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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.

1844.

1947

EXHIBIT

STATE OF NEW YORK

IN SENATE

January 15, 1947

REPORT

1

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.

From January 1st to December 31st, 1844, inclusive.

Presented to both Houses of Parliament by Command of Her Majesty,
1845.

LONDON:
PRINTED BY WILLIAM CLOWES AND SONS, 14, CHARING CROSS,
FOR HER MAJESTY'S STATIONERY OFFICE.

1845.

1945

UNITED STATES DEPARTMENT OF THE ARMY

FORM

REPORT OF THE COMMISSIONER OF GENERAL INVESTIGATION

AS APPOINTED BY THE BOARD OF INVESTIGATION

CONDUCTED BY THE COMMISSIONER OF GENERAL INVESTIGATION

IN CONNECTION WITH THE INVESTIGATION OF THE

ACTS AND OMISSIONS OF THE

UNITED STATES DEPARTMENT OF THE ARMY

IN CONNECTION WITH THE INVESTIGATION OF THE

UNITED STATES DEPARTMENT OF THE ARMY

1945

UNITED STATES DEPARTMENT OF THE ARMY

UNITED STATES DEPARTMENT OF THE ARMY

Class D.—1844.

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C O R R E S P O N D E N C E

WITH

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

BELGIUM. (*Consular*)—*Ostend*.

No. 1.

Mr. Curry to the Earl of Aberdeen.

Ostend, February 1, 1844.

(Received February 4.)

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Circular Despatch of December 31, 1843, transmitting two copies of an Act of Parliament, entitled "An Act for the more effectual suppression of the Slave Trade," and I shall, in obedience to the instructions therein contained, cause a copy of this Act to be affixed in a conspicuous part of my office, and shall take proper measures for making its purport known to the British subjects resident within this Consulate.

I shall annex a copy of your Lordship's Circular Despatch, and of the Act 6 & 7 Vict. cap. 98, as Enclosures 22 B. and 22 C. to the 26th section of my General Instructions.

I have, &c.

(Signed) E. T. CURRY.

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

&c.

&c.

&c.

ROMAN STATES. (Consular)—Ancona.

No. 2.

Mr. Moore to the Earl of Aberdeen.

Ancona, March 20, 1844.

(Received April 15.)

MY LORD,

I HAVE the honour to acknowledge your Lordship's Circular Despatch, marked Slave Trade, of the 31st December, 1843, accompanying two copies of an Act of Parliament on this subject.

The instructions contained in said Despatch have been duly complied with.

I have, &c.

(Signed)

GEO. MOORE.

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

&c.

&c.

&c.

(5)

GREECE. (*Consular*)—*The Piræus.*

No. 3.

Mr. Green to the Earl of Aberdeen.

The Piræus, Athens, February 20, 1844.
(*Received March 13.*)

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Circular Despatch, marked Slave Trade, of the 31st December last, transmitting two copies of the Act 6 & 7 Vict. cap. 98; and your Lordship may rest assured, that the instructions conveyed in the Despatch will be strictly attended to.

I have, &c.

(Signed) JOHN GREEN.

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

GREECE. (*Consular*)—*Patras.*

No. 4.

Mr. Crowe to the Earl of Aberdeen.

Patras, February 21, 1844.

(Received March 13.)

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Circular of 31st December, 1843, together with two copies of the 6 & 7 Vict. cap. 98, entitled "An Act for the more effectual suppression of the Slave Trade," and shall not fail to attend most carefully to all the instructions therein contained.

I have, &c.

(Signed)

G. W. CROWE.

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

&c.

&c.

&c.

(9)

TURKEY.

No. 5.

The Earl of Aberdeen to Sir Stratford Canning.

SIR,

Foreign Office, April 3, 1844.

I HEREWITH transmit to you a copy of a Despatch which I have received from Mr. Consul-General Warrington, stating, that in a conversation which he had held with the Ambassador from the Sultan of Bornou, the Ambassador declared, that the Sultan is averse to the Slave Trade, and would not hesitate to abolish it, provided England would supply him with the means to enable him to compel the other chiefs to renounce the traffic.

You will take the opportunity to communicate with the Ambassador upon this subject on his arrival at Constantinople, and endeavour to ascertain the degree to which it is probable that the Sultan of Bornou would be able and willing to control the Slave Trade of the north of Africa.

I am, &c.

(Signed) ABERDEEN.

Sir Stratford Canning,
&c. &c.

Enclosure in No. 5.

Mr. Warrington to the Earl of Aberdeen, February 12, 1844.

(See No. 30.)

No. 6.

Sir Stratford Canning to the Earl of Aberdeen.

Constantinople, May 25, 1844.

(Received June 15.)

MY LORD,

AGREEABLY to your Lordship's instructions, I have made enquiry for the expected Ambassador from Bornou, but I cannot learn that he has yet made his appearance in this capital, nor indeed do I find a single person who is in possession of any intelligence respecting him. His approach is not known even to the Master of Ceremonies.

I have, &c.

(Signed) STRATFORD CANNING.

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

No. 7.

Aali Effendi to the Earl of Aberdeen.

1, Bryanston Square, Août 15, 1844.

(Received August 16.)

MILORD,

AINSI que j'ai eu l'honneur de le dire à votre Excellence, dans notre dernière entrevue, un habitant de Tripoli de Barbarie, nommé Hagi-Ali, avait embarqué trente-trois négresses à bord d'un bâtiment de commerce pour Constantinople. Pendant son voyage ce bâtiment a été forcé, par les mauvais temps,

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d'entrer dans le port de l'île de Zante; et aussitôt que le Gouverneur de cette île a su que ce navire contenait des esclaves, il a envoyé des officiers à bord, et a fait saisir par force ces trente-trois négresses.

A l'arrivée de cette nouvelle à Constantinople, et sur la réclamation du propriétaire, le Gouvernement de Sa Majesté le Sultan a fait des démarches auprès de son Excellence Sir Stratford Canning, afin d'obtenir la restitution de ces négresses; démarches qui, malgré les bons offices de Monsieur l'Ambassadeur de Sa Majesté Britannique, sont restées sans aucun résultat.

Or, maintenant la Sublime Porte me charge d'attirer la bienveillante attention du Gouvernement de Sa Majesté sur cette affaire, qui paraît avoir surgi par suite d'une erreur de Monsieur le Gouverneur de Zante; car le Gouvernement de Turquie n'ayant contracté aucun engagement ni conclu aucun Traité avec la Grande Bretagne relativement à l'abolition de l'esclavage dans ses possessions, ne peut reconnaître aux autorités Britanniques le droit d'empêcher un sujet Turc de transporter des esclaves d'un port Turc à un autre port Turc. Que si votre Excellence m'objecte que ces esclaves ont été saisis dans le port de Zante, je répondrai en invoquant le droit des gens, qui dit formellement que le navire est une fraction intégrante du pays dont il porte le pavillon. De plus la Sublime Porte croit sa réclamation d'autant mieux fondée, que les négresses, dont il s'agit, n'ont point été débarquées sur le territoire Britannique, et qu'au moment où les autorités de Zante sont venues les confisquer, elles se trouvaient sous la protection du pavillon de la puissance à laquelle ce navire appartenait.

Cette conduite aurait pu se justifier si quelque insubordination ou quelque plainte de la part de ces négresses avaient nécessité l'intervention des autorités locales, comme cela est arrivé dans d'autres circonstances à peu près semblables. Mais, il est évident que dans le cas dont il est question, Monsieur le Gouverneur de Zante n'avait aucun motif plausible d'agir comme il a cru devoir le faire.

Votre Excellence sait parfaitement, sans qu'il soit besoin d'entrer dans des détails, qu'en Turquie la condition des esclaves est entièrement différente de celle des autres pays. L'esclavage des noirs est pour certains peuples une spéculation sur le travail et la vie de l'homme, qu'ils traitent au niveau de la brute. En Turquie, l'esclavage a un caractère que j'appellerai domestique; car nos esclaves font réellement partie de la famille. Et j'ose affirmer qu'il n'en est aucun, qui s'il était interrogé, regretât l'état primitif et sauvage dont il a été tiré. Cette distinction profonde, me paraît digne d'être prise en considération par le Gouvernement de Sa Majesté.

En conséquence, je me plais à espérer que votre Excellence voudra bien donner les ordres nécessaires, pour qu'on dédommage le dit Hagi-Ali, soit par la restitution de ses négresses, soit par une indemnité proportionnée à la perte qu'il a éprouvée par suite de cet événement.

Je suis, &c.
(Signé) AALI.

Son Excellence M. le Comte d'Aberdeen,
&c. &c. &c.

No. 8.

The Earl of Aberdeen to Aali Effendi.

Foreign Office, September 27, 1844.

THE Undersigned, &c. &c. has the honour to acknowledge the receipt of the note addressed to him on the 15th ultimo, by his Excellency Aali Effendi, &c. &c.

In that note his Excellency complains of the seizure, at Zante, of 33 female slaves, from a Turkish vessel, bound from Tripoli to Constantinople, and driven into a port of that island by stress of weather, and requests either that the slaves in question may be restored to their owner, or that a pecuniary indemnity may be granted to the owner, equal to the loss he has sustained by their emancipation.

The Undersigned has now the honour, in accordance with the opinion given on this case by the proper law adviser of the Crown, to state to his Excellency Aali Effendi, that there has been no seizure of the slaves in question for the purpose of confiscating them for the benefit of the Ionian Government or otherwise, but that the occurrence complained of is simply the effect of an absolute and

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invariable law prevailing at Zante, by which all persons arriving within the Ionian territory become absolutely free, and cannot be again consigned to slavery.

A similar law prevails in England, and throughout the British dominions; and it applies equally to all persons, whether brought in vessels belonging to British subjects, or to the subjects of Sovereigns or States who have, or have not, entered into Treaties with Great Britain for the abolition of the traffic in slaves.

Under these circumstances, it only remains to the Undersigned to express to his Excellency Aali Effendi the regret of Her Majesty's Government that they are unable to comply with the request put forward by his Excellency in his note of the 15th ultimo.

The Undersigned, &c.

(Signed)

ABERDEEN.

His Excellency Aali Effendi,
&c. &c.

ALBANIA. (Consular)—Prevesa.

No. 9.

Mr. Saunders to the Earl of Aberdeen.

Prevesa, April 2, 1844.

(Received May 14.)

MY LORD,

I HAVE had the honour to receive your Lordship's Despatch, marked Circular, of the 31st of December last, enclosing copies of the Act 6 & 7 Vict. cap. 98, relating to the Slave Trade, with instructions in reference thereto.

I have, &c.

(Signed)

SIDNEY S. SAUNDERS.

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

&c.

&c.

&c.

TURKEY. (Consular)—Constantinople.

No. 10.

Mr. Cartwright to the Earl of Aberdeen.

*Constantinople, February 14, 1844.
(Received March 8.)*

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Circular Despatch, Slave Trade, of the 31st December, 1843, enclosing two copies of an Act passed during the last Session of Parliament (6 & 7 Vict. cap. 98), entitled "An Act for the more effectual suppression of the Slave Trade;" and I beg leave to assure your Lordship, that I will not fail to attend to the instructions contained in the Despatch.

I have taken proper measures for making the purport of the Act known to the British subjects resident here, and I have annexed a copy of the Despatch and of the Act to the 26th section of my General Instructions, in the manner directed.

I have, &c.

(Signed)

JOHN CARTWRIGHT,
Consul-General.

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

&c.

&c.

TURKEY. (Consular)—Adrianople.

No. 11.

Mr. Kerr to the Earl of Aberdeen.

Adrianople, February 12, 1844.

(Received March 26.)

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Circular Despatch, Slave Trade, of the 31st December, 1843, transmitting to me two copies of an Act (6 & 7 Vict. cap. 98) entitled "An Act for the more effectual suppression of the Slave Trade."

I have, as your Lordship directs, affixed a copy of this Act in a conspicuous part of my office, and have taken the necessary measures for making known its contents, as well as your Lordship's remarks thereon, to the British subjects resident within this Consulate; and I beg to assure your Lordship, that whenever it comes to my knowledge that any subjects of Her Majesty are implicated in transactions forbidden by either of the Acts of Parliament in my possession, I will not fail to make it known to your Lordship, in order that such steps may be taken as Her Majesty's Government may deem advisable.

I have annexed a copy of your Lordship's Despatch, and of the Act of Parliament, as Enclosures 22 B. and 22 C. to the 26th section of my General Instructions.

I have, &c.

(Signed) JOHN KERR.

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

&c.

&c.

&c.

ticular attention. I will keep a watchful eye upon any undertakings for trading in slaves occurring in this direction; and whenever information may be given me, or it shall come to my knowledge, that any subjects of Her Majesty are implicated in transactions forbidden by either of the Acts, I will not fail to comply with the instructions to transmit a statement thereof to your Lordship.

In obedience to your Lordship's directions, a copy of the Act of 6 & 7 Vict. cap. 98, is affixed in a conspicuous part of my office; I have also taken measures to make its purport known to all British subjects resident within this Consulate; and the second copy of the Act, together with a copy of your Lordship's Circular Despatch, are annexed as Enclosures 22 B. and 22 C. to the 26th section of the General Instructions.

I have, &c.

(Signed)

HENRY SUTER.

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

&c.

&c.

&c.

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TURKEY. (Consular)—Erzeroom.

No. 14.

Mr. Brant to the Earl of Aberdeen.

Erzeroom, March 28, 1844.

(Received May 22.)

MY LORD,

I HAVE the honour to acknowledge your Lordship's Circular, Slave Trade, of the 31st December, 1843, enclosing an (Act 6 & 7 Vict. cap. 98) for the more effectual suppression of the Slave Trade, which has been added, as directed, to the 26th section of the General Instructions, No. 22 B., and a copy of the Circular as No. 22 C.

I have, &c.

(Signed) JAMES BRANT.

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

&c.

&c.

&c.

TURKEY. (Consular)—Smyrna.

No. 15.

Mr. Brant to the Earl of Aberdeen.

Smyrna, February 19, 1844.

(Received March 20.)

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Circular Despatch, marked Slave Trade, of the 31st December, 1843, transmitting to me two copies of an Act (6 & 7 Vict. cap. 98) passed during the last Session of Parliament, entitled "An Act for the more effectual suppression of the Slave Trade," and to state, that in obedience to your Lordship's orders, I have caused a copy of this Act to be affixed in a conspicuous part of my office, and have taken the proper measures to make its purport known to the British subjects resident within this Consulate.

Whenever it shall come to my knowledge that any subjects of Her Majesty are implicated in transactions forbidden either by the above-mentioned Act, or that of 5 Geo. IV. cap. 113, I shall not fail to transmit to your Lordship a statement thereof, in order that such steps may be taken as Her Majesty's Government may deem fit on the occasion.

A copy of your Lordship's Despatch, and of the Act of the 6 & 7 Vict. cap. 98, will be annexed as Enclosures 22 B. and 22 C. to the 26th section of my General Instructions.

I have, &c.

(Signed)

R. W. BRANT, *Consul.*

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

&c.

&c.

&c.

TURKEY. (Consular)—Brussa.

No. 16.

Mr. Sandison to the Earl of Aberdeen.

Brussa, March 25, 1844.

(Received April 22.)

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Circular Despatch, of the 31st December, 1843, enclosing two copies of the Act 6 & 7 Vict. cap. 98, "for the more effectual suppression of the Slave Trade."

I have perused with attention the contents of your Lordship's Despatch, and of the Act accompanying, of which latter a copy has been affixed in a conspicuous part of my office, and I have taken measures for making known its purport to all persons under the British jurisdiction within my Consular district.

A copy of the Despatch now acknowledged, and of the Act transmitted with it, are annexed, as Enclosures 22 B. and 22 C. to the 26th section of my General Instructions, as directed.

And in keeping a watchful eye over all undertakings for trading in slaves within this district, whenever it shall come to my knowledge that any subjects of Her Majesty are implicated in transactions forbidden by the Acts for the suppression of the Slave Trade, I shall not fail to report such occurrence to your Lordship.

I have, &c.

(Signed)

D. SANDISON, *Consul.*

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

&c.

&c.

&c.

TURKEY. (Consular)—Salonica.

No. 17.

Mr. Blunt to the Earl of Aberdeen.

Salonica, March 14, 1844.

(Received April 15.)

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, dated the 31st of December last, marked Circular, enclosing two copies of an Act passed in the last Session of Parliament, entitled "An Act for the more effectual suppression of the Slave Trade," directing me to cause a copy of this Act to be affixed in a conspicuous part of the office of this Consulate, and to take proper measures that the purport of this Act be made known to the British subjects within the jurisdiction of this Consulate, and calling my particular attention to the stipulations contained in the Act.

I have, &c.

(Signed)

CHAS. BLUNT.

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

&c.

&c.

&c.

TURKEY. (Consular)—Candia.

No. 18.

Mr. Ongley to the Earl of Aberdeen.

Canea, in Crete, March 21, 1844.

(Received April 6.)

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch Circular, of the 31st December, 1843, enclosing two copies of an Act passed during the last Session of Parliament, entitled "An Act for the more effectual suppression of the Slave Trade."

I will not fail to attend to the instructions contained in this Despatch.

I have, &c.

(Signed) H. S. ONGLEY.

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

&c.

&c.

&c.

SYRIA. (*Consular*)—*Beyrout.*

No. 19.

Consul-General Rose to the Earl of Aberdeen.

Beyrout, February 29, 1844.

(*Received May 9.*)

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Circular, Slave Trade, of the 31st December, 1843; and I have the honour to say, that I have obeyed the instructions contained therein, and shall strictly adhere thereto.

I have, &c.

(Signed) HUGH ROSE.

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

&c.

&c.

&c.

No. 20.

Mr. Moore to the Earl of Aberdeen.

Beyrout, February 26, 1844.

(*Received April 6.*)

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Circular Despatch, Slave Trade, of the 31st December, 1843, having reference to the copy of the Act of 5 Geo. IV. cap. 113, furnished to Her Majesty's Consuls, entitled "An Act to amend and consolidate the laws relating to the abolition of the Slave Trade," and transmitting for my information two copies of an Act passed during the last Session of Parliament, entitled "An Act for the more effectual suppression of the Slave Trade."

Your Lordship's instructions relative to the subject of the Despatch are carefully noticed, and will be strictly obeyed by me.

I have, &c.

(Signed) N. MOORE.

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

&c.

&c.

&c.

SYRIA. (*Consular*)—*Damascus.*

No. 21.

Mr. Wood to the Earl of Aberdeen.

Damascus, February 23, 1844.

(Received April 9.)

MY LORD,

I HAVE had the honour to receive your Lordship's Circular, marked Slave Trade, of December 31, 1843, enclosing two copies of an Act passed during the last Session of Parliament, entitled "An Act for the more effectual suppression of the Slave Trade," in which the prohibitions contained in the Act of 5 Geo. IV. cap. 113, entitled, "An Act to amend and consolidate the laws relating to the abolition of the Slave Trade," and forming part of the 26th section of my General Instructions, are recited in considerable detail; and by which it is further declared, that all the several matters and things prohibited therein are forbidden to be done by British subjects, wheresoever residing or being, whether in any countries or settlements not belonging to the British Crown, or within the British dominions, colonies, or settlements.

And in obedience to your Lordship's instructions, I will take the proper measures for making its purport known to the British subjects within my Consulate, and will do myself the honour of duly reporting to Her Majesty's Government such information as may come to my knowledge, showing that any subjects of Her Majesty are implicated in transactions forbidden by either of these Acts.

I have likewise noted the several instructions which your Lordship is pleased to give me thereon, to which I will pay my utmost attention.

I have, &c.

(Signed)

RICHARD WOOD.

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

&c.

&c.

&c.

SYRIA. (*Consular*)—*Cyprus.*

No. 22.

Mr. Kerr to the Earl of Aberdeen.

Larnaca, of Cyprus, December 2, 1843.

(*Received January 15, 1844.*)

MY LORD,

I REGRET to inform your Lordship, that it is a very common practice for Europeans resident in this island to purchase slaves for the purpose of employing them as servants in their establishments, and that some of those who enjoy British protection have been guilty thereof.

I have pointed out to some of these parties the heavy indignation that such conduct would call forth from Her Majesty's Government; but they assert in extenuation the ameliorated condition of the slaves by falling into the hands of European instead of Mahomedan masters, and that were they to dismiss them, and so render them liable to be re-purchased by the Turks, the slaves would consider it the greatest misfortune that could befall them; I therefore take the liberty of stating this fact, in order that I may be favoured with your Lordship's commands on the subject.

About 300 to 400 slaves (principally females) are annually imported to this island from Egypt, and usually produce about 1,500 piastres, or 14*l.* sterling, for a female, and 1,200 piastres, or about 11*l.* sterling, for a male.

I have, &c.

(Signed)

NIVEN KERR, *Consul.*

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

&c.

&c.

&c.

No. 23.

The Earl of Aberdeen to Mr. Kerr.

SIR,

Foreign Office, July 10, 1844.

I HAVE received, and have referred to the law officers of the Crown, your Despatch, Slave Trade, of the 2nd December, 1843, stating that Europeans resident in Cyprus, under the protection of the British Consulate, are in the habit of purchasing slaves from Egypt, for the purpose of employing them as servants in their establishments.

You have acted rightly in remonstrating with those Europeans upon the practice here referred to.

You will again remonstrate with them upon this point, and you will tell them, that you have received instructions to withdraw the advantage they receive from British protection if they should persist in a proceeding reprobated as this is by the British Legislature; and if after this they should persist in purchasing slaves, you will withdraw your protection from them accordingly.

Niven Kerr, Esq.

&c.

&c.

I am, &c.

(Signed)

ABERDEEN.

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PALESTINE. (*Consular*)—*Jerusalem.*

No. 24.

Mr. Young to the Earl of Aberdeen.

Jerusalem, April 2, 1844.

(Received May 9.)

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Circular Slave Trade Despatch, of the 31st December, 1843, with the Act of Parliament enclosed, entitled "An Act for the more effectual suppression of the Slave Trade."

I have, &c.

(Signed)

H. T. YOUNG.

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

&c.

&c.

&c.

EGYPT.

No. 25.

Colonel Barnett to the Earl of Aberdeen.

Cairo, February 11, 1844.

(Received March 8.)

MY LORD,

I HAVE the honour herewith to transmit to your Lordship a copy of a letter I have received from Mr. Ogilvie, Her Majesty's Consul at Juddah, in reply to my enquiries respecting a report, alluded to in my Despatch, Slave Trade, of the 20th of August last, that vessels bearing British colours were employed in carrying slaves from the ports on the western coast of Africa.

I have, &c.

(Signed) C. J. BARNETT.

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

&c.

&c.

&c.

Enclosure in No. 25.

Mr. Ogilvie to Colonel Barnett.

SIR,

Juddah, December 12, 1843.

I HAVE the honour to acknowledge the receipt of your letter, dated Cairo, November 6th.

In reply to your query, whether I have any knowledge that vessels carrying British colours are employed in conveying slaves from the *western* coast of Africa, I beg to state, that the only vessels trading in, or employed in carrying slaves, between this port and the African coast, are those of the ports of Souakin and Massoua, which belong to the Turkish Government, and consequently carry the Arab flag.

(Signed) A. C. OGILVIE.

Colonel Barnett,

&c.

&c.

No. 26.

Colonel Barnett to the Earl of Aberdeen.

MY LORD,

Cairo, February 21, 1844.

(Received March 8.)

IN obedience to your Lordship's instructions, I communicated to the Pasha, by note, on the 25th ultimo, your Despatch, Slave Trade, of the 23rd of December last, and I shall have the honour of transmitting to your Lordship, by a future opportunity, a copy of the reply which I have received from his Highness at the moment of the departure of the courier for Alexandria.

I have, &c.

(Signed) C. J. BARNETT.

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

&c.

&c.

&c.

EGYPT.

No. 27.

*Colonel Barnett to the Earl of Aberdeen.**Alexandria, March 19, 1844.**(Received April 4.)*

MY LORD,

I HAVE now the honour herewith to transmit to your Lordship a copy of the document to which I referred in my Despatch, Slave Trade, of the 21st ultimo.

Although I am bound to give credit to the assurance which the Pasha has given to Her Majesty's Government, of his desire to put a stop to the cruelties practised by his troops against the people of Sennar, I have little hope of an effectual remedy being applied to the evil while the present system of recruiting the regiments stationed in that country is continued.

A few days only before I left Cairo I was informed that Achmet Menikli Pasha had set out from Khartoom, on an expedition to hunt negroes as recruits for his army.

The mortality is so great among the Pasha's troops in the Sennar, that it becomes necessary every year to have recourse to that mode of completing the regiments; and the report made to the African Civilization Society, and communicated to Her Majesty's Government, too faithfully describes the desperate resistance offered by the negro population to the armed force employed to seize upon them, and the deplorable scenes that necessarily ensue.

I have, &c.

(Signed)

C. J. BARNETT.

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

&c.

&c.

&c.

Enclosure in No. 27.

*Khosrew Bey to Colonel Barnett.**Le Caire, Février 20, 1844.*

Le Soussigné a l'honneur d'informer le Consul-Général d'Angleterre qu'il a porté à la connaissance du Vice-Roi le contenu de sa note, en date du 24 Janvier; il est autorisé à lui adresser, en réponse, les explications suivantes :

Il y a plusieurs années déjà que son Altesse, désirant adoucir la condition de la population noire du Soudan, et mettre un terme aux maux qu'un état de guerre permanent avait fait peser sur elle, interdit de la manière la plus formelle aux Autorités chargées de l'Administration du Sennar d'ordonner, ou même de tolérer de la part de leurs agents les chasses aux noirs connues sous le nom de Ghazua. Il fut en même temps prescrit à ces autorités de punir exemplairement les Chefs de corps, et Commandants de postes, qui, contrevenant aux ordres de son Altesse, auraient entrepris de semblables expéditions. En outre, dans le cours du voyage qu'elle a fait dans les provinces du Soudan, le Vice-Roi, jaloux de manifester les sentimens de commisération qui l'animaient en faveur des populations noires, rendit spontanément à la liberté, et fit reconduire dans leurs montagnes, plusieurs partis de nègres que le sort des armes avait fait tomber, étant en état de rebellion au pouvoir de ses soldats.

Nonobstant les instructions et les exemples donnés par le Vice-Roi, il n'est que trop vrai toutefois que les habitants des montagnes du Soudan furent postérieurement l'objet de certains actes de violence que son Altesse n'a pu que déplorer; l'éloignement des lieux qui en ont été le théâtre ayant pour résultat d'affaiblir, jusqu'à un certain point, l'action de l'autorité centrale, et de rendre plus applicables les moyens de punir que de prévenir.

Ainsi on a vu dans une circonstance où il s'agissait de soumettre une tribu qui s'était soulevée, les troupes envoyées contre la tribu se rendre en effet coupables de quelques excès.

Le regret que son Altesse a éprouvé de ces faits, le vif mécontentement qu'elle en a ressenti, sont, du reste, entrés pour la plus grande part dans les considérations qui ont motivé l'ordre de rappel adressé dans le temps, au feu Achmet Pasha, ordre auquel ce fonctionnaire allait obtempérer au moment où la mort la frappé.

Douleureusement affecté de ce qui s'était passé sous l'administration de l'ancien Gouverneur du Soudan, le Vice Roi a pris à tâche d'éclairer son successeur, et les officiers généraux adjoints à ce dernier dans le Gouvernement du Sennar sur ses intentions formelles de faire cesser les expéditions ayant pour objet la chasse des nègres, et le Soussigné est chargé de donner à M. le Colonel Barnett l'assurance que Ahmet Menikli Pasha reçue à son départ pour Khartoom les instructions les plus explicites, les ordres les plus positifs à cet égard.

La mesure que son Altesse vient de prendre en divisant la Nubie en six Départemens confiés à l'administration de six Officiers Généraux, dont chacun reste responsable de l'exécution des ordres de l'autorité suprême, et correspond directement avec elle, est une nouvelle preuve de la sollicitude qu'inspire à son Altesse le sort des peuples de ce pays ; car cette mesure a principalement pour objet d'établir une sorte de contrôle mutuel entre les Gouverneurs, de mettre ainsi une limite à leur pouvoir, et par conséquence d'en modérer l'exercice, au profit du bien-être des populations.

Tout fait donc espérer à son Altesse que les excès sur lesquels le Gouvernement de Sa Majesté Britannique a cru devoir appeler son attention ne se renouvelleront plus, et que les amis de l'humanité n'auront plus de raison à gémir des faits qu'on a raison de considérer comme étant en contradiction manifeste avec les sentimens qui animent le Vice-Roi.

En se plaisant à renouveler la déclaration qu'elle a eu plus d'une fois occasion de faire sur ce grave sujet, en prenant de nouveau l'engagement d'user de toute son autorité pour mettre un terme aux actes de nature à aggraver la condition des populations noires, son Altesse croit cependant juste d'observer, d'abord, que les nègres du Soudan sont en proie à des maux dont on ne peut faire peser la responsabilité sur le Gouvernement Egyptien, attendu que ces maux tiennent en général à l'état de la barbarie, et aux guerres intestines qui deciment constamment ces malheureuses peuplades, et en second lieu que le récit des circonstances rapportées dans le mémoire présenté au Gouvernement Britannique est évidemment empreint de ce caractère d'exagération qu'on est trop souvent en droit de reprocher aux voyageurs ; enfin qu'on aurait tort de confondre avec les Ghazua entreprises pour faire des esclaves un ordre de mesures que justifient les besoins de l'état et les règles de Gouvernements, les plus compatibles avec les sentimens de justice et d'humanité.

En effet il arrive quelquefois que des tribus qui reconnaissent le Gouvernement Egyptien sont attaquées par des peuplades encore insoumises ; les premières ne manquent jamais d'invoquer la protection de l'administration, et l'intervention des troupes de son Altesse dans les luttes des populations noires devient dès lors, non seulement une nécessité, mais encore un acte de bonne et prévoyante administration. On voit aussi des tribus qui ont fait leur soumission manifestant tout d'un coup des intentions de révolte, et même se soulever ouvertement. Dans ce cas encore, l'emploi de la force publique est indispensable, pour prévenir les conséquences du mauvais exemple que l'humeur turbulente et versatile, que les mœurs vagabondes des noirs rendent toujours contagieux.

Enfin il est une dernière circonstance qui met forcément les troupes du Vice-Roi en contact avec la population indigène. Depuis long-temps déjà son Altesse dans le double but d'alléger le poids du service imposé aux régiments Egyptiens, et de les soustraire à la mortalité qui les frappe sous le ciel du Sennar, ordonna la formation à Khartoom de corps uniquement composés de noirs. On n'a qu'à se féliciter de cette création, et les régiments nouvellement formés ne tarderont pas à se distinguer par leur discipline, leur instruction, et leur fidélité. Mais il est facile de concevoir, si l'on tient compte de la situation du pays, que le recrutement de ces corps ne peut-être entièrement volontaire. Pour en maintenir l'effectif, l'administration se voit dans la nécessité d'avoir recours à des moyens de coercition : delà, des tournées militaires, qui ont pour objet de mettre sous la main de l'autorité, non des femmes, des enfants, et des vieillards, mais des hommes jeunes et valides ; non des esclaves, mais des recrues libres de condition autant que le permettent les réglemens de l'armée, et l'obligation de servir l'état ; non des créatures humaines réduites à l'état de marchandise, mais des soldats, qui, une fois sous le drapeau, jouissent des privilèges assurés aux individus de la même classe, et sont aptes à parvenir au grade d'officiers.

