours of which she has displayed, and, therefore, one which he is not authorised to search; but should the strength of the wind, or other circumstances, render such mode of visiting the stranger impracticable, he is to

require the suspected vessel to be brought-to, in order that her nationality may be ascertained, and he will be justified in enforcing it, if necessary; understanding always that he is not to resort to any coercive measure until every other shall have failed; and the Officer who boards the stranger is to be instructed, merely in the first instance, to satisfy himself by the vessel's papers, or other proof, of her nationality; and if she prove really to be a vessel of the nation designated by her colours, and one which he is not authorised to search, he is to lose no time in quitting her, offering to note on the papers of the vessel the cause of his having suspected her nationality, as well as the number of minutes the vessel was detained, (if detained at all,) for the object in question; such notation to be signed by the Boarding Officer, specifying his rank and the name of Her Majesty's cruiser; and whether the Commander of the visited vessel consents to such notation on the vessel's papers or not (and it is not to be done without his consent) all the said particulars are to be immediately inserted in the log-book of Her Majesty's cruiser; and a full and complete statement of the circumstances is to be sent addressed to the Secretary of the Admiralty by the first opportunity direct to England, and also a similar statement to you as the Senior Officer on the Station, to be forwarded by you to our Secretary, accompanied by any remark you may have reason to make thereon. Of course, in cases when the suspicion of the Commander turns out to be well-founded, and the vessel boarded proves, notwithstanding her colours, not to belong to the nation designated by those colours, the Commander of Her Majesty's cruiser will deal with her, as he would have been authorised and required to do, had she not hoisted a false flag.

Given under our hands this 12th day of December, 1843.

(Signed) G. COCKBURN.
W. N. GAGE.

By command of their Lordships,
(Countersigned) JOHN BARROW.

Second Enclosure in No. 50.

INSTRUCTIONS issued by the Navy Department of the United States to the Cruising Squadron of the United States Government, stationed on the Coast of Africa under the Treaty of August 9, 1842.

(See Enclosure in No. 29, page 60.)

UNITED STATES. (*Consular*)—*Baltimore.*

No. 51.

The Earl of Aberdeen to Mr. M'Tavish.

Foreign Office, May 30, 1843.

QUERIES as to State of Slave Trade and Slavery in the State of Maryland.

(See No. 1.)

No. 52.

British Consulate, Baltimore, June 30, 1843.

(*Received July* 27.)

MY LORD,

IN conformity with the requisition contained in your Lordship's Despatch of May 30, marked "Slave Trade," I have the honour to enclose herewith, my Answers to the Queries therein propounded, as far as they relate to my Consular District,—namely, the State of Maryland and the adjoining District of Columbia.

I have, &c.

(Signed) JOHN M'TAVISH.

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

Enclosure in No. 52.

Consul M'Tavish's Answers to certain Queries contained in the Earl of Aberdeen's Despatch of May 30, 1843, *marked "Slave Trade, No.* 2."

British Consulate, Baltimore, June 30, 1840.

Question 1.—What is at present the amount of the population of the State in which you reside, and what the number of whites and of coloured people forming that population; distinguishing males from females, and free people from Slaves?

What was the amount of the population of the same State in the year 1832; and what was the amount in the year 1837, distinguishing the particulars, as in the case of the present time?

Answer.

Description.	1832.	1837.	1843.
White, Males	164,206	172,256	178,834
Ditto, Females	160,837	168,721	181,522
Free, Black Males . . .	28,653	31,408	34,598
Ditto, Females	32,800	35,954	40,066
Slaves, Males	54,606	50,384	45,006
Ditto, Females	51,235	47,274	44,222
Total in each Year .	492,337	505,997	524,248

Question 2.—Is it supposed that any slaves have been imported into the country within the last ten years, either direct from Africa, or from other quarters; if so, how many in each year?

Answer.—No slaves have been imported within the last ten years, either direct from Africa, or from any other quarter.

Question 3.—Is the slave protected by law equally with a free man in criminal cases?

Answer.—The slave in all cases (except for petty offences*,) is entitled to trial by jury, the benefit of challenge, and the aid of counsel; and it is the invariable practice of the Courts to assign counsel for the accused slave, if the master omits to do so.

Question 4.—What protection is there by law to a slave against ill-conduct on the part of his master?

Answer.—The law permits a master to correct his slave to the extent of ten lashes; more cannot be inflicted without the warrant of a magistrate; the latter, according to the nature of the offence, may punish to the extent of thirty-nine lashes, but cannot exceed that number. With these exceptions, the law protects the slave against ill-conduct on the part of his owner, who is amenable to punishment as a master would be who maltreated an apprentice or hired servant.

Question 5.—Is the evidence of a slave received in a Court of law?

Answer.—Yes, in cases of his own *colour*, whether *free* or *slave;* but not for or against a *white* person.

Question 6.—Is the slave well or ill fed, well or ill treated?

Answer.—Generally speaking, the slave is well fed and well treated; though cases to the contrary may occasionally be discovered.

Question 7.—Is the slave considered generally to enjoy as good health and to live as long as a free person?

Answer.—The slave is generally considered to enjoy better health and to live longer than the free black.

Question 8.—Is the slave population considered to be on the increase or decrease; and from what causes?

Answer.—The slave population is considered on the decrease, from the following causes, viz.:

The frequency of voluntary manumissions by will and deed.

The number annually shipped by the Maryland State Colonization Society, to their Settlement of Liberia, on the African Coast.

The removal of proprietors, with their slaves, to cultivate cotton and sugar plantations in the Southern States.

The constant sale of slaves, to supply the demand for Southern labour.

The facility of escape afforded of late years, by means of railroads and canals; and the encouragement to abscond, which is supposed to be secretly given by agents employed for that purpose, by certain Abolitionists in the North-Eastern States.

Question 9.—Is the manumission of slaves of common occurrence?

Answer.—Yes; the number of manumissions in Maryland from 1831 to 1842, amounted to 2640.

Question 10.—Have the laws and regulations in respect to slaves become more or less favourable to them within the last ten years?

Answer.—The laws and regulations in respect to slaves, have become much stricter within the last ten years. Since the prevalence of the abolition movement (as it is termed), the slave has been taught to regard his master with more dislike, and the master to regard his slave with more distrust than formerly. The stringency of the law is directed to prevent meetings of slaves and the ingress of free blacks; the contact of the latter with the former being deemed injurious by their masters, as it tends to render the slave discontented. The laws referred to are numerous, and have the character of police regulations.

Question 11.—Is there in the State in which you reside, a party favourable to the Abolition of Slavery? And what is the influence of such party? And is such party on the increase, or otherwise?

Answer.—There exists in this State no *party*, as *such*, avowedly favourable to the Abolition of Slavery, although there are a number of Abolitionists to be found in it, which number is on the increase.

Question 12.—Is there any difference in the eye of the law between a free white and a free coloured man?

Answer.—So far as the rights of property are concerned, the law makes no difference between the white and the free coloured man; but the personal rights of the latter are restricted by a variety of penal enactments, which render his social position, as an American citizen, very different indeed to that of the white man.

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* See the following Answer, Question 4th.

Question 13.—Are free coloured men ever admitted to offices of the State?

Answer.—Never.

Question 14.—You will state whether you have drawn your answers from public documents or from private information; and you will state whether any periodical census is taken of the population within the district of your Consulate; and what was the last period at which it was taken?

Answer.—My answers have been drawn from public records, when attainable from such a source; the information of professional friends; and my own knowledge derived from a residence of more than 20 years in the State of Maryland, and the District of Columbia. A census of the population of my Consular District (in common with that of all the other States) is taken once in ten years, under an Act of Congress. The last was taken in 1840, and I annex the returns of 1830 and 1840, respectively, in order to exhibit the data upon which, by approximate calculations, I was enabled to prepare my tabular reply to the first question of this series.

(Signed) JOHN M'TAVISH, *Consul.*

MARYLAND.

	Census.	
	1830	1840
White, Males	147,340	158,804
Ditto, Females	143,768	160,400
Free Black, Males	24,906	29,187
Ditto, Females	28,032	32,891
Slaves, Males	53,442	45,068
Ditto, Females	49,552	43,669
Totals	447,040	470,019

DISTRICT OF COLUMBIA.

White, Males	13,647	14,822
Ditto, Females	13,916	15,835
Free Black, Males	2,645	3,453
Ditto, Females	3,507	4,908
Slaves, Males	2,852	2,058
Ditto, Females	3,267	2,636
Totals	39,834	43,712

RECAPITULATION.

State of Maryland	447,040	470,019
District of Columbia	39,834	43,712
Totals	486,874	513,731

UNITED STATES. (*Consular*)—*Boston.*

No. 53.

The Earl of Aberdeen to Mr. Grattan.

Foreign Office, May 30, 1843.

QUERIES as to Slave Trade and Slavery in the Province of Massachusetts.

(See No. 1.)

No. 54.

Mr. Grattan to the Earl of Aberdeen.

Her Majesty's Consulate, Boston, July 15, 1843.
(*Received August* 14.)

MY LORD,

IN compliance with your Lordship's Despatch, "Slave Trade, of May 30, 1843, and in reference to the Queries therein contained, I have the honour to observe that Massachusetts being one of the Free States of the Union, the Queries No. 2 to No. 10 inclusive, have no application to the district of my Consulate.

In reply to the remaining Queries I have to state :—

1. The amount of population of the State of Massachusetts, according to the ate census, of the year 1840, is as follows :—

	White Persons.	Coloured Persons.
Males	360,679	4,354
Females ..	368,351	4,015
Total ..	729,030	8,369
		729,030
Total population		737,399

I regret that in reply to my enquiries at the State Department relative to the population of the years 1832 and 1837, I am informed that no official returns for those years exist.

1. There is a party in Massachusetts favourable to the Abolition of Slavery, of considerable and increasing influence in comparison with the other portions of the Union. From the best information I can obtain, I believe that this party in Massachusetts numbers several thousand persons. But they being divided in their views as to the means of carrying out their common object, and having consequently no general meetings of the whole, and many individuals sharing their principles without daring to avow them in defiance of general opinion, it would be hazardous to attempt an estimate of the number of persons who may be considered as Abolitionists.

Boston is the head quarters of Abolitionism in the United States. The most energetic members of the party live in this city. They have several newspapers of wide circulation. Their political influence was proved at the State Elections in last year. Although unable to elect their own regularly nominated candidates for the offices of Governor and Lieutenant-Governor, they certainly prevented the election of the Whig candidates, and for a long time kept the contest for seats in the State Legislature and in Congress open and undecided.

12. In the eye of the law there is not any difference between a free white and a free coloured man, except as regards serving in the militia, from which coloured

men are prohibited by an Act of Congress; and in respect to naturalization, the Act of Congress of April 14, 1802, confining the description of aliens capable of being naturalized to "free white persons." It may, however, become a question to what extent persons of mixed blood are excluded, and what shades and degrees of mixture of colour disqualify an alien from application for the benefits of the Act of Naturalization.

An Act of the Legislature of Massachusetts, of February 25, 1843, repealed so much of the 5th section of the 75th chapter, and of the 1st section of the 76th chapter of the Revised Statues, as caused restrictions upon intermarriages between the white and coloured races. Another reported Bill of January 25, 1843, of which a copy is herewith enclosed, but which did not pass into a law, provided against the regulation previously subsisting, which forced coloured persons to occupy places in railroad cars, of inferior accommodations to those occupied by white persons. But the object has been attained without the necessity of a legislative enactment.

A very important Act (of March 24, 1843) prohibits, under pain of fine or imprisonment, any Judge or Justice within the Commonwealth from taking cognizance of any case under the Act of Congress of February 12, 1793, entitled "An Act respecting fugitives from justice and persons escaping from the service of their masters;" and also prohibits any sheriff, constable, &c. from arresting, or detaining in any jail or other public building belonging to the Commonwealth, any person claimed as a fugitive slave.

The moral condition of the coloured people in Masschusetts has considerably improved of late years. They are, nevertheless, subjected to many restrictions, in consequence of the violent prejudice subsisting against them, among all classes of the population not of the Abolition party. They have the right of voting at elections, but they never attempt to set up a candidate of their own colour for any post. They are, like other citizens, liable to serve on juries, but they are never called upon to do this duty, which is tantamount to a prohibition against exercising it.

13. Free coloured men are never appointed to any of the offices of the State. If elected thereto there is no legal restriction against their admission to any.

14. My answers have been, in the instances of Nos. 1 and 12, drawn from public documents. In the other instances, my information has been derived from private sources. The last period at which a census was taken within the district of my Consulate, as forming a portion of the Union at large, was 1840, such general census being taken at regular periods of the years between each; but no State census being taken in ten intervals.

I have, &c.

(Signed) T. C. GRATTAN.

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

Enclosure in No. 54.

SENATE, No. 9.

Commonwealth of Massachusetts,
Senate, January 25, 1843.

THE Committee to whom was referred the Petition of Francis Jackson and others, and sundry other petitions, relating to the rights of rail-road passengers, have considered the same, and report the accompanying bill.

By order of the Committee,

GEORGE HOOD, *Chairman.*

Commonwealth of Massachusetts, in the year One Thousand Eight Hundred and Forty-three.

AN ACT relating to the Rights of Rail-road Passengers.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Sect. 1. No rail-road corporation shall, by themselves, their directors, or others, make or establish any by-law or regulation, which shall make any distinction, or

give a preference in accommodation to any one or more persons over others, on account of descent, sect, or colour.

Sect. 2. Any officer or servant of any rail-road corporation, who shall assault any person for the purpose of depriving him or her of any right or privilege, in any car or other rail-road accommodation, on account of descent, sect, or colour, or shall aid or abet any other person in committing such assault, shall be punished by imprisonment in the county jail, not less than six days, or by fine not less than ten dollars; and shall also be answerable to the person assaulted, to the full amount of his damage in an action of trespass.

UNITED STATES. (*Consular*)—*Charleston.*

No. 55.

The Earl of Aberdeen to Mr. Ogilby.

Foreign Office, May 30, 1843.

QUERIES as to Slave Trade and Slavery in the States of North and South Carolina. (See No. 1.)

No. 56.

Mr. Moodie to the Earl of Aberdeen.

Her Britannic Majesty's Consulate,
Charleston, August 24, 1843.
(*Received November* 20.)

MY LORD,

IN compliance with the requisition contained in your Lordship's Despatch of the 30th May last, headed "Slave Trade," I have the honour of transmitting to your Lordship, herewith, my Answers to the Queries conveyed in said Despatch, so far as the State of South Carolina is concerned. I have also the honour of enclosing herewith, Answers from Her Majesty's Vice-Consul at Wilmington, to the same Queries, for North Carolina; that State being comprised within the district of this Consulate.

I have, &c.

(Signed) JAMES G. MOODIE, *Pro-Consul.*

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

First Enclosure in No. 56.

Answers to Queries propounded in Despatch, marked "Slave Trade," May 30.

Answer to No. 1.—The aggregate amount of the population of the State of South Carolina in the year 1840, was 594,398. The number of whites, 259,084, of which 130,496 were males, and 128,588 were females.

The number of slaves 327,038, of which 158,678 were males, and 168,360 were females.

The number of free persons of colour 8276, of which 3864 were males, and 4412 were females.

The aggregate amount of the population in the year 1830 was 581,185. The number of whites 257,863, of which 130,590 were males, and 127,273 were females.

The number of slaves was 315,401, of which 155,469 were males, and 159,932 were females.

The number of free coloured persons was 7921, of which 3672 were males, and 4249 were females.

N.B. The census is only taken every tenth year; it is therefore impossible to give the answers for 1843, 1832, or 1837, as required.

Answer to No. 2.—No slaves have been imported into this State from Africa or any other foreign country since the 1st February, 1808. By an Act of Congress, passed 2nd March, 1807, the importation of slaves from any foreign place into the United States after the 1st January, 1808, was prohibited, under the penalty of a fine not exceeding 10,000 dollars, nor less than 100 dollars, and imprisonment not exceeding ten years, nor less than five years.

Answer to No. 3.—The slave is not protected in criminal cases equally with the white man; the white man is protected by the common law of England, which is of force in this State, and by all the safeguards afforded to an English subject.

The slave and free person of colour are tried by a Court, consisting of two justices of the peace, and any number of freeholders, not less than three or more than six, in the county where the offence shall be committed; if a slave, he is entitled to counsel, and his owner has the right of challenge for cause; the expense of trial is paid by the State.

The free person of colour has also the right of challenge for cause in either case; the cause may for good reason shown be continued over. There is also an appeal to the superior Judges on points of law. The expense of trial of a free person of colour is defrayed by himself, if able; if not, by the State.

Answer to No. 4.—The owner has the absolute control over the slave, they may be punished at discretion, but extreme cruelty, such as maiming or disabling, is an indictable offence, and the penalty one hundred pounds, current money. Taking the life of a slave is murder; and upon arraignment for the offence the same law and rules of Court apply as if arraigned for a white person, and the same penalty follows the verdict. It is a bailable offence.

Answer to No. 5.—The evidence of a slave is never received in any Court in this State, except in trials of slaves or free persons of colour, and then not under the solemnity of an oath.

Answer to No. 6.—Slaves are generally supplied with a sufficiency of wholesome food. If death from starvation has ever occurred, evidence of the fact is unknown. Their treatment as a class of labourers is humane. There may be, and doubtless are, detached cases which form exceptions to this proposition.

Answer to No. 7.—Slaves are subject to fewer diseases, enjoy a greater degree of health, and generally attain to a greater age, than free persons, whether they be white or coloured.