Il suffit de constater cette distinction capitale pour établir qu'il n'y a aucun

rapport, aucune analogie entre la chasse aux nègres, et les voies de contrainte dont le Gouvernement Egyptien est obligé de faire usage, dans un intérêt légitime.

Resterait d'ailleurs à examiner si les mesures auxquelles l'administration a recours pour assurer le recrutement des troupes, mesure qui ne réprouvent pas toujours, et d'une manière absolue les lois de la civilisation la plus avancée, ne sont, à tout prendre, le meilleur moyen de rompre chez les nègres du Soudan les habitudes de la vie sauvage, pour les initier peu-à-peu aux bienfaits de l'état social légitimement constitué. S'il était vrai que ce résultat fut obtenu, même en partie, par l'incorporation successive d'un assez grand nombre de nègres, par leur soumission aux devoirs de la discipline, et par le fait surtout que les soldats noirs après avoir accompli leur terme de service, se fixent généralement avec leurs familles autour des lieux de garnison, les Gouvernements et les peuples qui hâtent de leurs vœux le progrès de la civilisation, n'auraient à coup sûr, qu'à se louer du système adopté par le Vice-Roi.

Quoiqu'il soit les instructions données à tous les Gouverneurs du Soudan, et en dernier lieu à Ahmet Menikli Pasha, prescrivaient à ces fonctionnaires d'agir avec la plus grande modération dans les opérations de recrutement, et de les régulariser de manière à en adoucir la rigueur, et de prendre des mesures énergiques pour empêcher que ces actes d'autorité deviennent jamais la cause ou le prétexte d'excès, que son Altesse a la ferme volonté de ne pas tolérer.

Les détails dans lesquels le Soussigné vient d'entrer permettront à M. le Consul-Général d'Angleterre de considérer les faits sous leur véritable jour.

M. le Colonel Barnett en conclura sans doute que si quelques-uns de ces faits ont un caractère condamnable, le Vice-Roi a été le premier à le frapper de sa réprobation, que d'un autre côté plusieurs des actes signalés sont loin d'avoir la gravité qu'on leur a attribué, et qu'enfin son Altesse est formellement décidé à manifester par tous les moyens dont elle peut disposer sa complète adhésion aux généraux principes qui ont inspiré la communication du Gouvernement Britannique.

Le Soussigné, &c.

(Signé) KHOSREW BEY,
Principal Secrétaire Interprète du Vice-Roi.

M. le Colonel Barnett,
&c. &c.

EGYPT. (*Consular*)—*Alexandria.*

No. 28.

Mr. Stoddart to the Earl of Aberdeen.

Alexandria, February 22, 1844.

(Received March 13.)

MY LORD,

I HAVE the honour to acknowledge your Lordship's Circular Despatch, Slave Trade, of the 31st December, 1843, along with the enclosed Act of Parliament; and I shall annex both, as desired, to the 26th section of my General Instructions.

I have, &c.

(Signed)

J. L. STODDART.

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

&c.

&c.

&c.

TRIPOLI.

No. 29.

Colonel Warrington to the Earl of Aberdeen.

Tripoli, December 21, 1843.
(Received February 6, 1844.)

MY LORD,

I HAVE the honour to refer your Lordship to No. 1, being a copy of an extract from Mr. Vice-Consul Gagliuffi, by which it appears that 1,500 slaves are daily expected by one caravan.

I have desired Mr. Gagliuffi to send a regular return of slaves brought down during the year, the country they belong to, the number leaving and arriving at Morzouk, the number perished on the Great Desert, and the proportion of females, —which when I receive it shall be forwarded to your Lordship.

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

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

(Translation.)

Enclosure in No. 29.

Extract of Letter dated November 18, 1843, from G. B. Gagliuffi, English Vice-Consul at Morzouk, to Frederick Warrington, Esq., Her Britannic Majesty's Pro-Consul in Tripoli, in Barbary.

WE have the announcement that a caravan from Bornou will arrive within two days' time; it is composed of 1,500 slaves.

(Signed) G. B. GAGLIUFFI.

No. 30.

Colonel Warrington to the Earl of Aberdeen.

Tripoli, February 12, 1844.
(Received March 13.)

MY LORD,

YESTERDAY I saw the Ambassador from Bornou, who said to me in our conversation the other day, "I believe you alluded to the buying and selling of slaves. I wish therefore to say, the traffic in that line is averse to the Sultan, who would not hesitate to abolish it in his territory, and to prevent slaves being sent down as heretofore; and all that he would require would be, for England to supply him with a certain quantity of muskets, and he would then be able to compel the other chiefs to abolish slavery."

I went so far to say, that the abolition of slavery was a subject most dear to England, and I was convinced the humane and enlightened sentiments on behalf of the Sultan of Bornou would be received by Her Majesty my August Mistress with every feeling of pleasure.

He said, likewise, if I had authority to write in the name of the British Government to the Sultan it would be very well received, and that the Sultan would readily accede to our wishes. I shall recommend this person to the good offices of Vice-Admiral Sir Edward Owen, and Sir Stratford Canning.

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

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

No. 31.

*Colonel Warrington to the Earl of Aberdeen.**Tripoli, February 28, 1844.
(Received April 2.)*

MY LORD,

I HAVE the honour to refer your Lordship to No. 1, being an extract from a letter of Mr. Vice-Consul Gagliuffi, being his answer to the information I requested him to furnish me.

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

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

(Translation.)

Enclosure in No. 31.

Extract of a Letter from Mr. Vice-Consul Gagliuffi to Her Britannic Majesty's Agent and Consul-General Warrington, dated Morzouk, January 27, 1844.

THE number of slaves arrived from the 1st April to the 31st December, 1843, is 1,600, to whom are to be added about 200 more who passed as servants and concubines, and who at last were sold. The following is a distinct list:—

From Bornou, about	. 1500
„ Soudan, directly	246
„ ditto, <i>via</i> Gaat	. 32
„ Vadai	. . . 22

The major part are from the mountains of Maggu, Ambana, Feli, Imbun, Sarâ, Serva, Bua, Samrei, Sabara, Guka, Bina, Kreci, Zuna, Benda, Madegu, Rebuba, Riola, Sciacara, Mura, Eben, Tacoba, savage countries and idolaters, as they say: there are subjects of Vadai, Darfar, Baghermi, Mandara, Bornou, Nife, and of many other places of the Soudan, who have some idea of the Mohammedan religion.

About 200 slaves of the last caravan remained in Katron; a great number from Tibu have taken the direction of Gaat. The number of women is about 60 per cent., of men 40 per cent. The mortality during their journey, of those who come from Bornou escorted by the Tobanis and Arabs of that region, is from 20 to 50 per cent. according to the season; of those who come from Soudan, under the conduct of the Tuaricks, is from 5 to 10 per cent. These latter treat with more humanity those unhappy men; they clothe them, feed them well, and do not ill-use them, and travel by short journeys. In fact, on the arrival of a caravan from Soudan, the poor wretches are seen covered and in good state; those who arrive from Bormi, on the contrary, are in a deplorable condition, naked, exhausted by fatigue, hungry, and horribly maltreated; they are forced to walk, and whipped. For these reasons, the mortality is greater. Here they die at the rate three or four per cent. There are in town about 800 slaves; the rest have been transported to Tripoli, Bengahi, and Egypt. One cannot ascertain the exact number, as they set off secretly, for not paying the custom. From the 1st of January to the day of my arrival, have been sent off about 300 slaves.

Conversing very often with Hadji Bishir Zurajo, Vizir of the Sheik Amor of Bornou; I hope to have convinced him of the great advantages his master might obtain if, instead of depopulating the country by selling an individual for 10 nominal dollars (which are no more than three or four effective), he would make him cultivate indigo, cotton, &c., every one of them would fetch him about 20 dollars a-year.

(Signed) G. B. GAGLIUFFI.

(A true extract and translation.)

TRIPOLI.

47

No. 32.

*Colonel Warrington to the Earl of Aberdeen.**Tripoli, February 28, 1844.**(Received April 2.)*

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, of the 31st of December, with Enclosure, entitled "An Act for the more effectual suppression of the Slave Trade," and I need not add, that your Lordship's orders shall be strictly obeyed, and the whole tenor of the Act rigidly conformed to.

I have, &c.

(Signed)

H. WARRINGTON.

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

&c.

&c.

&c.

No. 33.

*Colonel Warrington to the Earl of Aberdeen.**Tripoli, August 19, 1844.**(Received September 17.)*

MY LORD,

I HAVE the honour to refer your Lordship to No. 1, a translation of a letter from Vice-Consul Gagliuffi, of the 27th July; and as the whole tenor more or less relates to slavery, I class it in that series. Permit, my Lord, to say as I have always said, that there is more to be done to abolish slavery and for the bettering the condition of the suffering natives, in a gradual commercial intercourse with the interior, than is generally considered. Daily events convince me that opinion is well formed, and I should wish and recommend that honourable commerce should by degrees find its way into the interior of Africa; and I should think it most desirable to have a Vice-Consul sent to Bornou at the present time; the expense would be trifling to Government, and the result, I am confident, would be highly satisfactory to your Lordship.

Mr. Gagliuffi has been one year and a half at Morzouk; he has nearly passed two summers without serious injury to his health; he is going on remarkably well, both in policy and commerce, which, considering his delicate position with the Turks, is of infinite credit to him. I do not see any reason why he should not become the agent of the merchant of Bornou, of course in no manner *whatsoever* having anything to do in the Slave Trade, and to conduct himself in a way not to come in collision with the Turks. My Lord Palmerston was pleased to sanction the expense of 10*l.* to be expended in medicine to be administered when necessary to the poor slave and suffering natives. That medicine is now expended, and I solicit your Lordship to allow a similar sum to be appropriated as stated in Mr. Gagliuffi's letter, as a measure which both charity and policy feel so deeply interested in.

I have, &c.

(Signed)

H. WARRINGTON.

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

&c.

&c.

&c.

Enclosure in No. 33.

(Translation.)

Mr. Gagliuffi to Colonel Warrington.

SIR,

Morzouk, July 27, 1844.

SOME days ago a caravan arrived from Soudan, with about 80 slaves. It brought the news that Demarù, Sultan of the Kohlemi, had died in consequence of a wound. Sultan Binunu, nephew to the Sultan Diakisana, who was expelled by Bello, has succeeded to the chief command, and in an encounter he had with the Fellata routed their army, and pillaged many countries. Merchants, however, are not molested, but allowed to trade freely.

On Monday another caravan arrived from Bornou with 70 slaves. Hadji Bishir was at Derken Tibu, and had dispatched a courier to send a detachment of cavalry and some camels to join him on the road.

He wrote to me, that Abdjelleel's son and followers having sustained a severe battle with the people of Wadey, were constrained, from want of ammunition, to abandon their position, and retreated. Fearing that a force greatly superior would come and attack them, they have sent messengers to the Sheik Amor Canum, requesting him to assign them some town, where they could dwell under his protection. The latter has demanded to have hostages, before admitting them into his dominions.

On Hadji Bishir's arrival at Bornou he will send me a courier, to get an answer about what he has already asked of me. He wishes me to be his commercial agent here, and has named me his trustee for the house he lately bought. May I accept?

In January last I made known to you, that the medicines you gave me were rapidly diminishing; now they are almost entirely exhausted. They have been of great use to me in these parts; and I may say that I have saved many persons from death, who are now praying continually for the prosperity of Our Gracious Sovereign Lady. If you could furnish me with another supply of the fever powders, emetic powders, eye powders, laxative powders, purgative pills, &c. you would be doing a real act of charity, and by relieving suffering humanity you would gain the affection of all.

Colonel Warrington,
&c. &c.

(Signed) G. B. GAGLIUFFI.

No. 34.

The Earl of Aberdeen to Colonel Warrington.

SIR,

Foreign Office, October 15, 1844.

I HAVE received your Despatch, Slave Trade, of the 19th August last, requesting to be allowed the sum of 10*l.* to be expended in medicines, to be used by Mr. Vice-Consul Gagliuffi for the relief of suffering slaves and natives, and I have great satisfaction in authorizing you to lay out the sum in question as suggested. You will draw a bill, at 30 days' sight, on the Lords Commissioners of Her Majesty's Treasury for the amount, and you will insert it as an item of charge in your account current with their Lordships.

Colonel Warrington,
&c. &c.

I am, &c.
(Signed) ABERDEEN.

TUNIS.

No. 35.

Sir T. Reade to the Earl of Aberdeen.

*Tunis, November 21, 1843.
(Received January 5, 1844.)*

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, dated July 20th last, and marked Slave Trade, enclosing to me copy of correspondence regarding the four Georgian slaves embarked on board the Austrian brig the "*Febo*," Captain Zaar. And with regard to the several queries contained in the Enclosure of the Baron de Neumann's communication to your Lordship, it being out of my power to answer them with the precision required, I have thought it best to refer to his Highness the Bey for what took place since the arrival of the said brig at the Goletta; and I have at last received from his Highness the *procès-verbal*, which, according to my former report, was made by the notaries after their interview with the four Georgians themselves.

I have consequently the honour to transmit it herewith in original, marked No. 1, for your Lordship's information, together with a translation, marked No. 2.

This document establishes the fact of the four Georgians having been slaves, as well as of their having assented to remain at Tunis, upon their being furnished with a written declaration of freedom; and such being the case, any further information regarding the personal conduct of the Captain, &c., at or after the time of his arrival, as well as any other question of the kind, might be better answered by the Austrian agency here, which being at the time under the care of Mr. Benzi, the Sardinian Vice-Consul, he should, I conceive, have made his report upon the occasion.

I am quite aware that any application of mine touching this subject to Mr. Benzi would have availed nothing; and I have only to regret that I have been so long prevented acknowledging your Lordship's Despatch.

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

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

Enclosure in No. 35.

Traduction de l'originale Arabe.

LOUANGES A DIEU!

AUJOURD'HUI, 16 de Joumad 2, de l'an 1258, étant venu à la connaissance de son Altesse le très-haut Seigneur notre Maître le Mushir Ahmed Bascia Bey, que Dieu le conserve, &c. &c., que le brig nommé "*Febo*," sous le drapeau Impérial, commandé par le Capitaine Niccola Zar, était arrivé au port de la Goulette, ayant à bord quatre femmes esclaves, avec des marchands qui devaient les vendre à Tunis; il ordonna au serviteur de son Gouvernement l'illustre, &c., Mahmud Kahya, Gouverneur du port susindiqué, de découvrir la situation de ces femmes; et lui ayant rapporté qu'elles appartenaient au généreux l'illustre et exemplaire Mohammed Benayad, un des serviteurs de son Gouvernement, il envoya immédiatement, pour les voir, l'officier du palais Mostapha Korso, chef des Mameluks, et le Capitaine Kara Kalkagy, avec Gaspary et deux des écrivains de son Gouvernement; en leur ordonnant de voir les susdites femmes, et de leur annoncer qu'elles avaient le choix de retourner à leur pays avec le Capitaine qui les avait emmenées, ou bien de descendre à Tunis après avoir été libérées et émancipées, et munies chacune d'elles d'un acte qui les déclarât

CLASS D.

libres, pour aller où il leur plût, et se marier d'après leur propre choix ; conformément aux dispositions prises par lui, pour qu'aucune sorte ni qualité d'esclaves n'entrât dans ses domaines comme un objet de trafic, et ne pût non plus en être exportée.

A cet effet, les susdésignés se portèrent ensemble sur le brig déjà nommé, et y trouvèrent les filles susdites ; et, Gaspary servant d'interprète, il leur fut déclaré ce qui avait été ordonné par le Prince susdit, en leur laissant un libre choix. Elles choisirent immédiatement de descendre à Tunis, et d'y demeurer, avec la condition de recevoir leur liberté comme ci-dessus. Elles y prêtèrent leur parfait consentement, et leur ayant répété plusieurs fois la déclaration ci-dessus énoncée, et s'étant maintenue dans les termes de leur première déclaration, les écrivains susdits et soussignés s'avancèrent alors pour apprendre leurs noms, et prendre leurs signalements, afin de les insérer dans les actes de libération qui devaient leur être délivrés. La première était nommée Melk Kbar ; la deuxième, Husn El-Molk ; la troisième, Elbatt ; et la quatrième, Shefk Ennour.

Ce qui ayant conclu avec elles, les écrivains, et ceux qui les accompagnaient, s'en retournèrent ensemble, et répétèrent tout ce qui avait été dit par les susdites filles à notre Maître susdit, que Dieu conserve sa paix et son bonheur ; et il ordonna qu'on écrivît immédiatement leurs actes de liberté pour en être délivré un à chacune ; ce qui a été exécuté.

Et ils ont pris acte de ce que dessus, les parties étant dans un état légal, et notre Maître dans celui de perfection ; au jour indiqué ;

Signé par le pauvre en Dieu HAMMUDA REN AHMED ETTRAILY,
Notaire à Tunis, que Dieu soit miséricordieux envers lui !

Signé par le pauvre en Dieu ALY BEN AHMED EL HADDAD,
Notaire à Tunis, que Dieu améliore son état !

—
Memorandum.

To the Arabic original, of which this paper is a translation, and which original was sent to Baron Neumann on January 13, 1844, was attached the following certificate:—

“ I certify that this document was delivered to me by his Highness the Bey of Tunis, being the original report made to him by the notaries whose signatures are attached to it, regarding four Georgian slaves, who had been brought to this country on board the Austrian brig called the ‘ *Febo*,’ whereof Niccola Zaar was Master.

“ Given under my hand, at the British Consulate-General in Tunis, this 21st day of November, 1843.

(Signed) “ T. READE,
“ *Her Majesty's Agent and Consul-General.*”

No. 36.

The Earl of Aberdeen to Sir T. Reade.

SIR,

Foreign Office, September 13, 1844.

WITH reference to your Despatch, Slave Trade, of 21st November, 1843, and to previous correspondence respecting four Georgian slaves transported from Constantinople to Tunis, on board the Austrian vessel “ *Febo*,” Captain Zaar, I herewith transmit to you, for your information, a copy of a note I have received from the Austrian Minister at this Court, reporting the substance of the judgment given by the Tribunal Criminal of Rovigno in the proceeding instituted against Nicolas Zaar.

Sir Thomas Reade,
&c. &c.

I am, &c.
(Signed) ABERDEEN.

Enclosure in No. 36.

Baron Neumann to the Earl of Aberdeen, September 4, 1844.

(See Class C.No. 24.)

MOROCCO.

No. 37.

Mr. Drummond Hay to the Earl of Aberdeen.

Tangier, December 26, 1843.
(Received January 11, 1844.)

MY LORD,

I HAVE the honour to present a copy herewith, for your Lordship's information, of a letter I have addressed this day to General Sir Robert Wilson, Governor of Gibraltar, upon an act of gross misconduct by Ramon Atalaya, Acting Master of the British despatch-boat "St Francis," in its voyage on the 22nd instant from Gibraltar to this place, having embarked in Gibraltar bay, without their exhibiting or having any document to justify his receiving them on board, 12 persons, of whom 11 are black eunuchs, purchased in Egypt for the Sultan of Morocco, by one Hadji Hamed Marteen of Tetuan, their conductor, who accompanied them hither.

I have, &c.
(Signed) E. W. A. DRUMMOND HAY.

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

Enclosure in No. 37.

Mr. Drummond Hay to Sir R. Wilson.

SIR,

Tangier, December 26, 1843.

I HAVE the honour to acquaint your Excellency that Ramon Atalaya, a matriculated mariner of Gibraltar, has committed a great irregularity during a recent voyage of our despatch-boat "St. Francis," of which, in consequence of illness at the time of his elder brother Mathew Atalaya, he acted as Master for the latter, who has charge from myself of the service of British courier between Gibraltar and this place.

On Friday the 22nd instant, the said Acting Master Ramon Atalaya took on board the "St. Francis," in the bay of Gibraltar, about noon, 12 passengers, without any passport, health-bill, or other document whatever authorizing their embarkation. On arrival of the "St. Francis" at this place, between five and six in the afternoon of the same day, the said Acting Master failed to make any communication to his brother Mathew (who received my mail on the beach from a mariner of the vessel, and forthwith conveyed it to my office), nor did Ramon Atalaya give notice of the said passengers to any one else, for my information or that of Mr. Murray, the British Vice-Consul for this port; but by permission of the Captain of this port he landed those passengers somewhat later the same morning, which was not discovered by Mathew Atalaya himself, nor by me, till the following day.

The complaint on the subject I have to make against the Captain of this port for conniving at such irregularity has been, as a matter of course, already laid before the local authorities.

The national or other character of the said passengers is not a question upon which it is incumbent on me now to enter: I have ascertained that they are the same 12 persons, who arrived on the 21st instant at Gibraltar, in the British steam-packet "Polyphemus," Lieutenant Spark, R.N., Commander, and are described in No. 1,861 of the "Gibraltar Chronicle," published on the same day,

in the note of passengers by that vessel, as "Hadji Hamed, four servants, and seven children;" but I regret to add, that since their landing here it has been ascertained by me, that the said "four servants and seven children," who are all negroes, are also eunuchs, and therefore probably slaves; and I have strong suspicion that they were purchased in Egypt, according to express orders, for the Sultan of Morocco, by Hadji Hamed Marteen, accompanying them hither, who was for several years, and until he departed for the Levant, some time I believe about the beginning of this year, on his said commission, Administrator of Customs in Tetuan. But all these circumstances appear to have been as much unknown to Ramon Atalaya as no doubt they were to Her Majesty's officers through whom they obtained conveyance to Gibraltar.

It does not appear that I have myself other means of punishing the great irregularity I have described on the part of Ramon Atalaya, who is already prohibited by the Moorish Government, on a charge of smuggling, from entering Tangier or any other place in Morocco, than by prohibiting him also henceforward (as I have already) from again having charge or command of any vessel which may receive from me the character, and thence enjoy the privileges, of our despatch-boat; but I trust that your Excellency, as Governor and Vice-Admiral in Gibraltar, will consider it expedient to cause the unjustifiable conduct of a matriculated mariner of the port of Gibraltar to be visited by such penalty as may serve for an example of chastisement, and be made so notorious for all persons navigating under the British flag in the Strait and its vicinity, as shall deter others from essaying the like; whereby, not only may the sea laws, or at least the sanitary regulations, be infringed, but runaways from justice also, as has already occurred, may escape from Gibraltar to ports of this country or elsewhere.

I have, &c.

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

(True copy.)

HENRY JOHN MURRAY, *Vice-Consul.*

His Excellency Sir R. Wilson,
&c. &c.

No. 38.

Mr. Drummond Hay to the Earl of Aberdeen.

Tangier, January 9, 1844.
(Received January 23.)

MY LORD,

I HAVE the honour to acquaint your Lordship, that I received yesterday from Mr. James Richardson your Lordship's Despatch, marked Slave Trade, and dated the 16th of December, 1843, with the instruction of which I shall not fail to conform myself.

I have, &c.

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

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

No. 39.

Mr. Drummond Hay to the Earl of Aberdeen.

Tangier, February 5, 1844.
(Received February 23.)

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Circular of the 31st December last, marked Slave Trade, referring to the Act of 5 Geo. IV., cap. 113, entitled "An Act to amend and consolidate the laws relating to the abolition of the Slave Trade," with a copy whereof I have been previously supplied, and enclosing two copies of an Act passed during the last Session of Parliament, entitled "An Act for the more effectual suppression of the Slave Trade."

I shall not fail to conform myself with the whole instructions conveyed to me in the said documents.

I have, &c.

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

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

MOROCCO.

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No. 40.

The Earl of Aberdeen to Mr. Drummond Hay.

SIR,

Foreign Office, May 29, 1844.

WITH reference to your several Despatches on the subject of 12 negro slaves, said to have been purchased in Egypt for the Emperor of Morocco, and to have been taken from Alexandria to Malta, thence to Gibraltar, in Her Majesty's steamer "Polyphemus;" and from the latter port to Tangier, in the British despatch-boat "St. Francis," I herewith transmit to you for your information, the accompanying copies of letters, and of their Enclosures, from the Admiralty, and from the Colonial Department, respecting the transaction in question.

I am, &c.

(Signed) ABERDEEN.

E. W. A. Drummond Hay, Esq.
&c. &c.

First Enclosure in No. 40.

Sir John Barrow to Viscount Canning.

MY LORD,

Admiralty, February 7, 1844.

WITH reference to your Lordship's letter of the 17th January, respecting certain negroes stated to have been purchased in Egypt for the Emperor of Morocco, and to have been conveyed from Malta to Gibraltar in her Majesty's steam-vessel "Polyphemus," I am commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of the Earl of Aberdeen, copies of a letter dated the 15th January, from Vice-Admiral Sir Edward Owen, and of its Enclosures, on the subject of the persons in question having been received as passengers on board the "Polyphemus," for conveyance to Gibraltar, and from thence taken to Tangier, where they were landed.

I am, &c.

(Signed) JOHN BARROW.

The Viscount Canning,
&c. &c.

Sub-Enclosure 1 in First Enclosure in No. 40.

Vice-Admiral Owen to the Hon. Sidney Herbert.

SIR,

"Queen," Malta, January 15, 1844.

I HAVE the honour to enclose you copies of letters which have been forwarded to me by his Excellency the Governor of Gibraltar, relative to some Moors who are represented to have been taken improperly to Tangier, and landed there clandestinely.

My Lords will see that certain phrases in the letters of Sir John Sinclair and of his Excellency assume that their passage in one of Her Majesty's mail-steamers from Malta to Gibraltar was a sufficient passport and sanction for their re-embarkation in another vessel for an ulterior destination.

It seems to attach a very unnecessary responsibility to the Commanders of those vessels; and I have endeavoured to correct the erroneous opinion by a letter to his Excellency, of which a copy is likewise added to the other documents.

I have, &c.

(Signed) E. W. C. R. OWEN, *Vice-Admiral*

Hon. Sidney Herbert, M.P.
&c. &c.

Sub-Enclosure 2 in First Enclosure in No. 40.

Mr. Drummond Hay to Sir R. Wilson.

SIR,

Tangier, December 26, 1843.

I HAVE the honour to acquaint your Excellency that Ramon Atalaya, a matriculated mariner of Gibraltar, has committed a great irregularity during a recent voyage of our despatch-boat, the felucca "St. Francis," of which, in consequence of illness at the time of his elder brother, Mathew Atalaya, he acted as Master of the latter, who has charge from myself of the service of British courier between Gibraltar and this place.

On Friday the 22nd instant, the said Acting Master Ramon Atalaya took on board the "St. Francis," in the bay of Gibraltar, about noon, 12 passengers, *without any passport, health-bill, or other document* whatever authorizing their embarkation. On arrival of the "St. Francis" at this place, between five and six o'clock in the afternoon of the same day, the said Acting Master failed to make any communication to his brother Mathew (who received my mail on the beach from a mariner of the vessel, and forthwith conveyed it to my office); nor did Ramon Atalaya give notice of the said passengers to any one else for my information, or that of Mr. Murray, the British Vice-Consul for this port, but, by permission of the Captain of this port, landed those passengers somewhat later the same evening, which was not discovered by Mathew Atalaya himself, or by me, till the following day. The complaint I have to make on the subject against the Captain of this port for conniving at such irregularity has been, as a matter of course, already laid before the local authorities.

The national or other character of the said passengers is not a question upon which it is incumbent on me now to enter. I have ascertained that they are the same 12 persons who arrived on the 21st instant at Gibraltar, in the British steam-packet "Polyphemus," Lieutenant Spark, R.N. Commander, and are described in No. 1,861 of the "Gibraltar Chronicle," published on the same day, in the note of passengers by that vessel, as "Hadji Hamed, four servants and seven children;" but I regret to add, that since their landing here, it has been ascertained by me, that the said four servants and seven children, who are all negroes, are also eunuchs, and therefore probably slaves; and I have strong suspicion that they were purchased in Egypt, according to express orders, for the Sultan of Morocco, by Hadji Hamed Marteen, accompanying them hither, who was for several years, and until he departed for the Levant, sometime I believe about the beginning of this year, on his said commission, Administrator of Customs in Tetuan. All these circumstances appear to have been as much unknown to Ramon Atalaya as no doubt they were to Her Majesty's officers through whom they obtained conveyance to Gibraltar.

It does not appear that I have myself other means of punishing the great irregularity I have described on the part of Ramon Atalaya, who is already prohibited by the Moorish Government, on a charge of smuggling, from entering Tangier or any other place in Morocco, than by prohibiting him also henceforward (as I have already) from again having charge or command of any vessel which may receive the character, and thence enjoy the privileges, of our despatch-boat; but I trust that your Excellency, as Governor and Vice-Admiral in Gibraltar, will consider it expedient to cause the unjustifiable conduct of a matriculated mariner of the port of Gibraltar to be visited by such penalty as may serve for an example of chastisement, and be made so notorious for all persons navigating under the British flag in the Strait and its vicinity, as shall deter others from essaying the like, whereby not only may the sea laws, or at least the sanatory regulations, be infringed, but runaways from justice also, as has already occurred, may escape from Gibraltar to ports of this country or elsewhere.

I have, &c.

(Signed)

E. W. A. DRUMMOND HAY.

His Excellency Sir R. Wilson,

&c.

&c.

Sub-Enclosure 3 in First Enclosure in No. 40.

Sir. J. Sinclair to Sir R. Wilson.

SIR,

Gibraltar, January 1, 1844.

SINCE I had the honour of a conversation with your Excellency on the subject of a complaint made by Her Majesty's Agent and Consul-General at Tangier against Ramon Atalaya, I have made every enquiry into the particulars, as far as this Department is concerned, and I find that Ramon Atalaya sailed from hence on the 22nd ultimo, with 12 passengers, having his regular bill of health for the "St. Francis," which is the only document that we consider it necessary to give. Few passengers ever apply for bills of health, and a great diminution of revenue has consequently taken place; my predecessor laid this case before the Board of Health, and it was determined that neither ships nor passengers could be compelled to take them. The only punishment that can be awarded for omitting to have this document rests with the authorities at the port the ship is bound to; our rule at the Gibraltar is to keep them, even from England, three days in quarantine.

Your Excellency will observe, that these passengers were brought down by a British man-of-war, consequently it can hardly be supposed that a man in Atalaya's situation should refuse to carry them on to their destination.

I have, &c.

(Signed) JOHN GORDON SINCLAIR,
Captain of the Port.

His Excellency Sir R. Wilson,
&c. &c.

Sub-Enclosure 4 in First Enclosure in No. 40.

Sir R. Wilson to Mr. Drummond Hay.

SIR,

Gibraltar, January 2, 1844.

I HAVE the honour to send you the answer of Captain Sir John Sinclair, Captain of the Port, relative to the complaint lodged against Ramon Atalaya, Acting Master of the despatch-boat "St. Francis," for conveying certain Moors to Tangier, without due passports and bills of health from Gibraltar.