Answer to No. 8.—The slave population is on the increase in this State, notwithstanding that great numbers are yearly taken to the South-Western States, where the fertility of the land yields a much better return to the planter than in South Carolina. The natural increase of the slave is greater than that of the white or coloured person.

Answer to No. 9.—The manumission of slaves in this State is positively prohibited, except in cases of great public services performed, when they may be manumitted by special act of the Legislature.

Answer to No. 10.—The laws and regulations have since the year 1822 been less favourable to slaves in this State, in consequence of an attempt at insurrection, which was in that year discovered, and suppressed without difficulty. At that period the manumission of slaves was altogether prohibited, except by an act of the Legislature. Their instruction in reading and writing is also prohibited under severe penalties.

Answer to No. 11.—There is no party favourable to the Abolition of Slavery known to exist in the State of South Carolina.

Answer to 12.—There is a great difference in favour of the white man. The free coloured person is subject to most of the disabilities of the slave. He may hold, convey, and transmit, by deed or will, property, either real or personal. He is entitled to the benefit of the prison bounds, and insolvent debtors' act, but cannot be discharged without taking the oath it prescribes. His testimony is only allowed in cases against free coloured persons or slaves, and then not under the solemnity of an oath. If a free person of colour leave the State he cannot return thereto.

Answer to No. 13.—Free persons of colour are never admitted to hold any office within the State.

Answer to No. 14.—The respondent has drawn his answers from public documents, private information, and personal observation. The census is taken every ten years both by authority of the Government of the United States and of the State. The above replies are furnished from that taken by the authority of the West States, being considered the most correct.

Second Enclosure in No. 56.

Answers to Queries from Mr. Stow.

British Vice-Consulate, Wilmington,
North Carolina, July 28, 1843.

In obedience to the requisition of a Despatch from the Foreign Office, dated May 30, 1843, marked "Slave Trade," a copy of which was transmitted to

this Vice-Consulate from Charleston, on the 18th instant, by James G. Moodie, Esquire, acting Her Majesty's Consul for North and South Carolina, the Undersigned proceeds to append the following Answers to the several Queries, propounded in said Despatch.

Answer to Query 1.—The present aggregate amount of the population of the State of North Carolina, is 757,419. The number of whites is 489,970, of which 242,047 are males, and 247,923 are females.

The number of slaves is 244,727, of which 122,556 are males, and 122,171 are females.

The number of free persons of colour is 22,722, of which 11,217 are males, and 11,505 are females.

The aggregate amount of the population in the year 1832 was 741,470. The number of whites was 475,433, of which 238,589 were males, and 236,844 were females.

The number of slaves was 246,462, of which 125,291 were males, and 121,171 were females.

The number of free persons of colour was 19,575, of which 9570 were males, and 10,005 were females.

The aggregate amount of the population in the year 1837 was 751,394; the number of whites was 484,701, of which 240,318 were males, and 243,383 were females.

The number of slaves was 245,462 of which 123,791 were males, and 121,671 were females.

The number of free persons of colour was 21,231, of which 10,417 were males, and 10,714 were females.

Answer to Query 2.—No slaves have been imported into this State from Africa, or any other foreign country, during the last ten years. The severity of the penalties affixed by the laws of Congress to the crime of importing slaves into the United States, is such as to deter the most abandoned from making the attempt. Besides, the fear of detection, which is rendered almost certain by the vigilance of the authorities, aided by the strong moral feeling of the people of the State upon the subject, is an effectual guarantee against violation.—(*See Note in reference to this Query.*)

Answer to Query 3.—In criminal cases, the slave is equally protected with a free man. Indeed, the policy of the law seems to have special regard to his condition. He cannot be put upon his trial unless a true bill be first found by the same Grand Inquest impanelled to inquire and present other delinquents. He has the same right of challenge, in general, with others, when put upon trial, and may peremptorily challenge every juror who is not the owner of a slave.

He can, for sufficient reasons upon affidavit, have his cause continued over, or removed to some other judicial district; must always be defended by counsel at the expense of his owner; and, upon a verdict of guilty, has the same right of appeal, with others, to the Supreme Court, touching any questions of law which his case may involve; and in all clergiable offences, is entitled to "benefit of clergy."

Answer to Query 4.—The master has the entire and absolute control over the slave, and may punish at discretion. But extreme cruelty of punishment, such as maiming or disabling, is an indictable offence. Taking the life of a slave, is murder; and, upon arraignment for the offence, the same laws and rules of Court apply as if arraigned for the murder of a white person; and the same penalty follows the verdict.

If a true bill be found against the master, no amount of bail can save him from prison. Nor is bail allowed before the trial, where the presumption of *guilty* is strong, though sought for by process of "Habeas Corpus." The slave is protected by law from being turned upon the world when sick, old, or decayed; the master being compelled to provide for his maintenance.

Answer to Query 5.—The evidence of a slave is never received in a Court of law, except when slaves or free persons of colour are the subjects of the trial. Then, under the solemnity of an oath administered by the Court, they are allowed to give evidence.

Answer to Query 6.—Slaves are generally supplied with a sufficiency of wholesome food. If death from starvation has ever occurred, the evidence of such fact is unknown.

Their treatment, as a class of labourers, is humane. There may be, and doubtless are, isolated cases, which form exceptions to this proposition.

Answer to Query 7.—Slaves are subject to fewer diseases, enjoy a greater degree of health, and generally attain to a greater age than free persons, whether they be white or coloured. The census of the State, and the bills of mortality in that part of the State where the slave population is most numerous, attest this fact.

Answer to Query 8.—The slave population is supposed to be on the increase from natural propagation, as the number of births evidently exceed the number of deaths, though the census from 1830 to 1840 does not show this result; yet it is nevertheless true, the increase being carried to the south by emigration.—(*See Note referred to in Second Query.*)

Answer to Query 9.—The manumission of slaves does not often occur. The laws and policy of the State are opposed to their manumission within the State. The only mode by which the master can procure freedom for his own slave is, by showing such meritorious services to have been performed, as will induce a Court of record to grant his prayer, or he may apply to the Legislature, where his chance of success is equally doubtful. But by sending his slave beyond the limits of the State, he can accomplish the object. But the freed man can never return to this State. The liberation of whole families in this way occur yearly; they are given in charge of the Colonisation Society, who send them to the Society's Colony in Africa. And it is supposed, that liberations in this way would be more frequent, could that Society provide the means for their removal.

Answer to Query 10.—The laws have become less favourable to the moral condition of the slave, at least within the last ten years. After the attempted insurrection in Southampton, Virginia, in the year 1832, symptoms of which were manifest in this place, and along the course of the Cape Fear River, the Legislature of North Carolina passed penal laws, prohibiting the education of slaves, so far as reading and writing is concerned, though oral religious instruction is more extensively imparted than formally.

Answer to Query 11.—There is no party favourable to the Abolition of Slavery known to exist in the State of North Carlolina.

Answer to Query 12.—There is a difference in favour of the white man, though the free person of colour is equally protected in the acquisition and enjoyment of property, and of his freedom and liberty. Yet, in his political privileges, so to term them, he is upon a level with the slave. By an amendment of the State Constitution in 1835, he was debarred the right of suffrage (which he before enjoyed), irrespective of his mental or property qualifications. Nor is he allowed to testify, on oath, in any case whatever, except on the trial of persons of colour. These prohibitions extend to all free persons of colour, of negro origin, within the fourth degree of affinity.

Answer to Query 13.—Free persons of colour are not admitted, nor are they eligible to hold any office within the State.

Answer to Query 14.—The Undersigned has drawn his answers from public documents, private information, and personal observation; having had a residence in the State upwards of 25 years.

There is no census taken periodically in this State.

The Government of the United States causes the census of each State and Territory to be taken every 10 years. This practice commenced in the year 1790. The last period for taking the census of the United States was in 1840.

All of which is respectfully submitted.

(Signed) CYRUS C. STOW,
British Vice-Consul.

Note referred to in Query No. 2.

Persons moving to this State from any adjoining Slave State, usually bring their slaves along with them.

Slaves are sometimes purchased in adjoining States laying to the north of this—seldom in States laying south—though the number so brought in is comparatively small.

The low price of land and its great fertility in the States of Alabama, Mississippi, Louisiana, Arkansas, &c., are strong inducements to emigration from the older settled States. And since the value of a slave as property depends as much upon the cheapness of providing the means for his sustenance, government, keeping

him in subjection, and the security of the community in which he resides, as it does upon the productions of his labour, the tide of emigration is tending southward.

In the State of Delaware this expense has rendered the slave, as property, almost valueless. In Maryland, his value is far less than in North Carolina, and in North Carolina much less than in States lying south.

In examining the census of 1800, 1810, and 1820, the increase in the slave population was found to be 30,000 in each 10 years; but from 1820 to 1830, the increase was 40,000. From 1830 to 1840, the Tables show a decrease of 2000. Nevertheless, it is supposed that the increase from 1830 to 1840 was equal to that from 1820 to 1830 (say 40,000), and that that number has been carried off by emigration to the south.

(Signed) CYRUS C. STOW,
British Vice-Consul.

No. 57.

Mr. Ogilby to the Earl of Aberdeen.

Her Britannic Majesty's Consulate,
Charleston, October 23, 1843.
(*Received December* 6.)

My Lord,

Finding that great anxiety exists among the British subjects who are resident in this country to become acquainted with the Act which was passed during the late Session of Parliament, "for the more effectual Suppression of the Slave Trade," permit me to request that your Lordship will do me the honour to direct a copy of it to be forwarded to this Consulate as soon as practicable; and if any opinions have been given by the Law Officers of the Crown upon its enactments, I should feel much obliged by having a copy of them also forwarded to me; for I feel well assured that I shall very frequently be applied to by subjects of Her Majesty residing in this part of the world, for an opinion as to the legality or illegality of certain acts conected with the subject to which the law refers, if done, or participated in, by them.

Allow me, respectfully, to inquire, if it would meet with your Lordship's approbation, for me to have the law within referred to published in some of the newspapers of this city, for the information and guidance of all British subjects residing within my Consular District.

I have, &c.

(Signed) WILLIAM OGILBY, *Consul.*

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

UNITED STATES. (*Consular*)—*Mobile.*

No. 58.

Colonel Fitzgerald to Mr. Bidwell.

Mobile, January 20, 1843.
(*Received March* 16.)

MY DEAR SIR,

I BEG to forward a newspaper that I think will prove interesting to Lord Aberdeen, as it gives the negro population, and much interesting information.

I remain, &c.

(Signed) CH. FITZGERALD.

J. Bidwell, Esq.
&c. &c.

Enclosure in No. 58.

[Article from the Alabama Beacon of January, 14, 1843.]

TABULAR STATEMENT,

Shewing the Population and Federal Representation of the State of Alabama by Counties; together with the Proportion of Political Power possessed by each County, in the House of Representatives of the United States, and the value of individual Suffrage, in the Election of Members.

COUNTIES.	Free.	Slaves.	Population to be Represented.	Fraction of Representation to each County.	White Males over Twenty.	Votes in 1840.	* * *	Average Democratic Majority.	Average Whig Majority.
Autauga . .	6,233	8,109	11,098	·1588	1,348	1,165	8·23	23	..
Baldwin . .	1,244	1,707	2,268	·0325	353	255	6·43	..	13
Barbour . .	6,476	5,548	9,805	·14	1,462	1,670	6·70	..	277
Benton . .	11,366	2,894	13,102	·1875	2,290	1,731	5·72	538	..
Bibb . . .	6,261	2,023	7,475	·1069	1,252	1,061	5·97	..	39
Blount . .	5,226	344	5,432	·0778	924	825	5·88	574	..
Butler . .	6,215	2,470	7,697	·1102	1,190	984	6·47	..	263
Chambers .	10,192	7,141	14,477	·207	2,008	1,717	7·21	..	281
Cherokee . .	7,661	1,112	8,328	·1192	1,459	1,136	5·71	298	..
Clarke. . .	4,245	4,395	6,882	·0985	910	826	7·56	354	..
Conecuh . .	4,380	3,817	6,670	·0955	898	750	7·43	..	229
Coosa . . .	4,870	2,125	6,145	·0879	1,063	855	5·78	214	..
Covington. .	2,064	371	2,287	·0328	384	253	6·	..	68
Dale and Coffee	6,817	580	7,165	·1025	1,282	1,039	5·59	276	..
Dallas . . .	7,991	17,208	18,316	·262	2,050	1,713	8·93	..	232
De Kalb . .	5,589	340	5,793	·0829	1,073	928	5·4	578	..
Fayette . .	5,961	981	6,550	·0937	1,081	1,022	6·	536	..
Franklin . .	8,265	6,005	11,868	·1698	1,711	1,540	6·94	238	..
Greene . .	7,593	16, 31	17,452	·2497	1,929	2,154	9·	..	451
Henry . . .	4,703	1,084	5,353	·0766	886	716	6·	84	..
Jackson . .	3,899	1,816	14,989	·2144	2,517	2,204	5·96	1,660	..
Jefferson . .	5,495	1,636	6,477	·0927	1,089	897	6·	271	
Lauderdale .	9,516	4,969	12,497	·1788	1,835	1,632	6·8	325	..
Lawrence . .	7,168	6,145	10,855	·1553	1,384	1,431	7·84	142	..
Limestone. .	7,534	6,840	11,638	·1665	1,521	1,253	7·65	483	..
Lowndes . .	6,970	12,569	14,511	·207	1,619	1,418	9·	..	227
Macon . .	5,396	5,851	8,906	·1275	1,233	1,069	7·22	..	274
Madison . .	12,441	13,265	20,400	·2919	2,624	2,378	7·77	1,318	..
Marengo . .	5,362	11,902	12,503	·1789	1,280	1,437	9·75	..	189
Marion . .	5,094	753	5,546	·0793	857	731	6·47	263	..
Marshall . .	6,712	841	7,217	·1033	1,251	1,066	5.77	777	..
Mobile . .	12,550	6,191	16,265	·2327	5,534	2,602	3·	..	329
Monroe . .	5,388	5,292	8,563	·1225	1,182	1,007	7·25	..	125
Montgomery .	9,088	15,486	18,379	·263	2,194	1,945	8.38	..	248
Morgan . .	6,625	3,216	8,555	·1224	1,295	1,162	6·6	357	..
Carried forᵈ									

Tabular Statement, shewing the Population and Federal Representation, &c.—*Continued.*

COUNTIES.	Free.	Slaves.	Population to be Represented.	Fraction of Representation to each County.	White Males over Twenty.	Votes in 1840.	* * *	Average Democratic Majority.	Average Whig Majority.
Brought ford									
Perry . . .	8,743	10,343	14,949	·2139	1,905	1,798	7·85	..	117
Pickens . .	9,354	7,764	14,012	·2	1,987	1,841	7·05	..	256
Pike . . .	7,997	2,111	9,264	·1326	1,632	1,280	5·68	..	34
Randolph . .	4,447	526	4,763	·0681	903	803	5·27	195	..
Russell . .	6,247	7,266	10,606	·1517	1,377	1,095	7·7	..	239
Shelby . .	4,496	1,616	5,466	·0782	913	980	5·98	..	147
St. Clair . .	4,513	1,125	5,188	·0742	869	721	5·97	555	..
Sumter . .	14,017	15,920	23,569	·337	2,904	2,488	8·12	..	71
Talladega . .	7,689	4,898	10,628	·152	1,633	1,457	6·5	75	..
Tallapoosa .	4,431	2,013	5,639	·0807	913	848	6·18	36	..
Tuscaloosa .	10,029	6,554	13,961	·1997	2,184	2,214	6·39	..	351
Walker . .	3,821	211	3,948	·0565	653	611	9·04	97	..
Washington .	2,866	2,434	4,326	·0619	652	539	6·63	33	..
Wilcox . .	5,984	9,294	11,560	·1655	1,302	1,215	8·88	..	234
	337,224	253,532 337,224	489,343	7·0000	72,795	62,462	6·72	10,300 4,794	4,794
		590,756						5,506	

NOTE.—The column marked with asterisks gives the number of persons in the Federal Representation to each white male over twenty years of age. The above table has been compiled with great care, and its accuracy may be relied upon within the limits specified below. The first three columns need no explanation; the first and second have been obtained from official documents, and the third calculated from them. The fourth column shows in decimals the fractional part of a representative to which each county is entitled; it was obtained by dividing each of the numbers in the third column, being the Federal Representation of each County by 69,906; it is correct to within one 20,000th of a representative, and may be proved by multiplying the fraction by 69906, when the Federal population of each county will be obtained. The addition of the fractions of any number of the counties will give the proportion of a representative to which they would be entitled, and if *unity* be obtained they would be entitled to exactly one Representative; the sum of the column gives 7, the whole number of Representatives for the State. An inspection of the fifth and sixth columns will show that in the Democratic county Lawrence, 47 more votes were polled than there were white males over 20 in the county, and that the Whig counties Barbour, Greene, Marengo, Shelby, and Tuscaloosa, gave, in the aggregate, 687 votes more than white males over 20 in those counties. The next column gives the political value of every vote in each county, or the number of the Federal population to each white male over 20. This column is correct to within one 1000th, and shows a much less difference between the northern and southern counties than was anticipated. Mobile has the least and Marengo the greatest number; 21 counties, of which 7 are Democratic and 14 Whig, have a greater number than the average for the State, and 28 counties, of which 19 are Democratic and 9 Whig, have less than the average. The last two columns are based upon the Presidential Election of 1840, and the Congressional Election of 1841.

No. 59.

The Earl of Aberdeen to Colonel Fitzgerald.

Foreign Office, May 30, 1843.

Queries as to state of Slave Trade and Slavery in the State of Alabama.