These Moors having come from Malta in one of Her Majesty's vessels could not be presumed to be slaves; nor does it appear certain they were. Had the boat-master, being a matriculated mariner, known them to be such, and clandestinely assisted their forcible retention and removal, he would have been liable to censure and punishment; but in not taking passports or bills of health from hence he violated no Gibraltar law nor port regulations. We check immigration, not emigration. Free egress is sanctioned, especially of the Moorish population. I have consulted the Attorney-General, and his opinion concurs with these observations.

I have, &c.

(Signed) R. T. WILSON, *General, and Governor.*

E. W. A. Drummond Hay, Esq.
&c. &c.

Sub-Enclosure 5 in First Enclosure in No. 40.

Vice-Admiral Owen to Sir. R. Wilson.

SIR,

"Queen," Malta, January 15, 1844.

WITH reference to Mr. Drummond Hay's letter of the 26th December, from Tangier, of which a copy has been sent me by your Excellency, on the subject of certain Moors whom he states to have been conveyed from Gibraltar to Tangier, and there landed clandestinely and improperly, I have the honour to enclose you copies of letters from Rear-Admiral Sir Lucius Curtis, and from Lieutenant Spark, the Commander of the "Polyphemus," and I do so to correct a false impression which, as I think, may be conveyed by a

paragraph of Sir John Sinclair's letter to your Excellency, and is, in fact, adopted in the letter of your Excellency addressed to Mr. Drummond Hay.

It is there supposed that the arrival of those persons at Gibraltar in Her Majesty's mail-packet, or man-of-war, as Sir John Sinclair calls her, was a sufficient passport for their re-embarkation in any other vessel for an ulterior destination.

In taking such persons for a passage in the customary way, the "Polyphemus" seems to have complied with the regulations of this island, and to have delivered the customary documents at Gibraltar; in doing so, it seems to me Lieutenant Spark's duty was fulfilled, and the passengers were subjected of course to the regulations of Gibraltar.

I have, &c.

(Signed)

E. W. C. R. OWEN, *Vice-Admiral*.

His Excellency Sir R. Wilson,
&c.

&c.

Sub-Enclosure 6 in First Enclosure in No. 40.

Rear-Admiral Curtis to Vice-Admiral Owen.

SIR,

"Ceylon," Malta, January 15, 1844.

IN compliance with your letter of yesterday, requesting me to call on Lieutenant Spark, commanding Her Majesty's steam-packet "Polyphemus," for such information as he may be able to give relative to the conveying Hadji Hamed, four servants, and seven children, in that vessel from hence to Gibraltar, I have the honour to enclose Lieutenant Spark's report.

I return the Enclosure contained in your letter.

I have, &c.

(Signed)

LUCIUS CURTIS, *Rear-Admiral*.

Vice-Admiral Sir E. W. C. R. Owen, K.C.B.
&c.

&c.

Lieutenant Spark to Rear-Admiral Curtis.

SIR,

"Polyphemus," Malta, January 15, 1844.

IN compliance with your directions to furnish any information in my power respecting the landing at Gibraltar of certain Moors on the 21st of December last, I have the honour to inform you, that the Hadji Hamed embarked on board Her Majesty's steam-vessel under my command at Malta, on the 15th December, with four servants and seven children, as passengers for that place; and that on our arrival there they were duly reported in the customary returns (in duplicate) furnished to the officer of health on our arrival.

I beg to state, that I have no directions to require that passengers should possess passports embarking for Gibraltar; and being in the habit of conveying Moors of all ages to and from that place, as merchants, pilgrims, their families, and servants, I had no reason for any suspicion as regarded the character of these persons.

I have, &c.

(Signed)

THOMAS SPARK, *Lieutenant, and Commander*.

Rear-Admiral Sir L. Curtis, C.B.

&c.

&c.

Second Enclosure in No. 40.

Mr. Stephen to Viscount Canning.

MY LORD,

Colonial Office, March 23, 1844.

WITH reference to your Lordship's letter of the 17th January, and to the copies of Despatches therein enclosed from Her Majesty's Consul-General at

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Tangier, and of a letter from Mr. Scoble, Secretary to the British and Foreign Anti-Slavery Society, relating to 12 negro slaves said to have been purchased in Egypt for the Emperor of Morocco, and to have been taken from Alexandria to Malta, I am now directed by Lord Stanley to transmit to you for the information of the Earl of Aberdeen, copies of a Despatch and its Enclosures from the Governor of Malta, containing the report which he was called upon to give on this subject.

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

The Viscount Canning,
&c. &c.

Sub-Enclosure 1 in Second Enclosure in No. 40.

Sir P. Stuart to Lord Stanley.

MY LORD,

Malta, February 27, 1844.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 21st ultimo, transmitting for my information copy of a letter addressed to the Colonial Department by desire of the Earl of Aberdeen, enclosing copies of Despatches from Her Majesty's Consul-General at Tangier, together with the copy a letter from Mr. Scoble, Secretary to the British and Foreign Anti-Slavery Society, respecting 12 negro slaves said to have been purchased in Egypt for the Emperor of Morocco, and to have been taken from Alexandria to Malta, thence to Gibraltar, in Her Majesty's steamer "Polyphemus," and from the latter port to Tangier, in the British despatch-boat "St. Francis," and requesting that I would institute a strict investigation into the facts of this case, and transmit to your Lordship the result, for the information and further proceedings, if necessary, of Her Majesty's Government.

On the receipt of your Lordship's Despatch I called on the Superintendent of Quarantine and Marine Police to state, in the event of the individuals in question having passed through Malta, whether any and what steps had been taken regarding them; and I have now the honour to enclose the Superintendent's report on the subject, dated the 17th instant.

From this report your Lordship will perceive, that the individuals in question arrived here on the 4th of December last, as passengers from Syria, in the French Government steamer "Rhamses;" that in answer to repeated interrogations on the part of the officers of the Department of Quarantine and Marine Police, they invariably assured the officers that they were not slaves, but perfectly free; and there being nothing of a *prima facie* nature to lead to a suspicion that they were slaves, or to any doubt of the truth of their own statement, and considering that they had been brought from Syria to Malta as passengers in a French Government steamer, I am not aware that any further steps could have been taken in their case.

I also enclose copy of a letter, with Enclosures, that I have received from Vice-Admiral Sir Edward Owen on the same subject; and explanatory of the circumstance of these persons having taken a passage from Malta to Gibraltar in Her Majesty's steam-packet "Polyphemus."

I have, &c.
(Signed) P. STUART.

The Right Hon. Lord Stanley,
&c. &c.

Sub-Enclosure 2 in Second Enclosure in No. 40.

Mr. Bonavia to Sir H. Greig.

SIR,

February 17, 1844.

I HAVE had the honour to receive your letter of the 15th instant, transmitting enclosed for my perusal a Despatch from Lord Stanley, dated the 21st ultimo, together with its Enclosures, respecting the 12 negroes said to have been purchased in Egypt for the Emperor of Morocco, and to have been taken from

CLASS D.

Alexandria to this island, and from hence to Gibraltar, in Her Majesty's steamer "Polyphemus," and from the latter port to Tangier, and requesting me to make and transmit to you, with the least possible delay, a full report of all the circumstances within my knowledge, or that of any of the officers of my Department, connected with or relative to the case of these 12 individuals; and to state in my report, in the supposed case of their having arrived and performed quarantine here, whether any and what measures were adopted in their regard, in compliance with the instructions conveyed to me in your letter of the 14th August, 1840, in which my particular attention was called to the extant laws for the suppression of slavery.

I have the honour to report, that amongst the 56 passengers landed in the Lazaretto, on the 4th December last, for the performance of quarantine, from the French Government steamer "*Rhamses*," Lieutenant de Stahl, Commander, from Constantinople, Smyrna, and Syra, there were 11 blacks and a Moor, embarked at the Greek port of Syra, whose names were given and entered in the Lazaretto registers as follows, viz.—Hadji Hamed Marteen, of Morocco; blacks—Osmar, Nasar, Hambar, Almus, Sebah el Hair, Hambar, Sehid, Morgian, Sorah, Fargialla, and Farag, varying in age apparently from 10 to 18 years.

These passengers having come from Syra in a French Government steamer, there was no suspicion of their being slaves; still, as is customary on the occasion of the arrival at the Lazaretto of persons of colour, they were interrogated by the officers of the Department whether they were under any personal restraint, and informed, that having arrived at Malta (a British possession) they were at liberty to dispose of themselves as they thought proper, and that, in the event of their being slaves, they were now free, and that the Government would maintain them here, or send them wherever they might wish to go, free of expense.

This communication was made to the 11 blacks, separately and collectively, when the Moor was not present, and also when he was present, as is usual on such occasions, and repeated to them on their being admitted to pratique; but on every occasion they declared they were not slaves, that they were free, that they would not quit the Moor with whom they were, and that they would not remain in Malta.

I have also to add, that the Moor always declared that the 11 blacks were not slaves, but perfectly free, and at liberty to remain in Malta if they wished it.

Under these circumstances nothing further could be done regarding them, and on the 15th December they left this, as passengers for Gibraltar, on board Her Majesty's steamer "Polyphemus."

I have, &c.

(Signed) E. BONAVIA,

Superintendent of Quarantine and Marine Police.

Hon Sir Hector Greig, K.C.M.G.

&c.

&c.

Sub-Enclosure 3 in Second Enclosure in No. 40.

Vice-Admiral Owen to Sir P. Stuart.

SIR,

"Queen," Malta, February 14, 1841.

I HAVE the honour to enclose your Excellency certain papers, which have been transmitted to me by desire of the Earl of Aberdeen, respecting certain Moorish children, said to be slaves and eunuchs, embarked at this island in the "Polyphemus," on the 15th December last, for Gibraltar, after performing quarantine on their arrival from Egypt.

I add to these papers a copy of a letter I had the honour of forwarding to his Excellency the General Sir Robert Wilson on the subject of these persons, dated the 15th January, enclosing copies of the statements of Rear-Admiral Sir Lucius Curtis, Bart., and of Lieutenant Spark, showing that all the regulations required at this island in embarking passengers were fulfilled, as well as what has been afterwards required in disembarking them at Gibraltar.

Your Excellency will see, that the mere passage in the "Polyphemus" could give no warrant to dispense with the regulations at Gibraltar.

I forward these papers, that your Excellency, being acquainted with the facts may, if you think it necessary, cause such further enquiry and statement

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on the subject to be made as may be satisfactory to the Earl of Aberdeen ; and requesting you will do me the favour to return the several Enclosures,

I have, &c.

(Signed) E. W. C. R. OWEN, *Vice-Admiral*.

His Excellency Sir P. Stuart, G.C.M.G.
&c.

Sub-Enclosure 4 in Second Enclosure in No. 40.

Vice-Admiral Owen to Sir R. Wilson.

SIR,

"Queen," Malta, January 15, 1844.

WITH reference to Mr. Drummond Hay's letter of December 26, from Tangier, of which a copy has been sent me by your Excellency, on the subject of certain Moors whom he states to have been conveyed from Gibraltar to Tangier, and there landed clandestinely and improperly, I have the honour to enclose you copies of letters from Rear-Admiral Sir Lucius Curtis, and from Lieutenant Spark, the Commander of the "Polyphemus;" and I do so, to correct a false impression which, as I think, may be conveyed by a paragraph of Sir John Sinclair's letter to your Excellency, and is, in fact, adopted in the letter of your Excellency addressed to Mr. Drummond Hay.

It is there supposed that the arrival of those persons at Gibraltar in Her Majesty's mail-packet, or man-of-war, as Sir John Sinclair calls her, was a sufficient passport for their re-embarkation in any other vessel for an ulterior destination.

In taking such persons for a passage in the customary way, the "Polyphemus" seems to have complied with the regulations of this island, and to have delivered the customary documents at Gibraltar; in doing so, it seems to me Lieutenant Spark's duty was fulfilled, and the passengers were subjected of course to the regulations of Gibraltar.

I have, &c.

(Signed) E. W. C. R. OWEN, *Vice-Admiral*.

His Excellency Sir R. Wilson,
&c.

Sub-Enclosure 5 in Second Enclosure in No. 40.

Rear-Admiral Curtis to Vice-Admiral Owen.

SIR,

"Ceylon," Malta, January 13, 1844.

IN compliance with your letter of yesterday, requesting me to call on Lieutenant Spark, of Her Majesty's steam-vessel "Polyphemus," for such information as he may be able to give relative to the conveying Hadji Hamed, four servants, and seven children, in that vessel from hence to Gibraltar, I have the honour to enclose Lieutenant Spark's report.

I return the Enclosure contained in your letter.

I have, &c.

(Signed) LUCIUS CURTIS, *Rear-Admiral*.

Vice-Admiral Sir E. W. C. R. Owen, K.C.B.
&c.

Sub-Enclosure 6 in Second Enclosure in No. 40.

Lieutenant Spark to Rear-Admiral Curtis.

SIR,

"Polyphemus," Malta, January 15, 1844.

IN compliance with your directions, to furnish any information in my power respecting the landing at Gibraltar of certain Moors on the 21st of December last, I have the honour to inform you, that the Hadji Hamed embarked on board Her Majesty's steam-vessel under my command at Malta on the 15th December, with four servants and seven children, as passengers for that place; and that on our

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arrival there they were duly reported in the customary returns (in duplicate) furnished to the officer of health on our arrival.

I beg to state, that I have no directions to require that passengers should possess passports embarking for Gibraltar ; and being in the habit of conveying Moors of all ages to and from that place, as merchants, pilgrims, their families, and servants, I had no reason for any suspicion as regarded the character of these persons.

I have, &c.

(Signed) THOMAS SPARK, *Lieutenant, and Commander.*

Rear-Admiral Sir L. Curtis, C.B.

&c.

&c.

No. 41.

Mr. Drummond Hay to the Earl of Aberdeen.

Tangier, June 10, 1844.

(Received June 26.)

(Extract.)

I HAVE the honour to acknowledge receipt of your Lordship's Despatch, marked *Slave Trade*, dated the 29th ultimo, containing various Enclosures respecting the 11 negro slave eunuchs purchased in Egypt for the Sultan of Morocco, and brought to this place on the 22nd of last December in the British despatch-boat "*St. Francis.*"

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CENTRAL AMERICA.

No. 42.

Mr. Chatfield to the Earl of Aberdeen.

Guatemala, April 1, 1844.

(Received June 21.)

MY LORD,

I HAVE had the honour to receive Slave Trade Circular Despatch of the 31st December last, with a copy of an Act (6 & 7 Vict. cap. 98) passed during the last Session of Parliament, entitled "An Act for the more effectual suppression of the Slave Trade."

I have, &c.

(Signed)

FRED. CHATFIELD.

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

EQUATOR.

No. 43.

Mr. Cope to the Earl of Aberdeen.

*Guayaquil, October 24, 1843.
(Received February 16, 1844.)*

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, marked Slave Trade, of the 30th May last, desiring me to obtain, for the information of Her Majesty's Government, answers to various queries contained therein respecting the condition of slaves and coloured people in the Equator.

As I have to apply to Quito for part of the information required, I cannot furnish it on the present occasion, but I will take care to obtain it as early as possible, and to transmit the same to your Lordship without delay.

I have, &c.

(Signed) WALTER COPE.

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

No. 44.

Mr. Cope to the Earl of Aberdeen.

*Guayaquil, December 24, 1843.
(Received May 8, 1844.)*

MY LORD,

I HAVE the honour to transmit to your Lordship, hereunto annexed, answers to the queries contained in your Lordship's Despatch of the 30th of May, relating to the condition, &c. of slaves in the State of the Equator.

I have, &c.

(Signed) WALTER COPE.

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

Enclosure in No. 44.

Queries referred to in the preceding Despatch.

Guayaquil, December 1843.

Q. WHAT is at present the amount of the population of the State of the Equator, 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 State in the year 1832, and what was the amount in 1837, distinguishing the particulars as in the case of the present time?

A. The population of the Equator is estimated, according to the census laid before the Convention in January last (1843) to amount to 700,110, consisting of—

	FREE.	SLAVES (SUPPOSED).
Males	333,750	2,600
Females	361,400	2,360

EQUATOR.

In 1839, the population was estimated, according to the returns of that year, at 617,000, consisting of—

	FREE.	SLAVES.
Males	309,800	2,600
Females	302,100	2,500

In 1837, the population (it is supposed) was about the same as at present; and also in 1832.

No returns were published previous to 1839; the difference between the returns of 1839 and of 1843 is supposed to consist in the greater exactness in the formation of the census for the latter, and not to an actual increase of the population.

No census of slaves was made in 1843.

Q. Is it supposed that any slaves have been imported into the country within the last 10 years, either direct from Africa, or from other quarters? if so, how many in each year?

A. None have been imported from Africa direct, nor from other quarters that were natives of Africa within the last 10 years; but probably about 300 or 400 slaves, principally males, natives of New Granada, may have been introduced from thence within that time, but as no notice is taken of such introductions by the authorities, (it being encouraged by the Government, and permitted by law) it is impossible to form an opinion of the exact number that may have been introduced in each year. The greater part have entered by land.

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

A. The law does protect the slave equally as a free man in criminal cases.

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

A. In case of ill-usage the slave may seek another master, at the same price as he was last sold for, or is legally valued at; or he may apply to a Magistrate to restrain the ill-usage of his master, who is subject to a criminal prosecution, if his ill-conduct deserves it.

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

A. The evidence of a slave is only received in a court of law as corroborative.

Q. Is the slave well or ill-fed—well or ill-treated?

A. The slaves in the Equator being mostly domestic servants, wet-nurses, and so forth, they are generally better fed and treated than free people of their class; and those which are employed in agriculture are quite as well treated as their fellow labourers.

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

A. The circumstance of being a slave does not affect the health or longevity of the person in this country.

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

A. It is on the decrease, in consequence of the children of slaves being born free.

Q. Is the manumission of slaves of common occurrence?

A. The manumission of slaves is not, and has not been of late years, of common occurrence.

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

A. The principal alterations made in the laws and regulations respecting slaves within the last 10 years were made by the late Convention (of this year); and they are decidedly unfavourable to slaves.

Q. 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?

A. The abolition of slavery is not a subject that engages the particular attention of any party in the Equator; through sentiments of philanthropy the people in general (excepting the few personally interested to the contrary) are favourable to the abolition of slavery; and the generosity with which Great Britain has liberated her own slaves, and come forward to put a stop to the traffic in those unfortunate beings, is frequently the theme of their admiration and encomium. But the few interested in the support of slavery, and in the introduction of slaves, are persons

of weight in the State (the President being one), and, consequently, great obstacles to all that would better the condition and tend to diminish the number of slaves in this country.

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

A. The law makes no difference between a free white and free coloured man.

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

A. Free coloured men may be admitted to any office whatsoever of the State: some are so employed.

Q. 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?

A. The first answer is drawn from the reports of the Minister of the Interior, laid before the Congress of 1839, and the Convention of 1843—the only statements of the population that have been published; the other answers are drawn from consultations with the principal law officers, and my own observations made during the long time I have resided in the country.

A census of the population is ordered by the Government (since 1841) to be taken annually; the last (considered to be the nearest approximation to the truth) was taken in 1842, and published in the report laid before the Convention in January 1843. No notice was taken of slaves in that report.

(Signed)

WALTER COPE,
Her Majesty's Consul.

No. 45.

(Extract.)

Mr. Cope to the Earl of Aberdeen.

Guayaquil, January 5, 1844.
(Received May 8.)

MY LORD,

IN the expectation that the law encouraging the importation of slaves into this country (which occasioned the 3rd Additional Article to the Treaty between Great Britain and the Equator for the abolition of the Slave Trade, and has been the obstacle to its ratification) would be repealed; and promised by the Minister for Foreign Affairs that he would use his endeavours with the National Representation to effect it, I abstained from pressing the further consideration of the Treaty until that embarrassment to its ratification should be removed.

But notwithstanding the assurance of the Minister, and the following passage in his Report to the National Convention last year, viz.—“An existing law has obstructed the ratification of the philanthropic Treaty negotiated with Great Britain for the abolition of the traffic in slaves; this matter will be submitted to your wisdom;”—a new law was passed, containing the same objectionable clause, authorizing the Government to permit the introduction of slaves, with the addition of others unfavourable to their condition in this country, such as the extension, from 18 to 35 years, of the term that the children of slaves have to remain under the masters of their parents, and the repeal of laws providing for their manumission.

However, when his Excellency the President was here in November last, he gave me to understand, that the Executive being now invested by the National Convention with more extensive powers than formerly, the law alluded to need not be considered an impediment to the ratification of the pending Treaty, provided that its stipulations did not obstruct the transportation of slaves from New Granada to the Equator, as is encouraged by a late law of the New Granadian Congress; and I accordingly addressed a note (of which I enclose a copy) to the Minister for Foreign Affairs, to induce the Government to consent to ratify the Treaty, excluding the 3rd Additional Article, on the assumption that the stipulations therein are not required to enable the Equator to introduce slaves from New Granada in the manner in which it always has been, and is practised, even when the Treaty is put in force; as its provisions, being to prevent the traffic in negroes brought from Africa, would not interfere with the passage of slaves of New Granada to the Equator, the greater part of whom come by land, or as servants, mariners, and passengers, in the coasting vessels trading between the two countries, and in very small numbers.

CLASS D.

In expectation that I will proceed to Quito, and that we shall soon have a meeting to confer on this matter, the Minister has not returned an official answer to my above-mentioned note.

I enclose a copy of my former communication to the Equatorian Minister, dated September 28, 1842, referred to in my note of the 6th of December last.

I have, &c.

(Signed) WALTER COPE.

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

&c.

&c.

&c.

First Enclosure in No. 45.

Mr. Cope to Senhor Malo.

Guayaquil, December 6, 1843.

THE Undersigned, &c. &c. has the honour to address his Excellency, &c. &c. with the object of drawing his attention to the negotiation of the Treaty pending between Great Britain and the Equator for the abolition of the Slave Trade. In his last communication on that subject, the Undersigned had the honour to state, that Her Britannic Majesty's Government were disposed to admit the whole of the Treaty concluded May 24, 1841, between the Undersigned and his Excellency the Minister of Foreign Affairs of the Equator, with the exception of the agreement forming the Additional Article No. 3, Her Majesty's Government being of opinion that such a stipulation (as that which is contained in the said agreement) would give the means of evading the whole object of the Treaty; for slave traders from Brazil and Africa, transporting in the first instance their slaves to any port on the Pacific, might afterwards, under that stipulation, transfer them legally to the Republic of the Equator; and that under these views Her Britannic Majesty's Government cannot advise Her Majesty to ratify the Treaty coupled with the Additional Article No. 3.

To that communication the Undersigned has not received any reply; but to a private one on the same subject which he addressed to his Excellency Senhor Marcos, about the same time, his Excellency was pleased to intimate, "that as the National Representation was about to be assembled, the difficulty which had presented itself to the ratification of the Treaty would be cleared away," and his Excellency offered his powerful assistance for the attainment of that object.

In effect, the Undersigned had the satisfaction to see in his Excellency's exposition to the National Convention, that the attention of the Legislature was called to the subject; and he now understands from high authority, that the powers with which the Executive have been invested enable it to remove the difficulty above alluded to, without further recourse to the legislative body being requisite.

All the great interests involved in the Treaty have been discussed, and agreed upon by both Governments; and so little remains to delay its ratification (and nothing affecting the real interests of the Equator), that the Undersigned considers himself entitled to hope, that his Excellency the Equatorian Minister will agree with him, that the time has arrived for its final conclusion, and that his Excellency's Government will consent to ratify the Treaty, excluding the 3rd Additional Article. In reality, that Article was not called for by the law cited therein, which, even as it stands, is not an obstacle to the Treaty. That the law published under the title of "A Law prohibiting the introduction of slaves," and the Preamble and 1st Article of which are as follows, viz.—"The Constituent Congress of the State of the Equator, in the Republic of Columbia, desirous of stopping the importation of slaves which is made into the territories of the State, and considering that the praiseworthy object of manumission has been retarded by reason of the enormous accumulation of them in the litoral provinces, has decreed, and does hereby decree: Article I. The importation of slaves into the territory of the State is prohibited; and those are declared free which may be introduced, under any pretext whatsoever, contrary to the tenor of this Law; the authorities who neglect its fulfilment being held responsible;"—contains, it is true, a clause which empowers the Government to grant permission for the occasional introduction of slaves, for specified purposes; but a consideration for the dignity and consistency of the Equatorian nation forbids the construction that by a law prohibiting the import-

ation of slaves, it was the intention of its Legislature to encourage their introduction, though it might be to tolerate it in some special cases. The Law neither directs nor recommends that such permission shall be granted; the power it conveys is perfectly discretionary with the Government to act on or not; and, although it might be desirable to repeal the objectionable clause, it is not actually necessary, to enable the Government to ratify the Treaty.

Trusting to the enlightenment of his Excellency the Equatorian Minister to coincide in the views which he has taken of the foregoing subject, the Undersigned has the honour to repeat that he remains, &c. &c.

(Signed) WALTER COPE.

His Excellency Senhor Malo,
&c. &c.

Second Enclosure in No. 45.

Mr. Cope to Don Francisco Marcos.

Guayaquil, September 28, 1842.

THE Undersigned, &c. &c. has the honour to inform his Excellency, &c. &c. that Her Britannic Majesty's Government are disposed to admit the whole Treaty for the abolition of the Slave Trade, concluded on the 24th of May, 1841, and signed by the Undersigned, and his Excellency the Minister who he has the honour to address, with the exception of the agreement forming Additional Article No. 3 to the Treaty, which provides that the stipulations of the Treaty "shall not extend to prevent the introduction of slaves into the Equator from any port in the Pacific."

Her Britannic Majesty's Government are of opinion, that such stipulations would give the means of evading the whole object of the Treaty; for slave traders from Brazil and Africa, transporting in the first instance their slaves illegally to any port in the Pacific, might afterwards under that stipulation transfer them legally to the Republic of the Equator; and under these views Her Britannic Majesty's Government cannot advise Her Majesty to ratify the Treaty coupled with the Additional Article No. 3. But to remove that obstacle to its ratification, the Undersigned is instructed to renew his applications to the Equatorian Government on the subject of the Treaty, in order to induce them to withdraw the objectionable stipulation, in the hope that seeing the abuse that might be made of it, the Equatorian Government will consent to ratify the Treaty without insisting on the insertion of the above-mentioned Article. His Excellency Senhor Marcos may remember, that the Undersigned has always objected to this Additional Article, founded on a Resolution which appears to contain a contradiction in itself, and to be in opposition to the fundamental laws of the country; and that at the time he expressed his objections to the principle of the Article, he also declared that his instructions did not authorize such a deviation from the draft of the Treaty sent out to him by his Government, and which he transmitted to his Excellency the Equatorian Plenipotentiary.

But the Equatorian Plenipotentiary considered himself obliged to insist on the Article in question, and it was therefore made a separate Act, without reference thereto in any other part; and in that shape the Undersigned consented to sign it, to terminate the negotiation of a Treaty, in the conclusion of which both Governments felt a lively interest, without waiting the long time it would require for the Undersigned to consult his Government on a point unconnected with the rest of the Treaty, and because the Article can be detached therefrom without affecting the Treaty, as no mention is made therein either of the said Additional Article or of the Resolution which gave rise to it.

Under these considerations, the Undersigned trusts in the well-known philanthropy of his Excellency Senhor Marcos, that he will lend his powerful influence in the Equatorian Cabinet to induce his Government to ratify the Treaty of May 24, 1841, with its Annexes, and 1st and 2nd Additional Articles, excluding the agreement which forms the 3rd, and thus afford the Undersigned and himself the satisfaction of having concluded a Treaty equally in harmony with the prevailing

EQUATOR.

ideas of the age, as with the philanthropic sentiments which animate both Governments.

The Undersigned, &c.

(Signed) WALTER COPE.

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

Note.—No official answer was returned ; but it was intimated to Her Majesty's Consul, that the National Representation being about to assemble, the difficulty complained of would be removed, Dr. Marcos offering to use his endeavours to effect it.

No. 46.

(Extract.)

The Earl of Aberdeen to Mr. Cope.

SIR,

Foreign Office, June 19, 1844.

I HAVE received your Despatch, marked Slave Trade, of the 5th January last, enclosing a copy of a note which you had addressed on the 6th December, 1843, to the Equatorian Minister for Foreign Affairs, renewing the request which, in accordance with the instructions contained in my Despatch, marked Slave Trade, of the 22nd March, 1842, you had made on the 28th September, 1842, to that Minister, to ratify the Treaty concluded by you on the 24th May, 1841, with its Annexes and Additional Articles I. and II., omitting the objectionable stipulations contained in the additional Article III.

I am, &c.

(Signed) ABERDEEN.

Walter Cope, Esq.
&c. &c.

No. 47.

Mr. Cope to the Earl of Aberdeen.

Guayaquil, February 26, 1844.

(Received July 20.)

MY LORD,

I HAVE the honour to lay before your Lordship a copy and translation of a note which I have received from the Minister for Foreign Affairs of the Equator, to acquaint me, that the proposition contained in my note to His Excellency of December 6, of last year, "to ratify the Treaty for the abolition of the Slave Trade, concluded between me and the Plenipotentiary of the Equator, *with exclusion of the 3rd Additional Article,*" having been submitted to the consideration of the Council of Government, it was resolved, that it should be answered in the following terms,—“That the Executive Power cannot ratify any public Treaty without the previous advice and consent of the Congress, excepting only those of peace and amity. That although the said Treaty for the abolition of the traffic in slaves was passed by the Supreme Government to the last National Convention for its examination and approval, it remained pending, because that body had not sufficient time to discuss it ; and that the Supreme Government would provide that it should be again taken into consideration by the next Legislature.”

It is understood that the Congress will be assembled this summer ; and should your Lordship approve of my proceeding to Quito on this service, it would probably be the means of bringing this long-pending business to a conclusion ; for it may be inferred, from the tenor of the accompanying note, that the Executive no longer insists on the objectionable Article, and that the Treaty would be ratified without, had it received the constitutional approbation of the Congress.

This is more likely to be obtained by my being on the spot during the ensuing Sessions, to push the business forward ; otherwise, by leaving it to the mere recommendation of the Executive, which, notwithstanding its professions, has ever viewed the Treaty with indifference, it would run a risk of being again laid aside for future discussion.

I have, &c.

(Signed) WALTER COPE.

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

(Translation.)

Enclosure in No. 47.

Senhor Marcos to Mr. Cope.

Republic of the Equator.—Department of Foreign Affairs.

SIR,

Quito, January 29, 1844.

THE President of the Council of Government, under date of the 5th instant, has directed to me the communication which I transcribe:—

“ Sir,

“ Account was given of a communication from Her Britannic Majesty’s Consul and Plenipotentiary to the Department under your charge, confined to soliciting that the Executive Power would ratify the Treaty celebrated May 24, 1841, between the Republic of the Equator and the Queen of Great Britain, for the abolition of the traffic in slaves, with the exclusion of the 3rd Additional Article; but, considering that the Executive Power cannot ratify any public Treaty without the previous advice and consent of the Congress, excepting those of peace and amity only, which may be ratified during the recess of Congress, with the approbation of the Permanent Commission, according to the 9th of the Attributions of the Executive Power; and that although the aforesaid Treaty for the abolition of the traffic in slaves was passed by the Supreme Government to the last National Convention for its examination and approval, the business remained pending, because that body had not sufficient time,—it was of advice that the British Consul and Plenipotentiary should be answered in those terms; assuring him also, that the Supreme Government would provide that the next Legislature should again take it into consideration. I transcribe this to you, to be made known to his Excellency the President of the Republic.