(See No. 1.)

No. 60.

Colonel Fitzgerald to the Earl of Aberdeen.

Mobile, August 12, 1843.
(*Received August* 30.)

Question 1.—What is at present the amount of the population of the State in which you reside, and what the number of whites, and of coloured people forming that population, distinguishing males from females, and free people from slaves? What was the amount of the population of the same State in the year 1832, and what was the amount in the year 1837, distinguishing the particulars as in the case of the present times?

Answer.—1840.	White, males . .	176,692	
	Ditto, females . .	158,493	
			335,185
	Free coloured, males .	1,030	
	Ditto females .	1,009	
			2,039
	male Slaves, . .	127,360	
	female Ditto, . .	126,172	
			253,532
1830.	White . . .	190,406	
	Free coloured . .	1,572	
	Slaves . . .	117,549	

The census of the United States is taken every tenth year only. The number of males and females for 1830 cannot be ascertained.

Question 2. Is it supposed that any slaves have have been imported into the country within the last ten years, either direct from Africa, or from other quarters? if so, how many in each year?

Answer.—None; or, if any, very few.

Question 3.—Is the slave protected by law equally with a free man in criminal cases?

Answer.—The law affords the same protection, and the trial for criminal offences are conducted precisely as for whites.

Question 4. What protection is there by law to a slave against ill-conduct on the part of his master?

Answer.—The master is subject to a penalty, and in some cases to imprisonment, on complaint being made to the authorities by any person, if found guilty.

Question 5. Is the evidence of a slave received in a Court of law?

Answer.—In cases against slaves.

Question 6.—Is the slave ill or well fed, well or ill treated?

Answer.—Well fed and clothed.

Question. 7. Is the slave considered generally to enjoy as good health and to live as long as a free person?

Answer.—They enjoy better health, and live longer.

Question 8.—Is the slave population considered to be on the increase or decrease; and from what causes?

Answer.—The slave population in this State is upon the increase; the causes are general good health, constant exercise, temperate living, and the absence of care.

Question 9.—Is the manumission of slaves of common occurrence?

Answer. The manumission of slaves is not of common occurrence.

Question 10.—Have the laws and regulations in respect to slaves become more or less favourable to them within the last ten years?

Answer.—The laws of this State respecting slaves have not been materially altered within the last ten years, but at present are more rigidly enforced.

Question 11.—Is there in the State in which you reside a party favourable to the Abolition of Slavery? And what is the extent and influence of such party? And is such party on the increase or otherwise?

Answer.—There is no *known party* favourable to the Abolition of Slavery. The State is unanimously in favour of it.

Question 12.—Is there any difference in the eye of the law between a free white and free coloured man?

Answer.—There is a difference between the free white and the free negro. The free negro is not allowed the right of suffrage, or to appear as evidence against a white person in a court of law.

Question 13.—Are free coloured men ever admitted to offices of the State?

Answer.—They are not eligible to the office of the State.

Question 14.—You will state whether you have drawn your answers from public documents, or from private information; and you will state whether any periodical census is taken of the population within the district of your Consulate, and what was the last period at which it was taken?

Answer.—The census is taken from public documents, and the other information is derived from personal observation and persons of good information. The census is taken every tenth year.

(Signed) CH. FITZGERALD,
H. M. Consul.

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

UNITED STATES. (*Consular*)—*New Orleans.*

No. 61.

The Earl of Aberdeen to the Her Majesty's Consul.

Foreign Office, May, 30, 1843.

QUERIES as to Slave Trade and Slavery in the State of Louisiana.

(See No. 1.)

No. 62.

Mr. Lingham to the Earl of Aberdeen.

British Consulate, New Orleans, July 17, 1843.

(*Received August* 14.)

MY LORD,

I HAVE the honour to transmit, agreeably to your Lordship's Despatch of the 30th May, Answers to certain Queries relative to the Slave Trade, which I trust will be found in order.

No. 1.—On the 1st of June, 1840, the population of the State of Louisiana was 352,411, of which the whites amounted to 158,457, viz., 89,747 males, and 68,710 females. Of free coloured persons, 25,502, viz. 11,526 males, and 13,976 females. Of slaves, 168,452, viz. 86,529 males, and 81,923 females.

As no census was taken between the years 1830 and 1840, there is no means of ascertaining the extent of the population of the years 1832 and 1837; but I submit the census of 1830, so as to show the relative differences.

On the 1st June, 1830 the population amounted to 215,529; which consisted of 89,231 and whites and 16,710 free coloured persons viz. 7,230 males and 9,480 females. 109,588 slaves, viz. 57,911 males, and 51,677 females.

No. 2.—None from Africa or foreign countries.

No. 3.—Yes, with this difference, that the slave is tried under rules laid down in the Black Code, and, summarily, by a jury of six freeholders.

No. 4.—When cruelty is proven, the slave or slaves are taken away, and the master or mistress prohibited from owning any.

No. 5.—Yes, against a fellow-slave.

No. 6.—Generally, both well fed and well treated.

No. 7.—In general enjoy better health and live longer than free people of colour.

No. 8.—The slave population is considerably on the increase, in consequence of good treatment.

No. 9.—Very common, but confined to those of good character, and capable of taking care of themselves afterwards.

No. 10.—Some defects existing in the Black Code of this State were lately improved.

No. 11.—There is no party in favour of Emancipation, and within the last ten years public opinion has become much less excitable upon the discussion of the subject, as all parties have apparently come to the opinion that it is an evil which cannot or ought not to be alleviated by universal Emancipation; as the condition of the slaves will compare favourably with the condition of the lower orders of almost every part of the world.

No. 12.—None.

No. 13.—No.

No. 14.—I have drawn my answers from public documents in the State Department, as well as from disinterested private sources, and my own actual observation, of some years, in various parts of this country. A census is taken every ten years; the last one was taken in 1840.

I am, &c.

(Signed) J. G. LINGHAM,

Acting Vice-Consul.

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

UNITED STATES. (*Consular*)—*Norfolk.*

No. 63.

The Earl of Aberdeen to Mr. Gray.

Foreign Office, May 30, 1843.

QUERIES as to state of Slave Trade and Slavery in the State of Virginia.

(See No. 1.)

No. 64.

British Consulate, Norfolk, Virginia, July 24, 1843.

(*Received September* 14.)

MY LORD,

I HAVE now the honour to transmit herewith Answers to the several Queries propounded in your Lordship's Despatch of the 30th May last, relating to the Population of this State, "whites and coloured people."

I have, &c.

(Signed) WILLIAM GRAY.

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

Enclosure in No. 64.

Answers to Queries in Despatch of May 30, 1843.

British Consulate, Norfolk, July 24, 1843.

No. 1.—There is no mode by which the exact amount of the Population of this State at present, or for either of the other *precise* periods mentioned, can be ascertained, inasmuch as a census is taken every ten years only, commencing in 1790; but it is believed that at present it does not differ essentially with that of 1840, as given below; and that a fair estimate may be formed for each of the *other* years, from data of a similar character, also subjoined; the whole drawn from authentic sources and public documents. It appears there were

		White.	Free Coloured.	Slaves.	Total.
In 1790	For these years no distinction of sex is made in either class.	454,983	..	292,627	747,610
1800		514,280	20,124	345,796	880,200
1810		582,104	..	392,518	974,622
1820		640,213	..	425,153	1,065,366
1830	Males.	347,887	22,387	239,077	..
	Females. . . .	346,383	24,961	230,680	..
		694,270	47,348	469,757	1,211,375
1840	Males.	371,223	23,814	228,661	..
	Females. . . .	369,745	26,020	220,326	..
		740,968	49,834	448,987	1,239,789

No. 2.—It is believed that not one slave has been imported into this State, from any quarter whatever, during the period stated.

No. 3.—A slave can only be punished according to law; but the punishments differ from those enacted for white persons, and the mode of trial is different also. A slave is not tried by a jury, but in a summary way by a Court of Justices; and in some cases he is punished with death, where, for the same offence, a white would be sent to the penitentiary.

CLASS D.

The murder of a slave is equally criminal with that of a free person, and the punishment the same in either case.

No. 4.—A master may be criminally punished for killing or maiming a slave; but he has a right to inflict stripes, and may in fact, exercise much cruelty, without any adequate redress, or protection for the slave, who has no rights of his own. The question, however, has been long settled in Virginia, that a master may be indicted for beating his own slave cruelly. If he so treats the slave of another, the owner has his right of private action.

No. 5.—The evidence of a slave, or coloured person, cannot be received in any Court of law in this State against a white, but is admissible, and always taken, in the case of a coloured one.

No. 6.—Generally well fed, and well treated, being to the interest and benefit of the owner that he should be.

No. 7.—Slaves are considered to enjoy as good health and to live as long, in this State, as free persons; and it is believed there are more frequent instances of extreme old age among them, than with the latter, whether white or coloured.

No. 8.—It will appear, on reference to Answer No. 1, that there was a decrease in "the slave population" in this quarter, between 1830 and 1840, of nearly 21,000; which decrease may be accounted for in the very frequent deportation at that period of large numbers to the more southern States and territories, where their labour was more wanted, and prices, consequently, much higher; and also in the emancipation and removal of very many to Liberia, to which quarter, not unfrequently, the whole stock of different plantations would be sent, on being liberated by their owners for that purpose. But for such causes, the slave population would have continued on the increase, as it appears to have done gradually in previous years.

No. 9.—In part answered above. It is, however, to be observed that, by the laws of this State, a slave cannot be manumitted and allowed to remain within its precincts, and there have been many instances where, having good masters, they have refused their freedom, and preferred remaining here in slavery, to banishment from their home and friends. Yet, as before stated, many have been liberated by their owners, and sent to Liberia, where they are said to be contented, and doing well.

No. 10.—No alteration whatever has taken place in the laws and regulations of this State, in respect to slaves, within the last ten years; but custom has extended to them a greater degree of indulgence and liberty than formerly; yet it is not thought that their morals, habits, or behaviour, are by any means improved thereby, but rather the reverse.

No. 11.—Certainly not; there is no party in this State favourable to immediate or sudden Abolition of Slavery, although it is an evil greatly deplored by all parties; and, could emancipation be accomplished gradually, with perfect safety to the white population, and moderate compensation to the proprietors, it would be hailed with joy and gladness by all classes.

No. 12.—As stated in Answer No. 5, the evidence of a free coloured person cannot be received against a white, nor is the former regarded as a citizen, being under many and various restrictions and disabilities. He cannot vote upon any occasion, and, in a criminal offence committed by him, other than homicide, or where death is the punishment, he is tried in the same manner as a slave. In the excepted cases he is tried by a jury of white men. He is not allowed to keep firearms; and all free negroes, or coloured people, are required to be registered in court, and to renew the same at stated periods, on failure whereof they are subject to imprisonment. A free negro cannot purchase or own slaves, unless it be a wife, husband, or child. There is, however, no restriction upon his acquisition of real estate, in any other species of property.

No. 13.—Never, under any circumstances.

No. 14.—The *Statistical* part of Answer No. 1. is taken from different printed works bearing upon the subject, principally from Morse's, Bradford's, and Martin's Gazetteers. Upon the several other points referred to, the information is derived from individuals well acquainted with the different subjects; as well as from my own observation during a residence in the country of upwards of 30 years.

A census, as already stated, is taken every ten years, the last being in 1840.

(Signed) WILLIAM GRAY.

UNITED STATES. (*Consular*)—*Portland.*

No 65.

The Earl of Aberdeen to Mr. Sherwood.

Foreign Office, May, 30, 1843.

QUERIES as to the state of Slavery and Slave Trade in the States of Maine and New Hampshire.

(See No. 1.)

No. 66.

Mr. Sherwood to the Earl of Aberdeen.

British Consulate, Maine and New Hampshire, Portland, July 15, 1843.

MY LORD, (*Received August* 1.)

AGREEABLY to your Lordship's command, I have the honour to transmit to you the following Answers to the Queries propounded to me in your Lordship's Despatch, dated Foreign Office, May 30, 1843, which information I have endeavoured to obtain as accurately as possible, viz.

1. The present amount of the population of the States of Maine and New Hampshire, by an average of the former years, may be estimated as follows :—

	In Maine.	In New Hampshire.
White . males	267,400	142,089
„ females	266,451	147,382
Coloured males	763	231
„ females	673	280
Slave	...	1
Total . . .	535,287	289,983

The Population of the same States according to the official revision of the several enumerations, by the General Government of the United States, was, for the following years, viz.

	1790	1800	1800	1820
In Maine	96,540	151,719	228,705	289,335
In New Hampshire . .	141,899	183,762	214,360	244,161

In taking the fifth census, in the year 1830, a new and more satisfactory division of the free white persons was adopted, each sex being distinguished into quinquennial divisions under 20 years, and into decimal classes from 20 to a 100; but a different method was followed with respect to the free coloured persons and the

slaves, each sex of these two classes being formed into six divisions, as appears in the following statements :—

—	MAINE. Free White.		NEW HAMPSHIRE. Free White.	
	Male s.	Females.	Males.	Females.
Under 5 Years	34,053	32,471	19,428	18,538
Of 5 and under 10 . .	28,742	27,676	17,521	16,790
10 „ 15 . .	25,522	24,067	16,737	15,525
15 „ 20 . .	22,400	22,348	14 847	14,823
20 „ 30 . .	34,985	35,596	21,191	24,564
30 „ 40 . .	21,701	22,259	14,696	16,690
40 „ 50 . .	14,547	14,183	10,722	11,896
50 „ 60 . .	9,228	9,330	7,218	8,448
60 „ 70 . .	5,956	5,904	5,059	5,888
70 „ 80 . .	2,637	2,688	2,786	3,110
80 „ 90 . .	823	911	840	1,085
90 „ 100 . .	93	138	85	174
100 and upwards . .	2	3	4	6
Total . .	200,689	197,574	131,134	137,537
And the Free Coloured Population.				
Under 10 Years . . .	163	143	67	68
Of 10 to 2	172	175	78	97
24 „ 36	111	117	53	54
36 „ 55	108	93	44	63
55 „ 100	54	52	32	45
100 and over . . .	2	1	1	2
Slaves.				
24 to 36	. .	1	. .	2
36 „ 55	. .	. .	. .	1
Total . .	610	282	275	332

Thus, according to the fifth census, there was,

	In Maine.	In New Hampshire.
White . . males	200,689	131,134
„ females	197,574	137,537
Coloured males	610	275
„ females	281	329
Slaves	1	3
Total . . .	229,455	269,278

In the year 1840, the sixth and last census was,

—	FOR MAINE.		NEW HAMPSHIRE.	
	Males.	Females.	Males.	Females.
Under 5 Years	40,532	38,185	18,435	17,959
Of 5 to 10	35,671	34,458	17,300	16,693
10 „ 15	31,691	30,044	16,929	15,689
15 „ 20	27,740	37,940	15,663	15,457
20 „ 30	42,266	42,165	22,170	24,679
30 „ 40	29,864	29,046	16.381	18,269
40 „ 50	19,948	20,024	12,915	14,183
50 „ 60	12,551	12,304	8,690	9,824
60 „ 70	7,408	7,703	5,485	6,702
70 „ 80	4,152	4,122	3,447	4,000
80 „ 90	1,041	1,274	1,084	1,388
90 „ 100	120	174	103	181
Over . 100	5	10	2	8
Total . .	252,989	247,449	138,604	145,032

And of Free Persons of Colour.

—	FOR MAINE.		NEW HAMPSHIRE.	
	Males.	Females.	Males.	Females.
Under . . 10	149	147	57	50
10 . to . 24	231	195	68	56
24 . „ . 36	135	128	42	54
36 . „ . 55	137	109	48	61
55 . „ . 100	67	54	33	56
Over „ . 100	1	2	. .	2
Slave.				
10 . . „ . 24	. .	. .	. .	1
Total . .	720	635	248	290

Making the population, in 1840, as follows:

		Maine.	New Hampshire.
White	males	252,989	138,604
„	females . . .	247,449	145,032
Coloured	males . . .	720	248
„	females . . .	635	289
Slave		...	1
	Total . .	501,793	284,174

In taking the average increase of the above statements, the amount of population in 1832 and 1837, will be found as follows, viz.

		In 1832 For Maine.	In 1832 For New Hampshire.
White . . .	males	210,723	133,756
„	females	207,452	140,087
Coloured	males	640	271
„	females	598	297
Slaves		...	2
	Total . .	419,410	274,413

And in 1837.

White . . .	males	235,809	138,193
„	females	232,147	143,601
Coloured	males	708	254
„	females . . .	608	290
Slave		...	1
	Total . .	469,272	282,339

The slaves mentioned in the foregoing enumerations, are those who have made their escape from the Southern States. The one now in New Hampshire is a young girl, bound out as an apprentice.

The men in the army and navy of the United States, belonging to Maine and New Hampshire, are not included in the foregoing returns.

2. It is supposed, and is generally believed, that slaves are smuggled into the Southern States, from Cuba and other places, but the number in each year, within the last ten years, I have no means of knowing. There are no slaves brought into my district, unless it is those who have secreted themselves on board of vessels arriving from southern ports.

3. To this Query I answer I believe not; no slave's oath is taken against a free person.

4. I believe the law protects the slave against ill-conduct on the part of his master, but it is seldom put in force, unless death ensues to the slave.

5. It is, against a slave, but not against a free person.

6. I have no reason to doubt but that the slave is well fell and well treated; it being the interest of the owner to do so.

7. It is said that the slave generally enjoys good health, and to live full as long as a free person.

8. The slave population is said to increase, although many are made free by their owners, and set to Liberia. Cause unknown to me.

9. It is frequently done by liberal owners.

10. This question I am unable to answer, not knowing the fact.

11. There is; the extent and influence of such party has not been very great, but it is now rapidly gaining in numbers, as well as influence.

12. There is no difference in the eye of the law, within my Consulate, between a free white and free coloured man; and I believe it is the case in the Southern States.

13. They never have been.

14. I have drawn my answers from public documents, so far as relates to population, and from private information respecting the other Queries.

There is a periodical census taken of the population within my Consulate, and generally throughout the United States, by its Government every ten years. The last period at which it was taken, was in the year 1840.

For State purposes, Maine took the amount of her population once or twice between the above periods, but they were not relied upon as correct.

I have, &c.

(Signed) JOSEPH T. SHERWOOD.

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

UNITED STATES. (*Consular*)—*Savannah.*

No. 67.

The Earl of Aberdeen to Mr. Molyneux.

Foreign Office, May 30, 1843.

QUERIES as to state of Slave Trade and Slavery in the State of Georgia.

(See No. 1.)

No. 68.

Mr. Molyneux to the Earl of Aberdeen.

British Consulate, Savannah, November 20, 1843.

(*Received December* 31.)

MY LORD,

I HAVE the honour to inclose my replies to the Queries contained in your Lordship's Despatch of 30th May, "Slave Trade," relating to the condition of the coloured population of the State of Georgia.

I am, &c.

(Signed) E. MOLYNEUX.

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

Enclosure in No. 68.

Replies by Her Majesty's Consul at Savannah to Fourteen Queries relating to the Coloured Population of the State of Georgia.

British Consulate, Savannah, November 20, 1843.

ANSWER No. 1. The population of the State of Georgia, was in the years 1830 and 1840, as follows:

		1830	Totals.	1840	Totals.
White Persons	Males	153,298	296,806	210,534	408,229
	Females	143,508		197,695	
Free Coloured	Males	1,261	2,486	1,374	2,753
	Females	1,225		1,379	
Slaves	Males	108,817	217,531	139,335	280,944
	Females	108,714		141,609	
			516,823		691,926

2. It is not possible that any slaves could have been imported from foreign countries into this State within the last ten years, the laws of the United States being difficult of evasion. The laws of the State of Georgia prohibit the introduction of slaves except from an adjoining State.

3. In criminal cases, the slave is equally protected by law with the free coloured man.

4. I consider public opinion the greatest protection a slave has against ill conduct on the part of his master. The law enacts "That any owner or employer of a slave who shall cruelly treat such slave, or withhold proper food or sustenance,

or require greater labour than he is able to perform, or not afford proper and sufficient clothing, whereby the health of such slave may be impaired; every such person so offending, shall be punished by fine and imprisonment, at the discretion of the Court."

5. The evidence of a slave against a white man is not received in a Court of law.

6. In all cases slaves are well fed; their treatment, in a great measure, depends upon the humanity of their masters. The weekly allowance on plantations, is one peck of Indian corn (which is more than any man can consume), with animal food occasionally. They are allowed gardens and the privilege of raising hogs and poultry, either for their own use or for sale. The allowance to domestic slaves is one quart of corn, per diem. In the better class of families, from half a pound to one and a quarter pound of sugar, and a quarter pound of coffee, are allowed weekly, in addition to meat at breakfast and dinner. These remarks have reference to plantations, &c. near the sea coast. In the up-country, the coloured population is a much finer looking race, and more intelligent. They have no task, but work side by side with white men, from sunrise to sunset, and are not restricted to any quantity of food. In the low-country, all work is done by task, and, except in harvest time, an industrious man will finish his task by three o'clock.

7. Free persons of colour being generally dissipated, do not enjoy as good health nor live as long as slaves; and, being improvident, possibly from not being allowed to hold property, are, in old age, often dependent upon charity for their support.

8. The annual increase in the slave population on cotton plantations, of late years, is estimated at five to ten per cent. The increase on rice plantations, owing to the great mortality amongst children, from local causes, is very trifling.

9. The manumission of slaves was prohibited in the year 1801. They might be emancipated by a special Act of the Legislature, but I doubt if such an act would now pass.

10. Slaves were formerly allowed to accompany their owners to other States or foreign countries; but in the year 1835 an Act was passed prohibiting the return of a male slave from a non-slave holding State or country. Females are still allowed to return.

11. There are, doubtless, many slaveholders who condemn slavery in the abstract, but there is no party in this State favourable to the Abolition of Slavery without compensation.

12. A free coloured man has not legally, or otherwise, the same privileges as a white man.

13. Free coloured men are denied the right of voting, the right to sit on juries, and are ineligible to any office in the State; but both slaves and free coloured men are permitted to officiate as clergymen to their own colour, having first obtained license from the Justices of the Inferior Court.

14. My information is derived from private information and from public documents. The census being only taken decennially, by the Federal Government, I am not able to give the population in 1832 and in 1837.

(Signed) E. MOLYNEUX, *Consul.*

BARBARY STATES.—(*Morocco*).

No. 69.

The Earl of Aberdeen to Mr. Drummond Hay.

SIR, *Foreign Office, December* 16, 1843.

THIS letter will be delivered to you by Mr. Richardson, of Malta, who is represented to me by the Committee of the British and Foreign Anti-Slavery Society to have proceeded, under their sanction, on an Anti-Slavery mission to the North Coast of Africa, and as being desirous to obtain access to the Emperor of Morocco, for furthering the object of his mission.

In accordance with the request of that Committee, I have to desire that you will assist Mr. Richardson in this object unofficially, as far as it may lie in your power.

I am, &c.

E. W. Drummond Hay, Esq. (Signed) ABERDEEN.
&c. &c.

No. 70.

Mr. Drummond Hay to the Earl of Aberdeen.

Her Majesty's Agency and Consulate-General,
Tangier, December 11, 1843.

MY LORD, (*Received December* 24.)

I HAVE the honour to acquaint your Lordship that the day before yesterday, Mr. James Richardson, arrived here, as Agent for the British and Foreign Anti-Slavery Society, bearing a Petition, of which I enclose a copy, addressed to the Sultan of Morocco, Mulai Abd Errachman. It is dated on the 28th of last October, and signed by Mr. Thomas Clarkson, "on behalf of that Society in England."

The prayer of the Petition is, in short, that the Moorish potentate would place all slaves in his dominions on an equality with the rest of his subjects.

Mr. Richardson, who came hither by way of Paris, informs me that he expects to receive a similar Petition, addressed to the Sultan Abd Errachman by the Society at Paris, entitled *L'Institut d'Afrique.*

I told Mr. Richardson, that although for my own part I desired all possible success for the grand scheme of benevolence, in prosecution of which he is employed, yet that I could not take any step, as the Queen's Agent in Morocco, without distinct authority and instruction from your Lordship; and that, in any event, I could not hold out hope of present success in this country, after the correspondence I had already had myself on the part of Her Majesty's Government with the Sultan of Morocco, in the early part of last year.

As my said correspondence was printed, with the series of that carried on by Her Majesty's servants in numerous parts of the world, during 1842, relative to the Slave Trade, and which was presented to both Houses of Parliament by command of Her Majesty, I was surprised to find that Mr. Richardson, as Agent for the said Societies, was unacquainted with it.

I now gave Mr. Richardson the correspondence for perusal, since which he has acknowledged, in concurrence with myself, that the door appears to have been shut against my taking again any avowed part, as Her Majesty's Agent, in correspondence on the subject of Slavery and the Slave Trade, with the Government of this country, and I conclude that your Lordship may hardly hold it expedient for me to take any other part in this matter.

The Petition which Mr. Richardson has exhibited to me is prepared in English only, inasmuch, he states, as the Anti-Slavery Society would not be responsible for its correct translation into Arabic; I have, of course, declined therefore to be re-

sponsible for its translation, which, if done under my direction, would become notorious as emanating from my Office.

Mr. Richardson informs me that he speaks the Arabic of Tunis, so that he will soon, I suppose, be able to converse with ease with the natives of this country; and as, I understand, he reads the classic Arabic, I conclude that he cannot want assistance from me in transferring the language of the Society's Petition into classic Arabic, the dialect of epistolary correspondence with the Moorish Court, nor indeed has he at present expressed a desire for such aid in my office.

Mr. Richardson proposes to go to Morocco, where the Sultan has been in residence already for several weeks, and will remain, I presume, during at least all the present winter. Mr. Richardson designs to go by sea to Mogadore, and thence to the capital, but will defer any further proceeding until he receive replies to the letters he purposes writing by the first homebound mail to his constituents of the Anti-Slavery Society.

I have, &c.

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

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

Enclosure in No. 70.

To his Imperial Majesty the Emperor of Morocco, Sidi Muly Obed Arahaman.

MAY IT PLEASE YOUR MAJESTY,

A SOCIETY in England, having for its object the Abolition of Slavery and the Slave Trade throughout the world, and denominated the British and Foreign Anti-Slavery Society, being informed of the pacific intentions and friendly disposition of your Majesty towards our Sovereign Queen and Government, and being informed likewise that your Majesty, in diplomatic relations with other Foreign Princes and States, has universally manifested the greatest anxiety to preserve peace amongst nations, and, of necessary consequence, the happiness of the human race, are encouraged to approach your Majesty, and to plead on behalf of a numerous and important class of your subjects, the negro and other black slaves.

These are a people always faithful to their friends and protectors (a most conspicuous and immediate proof of which is seen in your Majesty's Imperial Guard, formed principally of this class of your faithful subjects), and exhibiting under suffering and oppression the greatest patience and fortitude; yet, during the long course of bygone centuries, they have been subjected to horrid cruelties and inconceivable barbarity, in order to pander to the vices and to satiate the avarice of their oppressors.

Now we, the Society in England aforesaid, address your Majesty for the succour and protection of this cruelly oppressed portion of the human race, and in order that you may be graciously pleased to remove the chain of bondage from off these unfortunate victims of the violence and cupidity of wicked men, who, in defiance of all justice and mercy, claim them as their property, and buy and sell them like cattle.

We further intreat that your Majesty would be graciously pleased to place the slaves in your Imperial dominions upon a footing of equality with the rest of your faithful subjects, and to make them freemen, having the rightful possession of their own persons, and being at liberty to trade and to travel whithersoever they will.

For your Majesty rightly understands, and knows as well as we do, that God, the Almighty Maker of us and you, has made all men equal, and has not permitted to man to hold property in his fellow man, which reduces them to the level of the brutes; therefore, to make slaves of our fellows, our brothers, and sisters, is to sin against the will and mind of God, and to provoke his wrath and indignation against us, and against our children after us.

Consequently, we the Society in England aforesaid, in common with some of your own Mussulman Sovereigns and people, hold Slavery and Slave Trade in extreme abhorrence; because it kills and destroys our brothers, whom we ought to love and cherish, because it makes them like brutes, whom we ought to esteem as reasonable beings; because it hardens our own hearts, and makes us cruel towards our fellows, whom we ought to treat with kindness and compassion; and because it deforms God's creatures, in whom we ought to revere his spiritual likeness, man

being made after the likeness of God, in possessing a spiritual reasoning soul. These evils, however, are the direct and inevitable consequences of the accursed Slave Trade; and for such reasons we and the people of England in general abhor it, and seek, in every legitimate and righteous way, to persuade all men of every nation in the world to abandon this inhuman and wicked Traffic.

Finally, we implore your Majesty to be pleased to follow out that great act of confidence which you have exercised towards the negro race, in appointing them the life-guards of your Imperial person, by graciously liberating the whole of your negro subjects, and breaking from their necks the cruel yoke of slavery. From our hearts we believe that your Majesty will find such a spontaneous act of compassion towards the desolate African slaves to be both the wisest worldly policy, and most agreeable to the will of the Eternal Creator of all. Your loyal subjects will love the goodness of your heart the more, and serve you the better, while all Africa, of which the immense dominions of your Majesty form so large a part, will catch new life and vigour, under the blessing of the Almighty, and grow happy and prosperous in the ages to come.

Signed and sealed on behalf of the Society in England for Abolishing Slavery and the Slave Trade throughout the World, this twenty-eighth day of October, One thousand eight hundred and forty-three.

(Signed) THOMAS CLARKSON, (*L.S.*)

(True Copy.) HENRY JOHN MURRAY, *Vice-Consul.*

No. 71.

The Earl of Aberdeen to Mr. Drummond Hay.

SIR, *Foreign Office, December* 31, 1843.

I HAVE received your Despatch of the 11th instant, announcing the arrival at Tangier, of Mr. Richardson, an Agent of the British and Foreign Anti-Slavery Society.

At the request of the Committee of that Society, I furnished Mr. Richardson, on the 16th instant, with a letter of introduction to you.

I now enclose to you a copy of a letter which I have since received from the Committee, and of the answer which has been returned to it; and I have agreed to instruct you to give Mr. Richardson all assistance in your power towards the accomplishment of his object in visiting Morocco.

I have, &c.

E. W. Drummond Hay, Esq. (Signed) ABERDEEN.
&c. &c.

First Enclosure in No. 71.

Mr. Hinton to the Earl of Aberdeen.

British and Foreign Anti-Slavery Society,
27, *New Broad Street, London,*
MY LORD, *December* 25, 1843.

ON behalf of the Committee of the British and Foreign Anti-Slavery Society, I have to acknowledge your Lordship's kindness in the letter forwarded to this Office for the British Consul-General at Tangier, through Mr. Richardson. I beg permission also to acquaint your Lordship, that, from a letter from Mr. Richardson received this day, and dated Tangier, the 12th instant, the Committee learn that "he cannot move in Morocco on a mission of this sort, or even as a common traveller, without permission from the Foreign Office, which must be conveyed to the Consul-General at Tangier." Mr. Richardson states also that the Consul-General, Mr. Drummond Hay, was about to write to your Lordship on this subject, and requests the Committee to make a conjoint communication to you. Under these circumstances the Committee trust your Lordship will excuse them for further troubling you. Fully assured as they are of your favourable leaning to their design, and having already experienced so much of your Lordship's courtesy, they beg most respectfully to solicit what may further with propriety be done to secure liberty of movement for Mr. Richardson in Morocco.

And, I am further to add, that if it might (in your Lordship's judgment) at all facilitate an understanding in this affair, one or two gentlemen would be most happy to wait upon you with this view.

I have, &c.

(Signed) J. H. HINTON.

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

Second Enclosure in No. 71.

Lord Canning to Mr. Hinton.

SIR, *Foreign Office, December* 31, 1843.

I AM directed by Lord Aberdeen to acknowledge the receipt of your letter of the 25th instant, in which you state that from a communication received from Mr. Richardson, and dated "Tangier, December 12," the Committee of the Anti-Slavery Society learn that Mr. Richardson cannot move in Morocco upon the mission in which he is engaged, or even as a traveller, without permission from the Foreign Office conveyed to the Consul-General at Tangier.

I am to observe to you that this statement appears to have been made under some misapprehension on the part of Mr. Richardson, inasmuch as the Secretary of State has no power to give or to withhold the liberty of travelling through the Territory of the Sultan of Morocco. The permission to visit any part of that Sovereign's dominions must be obtained from himself; and Mr. Hay's official position at Tangier does not enable him to claim that permission for any British subject as a right.

All that Her Majesty's Government can do in behalf of Mr. Richardson, is to direct Her Majesty's Consul-General to give that gentleman all the assistance in his power; and this has already been done in a letter to Mr. Hay of the 16th instant, which was forwarded to you by Lord Aberdeen's direction on the same day. I am to add that a Despatch from Mr. Hay has been received at this Office, dated the 11th instant, and announcing Mr. Richardson's arrival at Tangier, and his intention of proceeding to Morocco by Mogadore, but not mentioning that Mr. Richardson had met with any obstacle to his doing so.

Lord Aberdeen will, however, again instruct Mr. Hay to assist Mr. Richardson, so far as lies in his power in overcoming any difficulty which may present itself.

I am, &c.

J. H. Hinton, Esq. (Signed) CANNING.
&c. &c.

BARBARY STATES—(*Tunis*).

No. 72.

Sir T. Reade to the Earl of Aberdeen.

Tunis, December 10, 1842.
(*Received January* 23, 1843.)

My Lord,

It has been my gratifying duty to announce in my various Despatches, marked "Slave Trade," the successive measures which had been taken by his Highness the Bey, at my suggestion, in the cause of the Emancipation of the Slaves in this Regency, as well as the promises made to me by him, to the effect, that as soon as he could overcome the spirit of opposition which had been created in his council by the adoption of his former steps, and which alone obstructed, though temporarily, his path to their completion, he would give a final blow to slavery in his dominions.

The encomiums bestowed by Her Majesty's Government on the conduct of his Highness the Bey, as well as the testimony of high approbation given by them to his Secretary, the Chevr. Raffo, for the support I received from him on those occasions, have encouraged me not to overlook the first favourable opportunity which offered, to bring the matter under the Bey's further consideration: and I have now the great satisfaction to inform your Lordship, that my efforts have ultimately been attended with such a complete success, that I can only express a hope that my conduct throughout the whole of this affair, will meet with your Lordship's approbation.

His Highness said at last interview with him, he had long reflected on the manner of meeting the question as he could wish, by indemnifying the slaveholders for their property, and destroying at once the slavery system. But that I was aware his treasury was far from being equal to such an effort; and he could not, on the other hand, force on his subjects the injustice of liberating their slaves wthout an equivalent.

That, however, he could safely adopt my proposal of declaring free all negro children after a certain date; and he would give it force of law on that same morning, by issuing proclamations to the authorities under him, ordering that all infants born of slaves from the 8th instant, should be considered as free, and treated as equal to any other Mussulman.