“ And his Excellency the President having conformed to the foregoing dictate, I have the honour to transcribe it to you, for your information.

(Signed) “ BENIGNO MALO.”

No. 48.

The Earl of Aberdeen to Mr. Cope.

SIR,

Foreign Office, July 31, 1844.

I HAVE received your Despatch, marked Slave Trade, of the 26th February last, enclosing a copy of a note from the Equatorian Minister of Foreign Affairs on the subject of the Treaty signed on the 24th May, 1841, between Her Majesty and the Republic of the Equator, for the abolition of the traffic in slaves.

I concur in your suggestion, that you should proceed to Quito during the ensuing Session of the Congress, with the view of more readily bringing to a satisfactory conclusion the long-pending negotiation for the ratification of that Treaty with the exclusion of the 3rd Additional Article thereto.

I am, &c.

(Signed) ABERDEEN.

Walter Cope, Esq.

&c. &c.

No. 49.

Mr. Cope to the Earl of Aberdeen.

MY LORD,

Guayaquil, July 1, 1844.

(Received October 7.)

I HAVE the honour to acknowledge the receipt of your Lordship’s Despatch of the 31st December last, marked Slave Trade, accompanying two copies of the Act passed during the last Session of Parliament, entitled “ An Act for the more effectual suppression of the Slave Trade.”

I beg leave to assure your Lordship, that I shall carefully attend to the instructions contained in the above-mentioned Despatch.

I have, &c.

(Signed) WALTER COPE.

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

&c. &c. &c.

NEW GRANADA.

No. 50.

Mr. Rainsford to the Earl of Aberdeen.

Bogota, November 3, 1843.

(Received January 9, 1844.)

MY LORD,

I HAVE the honour to give the following answers to the 14 queries contained in your Lordship's Despatch, Slave Trade, dated the 30th of May last.

1. No census was taken in 1832. The earliest of which I can obtain any knowledge was taken in 1835, and presented to Congress in March 1836, a statement of which, extracted from the Secretary's Report, I have the honour to enclose. The population of this Republic is supposed to have been nearly the same in the year 1832 as it was in 1835. In taking a census no distinction is made between free coloured people and the white population.

2. No slaves have been imported into this country from Africa during the last 10 years. Persons emigrating from St. Thomas and Curaçoa within that period have brought slaves as their personal servants; the average has not exceeded two per cent. in each year.

3. The constitution of the Republic and the penal code recognise no difference between the free man and the slave in criminal cases. In the application of punishment the law admits of some mitigation towards slaves.

4. The punishment which a master may inflict on a slave is fixed by law; should it be exceeded, the slave may complain to a magistrate; should the excess be proved criminal, the master is liable to punishment, and to have the slave taken from him and sold. A slave, dissatisfied with his master, may insist on being sold to some other.

5. The evidence of a slave is received in a court of law, except in cases where his master is concerned. When a number of witnesses appear, slaves and free men, more credit is given to the evidence of the free men, on the ground of capability.

6. I have received from Mr. Wilson, a partner in the House of Powles Illingworth & Co., the following answer, in reply to this query:—"It has always been asserted, and my experience during 13 years' residence on the coast and in the interior, leads me to corroborate the assertion, that the slaves in New Granada are as well fed and as well treated as in any country where slavery exists. They are allowed many privileges which enable them to amass means by which to liberate themselves; and instances are not uncommon of a husband liberating his wife, a father his son, and a son his father. In such cases it is usual for the owner to receive less than the value of the slave, if sold to a purchaser."

7. The slave enjoys as good health and lives as long as a free man.

8. The slave population is considered to have decreased in late years. The causes are—all children born since 1821 become free at 13 years of age; manumissions; and death, chiefly from small-pox.

9. The manumission of slaves is of common occurrence when compared with the slave population and the state of the country. Public funds destined for the purpose are, three per cent. of the fifth part of the property of those who die leaving legitimate descendants; three per cent. of a third part of property which ascends; three per cent. of the whole of property reverting to collateral heirs; and ten per cent. of the whole of property bequeathed to persons unconnected by consanguinity. These funds are collected by the Municipal Corporations of the 114 Cantons into which the Republic is subdivided. Should there be no slaves in a province, the funds continue to be collected for the purpose of manumission. In all the revolutions and exigencies of the country, the slave funds have been held

sacred. When manumissions take place, slaves who offer to become soldiers are given a preference.

10. The laws and regulations relative to slaves have continued to be favourable to them, since the first law in 1821.

11. There is a party favourable to the immediate abolition of slavery, but the majority are in favour of gradual emancipation.

12. There is no difference in the eye of the law between a free white and free coloured man.

13. Free coloured men are eligible for offices of State, and many have held important situations. There are many coloured and black men officers in the army—lieutenants, captains, and colonels.

14. I have drawn my answers from public documents, and from private information. Hitherto a periodical census of this Republic has not been taken. A census was taken a few months since, but the statements have not as yet been sent in from all the provinces.

I have, &c.

(Signed)

W. H. RAINSFORD.

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

&c.

&c.

&c.

Enclosure in No. 50.

CENSUS of the Population of New Granada, presented to Congress in March 1836.

MEN.				WOMEN.			
Ecclesiastics.	Married.	Single.	Boys and Infants.	Nuns.	Married.	Single.	Girls and Infants.
1,542	234,988	191,101	363,982	449	235,461	259,935	359,239
SLAVES.							
MEN.				WOMEN.			
Married.		Single.		Married.		Single.	
5,742		12,452		5,241		15,405	

(Extract.)

No. 51.

The Earl of Aberdeen to Mr. O'Leary.

SIR,

Foreign Office, April 30, 1844.

I BEG to refer you to the correspondence in the archives of Her Majesty's Mission at Bogota, for the instructions which were given to your predecessor Mr. Steuart to press upon the Granadian Government the conclusion of a Treaty with Great Britain for the abolition of the Slave Trade. In that correspondence you will also see the progress which Mr. Steuart had made in the negotiations for the Treaty in question.

You were directed to consider the instructions addressed to Mr. Steuart as addressed equally to yourself; and you will perceive, by my Despatch, Slave Trade, of the 27th August, 1842, to Mr. Steuart, that Her Majesty's Government, though regretting the narrow limits within which the right of search had been confined by the 3rd Article of the Treaty signed by Mr. Adams, and regretting also that National Tribunals had been substituted in that document for Mixed Commission Courts, wherein to try the cases of vessels detained under the Treaty, would yet have been inclined to ratify the Treaty signed, if its duration had not been limited.

If, however, at the time of your receiving this instruction, you have not been able to enter into discussion with the Granadian Minister on the subject of the Treaty, I have to desire that you will use your best endeavours to obtain the consent of the

Granadian Government to the conclusion of a Treaty on the basis, either of that signed between Great Britain and Spain in June 1835, or of that concluded between Great Britain and Portugal in July 1842, and I furnish you herewith with copies of each.

The reasons why Her Majesty's Government would prefer those Treaties to that which was signed by Mr. Adams are, that by prescribing a wider range within which search may be exercised, and by providing means for a ready adjudication of the cases of vessels detained, more efficacious measures are adopted for the suppression of Slave Trade when carried on by vessels assuming the flag of New Granada. And the enclosed extract of a communication recently received from the Admiralty will show to the Granadian Government that the apprehension of slave traders using the Granadian flag to cover their nefarious purposes, is not without foundation.

Her Majesty's Government therefore hope earnestly that you will be enabled to induce the Granadian Government to agree to a Treaty upon the basis of one or other of these Conventions, of which the efficacy has been proved.

I am, &c.

(Signed) ABERDEEN.

Daniel O'Leary, Esq.
&c. &c.

Enclosure in No. 51.

Sir John Barrow to Viscount Canning.

(Extract.)

Admiralty, April 6, 1844.

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of the Earl of Aberdeen, a copy of a letter from Rear-Admiral the Honourable Josceline Percy, dated the 28th December last, and its Enclosures, respecting the Slave Trade in the Mozambique, carried on by means of vessels under Columbian colours.

Sub-Enclosure 1 in Enclosure in No. 51.

Rear-Admiral Percy to the Hon. Sidney Herbert.

(Extract.)

"Winchester," Simon's bay, December 28, 1843.

IN respect to the slave traffic in the Mozambique, their Lordships will perceive, from Captain Wyvill's report, that an attempt is to be made to carry it on in the vicinity of Quillemaine, by means of vessels to be fitted out under Columbian colours, and that vessels of this description may be expected there in the course of two months.

Should this system be adopted, it is doubtful how far they could be interfered with, unless it could be proved that they were not justly entitled to the protection of that flag.

Sub-Enclosure 2 in Enclosure in No. 51.

Captain Wyvill to Rear-Admiral Percy.

(Extract.)

"Cleopatra," Simon's bay, December, 20, 1843.

ON arriving off Quillemaine I sent an officer up to the town for information, and found that a slaver had taken a cargo away from outside the bar early in October; she was under Columbian colours, and had been in the river. It was said that most of the slaves belonged to the Governor.

At the same time an American barque arrived and discharged her cargo of merchandize, and left an agent to purchase slaves with it. She returned to Rio de Janeiro, with the intention of sending slave vessels over under Columbian colours, to take the slaves, (should no man-of-war be off the coast,) from the small rivers adjoining Quillemaine. These slave vessels are expected in six weeks.

No. 52.

*Mr. O'Leary to the Earl of Aberdeen.**Bogota, May 1, 1844.
(Received July 6.)*

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Circular Despatch, Slave Trade, of the 31st December last, referring me to the Act 5 Geo. IV., entitled "An Act to amend and consolidate the laws relating to the abolition of the Slave Trade," and transmitting to this Mission copies of an Act passed during the last Session of Parliament, entitled "An Act for the more effectual suppression of the Slave Trade."

It will be my duty to pay the strictest attention to the instructions contained in your Lordship's Despatch, and to take care that the purport of the enclosed Act is well understood by Her Majesty's subjects resident in this country.

It will likewise be my duty to forward to your Lordship whatever information may come to my knowledge of any of Her Majesty's subjects being implicated in transactions forbidden by either of the Acts referred to in your Lordship's Despatch.

I have, &c.

(Signed) DANIEL F. O'LEARY.

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

No. 53.

*Mr. O'Leary to the Earl of Aberdeen.**Bogota, June 10, 1844.
(Received September 15.)*

MY LORD,

WITH reference to Mr. Steuart's Despatch to your Lordship, Slave Trade, of December 31, 1842, I have the honour to transmit herewith to your Lordship copy of the note to which Mr. Steuart refers as having been addressed by him to M. Ospina, in pursuance of the instructions contained in your Lordship's Despatch, Slave Trade, of the 27th August, 1842, and to acquaint your Lordship, that after having had several conversations on the subject of the pending negotiation for the suppression of the Slave Trade with the New Granadian Minister for Foreign Affairs, I addressed to his Excellency, on the 4th instant, a note, of which Enclosure No. 2 is a copy, requesting to be informed if the Granadian Government is willing to accept the propositions made by Mr. Steuart, in the note of the 7th December, 1842.

Enclosure No. 3 contains a copy and translation of the answer returned to me by Colonel Acosta, wherein he states that his Government would consent to extend the duration of the Treaty to 25 years for the exercise of the right of search, within the limits assigned in the 1st, 2nd, and 5th clauses of the 3rd Article, on condition that the duration of the right in regard to vessels comprised in the 3rd and 4th clauses of the same Article be restricted to 15 years, prorogable in the manner prescribed in the 14th Article of the proposed Treaty.

I have not replied to Colonel Acosta's note; but I have mentioned to him, in the course of conversation, that his proposal was inadmissible; and I have not further pressed the matter, because, even should the Granadian Government accede to your Lordship's propositions, I am not invested with full powers to sign the Treaty on the part of Her Majesty.

I have, &c.

(Signed) DANIEL F. O'LEARY.

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

First Enclosure in No. 53.

*Mr. Stewart to Senhor Ospina.**Bogota, December 7, 1842.*

THE Undersigned, &c. &c., has the honour to acquaint his Excellency Senhor Mariano Ospina, &c. &c., 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. Adam, 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 Commission, 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 15 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 negotiating 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 desire 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 negotiating parties have so much at heart, Her Majesty's Government were willing to limit the duration of the Treaty to the period of 25 years, with an engagement 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 Senhor Ospina the expediency of agreeing to this proposition, and 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 Senhor Ospina the example of other South American States, with whom Great Britain has already concluded Treaties for 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 beneficent 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 25

years, the Undersigned is authorized to submit to the consideration of his Excellency Senhor Ospina, that an Article similar either to Article XIV. 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 XIV. in the Treaty signed by Mr. Adam and the Granadian Plenipotentiary. Of these Treaties the Undersigned has the honour to transmit copies to Senhor 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 negotiation, the object of which both parties appear to have equally at heart, may at length be brought to a satisfactory conclusion.

The Undersigned, &c.

(Signed) ROBERT STEUART.

His Excellency Senhor Ospina,
&c. &c.

Second Enclosure in No. 53.

Mr. O'Leary to Colonel Acosta.

Bogota, June 4, 1844

THE Undersigned, &c. &c., has the honour to invite the attention of His Excellency Colonel Joaquin Acosta, &c. &c., to the negotiation pending between Her Majesty's Government and that of New Granada of a Treaty for the suppression of Slave Trade, and begs to be informed if the Government of the Republic is willing to accept the propositions made by the late Mr. Steuart in the note which he addressed to Colonel Acosta's predecessor on the 7th of December, 1842.

The Undersigned, &c.

(Signed) DANIEL F. O'LEARY.

His Excellency Colonel Acosta,
&c. &c.

Third Enclosure in No. 53.

Colonel Acosta to Mr. O'Leary.

(Translation.)

Bogota, June 8, 1844.

THE Undersigned, &c. &c., had the honour to receive, and submit to the consideration of his Excellency the President of the Republic, the note of Mr. O'Leary, &c. &c., in which he desires to be informed of the resolution of the Government of New Granada respecting the Treaty for the suppression of the Slave Trade, signed at Bogota on the 28th of February, 1842, whose adoption was not recommended by the British Government to Her Majesty the Queen, because it was considered that the term of 15 years assigned for its duration was not sufficient for the object proposed.

His Excellency the President, desirous to conciliate with the national interests which are specially committed to him the beneficent and humane views which have always moved the Government of New Granada and that of Her Britannic Majesty to take the most efficient measures to suppress the Slave Trade, would consent to extend the duration of the Treaty for the term of 25 years, for the search of vessels within the limits assigned in the 1st, 2nd, and 5th clauses of the 3rd Article, on condition that the duration of the right of visiting the vessels comprised in the 3rd and 4th clauses of that Article be restricted to the 15 years stipulated in the 14th Article, prorogable to the 25 years proposed, and subsequently in the manner prescribed by the 14th Article.

The reasons which subsist for insisting on this limitation are not unknown to Mr. O'Leary, because he is aware that all Granadian vessels engaged in the trade of Europe and the United States of America have to pass close to the islands of Cuba and Puerto Rico; and because he is moreover aware, that the opinion openly manifested in this country against Treaties of long duration would frustrate in the Legislative Chambers the very lively desires of the Granadian Government to do

what is agreeable to that of Her Britannic Majesty, and to promote the holy work of the suppression of Slave Trade, which so much interests the cause of civilization and humanity.

Having hereby replied to the esteemed note of Mr. O'Leary of the 4th instant, the Undersigned, &c.

(Signed) JOAQUIN ACOSTA.

Daniel O'Leary, Esq.
&c. &c.

No. 54.

Mr. O'Leary to the Earl of Aberdeen.

Bogota, July 4, 1844.
(Received September 15.)

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, Slave Trade, of the 30th April last, referring me to the correspondence in the archives of this Mission for the instructions that were given to my predecessor, Mr. Steuart, to press upon the Granadian Government the conclusion of a Treaty with Great Britain for the abolition of the Slave Trade, and communicating to me further instructions on the same subject.

In reply I take the liberty to refer your Lordship to my Despatch, Slave Trade, of the 10th ultimo, to show your Lordship that I have not been inattentive to the instructions given to my predecessor, and that I had already moved the Granadian Government, before the receipt of your Lordship's Despatch of the 30th April, to conclude a Treaty in conformity with those instructions, though without perfect success. And though I shall have now to await the answer which your Lordship may be disposed to return to that Despatch, Slave Trade, I will not fail to avail myself in the meantime of any favourable contingency that may offer in order to obtain the acquiescence of this Government in the propositions contained in your Lordship's above-named Despatch.

With reference to the extract of a letter from the Secretary to the Admiralty to Viscount Canning, dated April 6, 1844, and to the other extracts of letters which, together with that, form the Third Enclosure in your Lordship's afore-mentioned Despatch, I beg permission to point out to your Lordship, that the Columbian flag properly speaking is now used only by Venezuela, the other States into which Columbia has been divided having adopted alterations in the position of the colours in the flag of the mother State; and in regard to that of New Granada, I have the honour to refer your Lordship to Mr. Turner's Despatch, of the 29th May, 1834, to Viscount Palmerston.

I have, &c.

(Signed) DANIEL F. O'LEARY.

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

No. 55.

Mr. O'Leary to the Earl of Aberdeen.

Bogota, July 24, 1844.
(Received October 7.)

MY LORD,

I HAVE again spoken to the New Granadian Foreign Secretary on the subject of the negotiation for the Slave Treaty, but regret not to have received from him any encouragement to hope that his Government will assent to extend the duration of the Treaty even to 25 years, for the exercise of the right of search in the latitudes of the islands of Cuba and Puerto Rico. Colonel Acosta assures me, that the Legislature would never consent to a longer term than 15 years, as far as that quarter is concerned, until experience shall show that the Granadian commerce does not suffer from the interference of our cruizers; and he even thinks that it will cost much trouble to obtain the sanction of the Chambers to the stipulations which his Excellency proposed in the note which he addressed to me on the 8th

ultimo, which formed Enclosure No. 3, in my Despatch, Slave Trade, of the 10th ultimo.

As the present Administration is determined upon this point, I have thought it advisable not to address a note to Colonel Acosta on the subject, lest his recorded negative should fetter the action of the Ministers who may come into power on the accession of the new President in April next.

I have, &c.

(Signed)

DANIEL F. O'LEARY.

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

&c.

&c.

&c.

No 56.

Mr. O'Leary to the Earl of Aberdeen.

Bogota, September 30, 1844.
(Received December 13.)

MY LORD,

HAVING been informed by Colonel Acosta that some proprietors of slaves in the ports of Choco and Buenaventura, on the Pacific Ocean, are in the habit of sending young negroes, the offspring of slaves, but who are, in virtue of the law, born free, to Paita and other ports of the Peruvian coast, to be sold as slaves, I have considered it my duty to communicate this intelligence to Admiral Thomas, in a Despatch, copy of which I have the honour to transmit herewith to your Lordship, that he may adopt such measures as he may think meet to put an end to this abominable traffic.

Colonel Acosta promised to write me officially upon the subject, but as yet I have received no note from him in reference thereto:

I have, &c.

(Signed)

DANIEL F. O'LEARY.

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

&c.

&c.

&c.

Enclosure in No. 56.

Mr. O'Leary to Rear-Admiral Thomas.

SIR,

Bogota, September 25, 1844.

THE Granadian Secretary for Foreign Affairs has this moment read to me a letter from a respectable individual in one of the southern provinces of this Republic, in which it is stated, that an iniquitous practice obtains to some extent on the coasts of Choco and Buenaventura, of shipping there the children of slaves, who, in virtue of the laws of the country, are born free, and transporting them to Peru, where they are sold as slaves.

I hasten to acquaint you with the existence of this most abominable species of Slave Trade, that you may adopt such measures as you may deem expedient, in order to put an end thereto.

I have, &c.

(Signed)

DANIEL F. O'LEARY

Rear-Admiral R. Thomas,

&c.

&c.

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

No. 57.

Mr. Pro-Consul Druce to the Earl of Aberdeen.

Carthagena, March 21, 1844.

(Received May 8.)

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Circular Despatch, Slave Trade, of the 31st December, 1843; also two copies of an Act passed during the last Session of Parliament for the more effectual suppression of that traffic, a copy of which Act I have placed in the most conspicuous part of this office, and have made known its contents to the British subjects resident within this Consulate, according to your Lordship's instructions.

I have, &c.

(Signed)

JAMES DRUCE.

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

&c.

&c.

&c.

NEW GRANADA. (*Consular*)—*Panama.*

No. 58.

Mr. Perry to the Earl of Aberdeen.

Panama, March 28, 1844.

(Received May 23.)

MY LORD,

I HAVE the honour to acknowledge the receipt, on the 15th instant, of your Lordship's Circular Despatch, Slave Trade, dated December 31st, of last year.

I have carefully obeyed the instructions conveyed therein, by informing the merchants of this place that the prohibitions contained in the Act of 5 Geo. IV. cap. 113, are extended to British subjects residing in places not under the dominion of the British Crown.

I have also caused a copy of the Act 6 & 7 Vict. cap. 98, to be affixed in a conspicuous part of my office, and I have annexed a copy of your Lordship's Circular Despatch, and of the new Act, as Enclosures 22 B. and 22 C. to the 26th section of my General Instructions.

The trade in slaves has been prohibited by law in this country ; and no instance has come under my notice wherein British subjects or British capital have been engaged therein in any part of this Consulate. But if any information shall be given me, that any of Her Majesty's subjects in this province are implicated in the Slave Trade, I shall not fail to transmit a statement thereof to your Lordship.

I have, &c.

(Signed)

WILLIAM PERRY.

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

&c.

&c.

&c.

PERU.

No. 59.

The Earl of Aberdeen to Mr. Adams.

SIR,

Foreign Office, May 25, 1844.

HER Majesty's Government have received from Mr. Barton a copy of a Decree of the Peruvian Government, bearing date the 12th August last, stating that the Government of Peru no longer recognised the 146th Article of the Constitution of 1835, which declared foreign slaves coming into the territory of that Republic to be free.

In the Decree now issued it is stated, that the Constitution of 1835 was done away with by a subsequent Constitution promulgated in 1839, and that from the date of the publication of the last-mentioned Constitution, the Government recognises no law which alters the condition of slaves that enter the territory of Peru. It appears from a preamble to this Decree, that it has arisen out of an application made to the Government by the Consul-General of the Equator for information "Whether any persons can bring into the country of Peru the slaves they want, and under what condition in respect of seignory;" and the effect of the Decree seems to be, that persons may bring into Peru whatever slaves they desire, and may treat them as slaves while in the country, without conditions or restrictions.

With a view to put you in possession of the sentiments of Her Majesty's Government upon this subject, I furnish you with the accompanying copy of a Despatch which I addressed to Mr. Wilson on the 31st December, 1841, when first it was made known to this Government that a plan was in contemplation for reviving the Slave Trade of Peru; and refer you to the Despatch which I addressed to you on the 28th of August last, also upon this subject.

The natural result of the Decree of the 12th August must be, to encourage and to protect the revival of Slave Trade in Peru, since it permits in fact the introduction of slaves, without limitation as to number, and without restriction as to origin, or as to the object for which they are introduced.

I have therefore to desire, that you will immediately address a strong remonstrance to the Peruvian Minister against that Decree.

You will call the attention of the Government of Peru to the 11th Article of the Treaty concluded on the 5th June, 1837, between Great Britain and Peru-Bolivia, when Peru formed a part of that State; by which it is made obligatory on the Government of the country to prohibit all persons inhabiting the territories of the Republic, or subject to their jurisdiction, from taking any share in the Slave Trade.

You will declare, that Her Majesty's Government consider that the promulgation of this Decree is not in conformity with the obligations of the above-mentioned Treaty; and you will therefore require that it be rescinded.

You will at the same time endeavour to recall the Peruvian Government to a sense of those liberal and enlightened principles which were carried out in the 146th Article of the Constitution of 1835; and you will urge upon them the adoption of a Decree renewing the declaration therein contained.

I am, &c.
(Signed) ABERDEEN.

W. Pitt Adams, Esq.
&c. &c.

Enclosure in No. 59.

The Earl of Aberdeen to Mr. Belford Wilson, December 31, 1841.

(See Class D., 1841, presented 1842, No. 234, p. 150.)

No. 60.

*Mr. Adams to the Earl of Aberdeen.**Lima, April 22, 1844.**(Received July 6.)*

MY LORD,

WITH reference to your Lordship's Despatch of the 28th of August last, I have the honour to state, that since my arrival at Lima there has been no Government resident in this capital claiming to be the Government of the Republic, and that I have accordingly been unable to ascertain the feeling of the party now in power respecting a renewal of the negotiations commenced in 1839, for the conclusion of a Treaty for the abolition of the Slave Trade. As soon as order is re-established it will be my earnest endeavour to proceed with a matter of so much interest, and I shall have the honour to report upon the degree of probability which may exist of inducing the Peruvian Government to agree to a Treaty on the basis of the draft transmitted to this Legation in Lord Palmerston's Despatch of the 30th of April, 1838.

As far as I can ascertain, no attempt has lately been made to renew, or to carry into effect, the plan proposed in 1841 for reviving Slave Trade in Peru, against which your Lordship's instructions direct me to remonstrate.

I have, &c.

(Signed)

W. PITT ADAMS.

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

&c.

&c.

&c.

No. 61.

*Mr. Adams to the Earl of Aberdeen.**Lima, June 8, 1844.**(Received September 17.)*

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, marked Slave Trade, of the 31st of December, 1843, enclosing copies of an Act of Parliament of 6 & 7 Vict. cap. 98, entitled "An Act for the more effectual suppression of the Slave Trade," and to assure your Lordship that I will strictly comply with the directions therein contained.

I have also the honour to report, that as far as I have been able to ascertain no British subject within this district has contravened the laws of Parliament on the subject of slavery.

I have, &c.

(Signed)

W. PITT ADAMS.

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

&c.

&c.

&c.

UNITED STATES.

No. 62.

The Earl of Aberdeen to Mr. Pakenham.

SIR,

Foreign Office, January 9, 1844.

I HEREWITH transmit to you for your information, copy of a note and of its Enclosures which I have addressed to Mr. Everett, United States Minister at this Court, upon the subject of slave equipments conveyed to Africa by United States vessels; and a copy of Mr. Everett's note acknowledging the receipt of that communication.

I also transmit to you, copies of letters and of their Enclosures which have recently been received at this office from the Admiralty, containing further information upon the same subject.

I have, &c.
(Signed) ABERDEEN.

The Right Hon. R. Pakenham,
&c. &c.

First Enclosure in No. 62.

The Earl of Aberdeen to Mr. Everett, November 22, 1843.

(See Class D., 1843, presented 1844, No. 48, p. 109.)

Second Enclosure in No. 62.

Mr. Everett to the Earl of Aberdeen, December 2, 1843.

(See Class D., 1843, presented 1844, No. 49, p. 112.)

Third Enclosure in No. 62.

Sir John Barrow to Viscount Canning.

MY LORD,

Admiralty, January 1, 1844.

I AM commanded by my Lords Commissioners of the Admiralty, to send your Lordship herewith for the information of the Earl of Aberdeen, copies of a letter from Captain Foote, of Her Majesty's ship "Madagascar," dated the 29th September last, and of its enclosure, relative to the proceedings of merchant vessels of the United States on the coast of Africa, with regard to the Slave Trade.

I am, &c.
(Signed) JOHN BARROW.

The Viscount Canning,
&c. &c.

Sub-Enclosure 1 in Third Enclosure in No. 62.

Captain Foote to the Hon. Sidney Herbert.

SIR,

"Madagascar," Cabinda, September 29, 1843.

I HAVE the honour to send herewith, the copy of a letter I have received from Lieut. Wilson, of the "Cygnet," acquainting me of his having boarded the

American schooner "*Leda*" in Whydah roads, from Bahia, bound to Lagos, two of the most notorious slave ports in the world.

The proceedings of these American merchant vessels all along the coast, from Cape St. Paul's to St. Paul de Loando, are just the same,—they supply the goods requisite for dealing in slaves, they bring over the slave decks, coppers, money, &c., for the slavers bound to the coast, and they then sell their vessels to the slave dealers. An American barque, I hear, was sold the other day at Benguela, and shipped 700 slaves; and while I write, an American schooner is cruising in the offing, awaiting our departure (as I conclude, from her manœuvres and the information I have received here), to ship a cargo of slaves, having sold his vessel after discharging his cargo at Cabinda.

Under these circumstances, it is quite impossible, as their Lordships will be pleased to observe, to prevent the Slave Trade being carried on, and I can only lament that my efforts are thus paralyzed.

I have, &c.

(Signed) JOHN FOOTE, *Captain, and Senior Officer.*

Hon. Sidney Herbert, M.P.

&c.

Sub-Enclosure 2 in Third Enclosure in No. 62.

Lieutenant Wilson to Captain Foote.

SIR,

"*Cygnets*," off *Whydah*, June 27, 1843.

I HAVE the honour to acquaint you, that on the evening of this day, whilst standing in for Whydah, I observed a suspicious looking schooner *hove 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 your instructions 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 "*Shakespeare*," will doubtless, when an opportunity offers, pass into other hands, and take a cargo of slaves from the coast.

I have, &c.

(Signed) E. WILSON, *Lieutenant, and Commander.*

Captain J. Foote,

&c.

&c.

Fourth Enclosure in No. 62.

Sir John Barrow to Viscount Canning.

MY LORD,

Admiralty, January 1, 1844.

I AM commanded by my Lords Commissioners of the Admiralty, to send your Lordship herewith for the information of the Earl of Aberdeen, a copy of a letter, dated the 5th October last, from Captain Foote, of Her Majesty's ship "*Madagascar*," giving intelligence respecting the traffic in slaves on the coast of Africa.

I am, &c.

(Signed) JOHN BARROW.

The Viscount Canning,

&c.

&c.

Sub-Enclosure in Fourth Enclosure in No. 62.

Captain Foote to the Hon. Sidney Herbert.

SIR,

"Madagascar," Cabinda, October 5, 1843.

I HAVE the honour to acquaint you, that since my letter of the 21st of August last I have been cruising on this part of my station for the suppression of Slave Trade, and have succeeded in capturing a Brazilian brig fully equipped for the embarkation of 500 slaves, and have driven a brigantine on shore. I purpose remaining here until the middle of November, when I shall proceed to Ascension *viâ* St. Helena, and thence to Whydah.

The whole of the slave depôts on this coast are now full of goods for the purchase of slaves brought by American vessels from the Havana, which vessels, I have every reason to believe, are destined to return full of slaves. I purpose writing to Commodore Perry, of the American squadron, on this subject.

I have, &c.

(Signed) JOHN FOOTE, *Captain, and Senior Officer.*

Hon. Sidney Herbert, M.P.

&c. &c.

No. 63.

(Extract.)

Mr. Fox to the Earl of Aberdeen.

Washington, February 4, 1844.

(Received March 3.)