His Highness concluded by saying that he would communicate with me in writing upon the subject, which he has since done (and I have the honour to enclose a copy of his Highness's letter with a translation), in order that I might bring the matter fully to your Lordship's knowledge, as soon as possible; because he was sure your Lordship would derive as much satisfaction by it, as he felt in being finally able to put it into execution; and having no doubt, that your Lordship has formed a due estimate of the difficulties he has met with.

Your Lordship is already aware that his Highness had successively prohibited the introduction of slaves by land, and by sea, as well as the public sale of the slaves now existing in the Regency; accompanying the prohibition, by the destruction of the market, where they were exposed for traffic. Those may be considered, and indeed, were, preparatory measures to conciliate the spirit of the Tunisian people to the innovation, of which the last is the effective and conclusive one; and it affords me the greatest satisfaction in assuring your Lordship that, in a few years, slavery will only exist here in the memory of men.

I have deemed it my duty to congratulate his Highness upon its happy result; but in reference to what I took the liberty to submit on a former occasion, on this subject, I can only consider it but a feeble retribution; and I cannot sufficiently express how highly desirable it would be on every account, that some token of Her Majesty's Government's regard and approbation of his Highness's proceedings should reach him, but more particularly in consideration of his efforts in the slavery measures.

Since writing the above, I have received a circular letter which the Bey has addressed to all the Consuls, dated two days after the one I have above referred to, and on the same subject; and I beg equally to enclose a copy and translation of it for your Lordship's information.

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

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

First Enclosure in No. 72.

HMED BASCIA BEY, &c.

A Notre Allié le Chevalier Thomas Reade, Consul-Général du Gouvernement Anglais à Tunis.

VOUS connaissez combien nous avons de compassion et de pitié envers les esclaves, à cause de la non-observance de leurs propriétaires des réglemens qui les régissent.

Détruire l'esclavage tout à la foi aurait pu produire des troubles et des pertes énormes aux gens. Nous avons été consequemment de suivre notre but par degré pour éviter et ces troubles et ces pertes, et commençant par libérer en masse les nôtres, jusqu'à laisser que cela fût connu et publique.

Nous avons ensuite défendu l'exportation d'esclaves de nôtre Régence, comme un objet de trafic; et fîmes suivre cette mésure par la prohibition de vendre les hommes au marché publique, en détruisant la Bâtisse où on le fesait; et en annullant le Révénu que nous percevions sur leurs ventes nous avons purgé la Régence de cette souillure.

Nous avons ensuite défendu l'Introduction d'esclaves et par mer et par terre: et nous annonçâmes aux marchands negriers, que tout esclave qui pût être importé dans cette Régence serait libre comme tout autre homme libre, sans qu'on pût le vendre ni l'acheter.

Tout ala est à votre connaissance; et il ne reste d'esclaves que ceux qui étaient déja dans le Pays. Nous avons decidé maintenant que tous leurs enfans soient libres, afin que ceux qui sont nés dans cette Régence, ne puissent être vendus ni achetés.

Nous avons émané des ordonnances que nous éxpédiâmes à toutes les parties de nôtre Régence, en faveur de cette branche de l'Espèce Humaine, jusqu'à ce que nous puissions atteindre au bût que vous savez être dans nos désirs, (et que nous régardons comme une œuvre méritoire envers Dieu) d'une manière prudente, et dont il ne puisse dériver de dommage. Sur quoi nous prions Dieu de nous accorder son assistance. Conservez vous sous la sauve garde de Dieu.

Ecrite le 6 *D'y El Haada,* 1258.
(8 *Decembre,* 1842.)

Second Enclosure in No. 72.

(Traduction.) HMED BASSA BEY, &c.

A Notre Allié le Chevalier Thomas Reade, Consul-Général de Sa Majesté Britannique.

LES obligations envers les esclaves sont très sévères dans notre Religion. C'est pour cela que nous avons décidé de dèfendre l'Introduction d'Esclaves dans nôtre Régence comme un objet de vente; en sorte qu' étant importés dans le Pays, après les prémunitions dûment données ils deviennent libres; nous avons défendu le Marché, et nous empèchâmes ensuite qu'ils fussent exportés.

Nous avons maintenant decidé que tout enfant nègre né sur nos possessions, soit libre, afin que tous ceux qui sont nés dans dans votre Régence, ne puissent être vendus ni achetés. Sachez cela et Conservez-vous sous la conservation et Dieu.

Ecrite le 8 *Haada,* 1258.
(10 *Decembre,* 1842.)

No. 73.

Sir T. Reade to the Earl of Aberdeen.

Tunis, March 21, 1843.
(*Received April* 12.)

MY LORD,

I BEG leave to inform your Lordship, that a negro boy about ten years of age, has lately taken refuge in the British Consulate, under the following circumstances.

He said that he had been brought from Morocco, touching at Gibraltar, on board a Sardinian ship, by a Morokine named Hage Hmed Serti, who, some days after his arrival at Tunis, had caused him to be shipped, and carefully examined before another person. Suspecting that this was done in order to sell him, he had at first remonstrated with his master, but unsuccessfully; he therefore had recourse to our Consul for protection.

As the late regulations established by the Bey, prohibit any introduction of slaves in this regency, under penalty of losing all right over them, I have not hesitated in accepting him, and have given him in charge of my Vice-Consul, in whose house he is, free and unmolested.

His master has indeed asserted that he was not a slave, and that he was even entered in the ship's papers as a servant; but this remained only an assertion unsupported by any material proof.

In reporting therefore the case for your Lordship's information, I can only express my regret, in observing with what facility the boy has been conveyed and disembarked; and had he not been spirited enough to take refuge in our Consulate, he would have been doomed in all probability to perpetual slavery, after the example of others, conveyed by Sardinian ships, in or from the Regency, as formerly reported by me to Her Majesty's Government, and to which the present case is only a sequel.

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

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

No. 74.

The Earl of Aberdeen to Sir T. Reade.

SIR,

Foreign Office, July 20, 1843.

I TRANSMITTED to Her Majesty's Ambassador at Vienna, your Despatch of the 1st August last, reporting the arrival of four Georgian slaves in an Austrian vessel named the "*Febo*," from Tripoli.

I have now received a note from the Austrian Minister in London, indicating the intention of the Criminal Court of Rovigno in Dalmatia, to proceed against the master of the "*Febo*," for his conduct in this affair, and expressing a desire to obtain, with that view, information on certain points specified in the communication from that Minister.

I transmit to you copies of this correspondence, and I have to desire, that you will return to me answers to the Queries contained in the Baron de Neumann's communication, so far as it may be in your power.

I am, &c.
(Signed) ABERDEEN.

Sir Thomas Reade,
&c. &c.

Enclosure in No. 74.

1. *The Earl of Aberdeen to Sir R. Gordon, dated September* 16, 1842.
2. *Mr. Crampton to the Earl of Aberdeen, dated September* 24, 1842.
(See Class C. 1812, Nos. 124 and 126, pp. 215 and 217.)
3. *Baron Neumann to the Earl of Aberdeen, dated July* 8, 1843.
(See Class C., No. 2.)

No. 75.

(Extract.) *Sir T. Reade to the Earl of Aberdeen.*

Tunis, November 16, 1843.
(*Received December* 9.)

I HAVE the honour to bring to your Lordship's knowledge that a negro boy, from eight to nine years of age, has lately taken refuge in the British Consulate, claiming its protection against the cruelty of his master, who constantly flogged and maltreated him in the most unmerciful way. Suchlike applications are invariably granted, until the case of the complainant may be brought before the Bey.

Previous to the steps taken by his Highness for the abolition of slavery, any one so situated could claim, as a right, to be sold to another master; and the slave was thus, in a measure, sheltered against the brutality of his proprietor.

Since, however, the Bey determined upon extirpating this evil from his country, in the hope of ensuring the good-will of the British Government towards him, when acts of cruelty can be proved to have really been exercised by the master on his slave, his Highness never fails to redeem the pledge he has given in the cause of humanity, by granting the liberation of the sufferer.

In the course of the last month the cases of eight slaves were brought by me before his Highness, who, both from a sense of justice, as well as under the idea of doing what he conceived would prove most agreeable to your Lordship's feelings when brought under your Lordship's notice, were immediately declared free, and furnished with papers to that effect.

No. 76.

Sir T. Reade to the Earl of Aberdeen.

Tunis, November 20, 1843.
(*Received December* 9.)

MY LORD,

WITH reference to Sir T. Cartwright's Despatch, dated Stockholm, May 31, 1842, and inserted in Class B. of the Correspondence with Foreign Powers relative to Slave Trade, No. 329, wherein he informs your Lordship, "that the Swedish Government, satisfied that Mr. Gaspary was implicated in the transactions of embarkation of slaves, had instructed the Swedish Consul at Tunis to discharge him from the office he holds, of Vice-Consul at the Goletta," I beg leave to bring to your Lordship's knowledge that, notwithstanding that disposition, the Swedish Consul continues officially to employ him as he did before; and a Swedish corvette having lately arrived here, Mr. Gaspary was permitted to act even for her, as he would have done for a ship of any of the nations whose Vice-Consul he still is.

I am the more induced to bring these circumstances under your Lordship's notice, as in perusing the Enclosure in No. 327 of the same Class of Correspondence, I find that the Swedish Consul, to counteract any bad impression his Government might derive from Mr. Gaspary's dismissal from the British service, hastened to inform them that, to justify his own conduct, Mr. Gaspary had addressed a circular to himself as well as to the other Consuls, requesting their testimony as to whether it was to their knowledge that he had ever facilitated any embarkation of slaves; and that the Swedish Consul had answered the appeal thus made to him by Mr. Gaspary, by certifying that during the 20 years he had the pleasure of his acquaintance, his esteem had ever been increased for him, &c., thus implying that Mr. Gaspary had never been engaged in any such like transactions during the period in question.

However much personal feelings may have prompted the Consul to take this step in Mr. Gaspary's favour, I deem it my duty to inform your Lordship that it is notorious that whatever slaves have been embarked at this place (to the period of prohibition) for other countries, have passed regularly through Mr. Gaspary's Office, and no other.

When in June, 1840, I called upon Mr. Gaspary to explain the circumstances that had facilitated the embarkation of a number of negroes who had been sent to Constantinople on board the Tuscan brig the "*Giovine Affricano*," Captain Loffreda, Mr. Gaspary (as your Lordship will see by my Despatch dated June 29, 1840) did not hesitate to acknowledge that he was aware that those negroes were

actually slaves, and that he had placed their names on the ship's papers, because he knew of no prohibition to the contrary.

In a letter which Mr. Gaspary addressed to me on the 8th May, 1840, he further stated that, to his knowledge, none but Russian, Tuscan, Ottoman, and Greek ships, under Russian colours, have ever embarked any slaves; and in another letter, dated the 27th June, 1840, he furnished me with a list of negroes who had been embarked on board different ships from the Goletta. These two letters form Enclosures No. 1 and 2 of my Despatch of the 29th June, 1840.

These, I conceive, are proofs sufficient to establish the fact that, besides the negroes embarked on the Miltiades, which caused his dismissal, Mr. Gaspary was actually cognizant of, and facilitated, similar transactions which had before taken place; thus destroying, under his own handwriting, what officious friends may have been willing to establish on his behalf.

The object of this and similar certificates in Mr. Gaspary's favour, however, is evidently that of impressing upon the minds of the people at Tunis that Mr. Gaspary has been harshly treated by our Government; in which attempt, I am sorry to say, they have, to a great degree, succeeded; and I apprehend, that should the conduct of Mr. Tullin, in employing Mr. Gaspary, notwithstanding the spontaneous disposition taken by his Government with regard to that individual, be overlooked, that impression may be spread still more; for it must be observed, that the utmost pains have hitherto been taken and are still taking by the French Consul, and, through his influence, by the other Consuls, to establish the fact, that Mr. Gaspary has not only been ill used by the British Government, but cruelly so; and nothing has given more weight to this attempt than the Swedish Consul still continuing to employ him.

I have, &c.

(Signed) T. READE.

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

No. 77.

The Earl of Aberdeen to Sir T. Reade.

SIR, *Foreign Office, December* 19, 1843.

I HAVE received your Despatch, "Slave Trade," of the 16th ultimo, reporting the case of a negro boy who had taken refuge in your Consulate, against the cruelty of his master.

Assuming that the statement which you have made to me respecting the law of Tunis and the practice of the Bey thereupon is correct, I approve your humane conduct in adopting and maintaining the course by which the boy may properly obtain a remedy against the ill treatment inflicted upon him.

I am, &c.

(Signed) ABERDEEN.

Sir T. Reade,
&c. &c.

BARBARY STATES (*Tripoli*).

No. 78.

Colonel Warrington to the Earl of Aberdeen.

Tripoli, February 5, 1843.
(*Received June* 10.)

My Lord,

I have the honour to inform your Lordship that I thought it advisable to write Mr. Gagliuffi a letter, of which I inclose an extract, previous to his departure.

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

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

Enclosure in No. 78.

Extract of Letter from Colonel Warrington to Mr. Gagliuffi, dated 24th January, 1843.

Before you leave this for your appointment as British Vice-Consul, I wish to call to your mind a subject of the greatest importance. You are aware of the great interest evinced, and how devoted Her Majesty's Government is to abolish the horrid Traffic in Slaves. Your zeal and exertion will therefore be directed to the noble cause, in not only discouraging that horrid trade, but I am sure you will by actions and words do all in your power to better the condition of the unfortunate slave. However discretion and delicacy towards the Turks will prevent your acting in a way that may be considered hostile or even obnoxious to them, your own good sense will prevent you (directly or indirectly in the barter of European produce for that of the interior) having anything to do in such disgraceful traffic; and I should even recommend, that in caravans which you may send down, that they are not accompanied by slaves sent by the Turks or natives, to be sold on their arrival.

(A True Extract.) (Signed) H. WARRINGTON.

No. 79.

Colonel Warrington to the Earl of Aberdeen.

Tripoli, March 14, 1843.
(*Received April* 12.)

My Lord,

I have the honour to send your Lordship a translation of a letter I have received from Vice-Consul Gagliuffi, by which you will see that he arrived at Sukna, in the territory of Fezzan. It is very gratifying to me to find how well and how cordially he has been received by the natives, as it fully realises my anticipations.

When the person arrives to obtain the Pacha's sanction for a marauding force to invade the Black country, I shall do all in my power to get him to reject such a plan.

With great deference, but with full confidence, my Lord, I say, that commerce wiil promote labour; it will tend to civilisation; it will in every way better the condition of the poor black race, and will make rapid progress towards the Abolition of Slavery.

It is very difficult to make any innovation on old and long existing prejudices, and with the erroneous eye merchants view the general state of the interior, few

will embark any property in that trade; however, I hope a steady perseverance will give confidence, particularly as it will be attended by such great profit.

In my opinion, there would be no difficulty to have Vice-Consuls at Bornou and Soudan. I write Mr. Gagliuffi every week by the courier, and he will find all my letters on his arrival at Mourzuk.

I have, &c.

(Signed) HANMER WARRINGTON.

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

Enclosure in No. 79.

(Translation.) *Mr. Gagliuffi to Colonel Warrington.*

SIR, *Sukna, February* 26, 1843.

I HAVE the honour to announce my safe arrival here on the 19th instant, all in good order. The Mudir or Kaid received me very well, assisting me in all I required. As soon as he knew that I was approaching the town, he ordered the flag to be hoisted upon the castle, and, accompanied by four horsemen, he came to meet me, about two miles distant, when I also displayed our glorious jack, to return the compliment. Near to the town gates I was received by the Governor and all the first people, and a number of others, all congratulating me on my arrival.

Numerous slaves and black slaves of all ages began singing, according to the Arab custom, to express their joy, as they do in these parts when accompanying the bride, and they thanked God, for the favour granted them of the day having arrived for seeing a British representative amongst them. Accompanied by all these people I entered the town, and along all the streets, and from all the houses, the same singing was to be heard. I dismounted at the castle, where I received the visits of all those who accompanied me. Immediately a house was prepared for me, and I had scarcely taken possession of my temporary residence, when they all came to renew their compliments and congratulations on my arrival. It was then that they expressed to me the happiness they felt on seeing me amongst them, and they begged me to allow them to offer up a prayer (a Fetha), to the end that God might grant a long life to our Sovereign, so that she may be enabled to extend more and more her beneficence. I must own, that along the whole road, as well as here, all look upon me as a protector. May God give me the grace to do good to these unfortunate people! After leaving Nefeh I did not meet with any more Arab tents; they have retired, fearing some scouring party from the Gebeh; for the same reason, the man whom Ahmet Bey l'Abiah gave me, named Seid s'Emgeruith, deserted me four miles from Nefeh, although he had orders to accompany me as far as I wished: from this you can judge what fine escorts they give one in these times. As to me, it mattered little whether I had him or not, but had it been another traveller, unacquainted with the country and the Arabs, he would have found himself greatly embarrassed. Arrived at Bongeim, my people pointed out to me a man that had been assassinated near the mouth of one of the wells, which they all suppose is the courier who was missed about two months ago, and with whom was lost the mail, a camel, and a good sum of money, which they were sending from Fezzan to Tripoli. It is very necessary that his Excellency the Pacha should station a guard in that castle to prevent assassination taking place with impunity, and the roads would be much more secure. Here also camels are scarce, being out grazing, and far distant, and notwithstanding the exertions of the Mudir, they cannot be here before Wednesday next; and owing to our having taken them from grazing, I am obliged to give them five dollars for each camel from this to Mourzuk. You will therefore take into consideration what enormous expenses I have been obliged to incur until I get to the end of my journey. Everywhere meat is very dear, and here there is a want of grain, barley, oil, meat, and butter; and when it is for the use of the British Vice-Consul the price is always increased. The last war ruined this province, and out of thirty-five thousand date trees one does not see more than two hundred in a state of vegetation; all the others were cut down during the siege of last year. The town is in the greatest state of misery, and I am surrounded by beggars supplicating for relief; and, for the honour of the situation I hold, I cannot send any

one away without giving them some trifling charity. The number, however, is very great, and amongst these are many slaves, abandoned by their masters, who have not the means to maintain them; they say to me, "Your people wish to free us from slavery we all know; assist us now so that we should not die from hunger."