MY LORD,

I HAVE the honour to forward the copy of a letter addressed to me on the 2nd instant, by the United States Secretary of State, enclosing the extract of a Despatch to him from Mr. Everett, dated London, the 3rd of last November, upon the subject of the instructions to Her Majesty's cruizers on the coast of Africa, which, according to the stipulations of the Treaty of Washington, were to be communicated to the Government of the United States.

I also enclose a copy of the answer I have returned to Mr. Upshur, in which I have stated, that I thought it probable that Mr. Pakenham, who might be expected shortly to arrive in America, would be the bearer of the desired communication.

I have, &c.

(Signed) H. S. FOX.

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

&c. &c. &c.

First Enclosure in No. 63.

Mr. Upshur to Mr. Fox.

SIR,

Washington, February 2, 1844.

IN a conversation which took place in London, about the beginning of November last, between Mr. Everett and Lord Aberdeen, his Lordship stated, in reply to an observation of Mr. Everett, that the instructions to Her Majesty's cruizers on the coast of Africa had not been communicated to the Government of the United States, agreeably to the stipulations of the Treaty of Washington, as ours had been to the British Government,—that the omission had been altogether casual and undesigned, and that they should be furnished immediately. From some cause, unknown to me, a copy however of these instructions has not yet been received here. As they may possibly have been transmitted to you, and as I am desirous to obtain them as soon as practicable, I have the honour to request that you will be pleased to supply this Department with a copy of them as soon as convenient, if you are prepared to do so.

(Signed) A. P. UPSHUR.

H. S. Fox, Esq.

&c. &c.

UNITED STATES.

Second Enclosure in No. 63.

(Extract.)

*Mr. Everett to Mr. Upshur.**London, November 3, 1843.*

I FORGOT, in my account of the matters treated of in my conversation with Lord Aberdeen, to say, that in reply to my observation that the instructions to their cruizers on the coast of Africa had not been communicated to us, agreeably to the stipulations of the Treaty of Washington, as ours had been to them, Lord Aberdeen informed me, that this omission had been altogether casual and undesigned, and that they should be furnished immediately.

Third Enclosure in No. 63.

Mr. Fox to Mr. Upshur.

SIR,

Washington, February 3, 1844.

I HAVE the honour to acquaint you, in reply to your letter of yesterday's date, that I have not yet been furnished by Her Majesty's Government with a copy of the instructions to Her Majesty's cruizers on the coast of Africa, which it was agreed by the Treaty of Washington should be communicated to the Government of the United States.

Looking to the date of Mr. Everett's Despatch, of which an extract is enclosed in your letter, I think it probable that, as at about the same date Mr. Pakenham was appointed to succeed to this Mission, he will be the bearer of the desired communication. Mr. Pakenham, I understand, was to sail from England in the "Vestal" frigate, about the 10th of January, and may therefore shortly be expected to arrive in this country.

In the meantime, however, in order to guard against accidental delay, I shall forward to Her Majesty's Government, by the first sailing packet from New York, a copy of your letter to me of yesterday.

I avail, &c.
(Signed) H. S FOX.

Hon. A. P. Upshur,
&c. &c.

No. 64.

Mr. Pakenham to the Earl of Aberdeen.

Washington, March 14, 1844.
(Received April 7.)

MY LORD,

IN obedience to the instructions contained in your Lordship's Despatch, marked Slave Trade, of December 29, 1843, I have communicated to the Government of the United States the instructions issued, in fulfilment of Article VIII. of the Treaty of Washington, to the Senior Officer of Her Majesty's ships and vessels on the west coast of Africa.

I have, &c.
(Signed) R. PAKENHAM.

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

No 65.

*The Earl of Aberdeen to Mr. Everett.**Foreign Office, April 10, 1844.*

THE Undersigned, &c. &c., with reference to the note which Mr. Everett, &c. &c., addressed to him on the 5th of June last, and to the note which, in reply thereto, the Undersigned addressed to Mr. Everett on the 3rd of the succeeding month, respecting the conduct alleged to have been pursued by the officers and men of Her Majesty's ship "Spy," in visiting the United States vessel "Rhoderick Dhu," has now the honour to acquaint Mr. Everett, that answers have been received to the enquiries which were made of Lieutenant Ray-

mond, the Commander of the "Spy," who ordered the visit, and of the officer of that ship who boarded the "*Rhoderick Dhu*," as to the facts which occurred on the occasion in question.

In the representation of this affair made by Captain Sims, Master of the "*Rhoderick Dhu*," and transmitted in Mr. Everett's note of the 5th of June last, it is stated, that about half-past 12 p.m., on the 4th January, 1843, the "*Rhoderick Dhu*" having already passed within a cable's length of Her Majesty's brig "Spy," the "Spy" tacked, and stood for the "*Rhoderick Dhu*," and shortly afterwards fired a shot close to her, and obliged her to bring to, notwithstanding the expressed reluctance of her Master to that step; that on her bringing 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; that the officer and crew remained on board upwards of 45 minutes, the officer behaving in the most disrespectful manner, and the crew going all over the vessel, insulting and abusing every one on board.

The Commander of Her Majesty's ship "Spy" admits, that he compelled the "*Rhoderick Dhu*" to be brought to, contrary to the wishes of her Master. He states, that his object in doing so was to ascertain her nationality; and that the cause of his suspecting her to be other than an American vessel was, that both from her build and her rig, and from seeing very many black men on board, and only two who were not, and those two swarthy, he thought her to be Spanish, and engaged in the Slave Trade.

He does not deny, that in compelling her to bring to his language was peremptory, but he states, that the language of the Master had previously been extremely insulting; and in confirmation of this statement he adds, that on being hailed and desired to bring to, the Master answered "He would see him damned first."

The boarding officer denies that he was the last on deck, but admits that two or three of his men were on board before him; and in explanation of that circumstance he states, that on first attempting to get up his foot slipped, and he dropped into the boat, which at that moment fell off from the ship's side, and before he could get the boat to the ship's side again, two or three men, who had succeeded in getting up, were already on deck.

He states, that he was not on board above 15 minutes, and that three or four minutes were occupied in shifting the ladder over with the side-ropes, for him to descend on leaving the vessel.

He asserts most earnestly, that his demeanour on board the vessel was courteous, and his language never uncivil. He states on the other hand, that the manner of the Master was at first insulting, and that his language was that of marked rudeness. That after some delay, he, the boarding officer, was invited to go below, and that the ship's papers were shown to him; that there also the language and manner of the Master were so insolent he felt himself obliged to notice it, but that he did so still with urbanity; and, that the moment he was satisfied by the papers that the "*Rhoderick Dhu*" was an American vessel, he desisted from all further interrogation; and he adds, that he and the Master shook hands on leaving the vessel. With respect to the conduct of the boat's crew, he denies that while he remained on deck they went all over the vessel, insulting and abusing every one on board; and he states, that when he came up from the cabin with the Master, he did not find the crew interfering in the slightest degree with anybody or anything. Her Majesty's Government, however, consider that the grounds assigned by Lieutenant Raymond for his visiting the "*Rhoderick Dhu*" are insufficient, and have directed a communication to be made to Lieutenant Raymond to that effect. They have also signified their serious displeasure to the boarding officer, at his having allowed his men to leave the boat on his visiting the "*Rhoderick Dhu*."

And although it appears from the statements of Her Majesty's officers concerned in the transaction, that, by some inadvertance not yet explained, the more strict instructions which have of late years been issued to Her Majesty's ships respecting the conduct to be observed as to vessels hoisting the American flag, had not reached the "Spy," it is not less the duty of Her Majesty's Government to express to the Government of the United States their sincere regret that this visit should ever have taken place.

The Undersigned, &c.

(Signed)

ABERDEEN.

E. Everett, Esq.

&c. &c.

No. 66.

*Mr. Everett to the Earl of Aberdeen.**Grosvenor Place, April 16, 1844.
(Received April 18.)*

THE Undersigned, &c. &c., has the honour to acknowledge the receipt of the note addressed to him by the Earl of Aberdeen, &c. &c., on the 10th instant, in reply to the note of the Undersigned of the 5th of June last, relative to the detention and visitation on the coast of Africa of the American barque "*Rhoderick Dhu*," by the Commander of Her Britannic Majesty's brig "*Spy*," on the 4th of January, 1843; and the Undersigned will avail himself of the earliest opportunity of forwarding Lord Aberdeen's note to the United States for the information of his Government.

The Undersigned, &c.

EDWARD EVERETT.

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

No. 67.

The Earl of Aberdeen to Mr. Pakenham.

SIR,

Foreign Office, May 23, 1844,

WITH reference to my Despatch to Mr. Fox, of the 5th October of last year's series, and to my Despatch to you of the 9th January of this year's series, I herewith transmit to you an extract from a report received from Her Majesty's Government at Rio de Janeiro relative to American vessels participating in the Slave Trade. I have to desire that you will communicate the same to the United States Government.

I am, &c.

(Signed) ABERDEEN.

The Right Hon. R. Pakenham,
&c. &c.

Enclosure in No. 67.

Extract from a Report, dated Rio de Janeiro, January 1, 1844, made jointly by Her Majesty's Commissioners in the Mixed Court, and by Her Majesty's Consul at Rio, to the Earl of Aberdeen.

IN our Report of last year reference was made to a secret condition attached to the sale of American ships, which are now openly purchased for the African Slave Trade by the most noted dealers at Rio de Janeiro.

In illustration of the system, we select the case No. 37, in the return herewith enclosed. This slaver, now called the "*Animo Grande*," is said to have been disposed of in 1842 to her present owners, through the agency of an American mercantile firm in this city. She is enumerated in the list of departures to Africa under the name of the "*Duan*."

On the 24th of August of that year the "*Duan*," M. Foster, Master, sailed for Angola and Benguela with a cargo assorted for that market, and shipped under the auspices of an American merchant named D. Birkhead. On the 10th of November following she returned with the same Master, and a small quantity of wax and oil, consigned to the same D. Birkhead.

On the 1st of March ensuing, the vessel again sailed for Angola under the like circumstances; and on the 11th of June the "*Duan*" returned to this port in ballast from Benguela, with the same Master, Foster, and a considerable number of passengers (chiefly Portuguese.) On the 9th of July last the "*Duan*," with another Master, J. Darrington, departed upon her *third* expedition to the slave coast, with a cargo shipped by the same D. Birkhead.

On this occasion the vessel cleared out at the Custom House of this city for Santa Catharina (the noted port for slave equipments). Upon the arrival of the "*Duan*" at Cabinda all further disguise was thrown aside, for she hoisted Portuguese colours,

and assumed the name of the "*Animo Grande*," the delivery of the vessel to her present owners being there completed.

Another American vessel, called the "*Hope*" (*vide* list of departures, August 4, 1843), having there effected a similar adventure, the crew of that brig, with those belonging to the "*Duan*," took their passage by the American brig "*Porpoise*," which vessel sailed from Rio de Janeiro on the 11th of July last ostensibly for the Cape de Verd islands, but at this subsequent period was met with at *Cabinda*, pursuing a course of traffic in all respects similar to that of the "*Duan*" and the "*Hope*."

The "*Porpoise*" has since arrived here with the above passengers, and the vessel is again in preparation to return to the coast with a suitable cargo. The American firm of Maxwell, Wright and Co. are at present the consignees, or otherwise connected with the transactions of this ship.

The American registers of the "*Duan*" and "*Hope*" have duly been delivered up to the Consul of that nation resident in this city; and it is reported that some part of the crews of these vessels have been arrested, at the instance of the said functionary, upon a charge of being concerned in these questionable proceedings of the two brigs.

No. 68.

The Earl of Aberdeen to Mr. Pakenham.

SIR,

Foreign Office, May 29, 1844.

WITH reference to my Despatch to Mr. Fox, of September 12, 1843, enclosing copies of correspondence with Mr. Everett, 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 herewith transmit to you, for your information, the accompanying copy of a further note which I have addressed to the United States Minister at this Court, upon the subject in question.

I am, &c.

(Signed) ABERDEEN.

The Right Hon. R. Pakenham,
 &c. &c.

Enclosure in No. 68.

The Earl of Aberdeen to Mr. Everett, April 10, 1844.

(See No. 65.)

No. 69.

Mr. Everett to the Earl of Aberdeen.

Grosvenor Place, June 14, 1844.

(Received June 15.)

THE Undersigned, &c. &c., has the honour again to invite the attention of Lord Aberdeen, &c. &c., to the case of the American vessel "*Jones*," which was taken possession of at St. Helena by Lieutenant Littlehales, commanding Her Majesty's vessel-of-war the "*Dolphin*," on the 12th of September, 1840. To a note of the 18th May, 1843, in which the Undersigned discussed this subject, and replied distinctly to all the matters which, as appeared from a communication from Lord Aberdeen of the 2nd of March, 1843, had been alleged by Mr. Littlehales in justification of his conduct, no reply has yet been received by the Undersigned.

Lord Aberdeen will doubtless bear in mind, that on the 26th May, 1843, the Undersigned had a personal interview with his Lordship at the Foreign Office, on the subject of his note of the 18th. Lord Aberdeen was then pleased to say, that the Undersigned had taken a forcible and cogent, perhaps a conclusive view, of the subject; that his Lordship would certainly give it a renewed consideration, the

result of which, from his then existing impressions, he thought might be favourable, though his Lordship of course could not pledge himself that such would be the case.

These remarks of his Lordship were reported by the Undersigned to his Government, and it is scarcely necessary to add, that they excited in the mind of the President a confident expectation that satisfaction would be given to the Government of the United States, without much further delay, for the violent proceedings of Lieutenant Littlehales, and that the owners of the "*Jones*" might shortly expect to be indemnified for the property of which they had been deprived so long before, under circumstances which led the Judge at Sierra Leone to say, that he "never saw a case so free from suspicion."

Under these circumstances it has been a matter of equal disappointment and regret to the Undersigned that his communication of the 18th of May, 1843, has been allowed by Lord Aberdeen to remain unanswered for more than a twelve-month.

The Undersigned has, on more than one former occasion, represented the delay which has taken place on the part of Her Majesty's Government in acting upon cases of this kind, as a distinct ground of serious complaint.

The strongest objections must ever exist to an *ex parte* proceeding of a foreign Government, in a case where the rights and property of the citizens of an independent State are concerned, and there probably never was an instance in which such a proceeding was had under circumstances of greater hardship than the "*Jones*," in consequence of the conduct of Mr. Littlehales, a subordinate naval officer, in deciding that Her Majesty's Court at St. Helena was unconstitutionally organized, and in sending the "*Jones*," on this ground, to the coast of Africa, to be adjudicated on the testimony of the disaffected seamen whom he thought proper to send in her.

A wrong of this kind must certainly be admitted to create on the part of Her Majesty's Government a peculiar responsibility to act with promptness in the investigation. Much time must necessarily be lost: and for that, as well as other reasons, any delay which could be avoided would be peculiarly unjust and oppressive, and render Her Majesty's Government a partaker in the original injury.

The "*Jones*" was taken possession of on the 12th September, 1840, and in a few days sent to the coast of Africa.

A report of the preliminary proceedings at St. Helena, and especially of the refusal of the officers of Her Majesty's Customs at that port to clear the vessel, might have reached London before the end of the year. Mr. Stevenson called the attention of Lord Palmerston to the case on the 16th of April, 1841; but it would appear that his Lordship did not for more than four months move the Board of Admiralty to institute an enquiry on the subject.

The Undersigned observed, in his note of the 18th May, 1843, that one of the first acts performed by him on arriving at this Court was, to invite the attention of the Earl of Aberdeen to the case of the "*Jones*," and the other cases referred to in Mr. Stevenson's note of the 16th April, 1841; but on the 5th October, 1842, the Undersigned was informed by Lord Aberdeen, that no information had yet been received by Her Majesty's Government as to the proceedings of the Court of Vice-Admiralty at Sierra Leone in the case of the "*Jones*," although nearly two years had then elapsed since the judgment of that Court had been pronounced. On the 2nd March, 1843, the Government of the United States received the first information furnished them by the Government of Her Majesty on this subject, in a note of Lord Aberdeen to the Undersigned, of that date.

Even then, and after so long an interval, Lord Aberdeen had not received any explanation from Lieutenant Murray, relative to the very serious charges against that officer and those under his command, contained in the written statements enclosed in the note of the Undersigned to Lord Aberdeen, of the 16th September, 1842; nor has any explanation on this part of the subject yet been furnished by Lord Aberdeen to the American Government. The Undersigned forbears to enlarge on the feelings with which these delays (the causes of which are not assigned in Lord Aberdeen's note of the 18th March, 1843), will be regarded in the United States.

They are precisely such as would be entertained by the Government and people of England if a vessel and her cargo, the property of British subjects, were taken possession of under similar circumstances by a cruising officer of a foreign Power.

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In all such cases, even the promptest redress is likely to furnish but a very inadequate compensation for the private loss; while any appearance of indifference on the part of the Government by whose officers the wrong was committed is calculated greatly to increase the sense of public injury.

The attention habitually paid, as far as Lord Aberdeen is concerned, to the reclamations which from time to time, under the instructions of the President of the United States, have been addressed to his Lordship by the Undersigned, concurs with his confidence in the justice of Her Majesty's Government to persuade the Undersigned, that if there has been considerable delay in pursuing the investigation of the case of the "*Jones*," it has grown out of causes beyond Lord Aberdeen's control, and induces the hope that he shall shortly receive a satisfactory answer to his note of the 18th of May 1843.

The Undersigned, &c.

(Signed)

EDWARD EVERETT.

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

No. 70.

Mr. Pakenham to the Earl of Aberdeen.

Washington, June 13, 1844.

(Received June 29.)

MY LORD,

I HAVE the honour herewith to enclose (extracted from a New York newspaper) a report of proceedings lately instituted before the United States Commissioner at New York, against two persons, the Captain and Mate of an American vessel, on a charge of slave trading.

These proceedings, it will be seen, have ended in the committal of the Captain for the capital offence; the Mate, it would appear, has been admitted to bail.

I have, &c.

(Signed)

R. PAKENHAM.

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

Enclosure in No. 70.

Report of Proceedings against Two Americans charged with Slave Trading.

Arrest for Participation in the Slave Trade.

United States Marshal's Office, Thursday.

ON the arrival of the United States ship "*Columbus*" at this port, a few days back, the United States Marshal received Despatches from Mr. Proffit, United States Minister at Rio, and the Consul at that place, containing information that Cornelius F. Driscoll, the Master of the brig "*Hope*," of this port, had infringed the laws of the United States, in taking on board a cargo of slaves whilst he was in command of that vessel. Four witnesses were sent home in the "*Columbus*," who had been part of the crew of the "*Hope*." They were delivered over to the custody of the Marshal by Captain Cooper, of the "*Columbus*," together with the following letter:—

"To the Marshal of the United States for the New York District, City of New York.

"Consulate of the United States, Rio Janeiro, April 1, 1844.

"SIR,

"You are hereby required to receive from Captain Cooper, commanding United States ship '*Columbus*,' Joseph Carroll, David Henderson, James Lewis, and Abraham Post, late of the brig '*Hope*,' of New York.

"These men are sent home as witnesses on the part of the United States against Cornelius F. Driscoll, late Master of said vessel, charged with being engaged in the Slave Trade. The proper documents and Despatches have been transmitted

to the Hon. Secretary of State, and you will therefore keep the men in safe custody until you receive instructions from the proper Department at Washington.

“It may be well to remark, that the witnesses came forward voluntarily, and gave their testimony.

“I am, &c.

(Signed) “GEO. W. SLOCUM, *Consul.*”

Mr. Rapalje, Deputy United States Marshal, took immediate measures to arrest Captain Driscoll, and on Wednesday night he was taken into custody. This afternoon the accused was brought before Mr. Rapalje, United States Commissioner, for examination. Mr. W. M. Price attended as his counsel, and Mr. Barrett on the part of the United States Government. The following is the testimony in the case:—

Mr. W. M. Price, as counsel for the accused, said, that before proceeding he should ask that the District Attorney should elect which witness he should examine first, and that the others should retire.

Mr. Barrett said, he had no objection; he should examine Carroll first. The learned gentleman then went on to cite the Act of Congress, 4th sec., 15th May, 1820, and the Act passed 10th May, 1800. He said, the affidavit had been prepared with a view to a conviction under that section of the Statute which made the offence merely punishable with a fine or imprisonment, but he thought the testimony was strong enough to justify a committal under the other Statute.

Joseph Carroll examined.—I was a seaman on board the brig “*Hope*,” on her voyage to Gibraltar; I signed shipping articles; the crew were four men and two boys, George Henry, David Henderson, John Swan, and myself; Captain Driscoll was the Master; he is present; the two Masters are here now; we were told that we were bound to Gibraltar, from thence to Rio, and to any other ports in South America; she was under American colours; we sailed on the 7th or 8th March, 1843, and arrived the 30th of March; we had a good cargo, which we discharged, and took in sand ballast; we arrived at Rio 4th June, 1843; we were there two months, and left 4th August; we were at the discharging ground, and we heard we were going to Africa, and we applied to the Consul; he said he would send for us; we went to Mr. Slocum, and he said the brig was bound to Bahia; a Portuguese, by the name of Don Pedro, sailed with us; afterwards he took the command of the vessel; he was represented as the Mate of a vessel then lying in the river Congo; he could not speak English; we sailed on the 4th of August; we did not go to Bahia, but to a place called Victoria; that place is on the coast of Brazil; George Henry was left behind at Rio; we came to anchor at Victoria, off the harbour, and Don Pedro went up to the town; we next received orders to haul over to the opposite side and discharge the ballast, where we took in a large quantity of Brazilian firewood, 120,000 sticks; Don Pedro was frequently there; some casks, which we were told contained liquor, came down—about 250 pipes; they contained water: Captain Driscoll said they contained rum; we next took some plank, afterwards used for a slave deck, and three beams, a large box also came, which the Captain said contained hats, it was a sheet iron cooking machine; two boxes said to contain soap, but they turned out to be handcuffs; another large box said to be a medicine chest, it contained arms, pistols, and cutlasses, with a few medicines; we took from another vessel 76 cases of muskets and bayonets; also a quantity of jerked beef, farinha, rice, and beans; after this we took a Portuguese crew; Don Pedro was also on board, and proceeded on the voyage with us; on the 23rd April we sailed from Victoria to the river Congo; Captain Driscoll was in command; we had 10 Portuguese; we got to the river Congo the latter end of November; we were bound to Peintalina, and got ashore one night; Don Pedro went up to the town, and brought a negro down with him; he was called Emmanuel; he went with Don Pedro and the Captain down into the cabin; after the black man came up, he said to one of the crew, “You are going round to Cabinda;” we got under way the 3rd of December, the day after we arrived there; the next day we commenced discharging the cargo; the dry goods and the muskets were put on board the American brig “*Porpoise*,” four additional Portuguese seamen were also taken; the Captain next paid one off, and wanted me to pay my passage to the Brazils in the brig “*Porpoise*,” but I refused to go to pay my passage; while I was there I saw 100 or 150 negroes taken on board and stowed forward; there were in all 602 negroes taken on board; but we left before they all came, and we took the American flag with us; the Captain was also preparing to leave,

and he left in the same boat as I did; the boat was near enough to the brig for me to see the negroes taken on board; the Captain said the negroes were King's men, to take the cargo up the country; the American flag was flying at the time the negroes were taken on board; the brig was about 200 tons, and could carry 600 negroes; while the "*Porpoise*" was there a vessel hove in sight, and being afraid she was a man-of-war, they landed the negroes, and we went on board the "*Hope*," and hoisted the American flag; at this time some of the negroes were on board; Captain Driscoll assumed the command; and when we found that the strange sail was not a man-of-war, the Captain ordered us to efface the brig's name from the stern; Mansfield heard what the Captain said: Don Pedro then came on board, and took the command; after we defaced the name, Captain Driscoll was on board, and the negroes were taken in again; he talked Spanish to Don Pedro; I went on board again to get a spy-glass, and I saw the negroes all standing together, neck and heels; there were then 602 men, women, and children; the most of the men were naked; the women had very little clothing; they were put aft, the men forward; I think we sailed on the 9th December; I worked my way to Rio; I saw the crew at Rio that belonged to the "*Hope*," after I got there; I knew they were the same, as I saw a negro girl belonging to one of the crew; a few days after we got to Rio, a misunderstanding occurred between Captain Driscoll and his chief Mate, and they went to the Consul; what occurred there I don't know, but the Consul sent for me; at six o'clock that night we went to the American Minister, Mr. Proffit, who sent us on board the United States ship "*Columbus*;" Captain Driscoll went to Baltimore in a barque.

Cross-examined:—The dispute between the first Mate and the Captain was this—the Captain wanted to pay him up to Cabinda, and the Mate demanded to be paid up to the time we arrived at Rio; the Consul there claimed as much for me; I am an American, and was never engaged in the Slave Trade before, but have seen many slave vessels in the Havana; a great number; I was satisfied, before I left Rio, that the Captain was going on a slave voyage.

David Henderson, another of the crew of the brig "*Hope*," corroborated the previous testimony.

Mr. Barrett said he had other witnesses, but should rest here.

Mr. W. M. Price, said it was evident that his client was not a participator in this affair, as the vessel was sold before she left Rio. The statement of the accused was as follows:—On the 7th of March, 1843, I was Master and owner of the brig "*Hope*;" I cleared from this port on that day for Gibraltar, with a cargo of tea and tobacco, on freight for Mr. Francia; John Ulrich, of the State of Maine, was first officer; Bartlett Mansfield, second officer; James Lewis, cook; four seamen, and two boys—10 all told; we staid at Gibraltar one fortnight to sell cargo; went from thence to Rio in ballast; staid there two months; then to Victoria, on the coast of Brazil, and staid six weeks; went for rum, received a full freight, and thence to Cabinda; the rum was shipped by one Soto, a commercial agent of the United States at Victoria; delivered half the rum; sold the brig and freight to one Pinto for 9,000 dollars; all hands left the brig the 3rd December, the day of sale, and returned to Rio in the brig "*Porpoise*," Captain Tibby; the Captain paid off all hands, and left Rio on the 28th of January, and arrived in Baltimore, by the barque "*Hebe*," the 18th of March; came on here with my family, and board at 74, Beekman Street; has charge of the ship "*Calhoun*," owned by James Hunter.

Gustavus Shozette was called by Mr. Price. He said he was a green hand on board the brig "*Hope*;" left her unto all hands before the negroes came on board; the Portuguese colours were hauled before they left; the American flag was taken on board for a short time, because the King made a signal that there was a vessel of war outside; the "*Hope*" sailed the same night, and we all staid on board the "*Porpoise*;" the "*Hope*" sailed on the 2nd of December, and we staid until the 9th, and then sailed for Rio.

The learned Commissioner was of opinion, that the whole question rested upon whether the accused had parted with the ownership of the brig "*Hope*" before the slaves were put on board of her by the Portuguese Captain and crew. He was not prepared to give his decision to-day, but would look into the case, and the accused must be remanded until to-morrow (Friday.)

Another Arrest for Participation in the Slave Trade—Committal of Captain Driscoll for the Capital Offence.

United States Marshal's Office, Friday.

This morning, Cornelius W. Driscoll was again brought before Mr. Commissioner Rapelje for a further examination, when the Commissioner enquired if the counsel for the accused had anything further to offer. Mr. Price answered in the negative, and the Commissioner then stated, that he had made up his mind to commit Captain Driscoll for trial for the capital offence.

Mr. Barrett, on the part of the United States, then preferred a complaint against Bartlett Mansfield, the Second Mate of the brig "*Hope*," for aiding and abetting in the Slave Trade, under the circumstances detailed in the charge against Captain Driscoll. The accused was brought before Mr. Rapelje, and the following evidence adduced:—

Jacob Carroll was examined at great length, and went over the story of the voyage from Victoria to Cabinda, and related many circumstances, which went to prove that the accused knew of the slave cargo, as also of the brig "*Porpoise*." He stated also that the First Mate told him to sing dumb, if any body should say anything about the object of the voyage. On the passage from Victoria to Cabinda the First Mate and the Captain quarrelled and fought.

Gustavus Shozette, the boy, was next examined, and he stated, as he did on the previous examination, that the American flag was flying after the slaves were on board. He said, however, that it was only for protection, in case the suspicious vessels should come in. On the voyage, told Carroll I thought the brig was to be engaged in the Slave Trade; gathered this from the appearance of things on board.

Mr. Price, for the prisoner, contended that there was not sufficient to hold the accused to bail.

Cornelius W. Driscoll was then examined for the defence. He made the same statement we gave on his first examination, with a few additions. Did not know the object of his voyage when he left New York for Gibraltar; went to look for business; did not get any, and cleared for New Orleans, but went to Rio, thinking it was as good a place for a cargo as New Orleans; was offered a cargo at Victoria for the river Congo: Cabinda is about 40 miles up; the vessel was sold in Rio to Pinto for 9,000 dollars; I left the vessel at Cabinda; we arrived there on the 1st, and I delivered the vessel on the 3rd, but I packed up on the 2nd; on a former voyage, the British took a brig from me, for which I was offered 40,000 dollars; it was about six o'clock in the morning of the 3rd, that I told the crew they were to go back to Rio in the brig "*Porpoise*;" I paid full passage for them; we none of us did anything towards getting the slaves on board; I did not know what they were going to do with the brig, or they should not have had her for four times the price; Carroll offered to go with the American flag to save the vessel, and I told him to be cautious what he was about, or he would be liable to the laws of his country; more than that, I told him they would cut his throat; I did not go back with any intention to aid or abet in the carrying on of the Slave Trade.

Cross examined.—I was sole owner of the "*Hope*," when she left this port. The other portion of the Captain's testimony was merely a repetition of the former case.

Mr. Barrett read some extracts from the log-book, to show that a contradiction existed between the testimony of the Captain and the log-book which was kept on board. The former had stated, that when he left Rio he intended going to Bahia, whereas the log-book said they had started for Victoria.

Captain Driscoll said, the Mate kept the log-book, and he had nothing to do with it; he left Rio at eight o'clock, and did not make up his mind to go to Victoria until the next day; the vessel wanted caulking.

Considerable discussion then ensued between Messrs. Price and Barrett as to the comparative guilt of the parties, which the Commissioner cut short by informing the learned gentlemen that he should commit Mansfield for trial, but that he would take bail in 1,000 dollars for that person. The Captain could only be bailed by Judge Betts.

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No. 71.

*Mr. Pakenham to the Earl of Aberdeen.**Washington, June 27, 1844.**(Received July 14.)*

MY LORD,

I HAVE had the honour to receive your Lordship's Despatches, marked Slave Trade, of the 23rd and 29th May.

I have, &c.

(Signed) R. PAKENHAM.

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

&c.

&c.

&c.

No. 72.

*Mr. Pakenham to the Earl of Aberdeen.**Washington, July 13, 1844.**(Received July 29.)*

MY LORD,

WITH reference to your Lordship's Despatch, marked Slave Trade, of 10th May, and to my Despatch, Slave Trade, of 13th June, I have the honour herewith to transmit a copy of a letter which, after previous verbal explanation with Mr. Calhoun, Secretary of State of the United States, I addressed to that gentleman, requesting him to have the goodness to furnish to me the information desired by your Lordship respecting certain monies arising from the sale of the American ship "*Butterfly*," which vessel was detained by Her Majesty's brig "*Dolphin*," and afterwards condemned at New York for slave trading.

I also enclose a copy of a letter from Mr. Calhoun, communicating the report of the Attorney of the United States for the Southern District of New York on the above-mentioned subject, which I believe will be found to contain all the information desired by your Lordship respecting the transaction therein referred to.

I have, &c.

(Signed) R. PAKENHAM.

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

&c.

&c.

&c.

First Enclosure in No. 72.

Mr. Pakenham to Mr. Calhoun.

SIR,

Washington, June 24, 1844.

It was represented to Her Majesty's Government, in the year 1842, by Mr. J. Buchanan, who at that time held the office of British Consul at New York, that the Government of the United States had directed that the unappropriated balance arising from the sale of the "*Butterfly*," a vessel which had been condemned at New York for participation in the Slave Trade, should be paid over to Mr. Buchanan, for his agency in insuring, and employing persons to take charge of, the vessel, the same as paid to the United States Marshals for such duties.

Her Majesty's Government, in order the better to determine how far the arrangement above described may have been consistent with propriety and with the regulations of the public service, have directed me to procure from the Government of the United States an account, showing the amount of the gross and nett proceeds of the property condemned in the case of the "*Butterfly*," and the precise amount paid to Mr. Buchanan, and whether that gentleman furnished any, and what, account of expenses incurred by him, and what were the intentions of the Government of the United States relative to the appropriation of the balance of the proceeds so paid to Mr. Buchanan. I accordingly take the liberty of requesting you, Sir, to be so good as to cause the information so desired by Her Majesty's Government to be supplied to me, suggesting that if the records of the Department of State should not be found to contain all the particulars desired, they may, on your requisition, be obtained from the United States Attorney at New York.

I have, &c.

(Signed) R. PAKENHAM.

The Hon. J. C. Calhoun,

&c.

&c.

CLASS D.

Second Enclosure in No. 72.

Mr. Calhoun to Mr. Pakenham.

SIR,

Washington, July 1, 1844.

I HAVE the honour to acknowledge the receipt of your letter of the 24th ultimo, applying to this Department, by direction of Her Britannic Majesty's Government, for certain particulars respecting the amount and disposition of the gross and nett proceeds of the property sold in the case of the schooner "*Butterfly*," a vessel condemned in the District Court of the Southern District of New York, for participation in the Slave Trade, and to transmit to you, in answer to your enquiries, the copy of a report with accompanying papers therein referred to, just received from the Attorney of the United States for that District, which will be found to embrace the information requested.

I avail, &c.

(Signed) J. C. CALHOUN.

The Right Hon. R. Pakenham,
&c. &c.

Third Enclosure in No. 72.

Mr. Hoffman to Mr. Calhoun.

SIR,

New York, June 27, 1844.

I HAVE the honour to acknowledge the receipt of your letter of the 24th instant, transmitting the copy of a letter received at the Department of State from the British Minister, and requesting me to furnish you with the information desired.

All the proceedings in the case of the "*Butterfly*" were commenced and completed by my predecessor, B. F. Butler, Esq. I have, therefore, no personal knowledge of the proceedings in the cause; but from careful examination of the records on file in the Clerk's office, I have the honour to submit the following statement in reply to the information desired by the British Minister.

The libel against the schooner "*Butterfly*" was filed in the District Court on the 30th December, 1839, upon which day the vessel was attached and placed in the custody of the Marshal. On the 14th of April, 1840, the cause was tried before his Honour Samuel R. Betts, District Judge, and a decretal order entered, condemning the vessel as forfeited to the United States.

Upon the rendition of this decree, the vessel was sold by the Marshal at public auction for 3,000 dollars; and on the 11th May, 1840, the Marshal paid the sum of 3,000 dollars into Court, to abide the decision of the Honourable Smith Thompson, Judge of the Circuit Court, upon an appeal taken from the decree of condemnation in the District Court.

On the 23rd December, 1840, a final decree was entered, dismissing the appeal, and in all things affirming the decision of the District Judge. Previous to the dismissal of the appeal by the Circuit Judge, certain sums for costs were paid out of the 3,000 dollars, leaving a balance of 2,229 dollars 39 cents, which was paid by the Clerk of the District Court, as will appear by the paper hereunto annexed, marked letter A.

On the 15th April, 1841, James Buchanan, Esq., filed a petition in the Circuit Court, (a copy of which is hereunto annexed marked letter B.) claiming the sum of 1,209 dollars 23 cents, for certain services and disbursements mentioned in the schedule annexed to his petition; and upon the presentation of this petition an order was obtained from Judge Thompson, dated the 3rd of May, 1831, referring the subject to James W. Metcalfe, Esq., Clerk of the Circuit Court, to take testimony as to the amount of expenses necessarily incurred by Mr. Buchanan, while in charge of the "*Butterfly*," and to report the same to the Court. On the 28th of May, 1841, Mr. Metcalfe filed his report, a copy of which is hereunto annexed, marked letter C., from which report you will perceive that the sum of 1,158 dollars 34 cents was reported due to Mr. Buchanan; and on the 3rd of June, 1841, this amount was paid to Mr. Buchanan in pursuance of an order of Court, as will appear by reference to the paper before referred to, marked letter A.

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After the payment of this sum of 1,158 dollars 34 cents to Mr. Buchanan, the accounts in the case of the "*Butterfly*" stood thus in the Circuit Court, viz.:—

Balance received by Clerk of Circuit Court from		2,229	39
Clerk of District Court			
May 27, 1841, To paid District Attorney		287	67
June 3, " " James Buchanan		1,158	34
June 7, " " Clerk of Circuit Court—Costs		44	62
			<u>1,490 63</u>
	Dollars	738	76

This balance of 738 dollars 76 cents remained to the credit of the Government; but on the 27th November, 1842, I received a letter from Charles B. Penrose, Esq., Solicitor of the Treasury, transmitting to me a memorial from James Buchanan, Esq., directed to the then Secretary of the Treasury, asking, for the reasons stated in the memorial, to be allowed the balance remaining in Court, which memorial is hereunto annexed, marked letter D. In the letter of the Solicitor of the Treasury to me, transmitting this memorial, after alluding to the receipt and nature of Mr. Buchanan's application, he states, that "it seems that the '*Butterfly*' was sent into New York in the month of September, 1839, by the command of Her Britannic Majesty's brig '*Dolphin*,' for being engaged in the Slave Trade. She was condemned.

"Mr. Buchanan rendered very efficient service, and his whole conduct was marked by the most liberal and considerate regard for the rights and wishes of the Government of the United States.

"The amount claimed by him is 752 dollars 90 cents. The amount in the Clerk's office for the Southern District of New York to the credit of the case of the United States *versus* the '*Butterfly*,' is certified by the Clerk to be 738 dollars 76 cents, which sum Mr. Buchanan is willing to receive in full satisfaction of his account.

"The Government is desirous that he should be paid, particularly as his delicacy prevented him from applying to the Court as the prosecutor for the allowance of his claim. But it seems proper that the funds in Court should be disposed of by order of Court. I will thank you, therefore, to take such steps as may be proper, if the object be practicable, to obtain a decree of the Court ordering the claim of Mr. Buchanan to be paid out of the funds now in the Clerk's office, his claim being an incident to the proceedings in the matter of the '*Butterfly*.'"

On the 3rd December, 1842, Benjamin F. Butler, Esq., my predecessor, but then acting as Consul for Mr. Buchanan, served on me a notice of motion to the United States Circuit Court, founded on this memorial, to have this balance of 738 dollars 76 cents paid to Mr. Buchanan, which motion, on the 5th of December, 1842, came on to be heard.

After the solicitor's instructions above referred to, I did not deem it to be my duty to interpose any opposition to the application, and accordingly an order of Court was entered (a copy of which is hereunto annexed, marked letter E.) directing this balance of 738 dollars 76 cents, then remaining in Court, to be paid by the Clerk to Mr. Buchanan, and which balance was accordingly paid on the 7th December, 1842, as appears by the receipt of Mr. B., a copy of which is hereunto annexed, marked letter F.

The foregoing report has been prepared by me with much care, from the records of the Court; and from such investigation it is evident, that the entire proceeds of the sale of the "*Butterfly*" have been appropriated by orders of Court, and that the amounts paid to Mr. Buchanan have been paid in pursuance of orders regularly obtained from the Court, and by the sanction and approval of the Government.

I have, &c.

The Hon. J. C. Calhoun,
&c. &c.

(Signed) O. HOFFMAN.

Sub-Enclosure 1 in Third Enclosure in No. 72.

Costs paid by Court out of Proceeds of Sale of the "Butterfly."

The schooner "*Butterfly*," v. The United States,
In account with F. J. Betts, Clerk of the District Court.

		D.	C.			D.	C.
1840.				May 11	By Cash paid into Court		
May 22	To paid Marshal, taxed costs	563	50		by Marshal . . .	3,000	00
1841.							
May 6	District Attorney, District Court . . .	17	0				
	Former Clerk's costs, District Court . . .	103	4				
	Former Clerk's costs, Circuit Court . . .	58	20				
	Commissioners' costs, District Court . . .	28	87				
	Balance in Circuit Court . . .	2,929	39				
		<u>3,000</u>	<u>00</u>			<u>3,000</u>	<u>00</u>

The schooner "*Butterfly*," v. The United States,
In account with J. W. Metcalfe, Clerk of Circuit Court.

		D.	C.			D.	C.
1841.				May 6	By Cash received from		
May 27	To paid District Attorney, taxes, costs, and Court fees . . .	287	67		District Court . . .	2,229	39
June 3	J. Buchanan, amount reported due to him						
June 7	Circuit Clerk's taxed costs	1,158	34				
1842.							
Dec. 7	J. Buchanan, balance in Court, by order of Court	738	76				
		<u>2,229</u>	<u>39</u>			<u>2,229</u>	<u>39</u>

Sub-Enclosure 2 in Third Enclosure in No. 72.

Petition of Mr. Buchanan.

United States Circuit Court for the Southern District.

The United States of America v. The schooner "*Butterfly*," her tackle, apparel, &c.

To the Honourable the Judges of the Circuit Court of the United States for the Southern District of New York.

THE petition of James Buchanan, Esq., on his own behalf, and also as informer, in the matter of the above schooner, sheweth,

That the above-named schooner, "*Butterfly*," her tackle, apparel, and furniture, was libelled on behalf of the United States of America by Benjamin F. Butler, Esq., Attorney of the said United States for the Southern District of New York, on the ground of her being engaged in the Slave Trade; and such proceedings were thereupon had, that the said schooner "*Butterfly*," with her tackle, apparel, and furniture, was condemned in the District Court for the Southern District of New York, and upon an appeal to this Circuit Court, such decree of condemnation was confirmed.

And your petitioner further shows, that the said schooner "*Butterfly*," with her tackle, apparel, and furniture, was libelled upon the information of your petitioner; also, that when the said schooner "*Butterfly*" was brought into the port of New York she was left in charge of your petitioner, the said schooner having been brought in by a prize crew from one of the vessels of war belonging to Her Britannic Majesty Queen Victoria, your petitioner being Consul to Her said Majesty for the port of New York; that the said schooner "*Butterfly*," with her tackle, apparel, and furniture, has been sold by the Marshal of this Court for

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the sum of 3,000 dollars; and after deducting Marshal's fees and other incidental charges, there was paid into this Court, on the 11th day of May last (1840,) the balance due on such sale, amounting to 2,436 dollars and 50 cents, and that amount clear is still in Court.

That your petitioner, with the concurrence of the said Benjamin F. Butler, Esq., District Attorney, kept charge of the said schooner, and made sundry outlays thereon and in relation thereto, and has never been repaid the same; and it was understood between the said Benjamin F. Butler and your petitioner, that the same, as well as the claim of your petitioner as informer, should rest unapplied for and undetermined until the final determination of the libel against the said schooner.

That the expenditures made by your petitioner in relation to the said vessel, amount, including charges thereon, to the sum of 1,209 dollars and 23 cents, as will appear by the schedule hereunto annexed.

Your petitioner therefore prays this Honourable Court, that an order may be entered directing the Clerk of the Court to pay out of the said sum of 2,436 dollars and 50 cents now in Court, to your petitioner the amount of his charges, as contained in the schedule hereto annexed, or such of them as this Court may allow; and also the whole of the balance which may remain of the said sum of 2,436 dollars and 50 cents now in Court, after deducting the costs of the United States' District Attorney, and other charges thereon; and if your Honours shall deem your petitioner entitled, as such informer as aforesaid, to claim the same, or if your Honours shall deem your petitioner entitled to a moiety of such balance, as such informer,—then such moiety: or that your Honours may make such other or further order on the premises as your Honours see fit to grant.

(Signed) J. BUCHANAN.

Sworn and subscribed to, this 31st day of March, 1841, before me,

(Signed) GEO. W. MORTON, *U. S. Com.*

I certify, that on the 11th day of May, 1840, the Marshal paid the proceeds of sale in the above cause, amounting to 3,000 dollars, into the District Court.

(Signed) GEO. W. MORTON, *Deputy Clerk.*

Schedule.

The following charges are due, and claimed by James Buchanan, Esq., Her Britannic Majesty's Consul, expended by him for and on account of the schooner "*Butterfly*," condemned for being concerned in the Slave Trade, which charges alone refer to the vessel. (There are other charges, but they apply to the cargo.)

	D.	C.
October 28, 1839.—Pilotage from sea	28	84
October 28, 1839.—Towing from river to Brooklyn	15	0
October 28, 1839.—In fuel, and hire of stove, for the men in charge of the vessel	11	25
January 16, 1840.—Board for John Coster, a seaman belonging to the vessel from Sierra Leone	40	50
January 16, 1840.—Due George Darling, another seaman, three months' wages	36	0
January 16, 1840.—Superintendent placed in charge of the vessel 162 days, at two dollars	324	0
January 16, 1840.—Robert Thomas, Esq., the officer in charge of the " <i>Butterfly</i> " from Sierra Leone, for his expenses, 765 dollars (over and above the allowance he received as witness), one moiety thereof to the cargo	382	0
January 16, 1840.—Agency for disbursements, including postages, messengers, ferriage, &c. on value sold for 3,000 dollars, at 5 per cent.	150	0
January 16, 1840.—Insurance of vessel to 1st of April	135	31
January 16, 1840.—Agency on insurance on vessel, $\frac{1}{2}$ per cent.	15	0
January 16, 1844.—Interest on the above advances	70	33
	1,209	23

Sub-Enclosure 3 in Third Enclosure in No. 72.

Clerk's Report.

United States Circuit Court.

The United States of America *v.* The schooner "*Butterfly*," her tackle, &c. on the petition of James Buchanan.

May 28, 1841.

IN pursuance of a decretal order made in the above entitled cause on the 3rd day of May instant, by which it was referred to the Clerk of this Court to take testimony as to the amount of expenses necessarily incurred by the petitioner James Buchanan, while in charge of the said schooner "*Butterfly*," and to report the same to this Court with all convenient speed:

I, James W. Metcalfe, Clerk of the said Circuit Court, do hereby report, that I have been attended by the said James Buchanan, and have examined the testimony offered, and that Schedule A. hereunto annexed, contains a statement of the expenses necessarily incurred by the said petitioner while in charge of the said schooner, as proved by the testimony produced before me, and that the same amounts in the whole to 1,158 dollars and 34 cents.

All which is respectfully submitted.

(Signed) J. W. METCALFE.

Schedule A.

	D.	C.
November 29, 1839.—Pilotage from sea	28	54
November 5, 1839.—Towing from anchorage to Brooklyn	15	0
November 5, 1839.—For fuel, and hire of stove, for the man on board the vessel	11	25
January 16, 1840.—Board of John Coster, a seaman on board said schooner, detained as a witness	40	50
January 16, 1840.—George Darling, another seaman, three months' wages at 12 dollars	36	0
January 16, 1840.—Oliver W. Buchanan, superintendent in charge of the vessel until taken possession of by the Marshal, January 1, 1841, 66 days at 3 dollars a day	198	0
May 20, 1840.—Robert Thomas, Esq. the officer who brought in the said schooner, his expenses, and detention here	765	0
May 20, 1840.—Insurance on vessel from November 2, 1839, to January 1, 1840	63	75
	<hr/>	
	Dollars 1,158	34

Sub-Enclosure 4 in Third Enclosure in No. 72.

Memorial from Mr. Buchanan.

New York, November 24, 1842.

To the Honourable W. Forward, Secretary to the Treasury of the United States of America, &c. &c.

THE Memorial of James Buchanan, Esq., Her Britannic Majesty's Consul for the State of New York, humbly sheweth,

That Lieutenant Holland, commanding Her Majesty's brig "*Dolphin*," for the suppression of the Slave Trade, on the coast of Africa, in the month of September, 1839, sent into the port of New York, the schooner "*Butterfly*," sailing under the United States flag, for being engaged in the Slave Trade, and consequently violating the laws of the United States, with orders to be handed over by memorialist, to be dealt with as the United States Government should please to order.

That your memorialist forthwith waited upon B. F. Butler, Esq., the United States Attorney at New York, for such purpose, who was pleased to direct

memorialist to retain possession of vessel and cargo, and approved of his having same insured; which memorialist continued to do until said vessel was condemned and sold.

That, notwithstanding various vexatious delays, said vessel was condemned as forfeited to the United States, for a violation of the Act of Congress of May 10, 1800, prohibiting the Slave Trade, upon the evidence furnished by memorialist, as the prosecuting agent, leading to such condemnation, and was subsequently sold under the decree of condemnation, for 3,000 dollars.

That the expenses on the part of the United States amounted to 1,102 dollars and 80 cents.

That memorialist actually disbursed for insurance and various other charges in relation to said vessel 1,158 dollars and 34 cents, which actual disbursements alone have been repaid, without commissions or interests thereon, or any remuneration for his agency, advance of money, or services he rendered, under the sanction of Mr. Butler, as also of Mr. Williams, the United States Attorney in Baltimore, in forwarding witnesses there who aided on the condemnation of other vessels, causing much correspondence as well as postage on the part of memorialist.

That there remains in Court, at New York, to the credit of the United States, after the foregoing payments, as appears by the certificate of the Clerk of the Court herewith sent, 738 dollars and 76 cents.

That memorialist has received instructions from his Government, that as the agency and expenses of your memorialist were incurred in vindicating the laws of the United States, the same ought to be paid by the American Government; but in the event of memorialist not being paid any part thereof, he is directed to draw on the Lords Commissioners of Her Majesty's Treasury for the same in the first instance, and to be claimed from the American Government; to which letters memorialist begs to refer.

D.

That from the 1st of October, 1839, until the sale of the vessel 10th May, 1841—556 days—for which he alone claims the same compensation as paid the United States Marshal, namely, 125 dollars per day	695	0
To his advance of money, namely, 1,150 dollars 34 cents, the usual mercantile commission of 5 per cent., including postage, &c.	57	90
	Dollars	752 90

Your memorialist begs leave to state, that under the present circumstances he will cheerfully accept the balance in Court, preferring to do so rather than apply to his Government; although he would anticipate a much greater allowance for the great correspondence and difficulties attending the condemnation.

Your memorialist respectfully refers to the following documents:—

Copies of his communications to Mr. Butler, independent of his repeated personal interviews and attendance on that gentleman—Nos. 1 and 2. The Consul begs to refer to Mr. Butler's letters sent—No. 6.

Certificate of the Clerk as to amount in Court unappropriated—No. 3.

Letters from the Lords of Her Majesty's Treasury, dated 8th January, 1841—No. 4.

Letter from Lord Palmerston, 23rd January, 1841—No. 5.

Memorialist begs leave to add, that he has delayed the application in the hope that the case of the slaver "*Catharine*" would have been concluded, which vessel has also been condemned in the Court below, but an appeal is pending to the Court at Washington.

Your memorialist respectfully asks to be allowed the money so in Court. And has the honour, &c.

(Signed) J. BUCHANAN.

The Hon. W. Forward,
 &c. &c.

Sub-Enclosure 5 in Third Enclosure in No. 72.

At a stated term of the Circuit Court of the United States of America for the Southern District of New York, in the Second Circuit, held at the City Hall, in

the city of New York, on Tuesday, the 6th day of December, in the year of our Lord 1842. Present—The Hon. Smith Thompson, Judge.

The United States *v.* The schooner "*Butterfly*," her tackle, &c.

On reading and filing the petition of James Buchanan, Esq., Her Britannic Majesty's Consul for the State of New York, and on the motion of Mr. Butler, of counsel for the petitioner, and with the consent of the Attorney of the United States for this District, given by him in open court, it is ordered that the balance of 738 dollars 26 cents (deducting Clerk's fees) remaining in this Court to the credit of this cause, be paid over by the Clerk of this Court to the said James Buchanan, for his agency, services, and commissions, in the matter of the schooner "*Butterfly*," as set forth in his said petition, and in the memorial therein referred to.

(A copy.)

(Signed) J. W. METCALFE,
Clerk.

Sub-Enclosure 6 in Third Enclosure in No. 72.

United States Circuit Court.

The United States *v.* The schooner "*Butterfly*," her tackle, &c.

New York, December 7, 1842.

RECEIVED from J. W. Metcalfe, Clerk, seven hundred thirty-eight dollars and seventy-six cents, the balance of moneys in Court, having paid the Clerk his fees.

(Signed) J. BUCHANAN.

(A copy.)

J. W. METCALFE,
Clerk.

No. 73.

Mr. Everett to the Earl of Aberdeen.

Grosvenor Place, August 12, 1844.

(Received August 13.)

MR. EVERETT presents his compliments to the Earl of Aberdeen, and has the honour to acknowledge the receipt from his Lordship of a copy of the instructions recently issued for the guidance of Her Majesty's naval officers employed in the suppression of the Slave Trade.

No. 74.

Mr. Pakenham to the Earl of Aberdeen.

Washington, August 29, 1844.

(Received September 15.)

MY LORD,

I HAVE the honour herewith to enclose a copy of a note which I addressed to the United States Secretary of State, in fulfilment of the instructions contained in your Lordship's Despatch, marked Slave Trade, of 23rd May, communicating an extract from a report from Her Majesty's Commissioners at Rio de Janeiro, relative to the participation of American vessels in the Slave Trade.

I at the same time communicated to Mr. Calhoun the extract of a report upon the same subject which accompanied your Lordship's Despatch to Mr. Fox, Slave Trade, of last year.

I beg leave also to enclose a copy of the answer which I have received from Mr. Calhoun to the above-mentioned communication.

I have, &c.

(Signed) R. PAKENHAM.

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

&c.

&c.

&c.

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First Enclosure in No. 74.

*Mr. Pakenham to Mr. Calhoun.**Washington, August 5, 1844.*

THE Undersigned, &c. &c., has been instructed to communicate to the Secretary of State of the United States the enclosed extracts from reports which have been received from Her Majesty's Commissioners and Her Majesty's Consul at Rio de Janeiro, relative to the participation of American vessels in the Slave Trade.

Important information upon this same subject was communicated to the Minister of the United States in London, by a note from Her Majesty's Principal Secretary of State for Foreign Affairs, dated 22nd November, 1843, which note will doubtless have been transmitted by that Minister to his Government.

Her Majesty's Government entertain the hope, that the Government of the United States will be disposed to adopt decided measures to put a stop to the abuses which have thus been brought to their knowledge, and which tend so materially to defeat the combined efforts of the two Governments for the prevention of the trade in slaves.

The Undersigned, &c.

(Signed)

R. PAKENHAM.

The Hon. J. C. Calhoun,
 &c. &c.

Second Enclosure in No. 74.

Mr. Calhoun to Mr. Pakenham.

SIR,

Washington, August 15, 1844.

I HAVE duly received your letter of the 5th instant, communicating to this Department, by direction of Her Majesty's Government, certain extracts from reports of Her Majesty's Commissioners and Her Majesty's Consul at Rio de Janeiro, relative to the participation of American vessels in the Slave Trade, and referring to a note conveying information on the same subject, which was addressed to Mr. Everett, the Minister of the United States at London, on the 22nd of November last, by Her Majesty's Principal Secretary of State for Foreign Affairs.

I will not fail to take an early occasion of laying these papers before the President for his consideration, and with the view to the adoption of such measures as may be judged expedient by this Government for the repression of any abuses of this character that may be found to exist.

I pray, &c.

(Signed)

J. C. CALHOUN.

The Right Hon. R. Pakenham,
 &c. &c.

No. 75.

*Mr. Pakenham to the Earl of Aberdeen.**Washington, September 12, 1844.**(Received September 30.)*

MY LORD,

I HAD the honour, on the 5th of this month, to receive your Lordship's Despatch, marked Slave Trade Circular, of 15th August, enclosing two copies of the instructions recently issued for the guidance of Her Majesty's naval officers, employed in the suppression of the Slave Trade.

I have, as directed by your Lordship, communicated a copy of these instructions to the Government of the United States.

I have, &c.

(Signed)

R. PAKENHAM.

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

No. 76.

*Mr. Everett to the Earl of Aberdeen.**Grosvenor Place, October 1, 1844.**(Received October 2.)*

THE Undersigned, &c. &c., has the honour to transmit to the Earl of Aberdeen, &c. &c., the accompanying papers, lately forwarded to the Undersigned by the owners of the "*Tigris*" and "*Seamew*," in further support of their claims for indemnification for the injury sustained by them in consequence of the detention of those vessels by Her Majesty's cruisers. The Earl of Aberdeen will recollect, that in a note addressed to his Lordship, on the 13th November, 1843, a detailed account was given by the Undersigned of the manner in which the joint investigation of these claims by Messrs. Hillard and Rothery had been suspended.

The accompanying papers contain the additional evidence procured by the owners of the "*Tigris*" and "*Seamew*," from the coast of Africa, for the purpose of removing the objections made by Mr. Rothery to some portions of the claims.

On the receipt of this additional testimony, Mr. Hillard, the gentleman employed on behalf of the Government of the United States to investigate the claims, was instructed by the Undersigned to wait upon Mr. Rothery, the gentleman deputed by the Earl of Aberdeen for the same purpose, and to invite him to resume their examination, with the aid of the additional testimony procured by the owners.

Mr. Rothery declined resuming the investigation of the claims without directions to that effect from the Foreign Office. The Undersigned is accordingly under the necessity of requesting Lord Aberdeen to give the necessary instructions for the further examination of the claims, either by Mr. Rothery or some other person, with the assistance of the additional evidence now furnished.

As Mr. Hillard has removed his residence from London to Nottingham, the Undersigned has been obliged to employ another person to act in his place, and has given authority to that effect to Mr. Andrew Maris, of the mercantile house of Maclean, Maris, and Co., of this city; but it may be proper to observe, in order to prevent the recurrence of a misapprehension similar to that under which Mr. Rothery presented his reports on this subject to the Earl of Aberdeen, that Mr. Maris is not authorized to compromise the claims, by agreeing to accept less than the sum demanded, the Undersigned himself not having been empowered by his Government to accede to any such compromise. At the same time, the Undersigned has no doubt that his Government will be much influenced by any opinion as to the just amount of compensation due to the owners of the "*Tigris*" and "*Seamew*," which may be expressed by Mr. Maris, on whose disposition to come to a fair and impartial result the Undersigned confidently relies.

The evidence from the coast of Africa is submitted to the Earl of Aberdeen, both in the original Portuguese and in a translation. No copy of the former having been reserved by the Undersigned, it is requested that it may be returned from the Foreign Office, when there is no further occasion for its use.

The Undersigned, &c.

(Signed)

EDWARD EVERETT.

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

Enclosure in No. 76.

Evidence in the Cases of the "Tigris" and "Seamew."

United States of America.—Commonwealth of Massachusetts.—Suffolk.

Boston, April 1, 1843.

THE undersigned Vernon Brown and N. H. Frothingham, on oath declare and say, that we are ship brokers of Boston, in the said county, and have for many years been engaged 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, Esqrs., merchants of Salem, and with the value thereof, and were acquainted with them in the years 1840 and 1841; and

we believe that demurrage 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 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.

United States of America.—Commonwealth of Massachusetts.—Suffolk, City of Boston.

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 ship brokers of this city, personally appeared and made oath to the truth of the written affidavit, subscribing the same in my presence.

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

(Signed)

WILLIAM HALES, *Notary*.

British Consulate, Boston.

I, Thomas Colley Grattan, Esq., Her Britannic Majesty's Consul for the State of Massachusetts, hereby certify, that William Hales, who has signed the above certificate, is a Notary Public for the county of Suffolk, in said State, and that to all his official acts full faith and credit are due; and I further certify, that Messrs. Vernon Brown and N. F. Frothingham are highly respectable ship brokers of the city of Boston.

In testimony whereof, I have hereunto set my hand and seal of office, this 14th August, 1844.

(Signed)

T. C. GRATTAN.

We the undersigned, W. H. Neal and Nathaniel L. Rogers, both of Salem, in the county of Essex, and State of Massachusetts, merchants, on oath depose and say, that we have been for a long time heretofore engaged in mercantile transactions, that we are well acquainted with the business of freighting vessels, and the prices which should be paid for the same, and for demurrage thereof; and we hereby declare it to be our opinion, that 30 dollars per day would be a fair and reasonable price for the demurrage of a vessel of 164 tons, the size of the "*Tigris*," and in our opinion, 40 dollars per day would be a fair and reasonable price for the demurrage of a vessel of the size of the "*Seamew*," about 200 tons. The above including wages and provisions for crew for the time.

(Signed)

W. H. NEAL,
N. L. ROGERS.

Essex, Commonwealth of Massachusetts.

July 12, 1841.

Then the above-named William H. Neal and Nathaniel L. Rogers, merchants of Salem, appeared before me, and made oath that the above affidavit by them is true, to the best of their knowledge and belief.

(Signed)

J. C. PERKINS, *Justice of Peace*.

British Consulate, Boston.

I, Thomas Colley Grattan, Esq., Her Britannic Majesty's Consul for the State of Massachusetts, hereby certify, that J. C. Perkins, who has signed the foregoing certificate, is a Justice of the Peace for the county of Essex, in said State, and that to his official acts full faith and credit are due; and I further certify, that Messrs. W. H. Neal and Nathaniel L. Rogers are respectable merchants of Salem, in this State.

In testimony whereof, I have hereunto set my hand and affixed the seal of this Consulate, this 14th August, 1844.

(Signed)

T. C. GRATTAN.

Notarial Certificate.

Court of the Island of St. Thomas.

On the 21st August, in the year of our Lord 1843, in my office, in this city and island of St. Thomas, before me, Notary, appeared, Nathan Augustus Freye, Captain of the American brig, and delivered to me a petition made in his name, with the answer of the Judge of this Court, Francisco dos Santos Teixeira d'Aloa, that the same might be fulfilled according to its tenor.

In witness whereof I make this writing.

(Signed)

A. DOS SANTOS AGUIAR,
Notary.

On the 21st August, 1843, in this city and island of St. Thomas, I, the Notary, annexed to these documents the following petition; and that the same may appear, I make this writing.

(Signed)

A. DOS SANTOS AGUIAR,
*Notary.**Petition.*

To His Honour the Judge.

St. Thomas, August 19, 1843.

Nathan Augustus Freye, Captain of the American brig "*Veritage*," lying at anchor in this port, represents, that, to serve as occasion may require, it is necessary for him to prove the annexed certificates by the testimony of the persons who have signed the same.