I have done as much as has been in my power, and I can assure you that I feel greatly the sacrifice. The same day I got in here there arrived from Mourzuk a certain Sheik Musbah, from whom I learnt that he was on his road for Tripoli, and the bearer of letters for his Excellency the Pacha from Bechir Bey, Governor of Mourzuk, which letters contain the proposition of forming an expedition for the Black country, to carry away these unhappy blacks. The said Sheik Musbah believes that his Excellency will give him the command of this expedition.

I gave him a letter for Mr. Frederick, so that you might get acquainted with him, and know the result of the mission. It is to be hoped that his Excellency the Pacha will reject such an infamous plan, and that he will prohibit them from making use of the Sultan's name to commit rapines of this nature.

You can make known to his Excellency the great injury which such an expedition, if it ever took place, would do him, because, instead of drawing closer and cultivating the friendship of that population, they would thus go farther away, and commerce would suffer materially, and, if I have been rightly informed, commerce is already very oppressed in those parts. From a Sceriff, a most respectable person, I have been assured that I was expected with great anxiety, particularly by the Tuariks and people of Bornou and Soudan, who have been relying upon my being able to assist them with the Pacha, and re-establish commercial affairs in their primitive state. Without, however, an order from you (even if I am asked) I will promise nothing. If his Excellency wishes that commerce should revive, he must facilitate it, and give severe orders that no abuses should be committed; speaking of Mourzuk, assure the Mudir acts with much humanity, and is beloved by all the population. By the last courier I did not receive any letters from you, which I mention for your guidance. I beg you will not forget me, and take into consideration the enormous expenses I have been obliged to incur to accomplish my mission.

I have, &c.

Hanmer Warrington, Esq. (Signed) J. B. GAGLIUFFI.
&c. &c.

No. 80.

Colonel Warrington to the Earl of Aberdeen.

Tripoli, May 19, 1843.
(*Received June* 10.)

My Lord,

I have the honour to inform your Lordship of the arrival of a caravan at Bengazi with 250 black slaves, and that two other caravans are on the road and daily expected.

A poor slave, his wife, and child came to me the other day in an agony of distress, saying that their master was about to sell them separately, and which was contrary to Turkish law, that they had no friend; and requested me to bring their case before the Pacha, so that justice should be afforded.

I sent immediately, and the enclosed, No. 1, will show what has taken place between me and the Pacha.

Permit me, my Lord, to add that I did not give protection to these people, that I do not oppose the Turkish law, and that in my conversation with the master he never said one word of having been robbed; on the contrary he spoke favourably of these unfortunate slaves, but his determination to sell them separately.

I have, &c.

(Signed) H. WARRINGTON.

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

First Enclosure in No. 80.

Colonel Warrington to M. Casolaina.

DEAR SIR, *Tripoli, May* 17, 1843.

I WISH you to go to the Castle with my compliments to the Pacha, and tell him that a black slave, his wife, and their child, apparently, of five years old, have come to me in the greatest distress and agony of mind, saying that their master was going to sell the husband, wife, and child separately, and export them from this to some foreign market. They said the peculiar circumstances in which they were placed prevented their being sold separately, that it was illegal, and they only wished for justice. Now as justice and humanity are so conspicuous in the character of the Pacha, I appeal to him to afford them justice, and I am confident I shall not appeal in vain. Tell the Pacha the master has been to me, and I have endeavoured to bring him to a feeling of what is due to a fellow being; but his heart was as hard as flint, and that revenge and not money was his chief object, as on no terms would he consent to their remaining together. Tell his Highness that I take a great interest in the fate of these unfortunates, and if he will accede to my request, I shall be *permanently and personally* obliged to him.

Believe me, &c.

S. Casolaina, Esq. (Signed) H. WARRINGTON.
&c. &c.

Second Enclosure in No. 80.

M. Casolaina to Colonel Warrington.

SIR, *May,* 17, 1843.

ON the receipt of your letter of this morning I immediately called on his Highness, and having fully explained its contents, through the medium of Mehemet Ali, his Highness coolly answered, "My dear sir, I have nothing to do with another man's property: he can sell, give away, or destroy it, as he pleases; and suppose I should send for the owner of the three human beings you talk of, not to do what he pleases with them (particularly if he is in want of money), he would soon say what business have I with his property." He then said, "Give my compliments to the Consul, and tell him I cannot serve him in this case."

H. Warrington, Esq. (Signed) S. CASOLAINA.
&c. &c.

Third Enclosure in No. 80.

Colonel Warrington to M. Casolaina.

DEAR SIR, *May* 18, 1843.

THE Pacha must have mistaken my application in favour of the unfortunate slaves; they merely asked for justice according to the *Turkish law,* and as the head of any Government ought to be the fountain of justice, I naturally applied to him. Pure and unspotted justice ought to be the right of the slave as well as the freeman, and the high-road to that justice ought to be open to all, and without any impediment. I shall make no other comment, but deeply regret that my application has failed on a subject that would have aroused the feelings of humanity. Communicate the above to the Pacha, and assure him of my high consideration.

Believe me, &c.

S. Casolaina, Esq. (Signed) H. WARRINGTON.
&c. &c.

Fourth Enclosure in No. 80.

M. Casolaina to Colonel Warrington.

SIR, *May* 18, 1843.

I JUST come from the Castle: his Highness at the words, *according to the Turkish law,* seemed a little surprised, and then told me: "Well, who is the owner of these three blacks? let me know his name, that I may send for him;

inquire after the circumstances, and ascertain why he does wish to sell them." He again asked me what age was the child; I said, *apparently five years.*

Therefore, have the goodness to let me know the name of the owner, for his Highness's information and your further commands.

H. Warrington, Esq. (Signed) SEB. CASOLAINA.
&c. &c.

Fifth Enclosure in No. 80.

M. Casolaina to Colonel Warrington.

SIR, *May* 19, 1843.

AT 9 o'clock precisely this morning, the Pacha sent for me, and I just now come from the Castle.

When in his presence, his Highness sent for the new Governor, Seid, and after they had a little talk between them, Mehemet Ali, his Highness's Interpreter, told me, the Pacha desires you to inform the Consul, that it is not true that Hag Mohamed Gemady wishes to sell his three black slaves, neither *jointly* nor *separately;* that one of them (not saying whether the man or the woman) stole from him (the master) something, and then they ran away to the Consul's garden. I very politely asked in what consisted their theft? His Highness (rather angry) said, "What do we know? it is sufficient for you to know that the three blacks must be restored to their owner forthwith"—and then turning to the Governor, said, "Send persons to bring them back to the owner;" and the boy who accompanies the bearer of this, is the person appointed for this service.

H. Warrington, Esq. (Signed) SEB. CASOLAINA.
&c. &c.

No. 81.

Colonel Warrington to the Earl of Aberdeen.

Tripoli, June 2, 1843.
(*Received July* 3.)

MY LORD,

I HAVE the honour to inform your Lordship, that an Ottoman Greek saccoleva will leave this in a few days with 200 poor black slaves.

I beg to refer your Lordship to enclosure No. 1, being an extract of a letter from Mr. Vice-Consul Gagliuffi of the 13th ultimo.

I have always been of opinion that commerce will abolish slavery, but I fear there will be much difficulty for Her Majesty's Government or the Anti-Slavery Societies to embark in commerce even to attain such desirable ends. The Vice-Consul stands on very delicate ground, and I trust he will avoid manifesting any active part, but leave the result to commercial operations.

Considering the smallness of trade, the scarcity and expenses of the country, and the decided and essential service arising to benefit our fellow-creatures, provided M. Gagliuffi conducts himself with steady perseverance and great prudence, both of which I believe he will do, I only trust that he may meet with some support, so that by having fair prospects before him he may be induced even with his present limited means, to continue his residence at Mourzuk, where so much is yet to be done towards the abolition of slavery.

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

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

Enclosure in No. 81.

(Translation.)

Extract of Letter of Mr. Vice-Consul Gagliuffi, dated Mourzuk, 13*th May,* 1842.

THE Arabs and traders of the interior are not to be persuaded by words; they wish to see evidence, and though I advise them, this has no effect on them.

I assure you, that a great number of individuals are convinced that Slave Trade is against both Divine and human law; they say to me, "Show us how to gain in other articles, give us some merchandise on credit, and we shall go and exchange it with such goods as you wish; we very willingly renounce the trade of mankind—if you will not give it to us, we are obliged to take it from Mussulmen, who only wish blacks in return."

Though there is nothing to fear, my small capital does not permit me to extend my operations; and alone, I shall not be able to do anything. As I have said in my preceding letter, the Anti-Slavery Society ought to profit of this moment, and without making any sacrifice (for the money would not be lost), they would assist much these unfortunates.

If you think that by advices and writing you will attain this object, you are deceived; facts and money are required, this has great power; and using it with policy and caution, a good result may be hoped.

H. Warrington, Esq. (Signed) G. B. GAGLIUFFI.
&c. &c.

No. 82.

Colonel Warrington to the Earl of Aberdeen.

Tripoli, June 9, 1843.
(*Received July* 3.)

My Lord,

Considering the subject of slavery so interesting that I deem it my duty to afford all the information I am able to glean from the interior, I therefore have the honour to submit to your Lordship an extract of a letter from Mr. Vice-Consul Gagliuffi, as will appear by enclosure No. 1.

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

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

Enclosure in No. 82.

Translation of a Letter from Mr. Vice Consul Gagliuffi to Consul-General Warrington, dated Mourzuk, 20*th May,* 1843.

If once the natives and the Sheiks themselves, were to find people willing to furnish them with what they want at moderate prices, in barter with their products, they would also abstain from selling their own children and servants; a thing which they are now compelled to do, to provide for their necessaries. To be moved to compassion towards them one must be an eye-witness, as I am, and see in what wretched state these slaves do arrive from the interior; certainly they would move to pity even a stone. They are naked, and a small piece of rag, or a skin, covers their genitals. If civilisation and industry were introduced, it is certain the condition of that unfortunate population would be bettered by suppressing the infamous traffic. Persons, however, should be sent, who should act as I have said.

Government would not lose a farthing, nay, they would profit; and have the glory of having rendered happy a population the most miserable that is known.

(A true Extract.) G. B. GAGLIUFFI.
H. Warrington, Esq.
&c. &c.

EGYPT.

No. 83.

Colonel Barnett to the Earl of Aberdeen.

Alexandria, April 19, 1843.
(*Received May* 7.)

MY LORD,

MR. LAURIN has kindly communicated to me a letter lately received by him from an Austrian subject residing at Khartoom, an extract from which I have the honour to transmit herewith to your Lordship.

It appears from this letter, that the "Gazua," or slave hunting, by the troops of the Pasha, still continues, in spite of the promise given by his Highness some years ago to Colonel Campbell, that the practice should be discontinued, an he distinct declaration made to me subsequently, referred to in my Despatch, "Slave Trade," No. 2, of the 12th July, 1843.

I have, &c.

(Signed) C. S. BARNETT.

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

Enclosure in No. 83.

(Translation.) *Extract of a Private Letter from Khartoom.*

ACHMET Pasha, the Governor of Sennaar, being on the point of leaving for the Sigoglian mountains, for the purpose of subduing the Bisharians, was all at once obliged to give up his design, and to hasten to the mountains of Abu Schongul, whose inhabitants have risen, being headed by Sheik Driss Aslan.

It is now twenty-two days since he went thither to begin the slave hunt, or gazua.

On the opposite side, Emin Bey, General of Brigade, has set out from Cordofan, with the view of penetrating as far as Darfoor; but as this plan is attended with many difficulties, the General has not been able to get farther than within two days' march of the hills of Cordofan.

Each of the above two bodies is composed of 7000 men, namely, that of Achmet Pasha consists of the 1st Regiment of Infantry, and of 3000 irregular natives, armed with pikes and sabres; and that of Emin Bey, of the 2nd Foot, and 6000 natives, partly mounted on horses and partly on dromedaries, in addition to some gunners.

Prodigious wretchedness prevails in this country, the inhabitants being burdened with taxes. Traders, whether natives or coming from Soakin and the borders of Abyssinia, are made to pay on their commodities, a duty of a golden okie, if of middling condition, and two okies those of superior station, while boys of from ten to fifteen, pay half an okie.

The civil and military officers receive the amount of their salaries and pay in so much cloth of the country; and the custom-houses that make their demands on the same footing, require ten per cent. both on merchandize and on the cattle driven by the dealers from one place to the other.

Mehemet Ali Pasha has issued orders for the purchase of 40,000 bullocks, and has fixed the price at 50 piastres per head. He has also commissioned the acquisition of camels, offering to pay from 125 to 150 piastres a-piece for them. The owners of these two sorts of beasts are compelled to take this price, which is extremely low.

Despotism is overwhelming in these parts.

All commodities which hold out any the least prospect of profit, are disposed of exclusively by Achmet Pasha.

No. 84.

The Earl of Aberdeen to Colonel Barnett.

SIR, *Foreign Office, July* 6, 1843.

I HAVE received your Despatch of the 19th of April last.

I have to desire that you will seek an interview with His Highness the Pacha, and call his attention to the promise which he made in December, 1837, to Colonel Campbell, that the practice of slave hunting should cease on the part of the troops; and that even if the abolition of all Slave Trade required sacrifices on his part, he would be ready to make them. You will remind him likewise of the declaration which he repeated to you in July 1842, that he would put an end to all slave hunts.

You will express the deep regret of Her Majesty's Government at hearing, by the recent accounts from Egypt, that this barbarous practice still continues on the part of the Pacha's troops; and you will call upon His Highness to give effect and force to his repeated promises on this head by some public act, in order that the officers and agents of His Highness may be assured that it is His Highness's intention that, in accordance with his word, such cruelties shall cease.

Colonel Barnett, I am, &c.

&c. &c. (Signed) ABERDEEN.

No. 85.

Colonel Barnett to the Earl of Aberdeen.

Alexandria, August 1, 1843.

MY LORD, (*Received September* 10.)

I COMMUNICATED to the Pasha a few days ago your Lordship's Despatch marked "Slave Trade," of the 6th ultimo.

His Highness admitted that negroes were taken by force in the Sennar as soldiers, and added that he had no other means of recruiting the regiments which he was obliged to keep in that country.

The Pasha positively denied, however, that any negroes so taken were sold as slaves.

On this point it is difficult for me to obtain positive information.

I again reverted to the general question of slavery, and pressed the Pasha to fix some time after which the importation of slaves into Egypt should be forbidden.

His Highness repeated the declaration he made to Colonel Campbell, in 1837, and to myself last year, that he was personally favourable to the Abolition of Slavery, but that the prejudices of the higher classes were too strong on that question for him, at present, to venture upon such a measure. He said, "I once spoke to my daughter on the subject: you know that women have a great influence over men in all countries, and I asked her why she did not employ native female servants in her Hareem? she turned away her head and made me no answer. I tell you this anecdote to show you how difficult it would be to break through the habits of the higher orders, and to do away with slaves."

I must, however, be permitted to doubt the sincerity of the Pasha's declaration that he is desirous of abolishing Slavery.

Mehemet Ali has shown, on many occasions, that where he has the will he has the power to make himself obeyed, and had he been sincere in his professions, he would, in the course of six years, have taken some steps to prevent the further importation of slaves into Egypt.

I have, &c.

(Signed) C. J. BARNETT.

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

No. 86.

The Earl of Aberdeen to Colonel Barnett.

Alexandria, August 20, 1843.
(*Received September* 10.)

MY LORD,

IT is my duty to acquaint your Lordship, that I have been informed within these few days by a gentleman, upon whom I believe I can rely, that vessels bearing British colours are engaged in carrying away slaves from the ports on the Western Coast of the Red Sea.

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

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

No. 87.

The Earl of Aberdeen to Colonel Barnett.

SIR, *Foreign Office, September* 22, 1843.

I HAVE received your Despatch of the 20th ultimo, stating that you have been informed that vessels bearing British colours are engaged in carrying away slaves from the ports on the Western Coast of the Red Sea.

I have to desire that you will lose no time in instituting minute inquiry into the transactions alluded to, and that you will acquaint me with the result thereof, for the information of Her Majesty's Government.

I am, &c.
(Signed) ABERDEEN.

Colonel Barnett,
&c. &c.

No. 88.

Colonel Barnett to the Earl of Aberdeen.

Alexandria, September 6, 1843.
(*Received September* 27.)

MY LORD,

IN reference to my Despatch, "Slave Trade," of the 1st of August, I have the honour now to transmit to your Lordship a copy of a letter I have received from his Excellency Boghos Bey, on the subject of the slave hunts said to be still carried on by the troops of the Pasha in the Soudan.

On a question of so much importance, I thought it prudent to request that I might be furnished by the Pasha with a written reply to your Lordship's Despatch of the 6th July, and after a delay of several weeks, the enclosed explanation was sent to me by Boghos Bey.

It is right that I should remark to your Lordship, that the journey of the Pasha to Fazoglou, to which his Excellency alludes as "*fait dernièrement,*" was made in the year 1838.

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

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

Enclosure in No. 88.

Boghos Bey to Colonel Barnett.

MONSIEUR LE CONSUL-GENERAL, *Alexandrie, 2 Septembre,* 1843.

J'AI l'honneur d'accuser réception de la traduction d'un extrait d'une dépêche Ministérielle, que vous avez bien voulu me communiquer, pour rappeler à Son Altesse le Vice Roi, mon Maître sa promesse passée pour l'abolition de la chasse des Nègres par ses troupes.

Je ne crois pas nécessaire d'énumerer ici les efforts que Son Altesse a fait sans

interruption à cet égard. Il suffit de dire qu' après avoir écrit aux autorités du Soudan, tant antérieurement que postérieurement, des ordres afin d'empêcher de telles excursions, Son Altesse a émancipé six mille négres à la fois pendant le voyage qu' elle a fait derniérement à Fazoglou.

Son Altesse désirant ardemment annuler cet usage inhumain ne cesse de prendre des mésures énergiques afin d'entraver ce commerce. C'est donc dans ce seul but qu'elle s'est empressée d'en augmenter le droit de Douane.

Quoiqu' elle tâche d'abolir en peu de tems un usage reçu et mis en pratique par la nation depuis plus de douze Siécles, elle peut cependant en prouver la difficulté, comme l'excuse la plus juste, excuse qui sera sans doute appreciée par tous ceux qui connaissent les mœurs des nations. Avec tout cela elle s'applique sans relâche à créer graduellement des difficultés afin d'atteindre ce but.

Vous n' ignorez pas que les peuplades de ces contrées sont sauvages; l'humanité ne pourrait pas approuver de les laisser dans cet état brut privées de tous les bienfaits de la civilisation qu'on travaille partout à repandre parmi les peuples. L'accomplissement d'une œuvre si bonne et si humaine éxige d'abord l'emploi des forces matérielles. Après avoir mûrement refléchi que d'y envoyer d'ici de pareilles forces serait non-seulement couteux, mais encore en épouvantant ces peuplades les rendrait plus sauvages et leur oterait la tranquilité et que de recruter comme cela se pratique dans les pays florissants le nombre de soldats nécéssaire pour completer le manque que le tems a causé dans son armée qui se trouve dans ce pays Son Altesse s'est décidée dans le tems à mettre ce système en pratique.

C'est en suivant ce système adopté généralement que les moyens et l'organisation de la vie sociale ont déjà fait assez de progrés. Je dois pourtant vous assurer que ce recrutement ne se fait pas par la chasse des négres mais bien par l'application de la règle admise; on ne reçoit comme soldats ces négres qu' après qu'on leur a donné la liberté. La parfaite liberté dont ils jouissent ne peut pas être mise en doute par cette seule raison qu'il n'y a nul empêchement à leur mariage.

J'espére que le Gouvernement de Sa Majesté Britannique, par l'effet de la bienveillance qu'il a toujours témoignée à Son Altesse le Vice Roi, mon Maître, voudra bien prendre en considération tout ce que j'ai eu l'honneur de lui exposer ci dessus et lui conserver les sentimens d'estime et d'amitié dont Son Altesse se glorifie justement.

Agréez, Monsieur le Consul Général, l'assurance de ma plus haute éstime et considération.

(Signed) BOGHOS JOUSSOUFF.

Monsieur Le Colonel Barnett,
&c. &c.

No. 89.

Colonel Barnett to the Earl of Aberdeen.

Cairo, November 14, 1843.
(*Received December* 5.)

My Lord,

On the receipt of your Lordship's Despatch, "Slave Trade," of the 22nd September last, I wrote to Mr. Ogilvie, Her Majesty's Vice-Consul, at Djedda requesting him to give me any information he could obtain respecting the report I communicated to your Lordship, that vessels bearing British colours were engaged in carrying away slaves from the ports of the Western Coast of the Red Sea. I have not yet received any reply from Mr. Ogilvie; but I am informed by a gentleman who was sometime resident at Aden, that it is a common practice among the masters of native vessels, trading in the Red Sea, to have on board an English flag, which they hoist in any case of emergency as a protection.

I have, &c.

(Signed) C. J. BARNETT.

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

No. 90.

The Earl of Aberdeen to Colonel Barnett.

SIR, *Foreign Office, December* 23, 1843.

I TRANSMIT herewith to you a copy of a communication which I have recently received from the African Civilisation Society, giving an account of expeditions for making slaves, undertaken during the present year by troops under command of officers of the Pacha of Egypt.

I refer you to my Despatch of the 6th July last upon the subject of slave hunts, and to your Despatch of the 1st August in reply; and I have to desire that you will now repeat to the Pacha the expression of the earnest desire of the Government of this country that His Highness would cause such proceedings to cease.

The mutilation—the indiscriminate murder of men, women, and children; the wholesale destruction of peaceful villages; the carrying into slavery entire tribes of unoffending beings; and then separating and apportioning the individuals of each family as a prey to the several actors in this tragedy—constitute atrocities of the deepest dye, and productive of unspeakable misery to the victims of these enterprises.

The Government and people of this country have long been accustomed to look to His Highness the Pacha of Egypt, as an individual whose conduct is represented to be opposed to the cruel and barbarous customs of his predecessors, and whose sentiments are believed to be in unison with the milder and more humane and liberal sentiments of the present time.

But if such proceedings as those described in the accompanying papers are suffered to continue, the illusion will cease, and the people of this country will see, in His Highness, a person who sanctions, by acts done under his orders, practices the most revolting to human nature, and totally inconsistent with the sentiments which he professes.

You will, by note, express these opinions to His Highness the Pacha of Egypt.

I am, &c.

Colonel Barnett, (Signed) ABERDEEN.
&c. &c.

Enclosure in No. 90.

Mr. Stokes to the Earl of Aberdeen.

Office of the African Civilization Society,
MY LORD, 15, *Parliament Street, November* 17, 1843.

I HAVE the honour to enclose, for your Lordship's information, a statement which has been transmitted to this Office by Dr. Beke, relative to certain slaving expeditions made during the present year by the Egyptian troops, under the command of Ahmed Pasha, Governor of Belled Sudan.

I beg leave to add that Dr. Beke is a gentleman who has just returned from Egypt, and who has been travelling during the three last years in Eastern Africa, under the auspices of some gentlemen connected with the African Civilization Society, for the purpose of collecting information relative to that portion of the continent, and especially on all matters connected with the Trade in Slaves. He was not an eye-witness to the circumstances which he relates, but he received the account of them from a gentleman, who was a Mr. Leopold Weingartshoper, whom he states to have been many years a medical officer in the service of Mohammed Ali Pasha, but who having unsettled pecuniary claims on the Pasha, is desirous that his name should not be made public.

I have, &c.

(Signed) ROB. STOKES, *Dep.-Secretary.*

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

Sub-Enclosure in Enclosure in No. 90.

Account of a Slaving Expedition made by the Egyptian Troops under Ahmed Pasha, in 1843.

On the 15th of Shawál, 1258, (January, 1843) the Egyptian troops, under Ahmed Pasha, the Governor of Sennar, or, more correctly speaking, of Belled Sudan, (the country from Assuan to Fazóglo) marched from Khartúm on a slaving expedition into the country between the White and Blue Rivers. They consisted of five battalions of regular infantry, in number 2950 men, mostly negroes, the officers alone being Turks or Egyptians; 1000 irregular Arab cavalry, 4 cannons and 6000 camels. On the march they were joined by a number of Beduins; and at Galle the force was increased by about 600 negro auxiliary infantry. The route taken by the army, in the first instance, appears to be the same as that marked in Arrowsmith's map as the "Route of Ibrahim (it should be *Ismail*) Pasha." That route, however, is very incorrectly laid down; and the map accompanying the present memoir, not merely corrects it, but also represents the country to a considerable distance to the southward of it, which was not inserted on that occasion.

Arrived on the 9th of February at the head of the Khorel Sido, the cavalry, with a party of Beduins, were detached against the Denkas, a race of nomadic negroes, occupying the banks of the White River. The main army, in the meanwhile, marched southward to Ule, in the country of the Bórun negroes, where they awaited the return of this detachment, which joined them there on the 14th February, bringing 623 slaves, (males, females, and children,) 1500 oxen, and a few sheep and goats. Next day the booty was divided in the proportion of one half to the Government, and one half to the captors. My informant not having accompanied this detachment, saw nothing of its proceedings, and only heard of its result in a general way.

The army now marched on southward into the country of the Bóruns, as far as the Gúnas, about 9° 45′ N. lat., and 32° E. long., when they turned eastward, still through the country of the same people, who, together with the Bártas, another negro people living on the Blue River and along the Túmat, were destined to be the prey of the invaders. At Djebel Tombak, in about 40° N. and 33° E., the first attack was made on the 19th of February. The inhabitants of the village having received warning of the enemy's approach, had retired to the summit of a small isolated mountain rising some 5 or 600 feet above the plain, which mountain was surrounded by the Egyptian cavalry, and then stormed by the infantry. The negroes defended themselves valiantly, and even desperately, preferring death to submission, and its inevitable consequence, slavery; so that but very few men able to defend themselves, escaped death. But so insufficient were their means of defence, their arms consisting only of bows and arrows tipped with ebony, that not one man of the Egyptian troops was killed: and though numbers were wounded by the arrows, still the wounds inflicted were of so trifling a nature as not to hinder a single individual from following his usual avocations. About noon the soldiers returned to the camp with their prisoners and booty, so much of the grain (dhurra and sesáme) as the army wanted having being taken from the village; and then the whole place was given as a prey to the flames.

On the following day (February 20) the slaves taken were reviewed. They were all brought out, in number 526, inclusive of infants at the breast, and examined by the medical officers of the army (principally *Europeans*), in order to see how many of the men were fit to bear arms. They were all naked, being a fine large handsome people, of the true negro race. The men had only a sheepskin over the shoulders, and the women wore a small apron. Only 75 men were found fit for military service, and these had most of them severe musket-shot wounds. After these had been set apart, the Pasha selected the handsomest women and boys, to make up the tale of the half belonging to Government; leaving the remainder to the army, among the soldiers of which they were divided. Thus far all had remained perfectly quiet; but when the allotment was begun to be carried into effect, husbands being separated from their wives, children from their parents, and even infants torn from the arms of their mothers, the cries and lamentations which broke out among these poor wretches were dreadful and heart-rending. The slaves were secured in the following manner. The neck of each captive was inserted between the forked end of a pole

from seven to eight feet in length, and as thick as the arm, the two points of the fork being fastened behind his head. The right arm was tied to the pole, the other being left free. The other end of the pole was then attached to the saddle of one of the soldiers, who could thus drag on his prisoner, without being obliged to pay him much attention. This was the plan adopted with men and stout women; the old people and children were led along with merely a rope fastened round their necks. Having on the march generally to go six or eight hours without finding water, the water skins of the soldiers were not more than sufficient for their own supply during the interval; and the only nourishment of their miserable captives being a little *dhurra* moistened with water, and they being dragged along without any regard to their sufferings, it is not at all to be wondered at that a very large proportion of them should sink from exhaustion and fatigue. Those who were too severely wounded, or whose strength failed them on the march, so that they could not keep up with the army, were on the spot shot through the head by their inhuman masters, without a moment's consideration or the slightest compunction. The result showed that at least one half of the captives died before reaching the head-quarters at Khartum.

On the 21st February the army proceeded northward to Kerr, an assemblage of 10 or 15 small villages, the inhabitants of which, on hearing of its approach, had retired to two stockaded enclosures, erected by them as places of refuge and defence in case of need. On the following morning one of these stockades was attempted to be breached with the cannon, about 40 shots being fired against it; but so ignorantly was the firing conducted that it had no effect whatever, and at length it was discontinued, and the soldiers themselves advanced to the stockade, into which they forced an opening by pulling up the stakes with their hands. The negroes, armed like those of Djbel Tombak, with only bows and arrows, made so resolute a defence that the assailants were thrice driven back. But personal bravery could not avail against the fire-arms of the Egyptians, and, in about an hour, they were overpowered. The scene of horror that now ensued is not to be described. On obtaining an entrance into the stockade, the soldiers not merely shot and cut down all those who continued to resist, but butchered in cold blood men, women, and children, whose wounds rendered them unfit to be taken as captives. And then fire being set to the stockade, the dying, with the dead, were left to be consumed in its flames, whilst the attack of the second stockade was commenced. But seeing the unprofitableness of employing force, the Pasha first attempted to bring its defenders to terms, and one of the prisoners was sent in to call on them to submit to slavery. It was with great unwillingness that he went on his errand. "I know my brethren well," said he; "they will never submit," and he judged them rightly. The brave natives did not even deign to return an answer; so that the Pasha, after waiting some time to no purpose, was obliged to order the attack, which, as might have been anticipated, resulted in the same manner as that of the former stockade. The Turks this day had *six men killed and twelve severely wounded by musket shots*—such was their want of skill and discipline—and 4 severely and 300 slightly wounded by arrows. The loss of the negroes cannot be told. Notwithstanding that many escaped when resistance was no longer possible, the far greater number of these brave people were slain at their posts. From the two stockades 463 captives in all were taken, with about 500 oxen and a few goats. There were numerous swine; but of course these were not touched by the Moslems. The prisoners were divided between the Government and the captors in the same manner as on the former occasion.

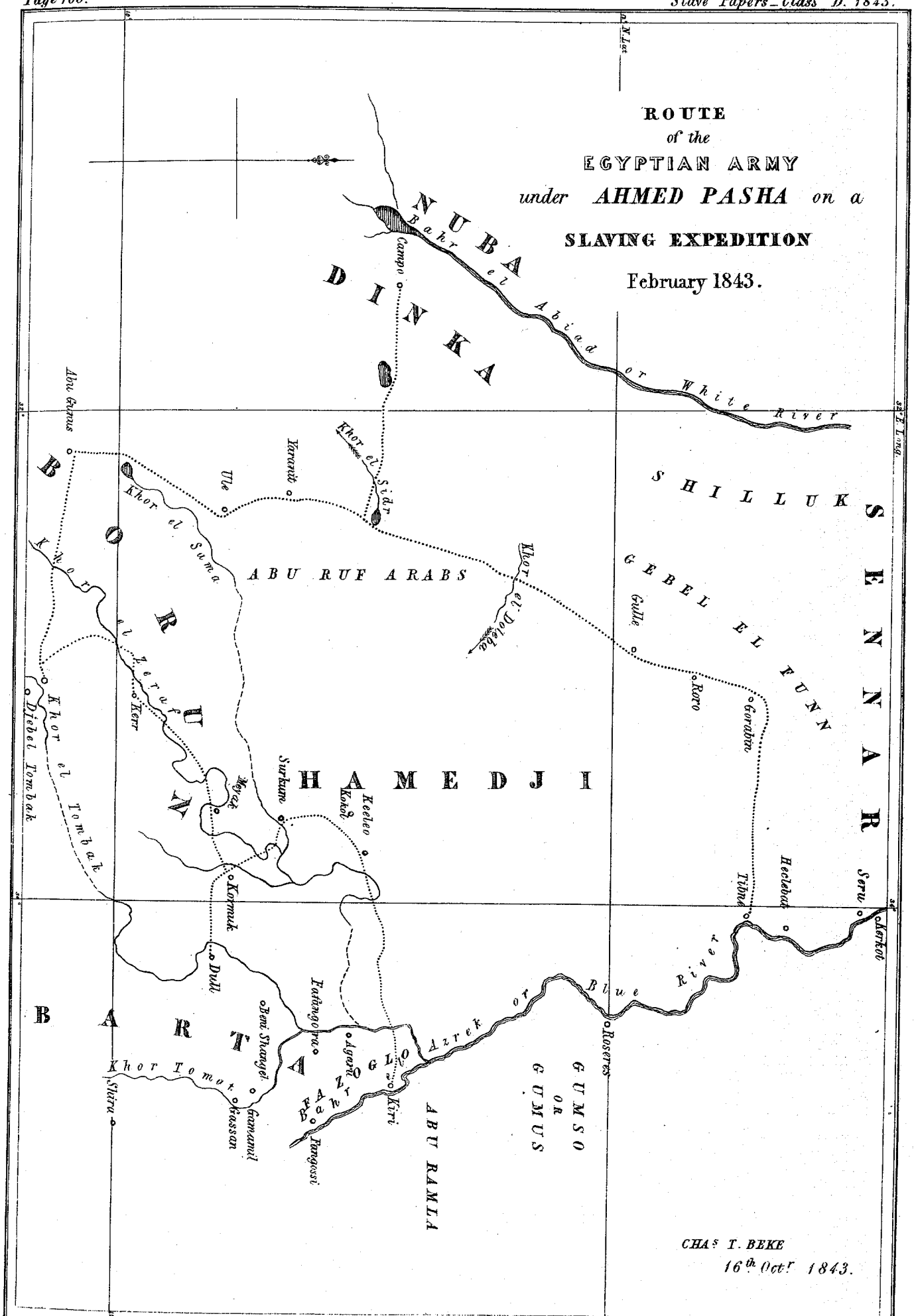
After resting two days, the army marched north-eastward to Méyak. From hence the slaves belonging to the Government were despatched to Khartum, under the escort of the Beduins. The soldiers who did not like to be burthened with their slaves, sold them by way of auction to the Arab traders accompanying the army, at extremely low prices. My informant saw boys of ten and twelve years of age, sold at seven Turkish piastres each, (something less than 1*s.* 6*d.* sterling), and one old woman fetched no more than three piastres (equal to 7½*d.*)

On the 1st of March, the army proceeded eastward to Kirmuk, in 10° 25′ N., and 34° E., the inhabitants of which place, Bóran negroes, who are armed with lances, are noted as the bravest in the whole country, having never been conquered. The village was very large, containing probably 1600 huts. The inhabitants having, as usual, retired to the summit of the mountain, the whole place was ordered by the Pasha to be set fire to. The army remained encamped till the morning of the third, when four battalions of infantry and the negro auxiliaries advanced to storm

the mountain, the fifth battalion of infantry remaining behind to guard the camp, whilst the cavalry and Beduins surrounded the mountain, to prevent the escape of any fugitive. One of the battalions of infantry, which was the first to ascend the mountain, came to an enclosure containing about 1200 women and children, whom the soldiers, incited by the desire of booty, immediately fell upon, and began binding and carrying away. But scarcely had they commenced doing so, when the male negroes descending suddenly from the summit of the mountains fell with loud cries upon the Egyptians, who, little anticipating such an attack, and being by their occupation in a state of disorder, were unable to offer any resistance, but, seized with a sudden panic, and *throwing away their loaded muskets*, fled precipitately. The three other battalions and the auxiliaries who were advancing, being unexpectedly run down by their comrades from above, were infected with the same panic, and the entire army, ingloriously turning their backs on the assailants, fled in all directions without a thought of defending themselves. So complete was the demoralisation, that had the Bóruns but ventured on an attack of the camp, the whole army must inevitably have been annihilated. As it was, the commandant, (a major) two captains, and three lieutenants of the 5th battalion, (the one in advance) with 42 rank and file, mostly of the same corps, 16 cavalry soldiers, 20 Beduins, and 40 of the auxiliary negroes, were left dead on the field, and 102 muskets were found to be missing! The Bórans unfortunately not following up their advantage, the Pasha was enabled to rally his scattered troops; but not venturing on any further operations, he remained quietly encamped till the morning of the 6th of March. He was then thinking of renewing the attack, when a messenger approached from the natives to offer terms of peace. They were out of water, and the Egyptian army was encamped at the watering place; this was the reason of their proposing a nominal submission. The Pasha gladly acceded to the proposal, and agreed to withdraw his troops, on the natives promising to pay a tribute of fifteen ounces of gold; which tribute, however, was never paid, and never attempted to be exacted. On the army's leaving the place, six progreblims were killed by the natives, without any attempt to avenge their death being made by the Pasha.