I pray your Honour so to order, and to cause the said witnesses to be cited for the said proof.

As in duty bound, &c.

(Signed)

N. A. FREYE.

St. Thomas, August 21, 1843.

Let the proof be made before me, and the said witnesses cited.

(Signed)

D'ALOA.

I, Antonio dos Santos Aguiar, Notary of the Court of the island of St. Thomas, &c., hereby certify that, in fulfilment of the order of his Honour the Judge of this Court, Francisco dos Santos Teixeira d'Aloa, I summoned the witnesses by whom the annexed certificates are signed, who acknowledged the summons; whereof I make this certificate, under the oath of my office, this 21st day of August, 1843.

(Signed)

A. DOS SANTOS AGUIAR,
*Notary.**St. Thomas, August 19, 1843.*

We the undersigned merchants established in this place, hereby certify, that the American brig called the "*Tigris*," of Salem, arrived in this port in the month of July, 1840, and that Nathan Augustus Freye was Captain and Supercargo of her. We know that while here he bargained with Jose de Castro Rosa Mattos, of this place, to receive in payment for the goods which he sold here, 50,000 pounds of coffee, more or less, being at the rate of 10 pounds of coffee for one dollar, and, consequently, it may be considered that he purchased the said quantity at the price of 10 cents per pound. We are also certain that the said Freye was to return to this place at the end of the year to receive the said coffee and ship it on board his vessel for America, and that this coffee was purchased and stored by the said Castro.

It is also true that the said Freye did not return here at the time appointed for the reception of the said coffee, which was owing, as it appears, to his vessel having been taken by a British cruizer, which fact was not known until the end of March; and there was no vessel to take the coffee kept for Captain Freye to the place of its destination.

It is equally true that when the said Freye returned to this place, in September 1841, he found the said Jose de Castro Rosa Mattos dead, and his house in the hands of his heirs, and in a state of great disorder. It appeared, from the inventory made of his effects some time after the death of the said Castro, that there was no coffee, and consequently it must have been used for other purposes than the ful-

filment of the bargain made with the said Freye. But we are persuaded, that if the latter had returned at the time appointed there would have been no difficulty in receiving what the said Castro was owing him, whereas, now we doubt whether he can obtain from the heirs coffee enough to pay the interest accrued on the said debt.

(Signed) D'ALOA.

JOAO BARBOSA PAIVA.
ERNESTO DE LIPPETT.

St. Thomas, August 18, 1843.

I the undersigned merchant established in this place, island of St. Thomas, on the west coast of Africa, hereby certify, that I was in this island in the year 1840, that in the month of July of that year there arrived here the American brig "*Tigris*," of Salem, of which Nathan Augustus Freye was Master and Supercargo; that the said Freye bargained with me for 100 tons of dyewood, called barwood, for the price of 13 dollars per ton, to be received from me on return of his vessel in two months from the time of his departure of this place; that I know he left in the month of August in the same year, bound for the southern ports, where he was to dispose of the rest of his cargo, and make room to take on board the wood he had bargained for. I also certify, that the said Captain Freye did not fulfil the above-mentioned contract, not returning to this place at the time agreed, which was owing, it appears, to the said brig having been taken by a cruizer of Her Britannic Majesty, whereby he and the owners of the vessels lost the profit and advantage which might have resulted from the said contract. I, considering myself free from any obligation to deliver the wood, on account of the failure on the part of the Captain to fulfil the stipulation, and there being no vessel with which to send it to its place of destination. I further certify, that I had no knowledge of the reason of the brig not returning before the month of April, in the year 1841.

(Signed) ERNESTO DE LIPPETT.

Joao Barbosa Paiva, a native of the city of Bahia, residing in this island of St. Thomas, a parishioner of the parish of our Lady of the Conception, Treasurer of the Junta da Farenon, widower, witness summoned by me Notary, and sworn by the Holy Evangelists to declare the truth in answer to the questions put to him, declared his age to be 43 years.

And said witnesses being interrogated by the said Judge Francisco dos Santos Teixeira d'Aloa, respecting contents of the certificate annexed to the petition of the petitioner Nathan Augustus, declared, that it is well known that the American brig called the "*Tigris*," of Salem, anchored in this port in the month of April, 1840, and that all related by the witness is true, but that he does not know the number of pounds of coffee, it being more or less; and nothing further being asked, his deposition was closed; and having been read to him, he found the same correct, and signed the same with the said Judge.

(Signed)

D'ALOA.
A. DOS SANTOS AGUIAR,
Notary.
JOAO BARBOSA PAIVA.

Ernesto Matthias Lippett, native of Hamburg, residing in this island of St. Thomas, parishioner of the parish of our Lady of Grace, bachelor, witness summoned by me Notary, sworn by the Holy Evangelists to declare the truth respecting the questions put to him, declared his age to be about 32 years.

And said witness being interrogated by the Judge of this Court, Francisco dos Santos Teixeira d'Aloa, respecting the contents of the annexed certificates, declared that all related in the said certificates is the pure truth; that he the witness is very certain of his having seen all the documents which prove the truth of what is related; and being asked by the Judge the reason of his so deposing, he answered

that the truth might appear; and his deposition having been read to him, he found the same correct, and signed the same with the said Judge.

(Signed) D'ALOA.
A. DOS SANTOS AGUIAR,
Notary.
ERNESTO LIPPETT.

On the 23rd August, 1843, in this city and island of St. Thomas, at the residence of his Honour the Judge of this Court, Francisco dos Santos Teixeira d'Aloa, there being no more witnesses to depose, I closed this testimony.

In witness whereof I make this writing.

(Signed) A. DOS SANTOS AGUIAR, *Notary.*
F. DOS SANTOS TEIXEIRA D'ALOA.

On the same day, month, and year in this city and island of St. Thomas, I, Notary, delivered these documents to the sealer, Domingo Perez, to be seen and sealed in due form.

In witness whereof I make this writing.

(Signed) A. DOS SANTOS AGUIAR,
Notary.

On the 25th August, 1843, in this city and island of St. Thomas, at the residence of his Honour the Judge of this Court, Francisco dos Santos Teixeira d'Aloa, these documents were closed, and laid before the said Judge, that he might decree as justice might require.

In witness whereof I make this writing.

(Signed) A. DOS SANTOS AGUIAR,
Notary.

*Island of St. Thomas, City of St. Sebastian,
August 25, 1843.*

I pronounce established the proof required by the petitioner, by the uniformity of the depositions of the witnesses, and interpose my judicial authority, that the same may have its due effects. The Notary will deliver to the petitioner the proper documents, retaining copies. The costs to be paid by the said petitioner.

(Signed) F. DOS SANTOS TEIXEIRA D'ALOA.

On the 26th August, 1843, in this city and island of St. Thomas, in the Hall of Audience of the Judge Francisco dos Santos Teixeira d'Aloa, these documents were delivered to me, with the sentence arranged.

And that the same may appear, I make this writing.

(Signed) A. DOS SANTOS AGUIAR,
Notary.

On the same day, month, and year, in this city and island of St. Thomas, at the house of the Judge of this Court, Francisco dos Santos Teixeira d'Aloa, the said sentence was publicly declared.

And that the same may appear, I make this writing.

(Signed) A. DOS SANTOS AGUIAR,
Notary.

And immediately on the same day, month, and year, in this city and island of St. Thomas, I, the Notary, summoned Nathaniel Augustus Freye, Captain of the American brig, to take knowledge of the annexed sentence.

And that the same may appear, I make this writing.

(Signed) A. DOS SANTOS AGUIAR,
Notary.

UNITED STATES.

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On the same day, month, and year, in this city and island of St. Thomas, at my office, I delivered these documents to the Accountant of this Court, John dos Neves Franca e Lagos, to calculate the fees according to the regulation.

And that the same may appear, I make this writing.

A. DOS SANTOS AGUIAR,
Notary.

ACCOUNT.	D.	
To Judge for sentence	500	
Interrogating two witnesses	100	
Four flourishes	240	
		840
To Notary, preparing documents	120	
Summons	900	
Declaring sentence	120	
Two depositions	240	
Four ordinary writings	240	
Two stamps	80	
"Da rara"	576	
		2,276
Account		240
		<u>3,336</u>
Total		3,336

St. Thomas, August 26, 1843.

The total cost of these documents being 3 milreis and 336 reis, as calculated by me the Accountant, errors excepted.

(Signed) JOAO DA N. F. LAGOS.

Ambriz, October 6, 1840.

I the undersigned hereby declare, that being in the port of Ambriz on the 6th October, 1840, I bargained with the Captain of the American brig "Tigris," Nathaniel Augustus Freye, for the following goods, viz.:—

	Reis.
494 pieces Calcutta goods	2,000
125 ditto handkerchiefs	800 per doz.
55 ditto prints, of 28 yards	5,000 per piece
60 ditto French muslin	3,500 "
436 bunches beads	900 per bunch
360 muskets	6,000
7 barrels, containing 285 gallons rum	25,000
722 lbs. gunpowder	220 per lb.
50 dozen small looking glasses	800 per doz.
13 boxes lemon syrup	6,000 per box
11 ditto anchovies	6,000 "
16 ditto olives	6,000 "
2 ditto cider	6,000 "
79 dozen large bowls	1,000 per doz.
25 dozen small ditto	80 "
32 pieces apron checks, of 54 yards	10,000 per piece

(Signed) M. FRANCISCO ALOA DE BRITO.

Loanda, October 17, 1843.

We the undersigned merchants of this place hereby certify, that the above is the true signature of Manoel Francisco Aloa de Brito.

In witness whereof we grant this certificate.

(Signed) F. TEIXEIRA DE MIRANDA.
A. P. P. DE CARPO.
FRANCISCO ANTONIO FLORES
A. SARRIDA.

Loanda, February 23, 1844.

The foregoing are true signatures, which I certify. In testimony of the same,
A. T. P. DE MIRANDA.

Loanda, February 23, 1844.

I, Jose Joaquim de Silva Guardado, Knight of the Order of Christ, and Judge of the Commercial Tribunal of First Instance of this District of Loanda, for Her Majesty the Queen, whom God preserve, hereby certify, through faith in the Notary by whom the same was made, that the foregoing public sign is true. Which I hold as proved.

(Signed)

JOSE JOAQUIM DE SILVA GUARDADO.
MANOEL ANTONIO RODRIGUES.

We the undersigned merchants of this place hereby certify, that the prices of the goods below-mentioned, in the month of October 1840, were as follows:—Wheat flour, 20 milreis per barrel; Calcutta goods, Chilla, Coromandel, 2 mil and 500 reis per piece; bread, 12 milreis per barrel; gunpowder, 5 milreis per keg of 25 lbs.; muskets, 6 milreis each; unbleached cotton, 4 milreis per piece of 30 yards; rum, per barrel, 20 milreis; gingham of different qualities, suitable for this country, such as usually come from America, 2 tostoos per yard; crockery ware, plates, and mugs, 1 mil and 200 reis per dozen; pitchers of different sizes, 2 mil and 500 reis, to 4 milreis the dozen.

In testimony of which we grant this certificate, made in Loanda, October 10, 1843.

(Signed)

FRANCISCO ANTONIO FLORES.
F. TEIXEIRA DE MIRANDA.
A. P. P. DE CARPO.
M. FRANCISCO ALOA DE BRITO.
L. JACINTHO SOARES.
JOSE VIERRA DE MATTO.
ANTONIO SEVERINO DE AVELLA.

Loanda, October 10, 1843.

I certify to the seven signatures as true.

(Signed)

B. DEODAT DE ANTONIO E SANO,
Notary.

No. 77.

Mr. Everett to the Earl of Aberdeen.

Grosvenor Place, October 15, 1844.

THE Undersigned, &c. &c., has had the honour to receive a note, of the 27th of August, from the Earl of Aberdeen, &c. &c., together with a copy of a series of Papers relating to the suppression of the Slave Trade, presented by Her Majesty's command to the two Houses of Parliament during the late Session, and which Mr. Everett has lost no time in transmitting to Washington, for the information of his Government.

On consulting letter D. of this series a day or two since, the Undersigned saw with regret, in the List of Papers at the commencement of that part of the work, that the subject of the 22nd No. of the series, being a note of Lord Aberdeen to Mr. Fox, of 24th January, 1842, is described as being "Mis-statement in President's message relative to the right of visit."

On turning to the note thus characterized, the Undersigned finds that it commences with the following sentence:—

"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."

Such being undoubtedly the fact, it is of course unnecessary for the Undersigned to add, that any supposition that a contrary statement was intended, which might be founded on the language of the Message by persons unacquainted with the facts, must be the result of misconception; and, it is hardly possible to use language in treating a complicated question in a short compass, which may not be misconceived by such persons. The Undersigned cannot but consider the use of the term in question on the present occasion as harsh and uncalled for. In making this remark, however, he has great pleasure in adding, that he has no belief that the List of Papers in which the objectionable term occurs was prepared under the Earl of Aberdeen, or that it has received his special sanction. He supposes that it may have been drawn up in the ordinary routine of clerical duty in the Foreign Office, and is not to be considered as an integral portion of the official document laid before Parliament by Her Majesty's command, and communicated to the Undersigned for the information of his Government.

But though the Undersigned is confident that the Earl of Aberdeen would not, in a document of that description, make use of such a term in reference to a Message of the President of the United States, he is quite aware that Lord Aberdeen took exception to the account given by the President in his Message to Congress of December 1842, on the principles on which the Treaty of Washington was concluded, and that this dissatisfaction was strongly intimated by his Lordship in the note to Mr. Fox above referred to. The Undersigned believes, however, that the Earl of Aberdeen mistook the purport and bearing of the President's language, and the object which he had in view in that part of his Message. The origin of this mistake appears to have been, in not sufficiently adverting to the fact, that in dwelling on his objections to the right of search for the purpose of ascertaining the nationality of vessels in time of peace, as claimed by Great Britain and denied by the United States, the President referred, not to discussions between the negotiators of the Treaty of Washington, but to the diplomatic discussions which had taken place at London, and to his own Message of December 1841. In reference to the views advanced in that Message, the President says, in the statement complained of by Lord Aberdeen, that the 8th Article of the Treaty was framed in close conformity with these views, and that the ground assumed in that Message had been fully maintained.

The Undersigned presumes, that the President's object in presenting the subject in this aspect was to meet the objection which had been taken to the Treaty by some of those opposed to it, viz.—that in entering into an arrangement with Great Britain on this subject, without any concession on her part of the claim which she had set up, he had abandoned the ground assumed in his Message of 1841. The President denies the validity of this objection, and maintains that no concession of the ground assumed in his Message of 1841 is involved in the 8th Article of the Treaty. Such, the Undersigned conceives, is not only the correct, but the obvious and natural interpretation of the part of the President's Message referred to. The Undersigned believes that language of analogous import will be found, in the reported debates of the two Houses of Parliament, to be ascribed to Her Majesty's Ministers, to the effect that Great Britain in concluding the Treaty of Washington had made no concession to the United States on the subject of the right of search. From such expressions an inference might be as readily drawn by those unacquainted with the facts, that concessions had been made by the United States, as the opposite inference from the language of the President's Message under consideration.

An explanation of the course pursued by the Government of the United States in reference to this question, and in conformity with the view here presented, was given to the House of Representatives by the President on the 28th February, 1843, and more at length by Mr. Webster in a note to the Undersigned of 28th March, 1843. In both these documents, and especially the latter, while it is denied, on what the Undersigned regards as the most substantial grounds, that any such general right is known to the law of nations as that of search or visit for the purpose of ascertaining the nationality of vessels in time of peace, the imputation of concessions on the part of Great Britain as to any principles advanced by her on this subject was distinctly disclaimed.

The conciliatory temper in which the subject was treated by the President and Mr. Webster in the papers alluded to, was, the Undersigned is happy to state, responded to by Lord Aberdeen in the same strain, both privately to the Undersigned, and publicly in his place in the House of Lords, on more than one occasion. It was accordingly with equal surprise and pain, that so long after the friendly close of discussions at once so important and delicate, on a question appealing more directly than any other to the sensibility of the people of the United States, the Undersigned perceived the gratuitous application to the President's Message of a term so harsh as that in question, in a document submitted to Parliament by command of Her Majesty, and communicated by Lord Aberdeen to the Undersigned for the information of his Government.

The Undersigned, &c.

EDWARD EVERETT.

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

No. 78.

The Earl of Aberdeen to Mr. Everett.

Foreign Office, October 21, 1844.

THE Undersigned, &c. &c., has the honour to acknowledge the receipt of the note addressed to him on the 1st instant by Mr. Everett, &c. &c., enclosing further documents in support of certain items of the claims made by the owners of the United States vessels "*Tigris*" and "*Seamew*," and requesting that directions may be given for the further examination of those claims, either by Mr. Rothery, or some other person, in conjunction with Mr. Andrew Maris, with the assistance of the additional evidence contained in those documents,

The Undersigned has the honour to acquaint Mr. Everett, that a communication having been made by his direction to the proper Department of Her Majesty's Government on this subject, Mr. Rothery has been directed to put himself into communication, without delay, with Mr. Maris, with the view of coming, if possible, to an understanding with that gentleman as to the amount of compensation, in all particulars, which they may jointly recommend to Her Majesty's Government to pay, on the one hand, and to the United States Government to accept, on the other. And Mr. Rothery has been further instructed, in the event of there being any items of these claims on which he and Mr. Maris are unable to agree, to report,—first, the several points on which he and Mr. Maris may have agreed; and, secondly, those on which they have been unable to do so; and to add his reasons for differing in opinion with Mr. Maris on such points.

The Undersigned, &c.

(Signed) ABERDEEN.

E. Everett, Esq.
 &c. &c.

No. 79.

Mr. Everett to the Earl of Aberdeen.

Grosvenor Place, October 26, 1844.
(Received October 26.)

THE Undersigned &c. &c., has had the honour to receive a note of the 21st instant from the Earl of Aberdeen, &c. &c., acquainting him that Mr. Rothery has been directed to put himself in communication, without delay, with Mr. Maris, with the view of coming, if possible, to an understanding with that gentleman as to the amount of compensation, in all particulars, which they may jointly recommend to Her Majesty's Government to pay, on the one hand, and to the United States Government to accept, on the other, as an indemnification to the owners of the "*Tigris*" and "*Seamew*;" and that Mr. Rothery has been further instructed, in the event of there being any items of these claims on which he and Mr. Maris are unable to agree, to report, first, the several points on which he and Mr. Maris

The object of both, as declared in their respective titles is, "The suppression of the Slave Trade," by which designation the African Slave Trade is usually understood.

Such unquestionably was the design of the original Act of 5 Geo. IV. cap. 113. The 6 & 7 Vict. cap. 98, appears to go further. As far as can be judged from the reported debates on its passage through Parliament, it would seem to be the design in which this Act was framed, indirectly to suppress the Slave Trade by prohibiting British subjects and British capital from being engaged in the purchase and employment of slaves in countries where the African Slave Trade is pursued; and thus to deprive that trade of a part of the stimulus under which it is now carried on.

If such be the object of the Law, it must of course fail of application within the United States, where the African Slave Trade, under the influence of a unanimous public sentiment, and of the severest penal statutes, has long since ceased to exist. Notwithstanding this circumstance, however, the impression evidently prevails, as the Undersigned has shown, on the part of the individuals in the United States most concerned, that the Act is designed to have a further operation. To remove all doubts on the subject, he is accordingly directed to ascertain, through the proper Department of Her Majesty's Government, whether British subjects in the United States are intended to be embraced within the provisions of the Act; and if so, whether it is to be restricted to those who may be temporarily sojourning in the United States, without intending to become naturalized citizens; or whether it will be extended to all persons in the Union born within the limits of Her Majesty's dominions, including as well those who have become naturalized citizens as those who have not. If such an extension be given to the Statute, the Undersigned is also directed to ascertain whether any, and if any, what, measures have been adopted or are proposed, to carry the provisions of the Law into effect, as far as concerns the United States; and particularly what instructions, if any, have been given to Her Majesty's Consuls in the United States concerning the Acts of 5 Geo. IV. cap. 113, and 6 & 7 Vict. cap. 98.

The Earl of Aberdeen will not be surprised that the information now asked for is desired by the United States. An Honourable Member of the House of Commons is reported to have said, on the passage of the Law in question through that body, that "No man could enter into trade with any country between Virginia and Brazil, who did not run the risk of falling under the penalties of the Bill."

The Undersigned is not advised whether this remark was made in reference to the provisions of the Bill as it passed, or to other provisions, which he understands were removed by way of amendment.

Could such an effect be regarded as the designed or necessary consequence of the Law in question, it would constitute a most serious and alarming departure from the rule of policy announced by Lord Aberdeen, in his Despatch to Mr. Pakenham of the 26th December, 1843, as the principle of Her Majesty's Government in reference to the slave-holding States; in virtue of which his Lordship remarks, that "we have never, in our treatment of them, made any difference between the slave-holding, and the free States of the Union."

Higher considerations than those of commercial interest make it the right and duty of the United States to be informed on a subject of this character. The Undersigned perceives, from a Circular Letter of Instructions addressed by his Lordship to the British Consuls in all the American States, entitled "Queries on the state of slavery and the Slave Trade," that information of the minutest description has been sought by Her Majesty's Government as to the coloured population of the United States of all descriptions, and the laws which apply to that part of their inhabitants.

If the laws of a friendly Government in reference to its own citizens and subjects, over which Great Britain claims to have, and can have, no jurisdictional or legal rights, are deemed a legitimate subject of enquiry by Her Majesty's Government, it will not be denied to be the right and duty of the United States to be promptly informed as to the nature and objects of foreign enactments, purporting to extend to large numbers of persons residing in the American Union, owing obedience to its laws, and entitled to its protection.

The great principle of non-intervention in the concerns of other independent States has received the most efficient support in England. It has, in fact, been made, in no small degree through the influence of Her Majesty's Government, to decide the condition of Europe for the last quarter of a century. Experience has proved that all infringements of this principle are fraught with hazard to the good understanding of nations and the peace of the world; and Lord Aberdeen will not

be surprised that the Government of the United States, who, more than any other Power, have made it the basis of their foreign policy, should look with some jealousy on anything which wears the appearance of a departure from it, as far as they are themselves concerned.

The Undersigned, &c.

(Signed)

EDWARD EVERETT.

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

No. 81.

Mr. Pakenham to the Earl of Aberdeen.

Washington, October 29, 1844.

(Received November 15.)

MY LORD,

YOUR Lordship will read with interest the enclosed report, (taken from a Boston newspaper,) of a decision lately pronounced by Chief Justice Shaw, of the State of Massachusetts, by which a slave was discharged from service on board of a ship of war of the United States, and declared to be a free man, on the ground that the right of the Commander to his services as a slave could not extend beyond the territorial limits of slavery, and was at an end whenever the services to be performed took him out of those limits.

Certain points are touched on in this decision which have more than once formed a subject of earnest discussion between Her Majesty's Government and the Government of the United States; and the inference to be drawn from the Judge's observations on these points is, that if cases of a similar nature were to occur within the limits of Massachusetts, they would end in the manner in which they were disposed of in British jurisdiction, that is to say, in the liberation of the slaves.

I have, &c.

(Signed)

R. PAKENHAM.

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

Enclosure in No. 81.

Decision of the Supreme Court of Massachusetts in the case of a Slave who had arrived in that State.

THE Boston Post contains the following particulars of an important slave case, which lately came before the Supreme Court of Massachusetts:—

Important decision.—Discharge of a slave from service on board United States vessel.

Robert T. Lucas, a coloured person, about 40 years of age, was brought before Chief Justice Shaw on Friday last, by a writ of *habeas corpus*, under the following facts:—In 1841, by written consent of the Secretary of the navy, Mr. Upshur, Lucas was received and entered as a landsman on board United States frigate "United States," in Norfolk, Virginia. At the time he was held to service as a slave, by Edward Fitzgerald, Esq., Purser on board the frigate, and was entered by his consent, and also by the voluntary act of Lucas himself.

It was proved, that he was entered on the muster-roll, and performed service as others did in that class, and was exclusively under the control of the Commander of the frigate as a component part of the crew, and was not under the control of Mr. Fitzgerald, or in any manner subject to him, except the claim of Mr. Fitzgerald for his wages. The frigate sailed on a cruize to the Pacific, and was thence ordered to the port of Boston, by the Commanding Officer of the squadron, where she arrived on the 3rd of October. The writ of *habeas corpus* was served upon Mr. Fitzgerald on board the frigate, without the knowledge or authority of Lucas. This case presented two points which have not been decided by the Supreme Court of this State; first, as to the claim of the Commander of the frigate to the

services of the party, as a part of the crew of the vessel; and second, whether his having involuntarily been brought within this jurisdiction, without the consent of the master, who was about to return to his domicile in Virginia, the Court here could interfere to discharge him from the claim of service which was valid in Virginia. To test this question, as connected with the United States service, Captain Stribling, the Commander of the frigate "*United States*," presented his claim under the shipment, and Mr. Fitzgerald, in his answer, set forth all the facts in the case, as to the relation of the party to himself. In giving his opinion, the Chief Justice said, that these gentlemen had acted honourably in the transaction, and with entire frankness disclosed all the facts in the case. Mr. Fitzgerald had also fully assented to the suggestion of his counsel, before he undertook the case, that whatever the decision of the Court might be, Lucus should be free to act his own wishes, either to return to Virginia or to remain, if Captain Stribling had no claim to retain him on board his ship. Sewall and Merrill appeared for the discharge, and Hallett for the respondent.

It was argued, that the entry on board the vessel in Norfolk was valid by the *lex loci*, the laws of Virginia, and that the going out of the limits of that State, and an involuntary entering into this jurisdiction, did not invalidate that contract, and it must be held as binding here as in Virginia; and secondly, that if the agreement to enter on board the ship as one of the crew was not originally valid, this case was to be regarded as a case of an involuntary and necessary binding in and passing through Massachusetts on the return of the master to his domicile, and therefore this Court could not interfere, under the constitution of the United States, unless the point, which had not yet been decided, was to be ruled so as to confine the rights of the master exclusively to the case of a fugitive from service. In all the cases decided in this State, the Court had only given to the extent of decreeing a discharge when the party was voluntarily brought into this State by the act of the person claiming his service in another State; and in the leading case on this point, in the 18th of Pickering, in the matter of the slave Avis, the Court had expressly excluded from that decision the case of a slave involuntarily brought here, or landing from a vessel necessarily entering our ports or driven in by stress of weather.

Chief Justice Shaw first made enquiry of the party apart, whether the process was instituted at his request, and ascertained that it was not; but that as it had gone so far, he now desired it should now proceed. This was deemed a sufficient authority for the parties who took the *habeas corpus* to act for him. Lucus also desired to know what would be the effect of his discharge here if he returned to Virginia; but the Chief Justice said he could not advise him on that point, in case he was not released by the master.

In giving his opinion, the Chief Justice regarded the first point, as to the claim of Captain Stribling, as highly important, and not without great difficulties in coming to a decision. He did not agree with the counsel for the discharge, that the United States could not contract for the services of a slave, and held that Lucus was lawfully entered and employed as a landsman on board a frigate in *Norfolk*; but this right could only extend to the territorial limits of slavery, and was at an end whenever the service to be performed took the slave out of those limits. Hence, though the service was valid in Virginia, and would have continued had the vessel returned to a port in that State, it terminated on entering a State where slavery did not exist. He also held, that it was not an enlistment valid in law, because the slave had no power to contract for himself, nor had the master any power to contract for him to perform any service beyond the territorial limits of a slave State, and therefore it differed from the contract of a master for the services of his apprentice; nor was it competent for the United States to ship slaves in the naval service. It was also held, that if a slave was employed on board a coasting vessel, and the vessel touched at a port in this State, the party would be discharged from service. On this point it was ruled, that Lucus was not subject to the control of the Commander of the frigate.

On the second point it was held, that this was not a case of the necessary transit of a slave through this State; that by shipping him on board a vessel going out of Virginia, the master took the risk of her entering, or being ordered into, a free port, and therefore it could not be said that this was an involuntary coming into this State; but though beyond the control, and against the consent of the master, it was a consequence of his voluntary act in placing the party in such a service. Whether if a vessel, conveying slaves from one slave State to another, should be

cast away on the coast of Massachusetts, the slaves would thereby be free, no opinion was given; but the consent of the master that the slave should go as a passenger, or otherwise, in a vessel liable to land him in Massachusetts, under any circumstances, would be held as a voluntary bringing him into this jurisdiction, and he would be free. Lucus was accordingly discharged from custody, and being of full age, was left to return to Virginia, or remain, as he might elect.

This decision greatly enlarges all the previous decisions in similar cases, and may be regarded as limiting the claim of the master strictly to the case of a fugitive. The writ in this case was issued by the Chief Justice of the Court of Common Pleas, in the absence of all the Judges of the Supreme Court, and a question left open by the Statute arose as to the custody of the party by the Sheriff, the writ being returnable at Boston. The Sheriff applied to Chief Justice Wells as to the custody, who decided that he had no power to pass any order upon it. The officer accordingly kept the party in his personal custody, (having no authority to commit him, or to receive bail for his appearance,) until the Chief Justice returned to the city. The counsel for the discharge contended, that they had a right of access to the party, but the Chief Justice instructed the officer that it was his duty to keep him apart.

The whole proceeding was conducted in as quiet a manner as the hearing of any ordinary case before our Courts; and the objects of the respondents and their counsel was solely to have the law of the case fairly settled by the proper tribunals.

No. 82.

The Earl of Aberdeen to Mr. Everett.

Foreign Office, November 21, 1844.

THE Undersigned, &c. &c., has had the honour to receive the note addressed to him by Mr. Everett, &c. &c., on the 15th ultimo, in which Mr. Everett complains, that in the List of Papers relating to the suppression of the Slave Trade, which were presented to Parliament during the late Session, the 22nd No. of the series D. being an extract from a Despatch of the Undersigned to Mr. Fox, of the 24th of January, 1843, is described as having for its subject a "mis-statement in the President's Message relative to the right of visit."

The List in question being prefixed to the Papers only as a form to facilitate reference, had not, as Mr. Everett justly supposes, received the special consideration of the Undersigned, who willingly admits that the expression complained of is incorrect and improper, and regrets that it should have found a place in a document destined for publication. The admission indeed is scarcely needed, for a reference to the Despatch of the Undersigned which it is intended to designate shows, that the expression is not applicable. That Despatch states without any reserve the grounds upon which the Undersigned felt himself called upon to take exception to the tenor of the President's Message.

With respect to the terms of the Despatch itself, after observing that it is true, as there stated, that the right of search never proved the subject of discussion during the negotiations at Washington, and that neither was any concession required by the United States, nor made by Great Britain, Mr. Everett adds, that any supposition that a contrary statement was intended, which might be founded upon the language of the Message by persons unacquainted with the facts, must be the result of misconception. Undoubtedly this is correct. But in the opinion of the Undersigned, the language of the President tended to encourage such a misconception; and having that tendency, required on the part of Her Majesty's Government the explanation put forward in the Despatch of the Undersigned to Mr. Fox.

That this tendency was unintentional, the Undersigned never doubted; but it did not on that account appear to him less likely to require correction in the minds of those who had not the means of knowing, that no question respecting the right of search had arisen between the negotiators of the Treaty of Washington; and that therefore, as stated in Mr. Everett's note, any discussions to which the President might appear to refer must be looked for in transactions between the two Governments of an earlier date.

And in anticipation of the necessity which would arise in Parliament of correcting any misapprehension on this point, the Undersigned thought it right to put Mr.

Webster in possession of the views of Her Majesty's Government, and of the course which they might feel it their duty to pursue.

The Undersigned cannot conclude this note without joining with Mr. Everett in expressing the satisfaction which he has felt at the conciliatory temper which has characterized the discussions between the two Governments, upon a subject too apt to excite irritation and jealousy in the public mind in both countries. And he will add, that he would lament, equally with Mr. Everett, the adoption by either party of any step that would imply a departure from that temper.

The Undersigned, &c.

(Signed)

ABERDEEN.

E. Everett, Esq.

&c. &c.

No. 83.

(Extract.)

Mr. Pakenham to the Earl of Aberdeen.

Washington, December 12, 1844.

(Received December 30.)

MY LORD,

ON the 3rd of this month, being the second day of the Session, Mr. John Quincy Adams moved in the House of Representatives a Resolution to the following effect:—

“That the 25th Standing Rule for conducting business in this House, in the following words—No petition, memorial, resolution, or other paper, praying the abolition of slavery in the district of Columbia, or any State or Territory, or the Slave Trade between the States or Territories of the United States in which it now exists, shall be received by this House, or entertained in any way whatever—be, and the same is hereby, rescinded.”

A gentleman of the name of Thompson moved, that Mr. Adams's Resolution should be laid on the table; meaning that no further notice should be taken of it.

Whereupon the House decided, by 104 votes to 81, that the Resolution should not be laid on the table.

The question was then taken on adopting the resolution as offered by Mr. Adams, and decided in the affirmative—ayes 108, nays 80.

I have, &c.

(Signed)

R. PAKENHAM.

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

&c.

&c.

&c.

No. 84.

The Earl of Aberdeen to Mr. Everett.

Foreign Office, December 31, 1844.

THE Undersigned, &c. &c., has the honour to acknowledge the receipt of the note addressed to him by Mr. Everett, &c. &c., on the 1st ultimo, respecting the Act of 6 & 7 Vict. cap. 98, intituled “An Act for the more effectual suppression of the Slave Trade.”

In that note Mr. Everett enquires, “Whether British subjects in the United States are intended to be embraced within the provisions of the Act; and if so, whether it is to be restricted to those who may be temporarily sojourning in the United States, without intending to become naturalized citizens; or whether it will be extended to all persons in the Union, born within the limits of Her Majesty's dominions, including as well those who have become naturalized citizens as those who have not.

The note of Mr. Everett has been submitted to Her Majesty's law advisers, for their opinion on the construction to be put upon the Act; and in accordance with their official report, the Undersigned has the honour to state to Mr. Everett, that the Act of the 6 & 7 Vict. cap. 98, is applicable to all British subjects, without exception, wherever they may be resident; but that it cannot be carried into effect against them unless they are found within the British territory.

The latter part of this opinion contains in itself a reply to the further enquiry proposed by Mr. Everett, whether, if such a construction as is above cited be given

to the Statute, any, and if any, what, measures have been adopted or are proposed, to carry the provisions of the Law into effect, as far as concerns the United States.

But Mr. Everett in his note requests, moreover, and in particular, to know, for the information of his Government, what instructions, if any, have been given to Her Majesty's Consuls in the United States concerning the Acts of 5 Geo. IV cap. 113, and 6 & 7 Vict. cap. 98.

The Undersigned therefore herewith transmits to Mr. Everett a copy of the Instructions with which Her Majesty's Consuls are furnished with reference to the Act 5 Geo. IV. cap. 113; and also a copy of the Instructions addressed to Her Majesty's Consuls in all slave-holding countries, with reference to the Act 6 & 7 Vict. cap. 98.

And the Undersigned trusts that the information now communicated will be satisfactory to the United States Government.

The Undersigned, &c.

(Signed) ABERDEEN.

E. Everett, Esq.
&c. &c.

First Enclosure in No. 84.

Consul's Instructions.

Instruction with which Her Britannic Majesty's Consuls abroad are furnished, under the Act of the 5 Geo. IV. cap. 113, entitled "An Act to amend and consolidate the laws relating to the abolition of the Slave Trade:—"

Section 26 of the General Instructions for Her Majesty's Consuls.

"The copy of an Act of Parliament amending and consolidating the laws relating to the abolition of the Slave Trade is annexed. The Consul will keep a watchful eye upon all undertakings for trading in slaves within the district of his Consulate; and whenever he has reason to suspect that British subjects or British capital are engaged or concerned in the carrying on of this traffic, he will forthwith report the same to the Secretary of State, in order that steps may be taken for putting a stop to such criminal acts, and for bringing to punishment the offenders against the laws of their country."

Second Enclosure in No. 84.

Circular, dated December 31, 1843, addressed by the Earl of Aberdeen to Her Majesty's Consuls in all Slave-Holding Countries.

(See Class B. 1843, presented 1844, No. 67, page 66.)

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

No. 85.

Mr. Mactavish to the Earl of Aberdeen.

Baltimore, March 1, 1844.

(Received March 29.)

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of December 31, 1843, marked Slave Trade, enclosing two copies of the Act 6 and 7 Vict. cap. 98, "for the more effectual suppression of the Slave Trade;" and to add, that I shall not fail to pay strict attention to the injunctions therein implied, and to the provisions of the Act of the Imperial Parliament to which your Lordship's communication refers.

I have, &c.

(Signed)

JOHN MACTAVISH.

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

&c.

&c.

&c.

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

No. 86.

Mr. Ogilby to the Earl of Aberdeen.

Charleston, March 12, 1844.

(Received April 15.)

MY LORD,

I HAVE had the honour to receive your Lordship's Circular Despatch of the 31st of December last, marked *Slave Trade*, the instructions contained in which I have lost no time in carrying into effect, by having a copy of the Act passed during the last Session of Parliament, entitled "An Act for the more effectual suppression of the *Slave Trade*," affixed in a conspicuous part of my office, and a notice published in the journals of this city, addressed to all British subjects resident or being within the district of this Consulate, informing them of my having received a copy of this Act of Parliament, and that I should readily communicate to any of them, on calling at my office, all the information they might desire as to its purport, and that of the Act of 5 Geo. IV. cap 113, the prohibitions contained in which the recent Statute was meant to confirm and extend.

I have, &c.

(Signed)

WILLIAM OGILBY, *Consul.*

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

&c.

&c.

&c.

UNITED STATES. (*Consular*)—*Mobile.*

No. 87.

Mr. Fitzgerald to the Earl of Aberdeen.

Mobile, March 14, 1844.

(Received April 17.)

MY LORD,

I HAVE the honour to acknowledge your Lordship's Despatch, 31st December, 1843, enclosing Circular, Slave Trade, also two copies of an Act, 6 & 7 Vict. cap. 98, passed during the last Session of Parliament, entitled "An Act for the more effectual suppression of the Slave Trade."

I have, in accordance with your Lordship's instructions, affixed a copy of this Act in a conspicuous part of my office, and will take such steps as will make its purport known to British subjects within my Consulate.

I have, &c.

(Signed)

C. L. FITZGERALD, *Consul.*

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

&c.

&c.

&c.

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

No. 88.

Mr. Mure to the Earl of Aberdeen.

New Orleans, March 19, 1844.

(Received April 17.)

MY LORD,

I HAVE the honour to acknowledge receipt of a Circular from your Lordship, dated December 31st, (to hand 2nd current), accompanying two copies of an Act passed during the last Session of Parliament, entitled "An Act for the more effectual suppression of the Slave Trade."

I beg to assure your Lordship, that I shall take all due care to make the purport of this Act known to the British subjects resident within my Consulate; and I shall not fail to transmit to your Lordship any information which may come to my knowledge of an infringement of said Act by any subjects of Her Majesty.

I have, &c.

(Signed)

WILLIAM MURE.

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

&c.

&c.

&c.

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

No. 89.

Mr. Barclay to the Earl of Aberdeen.

New York, February 21, 1844.
(*Received March 14.*)

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, *Slave Trade*, dated December 31, 1843, transmitting two copies of an Act passed during the last Session of Parliament, entitled "An Act for the more effectual suppression of the Slave Trade."

I beg to inform your Lordship, that I have complied with your Lordship's instruction, to affix a copy of this Act of Parliament in a conspicuous part of my office; and that all the other directions given me on this subject will be faithfully attended to.

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

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

(133)

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

No. 90.

Mr. Gray to the Earl of Aberdeen.

Norfolk, Virginia, February 27, 1844.

(Received May 13.)

MY LORD,

I AM this day honoured by the receipt of your Lordship's Circular of the 31st December last, Slave Trade, together with the "two copies of an Act passed during the last Session of Parliament" to which it has reference; all of which will receive my best attention; and the instructions therein contained be duly obeyed accordingly.

I have, &c.

(Signed)

WILLIAM GRAY.

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

&c.

&c

&c.

UNITED STATES. (Consular)--Philadelphia.

No. 91.

Mr. Peter to the Earl of Aberdeen.

Philadelphia, February 22, 1844.
(Received March 26.)

MY LORD,

I HAVE the honour to acknowledge your Lordship's letter of the 31st of December, 1843, containing two copies of an Act passed during the last Session of Parliament, entitled "An Act for the more effectual suppression of the Slave Trade," and will take care to make its purport known to the British subjects resident within my Consulate, in the way which your Lordship directs.

I have great satisfaction in adding, that no British subject here (nor any one else), according to the best of my information and belief, is engaged, or in any way implicated, in the unhallowed traffic forbidden by the Act above alluded to.

I have, &c.

(Signed)

WILLIAM PETER.

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

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

No. 92.

Mr. Sherwood to Mr. Bidwell.

Portland, March 14, 1844.

(Received April 17.)

SIR,

ON the 27th ultimo I had the honour to receive my Lord Aberdeen's Circular Despatch, Slave Trade, dated 31st December, 1843, together with two copies of an Act passed during the last Session of Parliament, entitled "An Act for the more effectual suppression of the Slave Trade," and in which I am enjoined to keep a watchful eye upon all undertakings for trading in slaves within the district of my Consulate.

That this for some time past has been faithfully done, I beg leave to assure his Lordship, not only by myself and Vice-Consul, but by a large proportion of the citizens of Maine and New Hampshire, called Abolitionists; hence, I believe there is but little danger of any person within these States being engaged directly or indirectly in the traffic.

Should anything of the kind ever occur to my knowledge, information thereof will be immediately transmitted to the Foreign Office.

In the meantime, all proper measures will be taken for making the foregoing Act as public as possible, and for carrying out his Lordship's directions.

I have, &c.

(Signed)

JOS. T. SHERWOOD.

John Bidwell, Esq.

&c.

&c.

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

No. 93.

Mr. Molyneux to the Earl of Aberdeen.

Savannah, February 3, 1844.

(*Received March 14*)

MY LORD,

IN compliance with the request of an individual here, I have the honour to transmit to your Lordship a case for the opinion of the law officers of the Crown as to the legality of *naturalized* American citizens holding slave property.

I have reason to believe, from enquiries I have made, that a large number of slaves are held by persons who emigrated in their youth to this country from Great Britain, and have become naturalized American citizens.

I am, &c.

(Signed)

E. MOLYNEUX.

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

&c.

&c.

&c.

Enclosure in No. 93.

Case for the opinion of the Law Officers of the Crown.

Savannah, February 21, 1844.

AN individual born in England, in the year 1790, arrived in the State of Georgia in the year 1810, and in due course of law became a citizen of the United States. He subsequently purchased a large number of slaves, and his sons, born in this country, are also possessed of slaves by purchase and otherwise.

Are these persons, then, viz. the father and his sons, deemed British subjects, and liable to the penalties of the Act for the more effectual suppression of slavery, passed during the last Session of Parliament?

The sons have never been out of the United States of America; nor has the father, since he became an American citizen. The mother was not a British subject.

No. 94.

Mr. Molyneux to the Earl of Aberdeen.

Savannah, February 1, 1844.

(*Received March 29.*)

MY LORD,

A BENEVOLENT individual, being desirous of emancipating his slaves, which by the laws of Georgia cannot be accomplished without removing them from the State, I applied to the authorities of Trinidad to know on what conditions coloured persons are admitted into the island from the United States, and was referred to the Order in Council of 4th January 1843. Not having a copy of such Order amongst the archives of this Consulate, I have respectfully to request that your Lordship will cause one to be forwarded to me, that the laudable intentions of the humane individual in favour of a few of this truly unfortunate class of persons may be carried into effect.

I am, &c.

(Signed)

E. MOLYNEUX.

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

&c.

&c.

&c.

No. 95.

The Earl of Aberdeen to Mr. Molyneux.

SIR,

Foreign Office, April 26, 1844.

I HAVE received your Despatch, marked Slave Trade, of the 1st February, requesting a copy of the Order in Council, of January 6, 1843, on the subject of the conditions on which coloured persons are admitted into the island of Trinidad from the United States; and I herewith transmit to you a copy of the Order in Council in question.

I am, &c.

(Signed) ABERDEEN.

E. Molyneux, Esq.
&c. &c.

Enclosure in No. 95.

Order in Council.

At the Court at Windsor, the 4th day of January, 1843.

Present, the Queen's Most Excellent Majesty in Council.

WHEREAS by an Order of Her Majesty, made, by and with the advice of Her Privy Council, on the 7th day of September, 1838, for regulating, within the colonies of British Guiana, Trinidad, St. Lucia, and Mauritius respectively, the relative rights and duties of masters and servants, it is, amongst other things, ordered, "that no contract of service shall be of any force or effect, within any of the colonies aforesaid, unless the same shall be made within the limits and upon the land of the colony in which the same is to be performed; and it is thereby further ordered, that no written contract of service shall be in force, within any of the said colonies, unless it shall be signed with the name, or, in case of illiterate persons, with the mark of each of the contracting parties, in the presence of a Stipendiary Magistrate, nor unless such Stipendiary Magistrate shall subscribe the written contract, in attestation of the fact that it was entered into by the parties voluntarily, and with a clear understanding of its meaning and effect:"

And whereas it is desirable, that the said recited provisions of the said Order in Council should be modified in manner hereinafter mentioned, in reference to the case of labourers, of African birth or descent, emigrating to the colonies aforesaid, from places, the inhabitants of which may reasonably be presumed to be so far cognizant of the state and prospects of labourers in agriculture and manufactures within the said colonies, as to be competent to protect their own interests in any contracts entered into beyond the precincts of such colonies for services to be performed therein:

And whereas persons, emigrating from the continent of North America, may reasonably be presumed to be so competent; it is, therefore, ordered by the Queen's Most Excellent Majesty, by and with the advice of Her Privy Council, that, in respect of persons, of African birth or descent, emigrating from the continent of North America to the colonies aforesaid, or any of them, the above recited provisions of the said Order in Council, of the 7th September, 1838, shall be, and the same are hereby, revoked; provided, nevertheless, and it is hereby further ordered, that no contract of service, within the said colonies, or either of them, if entered into with any emigrant, of African birth or descent, from the continent of North America, beyond the limits and off the land of the colony within which such labour is to be performed, shall be of any force or effect therein, unless the same shall be in writing, and shall be signed with the name, or, in case of illiterate persons, with the mark of each of the contracting parties, in the presence of some officer or person in Her Majesty's service, previously designated for that purpose by one of Her Majesty's Principal Secretaries of State; nor unless such officer or person as aforesaid shall subscribe such written contract, in attestation of the fact that it was entered into by the parties voluntarily, and with a clear understanding of its meaning and effect; and it is hereby ordered, that any contract entered into in the manner hereinbefore described, shall be received in evidence in any colony without further proof, provided that such contracts shall be certified in such manner as Her Majesty shall, from time to time, direct; provided always, that, save as hereinbefore excepted, nothing herein contained shall be construed to revoke the said recited

Order, or any part thereof, so far as respects the case of persons emigrating from the continent of North America to the colonies aforesaid, or to any of them; and that the provisions of the same shall be applicable to any contracts of service, so to be made as aforesaid, with such persons beyond the limits and off the land of such colonies, in the same manner as if the same had been made within the limits and on the land thereof:

And the Right Honourable Lord Stanley, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

C. C. GREVILLE.

No. 96.

Mr. Molyneux to the Earl of Aberdeen.

Savannah, April 13, 1844.

(Received June 12.)

MY LORD,

I HAVE this day received your Lordship's Despatch of the 31st December last, Slave Trade, transmitting two copies of an Act passed during the last Session of Parliament, for the more effectual suppression of the Slave Trade.

I am, &c.

(Signed) E. MOLYNEUX.

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

&c.

&c.

&c.

No. 97.

The Earl of Aberdeen to Mr Molyneux.

SIR,

Foreign Office, August 21, 1844.

I REFERRED to Her Majesty's Advocate-General your Despatch, Slave Trade, of the 3rd February last, and its Enclosure, for his opinion whether persons born British subjects, but naturalized American citizens, and their sons, are liable, as British subjects, to the Act of 6 & 7 Vict. cap. 98, entitled "An Act for the more effectual suppression of the Slave Trade."

I have now to state to you for your information, that the Queen's Advocate has reported it to be his opinion, that persons born British subjects are liable as such to the provisions of the Act in question, notwithstanding they may have become naturalized American citizens.

Having been born within the allegiance of the British Crown, they cannot, by the law of this country, throw off that allegiance at their own will and pleasure only, and thereby divest themselves altogether of their original national character.

As to the sons of British subjects born in the United States of America, and continuing there to reside, it appears to the Queen's Advocate that they would not be held to come within the Act. It is true that, under the provisions of certain other Statutes of this Realm, they might claim the privileges of British born subjects; but it is doubtful whether the penal clauses of an Act of Parliament applicable to British subjects could be enforced against persons who were born in a foreign country, and who have never in any way assumed a British character.

I am, &c.

(Signed) ABERDEEN.

E. Molyneux, Esq.

&c.

&c.

MUSCAT.

No. 98.

Captain Hamerton to the Earl of Aberdeen.

*Zanzibar, January 2, 1844.
(Received May 13.)*

MY LORD,

IN conformity to your Lordship's desire, I have the honour to forward for the information of Her Majesty's Government, the following answers to the queries called for in your Lordship's letter of the 30th May, 1843 :—

1. In the island of Zanzibar and the adjacent island of Pemba, the population is estimated at about 450,000, of which only 19 are white, American and English merchants; but three white women, one the wife of a merchant, and the other two are concubines brought from England by the Captain and Sailing Master of the Imaum's ship "*Sultaneh*;" about 800 Arabs; and 800 Banians and Indian Mohammedans (free copper-coloured men), females as three to one man; about 400 free Arab women; the number of free black women unknown, but it is very small. About one-fifth of the whole of the population are considered free. The population has increased since 1832 to 1837, and has since increased. The people are growing rich, and able to buy more slaves to cultivate cloves, the chief article now cultivated, and from which considerable profit is derived in a few years. The cultivation of sugar is increasing, and of course a much greater number of slaves will be required.

2. For the last 10 years slaves have every year been brought into Zanzibar from the coast of Africa, and from Madagascar—at least 20,000 every year.

3. The slave is supposed to be equally protected by law with the free man.

4. Not much; every person punishes his own slave. If the slave could escape and apply to the Imaum he would be protected.

5. A slave's evidence would be received in law.

6. The slave is well fed in general, and ill-treatment or cruelty on the part of the master is of very rare occurrence.

7. No; the deaths amongst the agricultural slaves are very great, from 22 to 30 per cent. yearly.

8. On the increase; and as the cultivation of sugar increases, more slaves will be required.

9. Of uncommon occurrence.

10. No alteration whatever.

11. No party favourable to the abolition of slavery.

12. None whatever.

13. They are frequently; but in most cases to situations of little importance.

14. I have drawn up the above answers from my own observation, and from very frequent conversations on these subjects with the most intelligent of the people I have met with here and in Arabia during the last four years. There are no such things as public documents amongst the people of these countries; nor have they any records whatever. Such a thing as a census of the population was never known or heard of by these poor people.

I remain, &c.

(Signed) ATKINS HAMERTON.

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

&c.

&c.

&c.

No. 99.

(Translation.) *The Imaum of Muscat to the Earl of Aberdeen.*

Zanzibar, April 8, 1844.

(Received July 10.)

(After compliments.)

YOUR kind and important letter, dated the 12th July, 1842, to Governor Ali bin Nasir, we have considered; and its contents have been clearly understood by us. On a former occasion, we apologized to your Lordship for the delay in sending a reply to the said letter.

When our friend Captain Cogan Khan arrived here, we consulted with him; and he has made clear to us the wishes of your Government.

We are desirous your Lordship should understand, that we look up to the British nation, and we feel that we are part of it. We have no desire to oppose its will, when it is in our power to give effect to its wishes.

What we observe is most anxiously desired by Her Majesty and the British people is, that no slaves should be taken from Africa to Arabia, Persia, or the Red Sea. This throws great difficulty upon the whole commerce of our dominions, and will stop a great portion of the trade which now exists; consequently the loss to us in our revenue will be most serious. This loss we will sacrifice to your wishes.

Now, in arranging this matter we have two things to ask from your Government—First, We desire an agreement with you, that the free sale and transit of slaves on the coast, between the ports of Lamoo and Kulwa, including the islands of Zanzibar, Pemba, and Monfea, shall be continued as it now is with these places, and that this agreement shall be confirmed to our heirs and successors. Secondly, If any person be guilty of a breach of the agreement to be made, by stealing slaves unknown to us, we must not be held answerable for this. And should false and wicked informers report, that slaves have been so taken or sold, without their reports are corroborated by good authority, or by the officers of your ships of war, do not pay attention to such reports.

Now as our friend Captain Cogan Khan is returning to England, we have asked him to convey this letter to your Lordship. We have charged his mind with all our feelings respecting this and other matters of our Government, and have requested him to inform your Lordship of our wishes; and we put our trust in the goodness of the British Government to do what is right and just towards us.

Should your Lordship require anything from our part, be it great or little, your friend will feel honoured by attending to your requests.

From the confiding in God, whose slave he is,

(Signed) SYEED BIN SULTAN.

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

&c.

&c.

&c.

No. 100.

(Extract.) *The Earl of Aberdeen to the Imaum of Muscat.*

SIRE, YOUR HIGHNESS,

Foreign Office, December 21, 1844.

HER Majesty's Government have had under their consideration the letter which your Highness did me the honour to address to me under date of the 8th April last, and which was duly delivered to me by Captain Cogan.

In that letter your Highness states, that you had considered my letter of July 12, 1842, to Syeed Ali bin Nasir; that its contents had been clearly understood by you; and that you had consulted with Captain Cogan, who had explained to you the wishes of Her Majesty's Government, that no slaves should be taken from Africa to Arabia, Persia, or the Red Sea.

Your Highness states, that the abolition of such transport of slaves will throw difficulty upon the whole commerce of your dominions, will stop a great portion of the trade which now exists, and will cause serious loss to your revenue.

Your Highness, nevertheless, states your willingness to abolish that export of slaves from your dominions, and to make the sacrifice of revenue consequent thereon, in deference to the wishes of the Queen my Sovereign.

Your Highness, however, expresses a desire to enter into an agreement declaring,

that the free sale and transit of slaves on the coast between the ports of Lamoo and Kulwa, including the islands of Zanzibar, Pemba, and Monfea, shall be continued as it now is with those places.

I have received the commands of the Queen to express to you the great satisfaction she has felt at learning, that you are willing entirely to put an end to the export of slaves from your dominions in Africa. And in order to record in proper form this concession made by your Highness, I have sent to Captain Hamerton, Her Majesty's Representative at your Court, a draft of an agreement, which I have instructed him, after causing it to be translated into Arabic, and to be put into proper form, to lay before you.

Your Highness will observe, that the powers granted by you to Her Majesty's ships of war by the Treaty which you concluded in 1822 with Captain Moresby, and to the ships of war of the East India Company, by the 15th Article of the Convention of Commerce concluded on the 31st May, 1839, are declared in that draft of agreement to be extended to all vessels the property of your Highness, or of your subjects, found outside of your territorial jurisdiction engaged in Slave Trade, in contravention of the more extended restrictions of that trade which your Highness has now declared that you are willing to agree to.

But with respect to the desire expressed by your Highness, to enter into an agreement declaring that the free sale and transit of slaves on the coast of your African dominions between the ports of Lamoo and Kulwa, including the islands of Zanzibar, Pemba, and Monfea, shall be continued as it now is with those places, I have the honour to acquaint your Highness, that Her Majesty's Government claim no right to interfere with the passage of slaves in your ships between the above-mentioned ports and islands on the coast of your African dominions: and accordingly, in the draft of agreement to be proposed to your Highness, the right to continue such transport of slaves has been treated as a reservation made by your Highness, rather than as a concession made to you by Her Majesty.

Captain Hamerton has received due authority to sign that agreement, on behalf of the Queen my Sovereign, her heirs and successors, and has been desired to request you to sign it on behalf of yourself, your heirs, and successors.

Her Majesty greatly regrets that you anticipate serious loss to your revenue from this further restriction of the export of slaves from your African dominions. But Her Majesty confidently trusts that that loss will be speedily compensated by the establishment of legal commerce; and in the meantime, I beg to refer your Highness to the declaration contained in my note of the 12th July, 1842, to Syeed Ali bin Nasir, that Her Majesty's Government would be willing to assist you in meeting the first deficiency which might arise from the loss of duties which you might sustain from abolishing Slave Trade.

With respect to the hope which your Highness expresses, that you will not be held answerable for the acts of persons guilty of a breach of the agreement to be made by stealing slaves unknown to you, and that no attention will be given to false and wicked reports of the export of slaves from your dominions, your Highness may feel assured, that Her Majesty's Government have entire confidence in your good faith, and that they will not hastily, and without full proof, give credit to any report of an infraction of the Treaty by those under your authority.

I have the honour to subscribe myself, with the highest consideration and respect, Sir, your Highness's most obedient humble servant,

(Signed) ABERDEEN.

His Highness the Imaum of Muscat,
&c. &c. &c.

No. 101.

The Earl of Aberdeen to Captain Hamerton.

SIR,

* *Foreign Office, December 21, 1844.*

I HEREWITH transmit to you a copy of a translation of a letter addressed to me on the 8th April last by his Highness the Imaum of Muscat, in which his Highness expresses his willingness to abolish the export of slaves from his African dominions to Arabia, the Red Sea, and the Persian Gulf, reserving to
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himself the right of transporting slaves to and from certain parts of his dominions in Africa.

I transmit to you also a copy of the reply which I have returned to his Highness, together with a draft of agreement on this subject to be proposed to his Highness; and I have to desire that you will cause that draft to be translated into Arabic, and that you will then demand an audience of his Highness, at which you will propose it for his acceptance.

Should his Highness be willing to sign it, you will cause to be prepared two duplicate originals thereof, to be drawn up in two columns, the left-hand column to contain the Arabic version, and the right-hand column the English version; and you will sign both versions of the two documents after his Highness, stating after your signature that you sign them on behalf of Her Majesty, her heirs, and successors.

You will transmit to me one original of the signed Agreement; the other will be retained by His Highness the Imaum.

Captain Hamerton,
&c. &c.

I am, &c.
(Signed) ABERDEEN.

First Enclosure in No. 101.

The Imaum of Muscat to the Earl of Aberdeen, April 8, 1844.

(See No. 99.)

Second Enclosure in No. 101.

The Earl of Aberdeen to the Imaum of Muscat, December 21, 1844.

(See No. 100.)

Third Enclosure in No. 101.

Draft of Agreement to be proposed to his Highness the Imaum of Muscat.

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, being earnestly desirous that the export of slaves from the African dominions of his Highness the Sultan of Muscat should cease; and his Highness the Sultan of Muscat, in deference to the wishes of Her Majesty and of the British nation, and in furtherance of the dictates of humanity, which have heretofore induced him to enter into engagements with Great Britain to restrict the export of slaves from his dominions, being willing to put an end to that trade; and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and his Highness the Sultan of Muscat, having resolved to record with due form and solemnity this further restriction of the export of slaves; and Her Majesty having given due authority to Captain Hamerton, her Representative at the Court of the Sultan of Muscat, to conclude an agreement with his Highness accordingly; his Highness Syeed bin Sultan, for himself, his heirs, and successors; and Captain Hamerton, on behalf of the Queen of the United Kingdom of Great Britain and Ireland, her heirs, and successors, have agreed upon and concluded the following Articles:—

I. His Highness the Sultan of Muscat hereby engages to prohibit, under the severest penalties, the export of slaves from his African dominions, and to issue orders to his officers to prevent and suppress such trade.

II. His Highness the Sultan of Muscat further engages to prohibit, under the severest penalties, the importation of slaves from any part of Africa into his possessions in Asia, and to use his utmost influence with all the chiefs of Arabia, the Red Sea, and the Persian Gulf, in like manner, to prevent the introduction of slaves from Africa into their respective territories.

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III. His Highness the Sultan of Muscat grants to the ships of Her Majesty's navy, as well as to those of the East India Company, permission to seize and confiscate any vessels, the property of his Highness or of his subjects, carrying on Slave Trade; excepting only such as shall be engaged in the transport of slaves from one part to another of his own dominions in Africa, between the port of Lamoo to the north, and the port of Kulwa to the south, including the islands of Zanzibar, Pemba, and Monfea.

Done at Zanzibar, &c.

PERSIA. (Consular)—Teheran.

No. 102.

Mr. Abbott to the Earl of Aberdeen.

Goolahék, near Teherán, July 25, 1844.

(Received September 25.)

MY LORD,

I HAVE had the honour of receiving your Lordship's Circular Despatch of the 31st December, 1843, marked Slave Trade, with two copies of an Act of Parliament, entitled "An Act for the more effectual suppression of the Slave Trade;" and I have the honour to assure your Lordship, that the instructions contained in this Despatch will be carefully observed by me.

The only British subjects that are ever likely to have dealings in slaves in this country are Mohammedans, natives of the British possessions in India, who may occasionally be found residing in Persia. As they are permitted by the law of the Koran to buy and sell slaves of both sexes, I would respectfully ask to be instructed whether or not such transactions on their part would come within the prohibition established by Act of Parliament—slavery, amongst Mohammedans, being of a milder, and altogether of a different nature to negro slavery in the various countries of America. In this country a slave is treated in some respects as one of the family of his owner; and female slaves frequently occupy the place of wives in the houses of their lords. Although it may sometimes happen, that female slaves are ill-treated in the solitude of the harem, from the jealousy or vindictiveness of their mistresses, they are probably not more exposed to such violence than other women of their own station in the harems. The male slave frequently becomes the confidential servant of his owner, is less exposed to ill-treatment than the female, and by good conduct he often obtains his freedom at the hands of his master.

Negro and Nubian slaves are obtained by way of the Persian Gulf, and at the markets of Mecca and Constantinople; they are numerous in this country. Since Georgia fell under the dominion of Russia, white slaves cannot be obtained as formerly; but there are still many in Persia, either themselves originally brought from the Caucasian provinces, or the offspring of those that were.

I have, &c.

(Signed)

KEITH EDWARD ABBOTT.

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

&c.

&c.

&c.

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