The army now reached eastward to Dull, to examine some gold mines. This place is in the country of the Bárta negroes, a people, who, although better armed than the Bóran, are much inferior in bravery, and widely different in appearance, being so thin from want of nourishment, that they are little more than skin and bone. My informant never saw so miserable a race, some being little better than walking skeletons. The Bóran negroes, on the contrary, are robust and well fed, their country producing grain in abundance. From Dull, returning past Kormuk, they proceeded by Surkum and Keele back to Fazóglo, on the road, merely once attacking a small village, where they took a few captives. At Surkur they fell into the road by which the slaves taken at Kerr had been sent on to Fazóglo; and here they found the whole way strewed with the skeletons of the unfortunate wretches who had died on the journey. Such an appalling sight was scarcely ever beheld. On the 25th of March, the army of Ahmed Pasha reached Fazóglo, the extreme southern portion of the Turkish Egyptian dominions. The Pasha was but little satisfied with the, result of the campaign, the gross number of slaves being only 1875; whilst Brigadier-General Emin Bey, who had just at the same moment returned from a similar expedition into the country of the Nuba negroes, south of Kadofán, had captured upwards of five thousand.

The slaves falling to the share of the Egyptian Government, are principally destined to recruit the army, Mohammed Ali Pasha finding it easier and cheaper to keep up the number of his forces in this manner, than by forcing the fellahs of Egypt to enlist. On their arrival at Kharton, the men are at once enrolled and disciplined. The women and children are divided by the Government amongst the officers, who have to find a man fit to bear arms in the place of each individual so allotted to them, and the allotment being made before the slaves are despatched from the army, the risk of death has to be borne by the officers and not by the Government. However arbitrary this arrangement may appear, it is enforced without the slightest relaxation, as the following instance will convince. Of one party of 42 slaves entrusted to the Beduins to conduct to Khartum, the division of them having already been made among the officers of my informant's corps, only 21 arrived at the place of destination, the other half having died on the road. The Beduins brought *the ears* of those deceased, in proof of their being no longer



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in existence, and these ears were officially handed over, in the place of the wretched wearers, to the respective officers to whom they had been allotted, who were made to supply the substitutes in the same way as if they had received the living slaves.

The foregoing facts were communicated to me by an European medical officer in the service of the Pasha of Egypt, who had been several years attached to the army of Sennar, and accompanied it on the occasion in question, having been an eye-witness of all that is here related. Comments upon these facts are unnecessary, my duty being confined to bringing them to the notice of Her Majesty's Government.

(Signed) CHAS. T. BEKE.

London, October 16, 1843.

TURKEY.

No. 91.

Sir Stratford Canning to the Earl of Aberdeen.

Buyukdery, October 31, 1843.
(*Received November* 20.)

MY LORD,

I HAVE the honour to transmit to your Lordship herewith an extract of a Despatch from Her Majesty's Consul, at Canea, in Crete, respecting the arrival at that port of a Greek vessel having slaves on board, and the copy of a letter which I addressed in consequence to the Greek Chargé d'Affaires, together with his answer.

I have, &c.

(Signed) STRATFORD CANNING.

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

First Enclosure in No. 91.

Extract of a Despatch from Her Majesty's Consul in Candia, dated Canea, 7th October, 1843.

A GREEK vessel arrived a few days ago from Bengazi, with nine slaves on board. I thought it my duty to draw the attention of His Hellenic Majesty's Consul, Mr. Peroglu, to this circumstance; but as the Captain of the vessel was furnished with Turkish passports for these individuals, in which they were not designated as slaves, Mr. Peroglu, against the evidence of his own senses, decided that no blame could attach to the Captain.

Second Enclosure in No. 91.

Sir Stratford Canning to M. Argyropulo.

MONSIEUR,

Buyukdery, Octobre 18, 1843.

DANS la persuasion que Sa Majesté Hellénique a accédé aux Grands Traités rélatifs à la suppression du commerce des Esclaves je me fais un devoir de vous communiquer l'extrait ci-joint d'une Dépêche qui m'a été addressê par le Consul Britannique à Canée.

Je vous prie, &c.

(Signé) STRATFORD CANNING.

Mon. Argyropulo, Chargé d'Affaires de S. M. Hellenique,
&c. &c. &c.

Third Enclosure in No. 91.

M. Argyropulo to Sir Stratford Canning.

MONSIEUR L AMBASSADEUR,

Péra, ce 7 (19) *Octobre,* 1843.

J'AI l'honneur de remercier votre Excellence de ce qu'elle a bien voulu, par son office en date d'hier, me mettre à même de signaler á mon Gouvernement une contravention aux Lois du Royaume Hellénique.

La Loi fondamentale de mon pays déclare librê tout esclave qui aurait mis le pied sur le sol Hellénique. Une ordonnance Royale émanée en 1841, et changée en loi, prescrit la punition infligée aux Capitaines qui auraient pris les Esclaves à leur bord.

Je ne manquerai pas, Monsieur l'Ambassadeur, d'interpeller le Consul de Sa Majesté Hellenique en Candie sur cet acte, et de m'en rapporter à mon Gouvernement. Je suis bien persuadé qu'on prendra toutes les mesures nécessaires pour faire decouvir et punir le délinquant.

Veuillez, &c.
(Signé) M. J. ARGYROPULO.

Son Excellence Sir Stratford Canning,
&c. &c.

No. 92.

Sir Stratford Canning to the Earl of Aberdeen.

Buyukdery, December, 5, 1843.
(*Received Dec.* 27.)

MY LORD,

REFERRING to a former Despatch upon the same subject, I have the honour to enclose herewith, for your Lordship's information, a copy of a letter addressed to me by the Greek Chargé d'Affaires at this Court, in answer to a communication from me on the subject of a Greek vessel which arrived at a port of Candia some weeks ago with slaves on board, and the conduct of the Greek Consul there respecting it, as reported to me by Mr. Ongley.

The immediate and serious notice which King Otho's Government have taken of the case in question, will no doubt be satisfactory to your Lordship, though it is but fair to remark that Monsieur Argyropulo acquits the Greek Consul of any evil intention.

I have, &c.
(Signed) STRATFORD CANNING.

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

Enclosure in No. 92.

M. Argyropulo to Sir S. Canning.

MONS. L'AMBASSADEUR, *Péra, ce* 22 *Novembre* (4 *Décembre*), 1843.

JE me suis fait un devoir bien empressé de répondre en date du 7 (19) Octobre, a votre office concernant les informations parvenues à votre Excellence par rapport à la conduite du Consul Hellenique en Candie sur la question du Commerce des Esclaves.

Le Ministre des relations exterieurs, Mr. Metaxà, par sa dépêche du 25 Oct. (6 Nov.) approuve complètement les observations que j'avais addressées à Mon. le Consul, et m' autorise, Mon. l'Ambassadeur, de vous faire part que le Gouvernement Royal avait depuis longtemps expédie, conformément à notre Legislation, des ordres tres-séveres sur la prohibition de ce commerce de la part des capitaines Grecs ou autres sujets de Sa Majesté: que dans cette occasion le ministère venait d'addresser des observations très-sérieuses au même Consul, eu lui ordonnant de procéder à un interrogatoire bien ap-profondé sur le fait dénoncé.

En faisant part à votre Excellence des nouvelles assurances du Ministère Royal à ce sujet, je crois devoir encore porter à sa connaissance que dans un long rapport que je viens de recevoir de Mon. Peroglou, notre Consul en Candie, il tache de se justifier par des faits et des temoignages d'une accusation qu'il affirme, n'avoir pas meritée. Ce serait abuser trop des precieux moments de votre Excellence que de lui transmettre la traduction de ce rapport. Je dois néanmoins à la vérité de dire qu'il m' est difficile de croire que M. Péroglou, une personne très-recommandable et très-favorablement connue en Grèce, ait un instant oublié ce qu'il doit à sa propre dignité et à celle du Gouvernement qu'il représente, au point d'agir contre les instructions de son Gouvernement, et contre les loix de son pays.

Veuillez, &c.
(Signed) M. J. ARGYROPULO.

Son Excellence Sir Stratford Canning,
&c. &c.

CRETE—(*Consular*).

No. 93.

Mr. Ongley to the Earl of Aberdeen.

Canea, in Crete, October 6, 1845.
(*Received October* 28.)

My Lord,

I have the honour to inform your Lordship, that for the last two years the Trade in Slaves between this port and that of Bengasi has been increasing.

For some time I have had reason to suspect that the masters of vessels under the Hellenic flag have suffered slaves to be embarked on board their vessels; and my suspicions were confirmed by my seeing the brig "*Achilles*," Captain Manoli Logotheti, under that flag, enter this port on the 25th September with passengers on board, some of whom I easily distinguished to be slaves.

I immediately sent information of this to the Consul of his Hellenic Majesty, Mr. Peroglu, who, after seeing the captain, informed me that the individuals alluded to were passengers, that they were thus qualified in the Turkish bill of health; that each passenger was furnished with a passport from the Turkish authorities at Bengasi; and that, therefore, no blame could attach to the captain. He further went on to say that the captain had declared to him that he had been offered slaves on freight, and that he would not take them, knowing that it was unlawful.

I replied that it was evident that there were slaves on board; upon this the Consul proposed to me to accompany him to see them in the Lazaret, where they had already been landed.

We therefore procured a Dragoman who could speak Arabic, and on arriving at the quarantine ground found some of the passengers (Arabs), and nine blacks, of which two were females, and seven males, three of whom apparently were between 10 and 13 years of age. They were dressed in the common blanket in which slaves brought here are usually clad.

We asked them whether they were slaves; to which one or two replied they were not; but before we interrogated them, an Arab, who evidently appeared to be their owner, said something to one of them, which we did not understand, probably to the effect that they were to say that they were not slaves.

Whilst they were saying they were free and not slaves, one of them gave a knowing wink to our interpreter, as much as to say we are not telling the truth.

Mr. Peroglu said he felt pretty sure they were slaves, but as the captain had got his papers in order, he did not see that any blame could attach to him, and he has therefore allowed the vessel to sail.

Nothing can be easier than for a captain sailing with slaves from one Turkish port to another to have his papers so arranged, as that the slaves may appear to be passengers, especially if the master be, as in the present instance, unprovided with any document from a European authority at the port of his departure.

In speaking of the Treaty against the Trade in Slaves, Mr. Peroglu designated it as "Un Traité illusoire," and certainly it is so, if the masters of Hellenic vessels be allowed to screen themselves by arguments so frivolous as those which have now been brought forward.

The fact is, that Mr. Peroglu holds it as an axiom, that an Hellenic is always in the right," and it is only in some very glaring case that he departs from this rule.

I have, &c.
(Signed) H. S ONGLEY.

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

ALBANIA—(*Consular*).

No. 94.

The Earl of Aberdeen to Mr. Saunders.

SIR, *Foreign Office, August* 16, 1843.

I REFERRED to Her Majesty's Advocate-General your Despatches, dated 5th August and September 30, of 1842, on the case of the Ionian boat "*Madonna Mirtiotissa,*" detained at Prevesa, as it would appear by your authority, and sent for trial to Corfu, on a charge of having been illegally concerned in Slave Trade.

I have now to state to you, for your information and guidance, that Her Majesty's Law Adviser has reported it to be his opinion, that Her Majesty's Consul has not, in any case whatever, a right to detain an Ionian vessel in a Turkish port, on the ground of that vessel having infringed either British or Ionian law; and that this injunction would apply more especially to a case where there is property belonging to Turkish or other foreign subjects on board.

I am, &c.

Sidney S. Saunders, Esq. (Signed) ABERDEEN.
&c. &c.

MUSCAT.

No. 95.

The Earl of Aberdeen to Captain Hamerton.

Foreign Office, May 30, 1843.

QUERIES as to state of Slave Trade and Slavery in the Dominions of the Imaum of Muscat.

(See No. 1.)

No. 96.

(Translation.) *The Imaum of Muscat to the Earl of Aberdeen.*

Zanzibar, 3rd Mohunum, 1259 (*3rd February,* 1843).

(A. C.) (*Received June* 7.)

THE cause of my writing this letter is to enquire after your Excellency's health, and should you wish to know how I am, then, through God's mercy, I am well and happy. Afterwards know that your excellent letter, sent me by my trusty friend Ali bin Naser, reached me; and my true friend, the said Ali bin Naser feels the kindness shown him by your Excellency, and I feel the greatest gratitude for the consideration and kindness of Her Most Gracious Majesty, and also for the good-will of your Excellency, and I pray the Almighty God to preserve Her Most Glorious Majesty to the end. Whatever is in my power to do, to meet the wishes of Her Majesty, I am always ready to do, and likewise whatever you may require of me, and peace be on you.

From the expecting Slave of God,

SAID BIN SULTAN.

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

No. 97.

The Earl of Aberdeen to the Imaum of Muscat.

SIR, *Foreign Office, August* 2, 1843.

IT is with pleasure that I seize the opportunity of the departure of Captain Cogan, of the Honourable East India Company's Navy, for Zanzibar, to address myself to your Highness.

Your Highness is well aware of the unceasing desire of the Government and people of this country for the entire extinction of the cruel Traffic in Slaves. And therefore your Highness will easily believe, that it is not without pain that Her Majesty's Government have recently learnt that vessels from your Highness's dominions are in the habit of supplying the market of Quillemane, in Mozambique, with human beings for sale.

I hasten to acquaint your Highness with this fact, in the certainty that your Highness will be anxious to put an end to a practice, on the part of your subjects, which is so much at variance with the spirit of the Treaty of the 10th September, 1822, between Her Majesty and your Highness, prohibiting distinctly the "carrying slaves for sale to Christian nations."

I send to your Highness, with this letter, an Extract from a communication which I have received, giving an account of these transactions.

Your Highness is doubtless aware, that the British Governor-General in India is pursuing every measure within his power for inducing the extinction of Slave Trade, in all countries under British influence, and the abolition of slavery itself within the territory under British dominion.

Your Highness, I am assured, participates in the satisfaction of Her Majesty and the Government at these measures, because they tend to raise an unoffending but much oppressed portion of mankind in the scale of human beings. And on this ground, Her Majesty's Government, trusting in your Highness's humane and liberal views, confidently call upon your Highness to assist, in the promotion of measures to the same effect, throughout the vast territory within the influence of your Highness.

I have, &c.

His Highness the Imaum of Muscat, &c. &c. (Signed) ABERDEEN.

Enclosure in No. 97.

Extract of a Letter from Captain Christopher, of Her Majesty's Ship Cleopatra, *to Rear-Admiral the Honourable Josceline Percy, C.B., dated in Simon's Bay, May* 5, 1843:—

At the entrance of Quinzungo there is a barracoon for Slaves, as well as between it and Quillemaine; has always on hand a great stock of Slaves, so that a vessel arriving in the river can, in twenty-four hours, complete her cargo. They sometimes go into the river for that purpose, at other times take them in outside the bar, the river being well provided with long boats, so that they can take a cargo out at one trip.

I do not think the Slave Trade is carried on with any activity in this channel; but at Quillemaine, and the small ports in its vicinity at that place, slaves are always to be had at about thirty dollars each, and at the shortest notice.

The market at Quillemaine is in some measure supplied by the dows belonging to the territory of the Imaum of Muscat, which bring slaves along the coast from the interior. There were several detained at Mozambique when I was there.

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